



United States
Department of
Agriculture

Food Safety
and Inspection

Office of Field
Operations

Denver District Office
Denver Federal Center
P.O. Box 25387
Building 45, Door S-3
Denver, CO 80225

SENT VIA UPS &
FACSIMILE

February 29, 2012

Mr. Ricardo De Los Santos, General Manager
Valley Meat Co., LLC
Establishment 07299 M
Roswell, NM 88203

NOTICE OF SUSPENSION HELD IN ABEYANCE

Dear Mr. De Los Santos,

On February 24, 2012, the Food Safety and Inspection Service (FSIS) provided you with a written "Notice of Suspension" of the assignment of inspectors at your establishment, Est. M7299, in accordance with 9 CFR 500.3(b), Rules of Practice.

The decision to take enforcement action was based on your failure to meet regulatory requirements in accordance with 9 CFR 313.16 (a) (3), 9 CFR 313.16 (b), and 9 CFR 313.16 (b) (2) in regard to the humane handling of animals at your establishment during slaughter operations. Your firm failed to adequately stun a beef bull with a single shot, as described by FSIS personnel in a Memorandum of Interview, dated February 24, 2012.

On February 29, 2012, the Denver District Office received an e-mailed response from your firm, which provided written assurances by your firm measures to insure prevention of any future occurrences of inhumane handling. DDM Dr. Scott Wagner discussed specific aspects of your proposed actions with you by telephone, including the specific firearm and when it would be used. You provided an amended response via e-mail on February 29, 2012.

After reviewing your response, FSIS determined that your written assurances have adequately addressed the concerns outlined in the Notice of Suspension and will hold the Suspension in Abeyance.

As a federally inspected establishment, you are expected to comply with the Federal Meat Inspection Act (FMIA) and all regulations promulgated there under. The regulations require an establishment to take appropriate action(s) when either management of the establishment or FSIS determines that the plant's SSOP, HACCP or other systems may be ineffective.

An FSIS Verification Plan will be implemented at a later date by the inspector. The FSIS Verification Plan is designed to ensure that your establishment fully implements the corrective actions and preventive measures as stated in your submissions and that these corrective actions and preventive measures are effective in assuring future regulatory compliance.

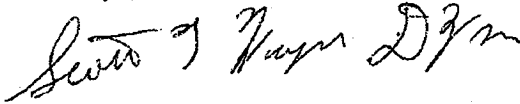
The FSIS Verification Plan identifies your corrective actions and preventive measures, the relevant regulatory requirement, and the ISP code under which FSIS personnel will verify implementation and execution, along with any timelines you identified in your proposals

Failure to comply with the regulatory requirements may result in our initiating further enforcement action which could include a recommendation to withdraw inspection, or other appropriate administrative or legal action.

It is important for you to understand that FSIS has responsibility to initiate action if your establishment fails to operate in accordance with the regulatory requirements.

If you have any questions regarding this matter, you may contact the Denver District Office at (303) 236-9800.

Sincerely,



Dr. Scott T. Wagner
Deputy District Manager
Denver District

cc: FO/QER

Reader File

Est. File

R. Nelson, DM

A. Gallegos, DDM

R. Reeder, DDM

S. Symons, DDICS

[REDACTED], DVMS

[REDACTED] FLS

[REDACTED] IIC

A. Khroustalev, RD/OPEER