

Wagner, Scott - FSIS

From: [REDACTED] - FSIS
Sent: Wednesday, November 30, 2011 11:53 AM
To: Wagner, Scott - FSIS; Gallegos, Anna - FSIS; [REDACTED] FSIS
Cc: [REDACTED] FSIS
Subject: 07299 HH MOI


All:

Attached is the MOI for the 11/30/11 MOI with 07299 regarding the cow held in the chute with her foot stuck.

I welcome any feedback. Please let me know if I am to print and deliver to Mr. De Los Santos. I have left the MOI open for editing purposes based on your comments.

Also, I will forward to the Alameda DVMS once I find her email address.

Thank you,

[REDACTED]

11.30.11.07299.HH
.MOI.pdf

[REDACTED] *D.V.M., M.P.H*
SPHV Roswell, NM
575-[REDACTED]



United States
Department of
Agriculture

Food Safety and
Inspection Service

Washington, D. C.
20250

From: [REDACTED]
Date: 11/30/2011
Subject: Memorandum Of Interview YJL4512115430G
Meeting Date: 11/30/2011
Meeting Time: 10:40 AM
Reason Code:

Comments:

11/30/11

Today, November 30 2011, at approximately 1040 hours MST, SPHV [REDACTED] verbally notified Mr. Rick De Los Santos, owner of Establishment 07299 Valley Meat Company, of the decision to suspend slaughter operations at the facility. SPHV [REDACTED] informed Mr. De Los Santos the District Office had been contacted and that an official letter of suspension would be written and delivered. The decision to suspend was based on the following:

At approximately 1015 MST, Intermittent Inspector [REDACTED] reported to SPHV [REDACTED] that she had observed an adult dairy cow being held in the side chute on the cement ramp to have a rear leg caught on the lowest rung of the metal piping side. Intermittent [REDACTED] explained to SPHV [REDACTED] the cow was being held there because the [REDACTED] usually used was not working and the company was obtaining the correct knocking firearm. Please note this animal was lead into the chute at approximately 1000 hours MST. SPHV [REDACTED] informed Intermittent [REDACTED] to tag the knocking area while SPHV [REDACTED] investigated the cow in the side chute. Intermittent [REDACTED] placed USDA Reject Tag#B40248214 in the knocking area immediately after the last cow which had been knocked was shackled and hoisted.

At approximately 1018 hours MST, SPHV [REDACTED] observed one adult dairy cow being held in the side chute along the east wall of the building, on the cement ramp. The cow was facing south toward the kill floor entrance, was approximately half way up the ramp, and had her left rear hoof caught on the lower level of the two tiered metal piping side of the chute (piping abuts the exterior wall of the facility). SPHV [REDACTED] did not observe the animal to be in distress or vocalizing, only unable to remove her hoof from the piping tier, which was approximately eighteen to twenty-four inches off the ground, after repeated attempts.

As SPHV [REDACTED] was returning into the facility via the front entrance at approximately 1020 MST, Intermittent [REDACTED] and Mr. De Los Santos exited the facility through the kill floor and released the cow. Mr. De Los Santos and Intermittent [REDACTED] met SPHV [REDACTED] in the USDA office and verbally reported the cow had been able to walk forward once the chute door was opened; Intermittent [REDACTED] verified this report.

SPHV [REDACTED] verbally informed Mr. De Los Santos the Front Line Supervisor (FLS) and District Veterinary Medical Specialist (DVMS) would be contacted to report the humane handling noncompliance and for guidance on removing the USDA reject tag. Mr. De Los Santos stated he did not understand why there was a humane handling violation as the cow was okay. SPHV [REDACTED] explained that the HMSA and corresponding 9 CFR regulations in 313 outline that pens, alleyways, and all aspects of handling of live animals are considered humane handling elements and an animal being held in a chute with her leg stuck causing discomfort, and additionally without observation or intervention by the company, is noncompliance. Mr. De Los Santos further stated that he had the impression that USDA was trying to prevent him from doing business. SPHV [REDACTED] explained that the field office inspection enforces the regulations and the humane handling regulations were not developed solely by USDA and that other parties, such as lobbyists, were involved in their development.

SPHV [REDACTED] stated the following to Mr. De Los Santos. Intermittent [REDACTED] observed a noncompliance and protocol was being followed for humane handling noncompliance. FSIS enforces the regulations and ensures the company is in compliance. It is the company employees who are to be following the regulations and FSIS to verify they are being followed. Intermittent [REDACTED] looked outside to check on the cow which had been left in the chute while the correct firearm was obtained by the company. It so happens, that Intermittent [REDACTED] instead of the company employees, observed the cow being held in discomfort due to the chute. Following the telephonic

discussion with Denver Deputy District Manager, Ms. Anna Gallegos, SPHV [REDACTED] verbally informed Mr. De Los Santos of the noncompliance as above. SPHV [REDACTED] explained to Mr. De Los Santos the company was currently in a Suspension in Abeyance of a humane handling violation occurring within the same month (November 4, 2011) and that a verbal suspension was being issued with a written letter to follow.

Plant Management Response: