

The request for this information is voluntary. It is needed to monitor defects found in this inspection system. It is used by FSIS to determine whether establishments are in compliance. 9CFR 301 and 9CFR 381. FORM APPROVED OMB No. 0583-0089. OMB DISCLOSURE STATEMENT: Public reporting burden for this collection of information is estimated to average 7 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, Room 404-W, Washington DC 20250; and to the Office of Information and Regulatory Affairs, Office of Management and Budget.

<b>US Department of Agriculture</b> <b>FOOD SAFETY AND INSPECTION SERVICE</b> <b>NONCOMPLIANCE RECORD</b>		<b>TYPE OF NONCOMPLIANCE</b> <input type="checkbox"/> Food Safety <input checked="" type="checkbox"/> Other Consumer Protection	
1. DATE	2. RECORD NO.	3. ESTABLISHMENT NO.	
11/30/2011	YJL0614111130N / 1	M7299 ; P7299	
4. TO (Name and Title)		5. PERSONNEL NOTIFIED	
RICARDO DE LOS SANTOS      Owner		RICARDO DE LOS SANTOS;	
6. RELEVANT REGULATIONS		6a. LINKED NR(s)	
313.2 Handling of livestock			
313.1 Livestock pens, driveways and ramps			
7. TITLE(S) OF HACCP OR SSOP PLAN or OTHER SUPPORTING DOCUMENTATION		7a. NAME OF HACCP CCP(S) or PREREQUISITE PROGRAM	
8. INSPECTION TASK	9. VERIFICATION ACTIVITY		
Livestock Humane Handling	<input checked="" type="checkbox"/> Review & Observation <input type="checkbox"/> Record Keeping <input type="checkbox"/> Both		
9a. AFFECTED PRODUCT INFORMATION			
9b. RETAIN/REJECT TAGS      B40248214			
10. DESCRIPTION OF NONCOMPLIANCE			
<p>On 11/30/11, at approximately 1015 hours MST, the following noncompliance was observed by Intermittent Inspector [REDACTED] and verified by SPHV [REDACTED] at approximately 1018 hours.</p> <p>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 chute 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 (no attempts were made to use the [REDACTED]). This animal had been lead into the knocking chute at approximately 1000 hours and Inspector [REDACTED] was conducting a visual antemortem assessment of the cow given the amount of time lapsed since entry into the chute. 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.</p> <p>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 in discomfort as she was unable to remove her hoof from the piping tier, which was approximately eighteen to twenty-four inches off the ground, after repeated attempts.</p> <p>As SPHV [REDACTED] was returning into the facility via the front entrance at approximately 1020 MST, Intermittent [REDACTED] and Mr. Rick 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 Mr. De Los Santos verbally reported the cow had been able to walk forward, dislodging her hoof, once the chute door was opened; Intermittent [REDACTED] verified this report.</p> <p>The above represents noncompliance with 9 CFR 313.1(a) requiring livestock pens, driveways and ramps to be maintained in good repair to prevent injury or pain to animals and that any unnecessary openings where heads, feet, or legs of an animal could be injured shall be repaired and 9 CFR 313.2 (a) requiring driving of livestock from holding pens to stunning area shall be done with minimum excitement and discomfort (HATS Category IV).</p> <p>As Mr. De Los Santos immediately enabled the cow to dislodge her hoof and exit the shoot, and the noncompliance was determined as not egregious, no further enforcement actions are required.</p> <p>A search for noncompliance records issued for the same cause in the last ninety days revealed none.</p>			
11. SIGNATURE OF INSPECTION PROGRAM EMPLOYEE			

You are hereby advised of your right to appeal this decision as delineated by 306.5 and/or 381.35 of 9 CFR.

12. PLANT MANAGEMENT RESPONSE:

13. PLANT MANAGEMENT RESPONSE (Immediate action(s)):

14. PLANT MANAGEMENT RESPONSE (further planned action(s)):

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This document serves as written notification that your failure to comply with regulatory requirements(s) could result in additional regulatory or administrative action.

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15. SIGNATURE OF PLANT MANAGEMENT

16. DATE

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17. VERIFICATION SIGNATURE OF INSPECTION PROGRAM EMPLOYEE

18. DATE