



United States
Department of
Agriculture

Food Safety
and Inspection
Service

Denver District Office of Field Operations
Denver Federal Center, Building 45
PO Box 25387
Denver, Colorado 80225-0387

SENT VIA UPS

January 20, 2012

Mr. Rick De Los Santos, Owner
Valley Meat Co., LLC
Est. 07299 M
3845 Cedarvale Rd.
Roswell, NM 88203

LETTER OF WARNING

Dear Mr. De Los Santos:

On November 8, 2011, a Notice of Suspension was issued to Establishment 07299 M, Valley Meat Co., LLC, located in Roswell, New Mexico, in accordance with 9 CFR 500.3(b) (Rules of Practice). The decision to institute the suspension was based on the following:

On November 4, 2011, Dr. [REDACTED] Inspector in Charge (IIC), observed a cow being shot four times with a [REDACTED] before the animal was killed. The Denver District Office was notified of the incident and a Memorandum of Interview (MOI) was documented by Dr. [REDACTED] IIC, on November 4, 2011, for inhumane handling during slaughter. The plant failed to meet the conditions set forth in 9 CFR 313.16(a) (3), 9 CFR 313.16(b), and 9 CFR 313.16(b) (iv). A Notice of Suspension (NOS) was issued to Valley Meat Co., LLC, on November 8, 2011.

On November 4, 2011, your responses to the Notice of Suspension were received in the Denver District Office. After reviewing your responses, FSIS determined that your written assurances adequately addressed the non-compliances. Actions that were proposed to assure that measures will be taken to prevent any future non-compliance appeared to be adequate, if implemented and executed as specified. Accordingly, the suspension was held in abeyance on November 8, 2011.

Since that time, FSIS inspection personnel have continued to monitor operations which provided your establishment an opportunity to demonstrate how regulatory compliance has been achieved. Additionally, verification and monitoring activities conducted at your establishment by FSIS inspection personnel confirmed that your establishment has implemented and is executing your proposals. These verification activities confirmed that you are currently meeting all regulatory requirements included in 9 CFR 313.

On January 5, 2011, Dr. [REDACTED] District Veterinary Medical Specialist (DVMS), conducted a humane handling verification visit. All of the records reviewed and the observations

of facilities and handling confirmed that all corrective and preventive activities were being conducted as proposed in the plant's response to the Notice of Suspension. Although the enforcement action at Est. 07299 M, Valley Meat Co., LLC, Roswell, New Mexico, is no longer in effect with the issuance of this letter, FSIS personnel will continue to verify your establishment's compliance with humane handling regulations. FSIS regulations require establishments to take appropriate action when either plant management or inspection personnel determine that the plant's humane handling of livestock is inadequate.

As a federally inspected establishment, you are expected to comply with all parts of 9 CFR 313. If you have any concerns or questions, Inspection Personnel assigned to your establishment are available for consultation. You can also call the Denver District Office at 303-236-9800.

Sincerely,

For [Signature] of Wagner DVM

Anna Gallegos, DDM
Deputy District Manager
Denver District

Cc: FO/QER
Reader File
Est. File
R. Reeder, DDM
S. Wagner, DDM
R. Nelson, DM
[Redacted], DVMS
S. Symons, DDICS
[Redacted], FLS
[Redacted], IIC
A. Khroustalev, RD/ OPEER



**United States
Department of
Agriculture**

**Food Safety and
Inspection Service**

**Washington, D. C.
20250**

To: RICARDO DE LOS SANTOS
Sarah De Los Santos

From: [REDACTED]

Date: 1/20/2012

FSA:

Open NRs:

NRs Under Appeal:

Subject: Establishment Weekly Meeting

Sampling:

FSIS: Directed MT50: Beef trimmings collected and mailed 1/19/12; company holding lot.

Establishment: E. coli O157:H7 negative for beef trim sample 12/15/11.

As of 1/19/12: No FSIS Retained Product or Carcasses.

Company holding Trim from 1/19.

Old Business:

1. NR status: Mr. De Los Santos reported during the meeting he would prepare responses with corrective actions for Monday 1/23/12.

YJL0111113528N: Ice condensate on freezer curtains and floor 11/28: OPEN. A written response has been provided; however SPHV [REDACTED] has observed the continued presence of ice condensate on curtain flaps and freezer floor. Mr. De Los Santos stated he would investigate why there was so much ice. SPHV [REDACTED] stated the NR will be left open until the root cause of the issue is corrected and that progress will be documented in the weekly meetings. As of 1/19, SPHV [REDACTED] observed condensate on the curtains as well as the ceiling in the center of the room. Mr. De Los Santos reported the partners were sending maintenance personnel today to repair the refrigeration.

YJL0012125808N: Insanitary processing table during pre-operational verification 12/8. OPEN. A written response was provided to SPHV [REDACTED] by Mr. Eddie De Los Santos 12/20/11 in the afternoon; however, the further planned actions were not worded with the correct intent and the company has yet to provide a new response.

YJL4409122927N: Custom beef product stored unprotected 12/27. OPEN. No written response yet provided.

YJL4616124628N: Processing hand saw hung on cooler door latch 12/28. UNDER APPEAL. Mr. De Los Santos provided SPHV [REDACTED] with the NR with written appeal 12/29/11. SPHV [REDACTED] provided a written response on 1/4/12 denying the appeal. No further establishment response received by FSIS. Mr. De Los Santos reported he would work on a response.

YJL0710120729N: Processing room insanitary at pre-operational sanitation verification 12/29. OPEN. No written response yet provided.

YJL0112013403N: Custom beef fat not labeled following preparation with unlabeled and labeled inspected product in the area 12/30. OPEN. No written response provided.

YJL5510013305N: Cracks and gouges with meat particles and residue observed during pre-operational sanitation verification. OPEN. No written response yet provided. During the week of 1/16, the company continued to cover the table with green combo liners during inspected production. Mr. De Los Santos reported inquires would be made about replacing the table belt.

1. USDA internet provider: SPHV [REDACTED] reported no additional news regarding when the USDA office would be changing providers.

2. Verification Plan: plan continues to be followed. SPHV [REDACTED] reported having not yet received a letter of warning from the Denver District Office.

3. Horse Slaughter: On 1/18/12, Mr. De Los Santos asked SPHV [REDACTED] if FSIS had received word regarding the company submitted SIP. SPHV [REDACTED] reported she had not received any information from any parties on the subject and reported she had advised FLS [REDACTED] the company had submitted the SIP at the end of the previous week. Mr. De Los Santos reported during the meeting a gentlemen from Oregon would be making a site visit as early as next week to review the facility for horse slaughter. Mr. De Los Santos reported this gentleman is part of co-op of plants who would like to participate in horse slaughter.

New Business:

1. SPHV [REDACTED] asked if Mr. De Los Santos had made any changes to the company production practices, SSOPs, hazard analyses or HACCP plans. Mr. De Los Santos reported no changes had been made.

2. SPHV [REDACTED] asked if the company had a slaughter plan for Monday 1/21. Mr. De Los Santos reported the company will not be buying dairy cattle from the sale barns due to issues with the sale barn's buying and selling practices. Mr. and Mrs. De Los Santos both reported the number of cattle available for purchase is not correlating to the amount of cattle the company is receiving. During this topic, Mr. De Los Santos received a call from a transporter who said he had six dairy cattle for the company and Mr. De Los Santos reported to SPHV [REDACTED] after the phone call, the company would accept these cattle today and slaughter them on Monday, but after Monday, they would

not be buying more cattle. Mr. De Los Santos reported the company will continue to slaughter custom and SPHV [REDACTED] asked if he meant custom exempt or beef cattle under inspection. Mr. De Los Santos clarified the company would continue to slaughter inspected beef cattle and any dairy cattle railed directly to the slaughter company from the dairies. Mr. De Los Santos reported the company was going to use this low volume time to conduct facility maintenance, particularly in preparation for transitioning to horse slaughter.

Plant Business: Mr. De Los Santos reported no further plant business aside from the items discussed during horse slaughter and slaughter plan topics.

The meeting closed at 0930 hours MST

ADDENDUM: At approximately 1005 hours MST, SPHV [REDACTED] verbally informed Mrs. De Los Santos Ms. Sara Symons, Denver District Case Specialist, had notified SPHV [REDACTED] via email the District Office was sending the establishment a Letter of Warning in response to the Suspension issued 11/4/11. The Letter of Warning was sent UPS and will end the verification enforcement action resulting from the 11/4/11 issue. Mrs. De Los Santos asked if Ms. Symons was affiliated to the Dr. [REDACTED] (DVMS) files, and SPHV [REDACTED] confirmed the Ms. Symons is the District Office case specialist who maintains the case files including the information provided by Dr. [REDACTED]