

Wagner, Scott - FSIS

From: Gallegos, Anna - FSIS
Sent: Monday, August 06, 2012 12:34 PM
To: Wagner, Scott - FSIS
Cc: Nelson, Ron - FSIS; Reeder, Robert - FSIS
Subject: FW: Expedited Response Needed - Valley Meats

Importance: High

FYI

Anna Gallegos

Deputy District Manager

U.S. Department of Agriculture

Denver District

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-The job gives you the authority; your performance gets you the respect~Irwin Federman

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From: Carson, Bryce - FSIS
Sent: Monday, August 06, 2012 12:23 PM
To: Chen, Vivian - FSIS; Esteban, Emilio - FSIS; Gilmore, Keith - FSIS; Stanley, Mary - FSIS; Gallegos, Anna - FSIS; Sidrak, Hany - FSIS; Tawadrous, Armia - FSIS; Mian, Haroon - FSIS
Subject: Expedited Response Needed - Valley Meats
Importance: High

Hello,

As many of you know, Dan received the attached letter today via e-mail from Ricardo De Los Santos of Valley Meat Co. regarding horse slaughter inspection. Mr. De Los Santos references an FSIS letter of July 20, 2012 (also attached), and disputes FSIS' statements about the status of his company's application for a grant of inspection.

The response will need to be prepared and cleared a.s.a.p., so I appreciate your timely input.



Valley Meat Bingaman_ValleyMe
Company LETTER to . ats_July 20, ...

Below are a few items we'll likely need to cover in the response:



I am beginning to draft a response but will require your input on these items to fill in the gaps. If I'm missing other issues at play here, please let me know.

Thank you,

Bryce Carson, Issues Analyst
FSIS/OPACE/ECIMS
202-720-7894
Rm. 1164-S

Valley Meat Company, LLC
3845 Cedarvale Rd
Roswell, NM 88203

August 6, 2012

Daniel J. Engeljohn, PhD
Assistant Administrator
Office of Field Operations

Sent via email

Dear Dr. Engeljohn,

We are in receipt of your letter dated July 20, 2012. We are deeply troubled by the inconsistencies and outright misstatements you make in your letter which you also ccd to Senator Bingaman.

First and foremost, we would request that your agency review the fact (that we can support with evidence) statements from senior staff that upon the lifting of the ban by Congress last fall that it would be only a short time (a matter of weeks) before the processing of horses could begin.

Since that time we have relied on USDA's statements to our personal detriment. In fact, your letter and recent statements made by Administrator Almanza highlight how USDA FSIS has consistently failed to tell the whole story or even an honest and consistent representation of the facts. We have documented evidence that we were told by FSIS district staff that we had completed everything on our end necessary for a grant of inspection to process horses. We were told that there was no further need of another walk thru (Email dated June 20, 2012) and that all that was lacking was the approval of our drug residue program. Upon checking on the drug residue program (verified thru Dr. Holtermann, PDD) we were told that FSIS laboratories now has to develop a validated drug residue screening methodology and that your agency is unable to approve our drug residue program or issue our grant of inspection even though the protocols for red meat are already in place and that two drug tests (accepted by the EU) could be readily used.

In addition, we can document with evidence that we were told by your FSIS staff that if we wished to begin processing beef again while we waited on your agency to do its job that we simply had to give notice by email the Thursday before the Monday we wished to begin processing. Imagine our frustration in having relied in good faith upon those

statements to now be told that it will take at least three weeks for your agency to supply an inspector for beef.

We are shocked. Your agency's behavior appears punitive, their actions arbitrary and capricious. We cannot fathom for what reason your agency has acted in such a discriminatory fashion. We have simply followed the laws and regulations needed for a grant of inspection from USDA FSIS. We have done everything we are supposed to do and there is no legitimate reason why your agency cannot give us a grant of inspection and supply an inspector for our facility today. With this letter we are giving notice that one week from today we will have the necessary contracts and shipping inspections in place to have horses at the facility to begin equine processing and fully expect that your agency will complete its long over due part to facilitate this industry as it has been charged to do by Congress.

Sincerely,

Ricardo De Los Santos
Valley Meat Co. LLC



United States
Department of
Agriculture

Food Safety and
Inspection Service

Washington, D. C.
20250

JUL ' 2 0 2012

Mr. Ricardo De Los Santos
Valley Meat Company
3845 Cedarvale Road
Roswell, New Mexico 88203

Dear Mr. De Los Santos:

Thank you for your letter of June 5, 2012, to Senator Jeff Bingaman regarding the status of your grant-of-inspection application for equine slaughter at the Valley Meat Company in Roswell, New Mexico. Senator Bingaman forwarded your letter to the Food Safety and Inspection Service (FSIS), and asked that FSIS respond directly to you. I appreciate the opportunity to address your concerns.

On December 13, 2011, you submitted to the FSIS Denver District Office an application to slaughter and process equines, in addition to cattle, sheep, swine, or goats. You were informed that you would need to apply for a waiver of Title 9 of the Code of Federal Regulations (CFR), Section 305.2.

FSIS regulations prohibit the slaughter or other preparation of products of equine in the same establishment in which cattle, sheep, swine, or goats are slaughtered or their products are prepared (9 CFR 305.2(b)). FSIS regulations allow for waivers, for limited periods, in order to permit experimentation with new procedures, equipment, or processing techniques to facilitate definite improvements (9 CFR 303.1(h)). However, your request did not satisfy the conditions for a waiver. Therefore, FSIS denied your request for a waiver on March 2, 2012.

On March 19, you submitted a new grant-of-inspection application to the FSIS Denver District Office for a separate equine slaughter and processing facility. Typically, when FSIS receives such an application, the FSIS Front Line Supervisor (FLS) reviews the establishment's Hazard Analysis and Critical Control Point (HACCP) plan and Sanitation Standard Operating Procedures (SSOP) and verifies compliance with the Sanitation Performance Standards, in accordance with 9 CFR 416 and 417.

On May 29, the FLS reviewed your HACCP plan. On June 7, management from the Denver District Office reviewed the FLS's findings regarding your HACCP plan, and discussed these concerns with your HACCP consultant. On June 13, the modified plan was provided to the FLS for review, and on June 14, you were informed that your HACCP plan and SSOPs met basic compliance requirements.

Mr. Ricardo De Los Santos

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On June 20, the FLS conducted a walk-through of the facility and found some sanitary issues that were shared with you during an exit meeting. At this meeting, you were asked to inform the FLS when you corrected these issues, so that another walk-through could be conducted. To date, FSIS has not received notification that you are prepared for another walk-through. However, given that the agency last conducted horse inspection six years ago, FSIS has determined that despite the congressional decision to lift the ban, the agency will require a significant amount of time to update its testing and inspection processes and methods before it is fully able to develop a future inspection regimen.

While the establishment is addressing demonstration of its capability to be in full compliance with FSIS regulations, FSIS continues to develop and validate necessary drug residue methodology specific to equine.

Thank you again for writing.

Sincerely,



Daniel L. Engeljohn, Ph.D.
Assistant Administrator
Office of Field Operations

cc: The Honorable Jeff Bingaman



Protecting public health by preventing foodborne illnesses is FSIS' top priority.
Help protect your family. Check Your Steps at <http://www.foodsafety.gov/keep/>
and get ready to Clean, Separate, Cook, and Chill.
Food safety is important to everyone.