

Wagner, Scott - FSIS

From: [REDACTED] - FSIS
Sent: Thursday, September 27, 2012 2:42 PM
To: Gallegos, Anna - FSIS; Symons, Sara - FSIS
Cc: Wagner, Scott - FSIS; Reeder, Robert - FSIS; Nelson, Ron - FSIS
Subject: draft LOW for Est. 7299



Draft LOW,
9-27-12.docx



United States
Department of
Agriculture

Food Safety
and Inspection
Service

Office of Field
Operations

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**SENT VIA FEDEX
& FACSIMILE**

September 27, 2012

Mr. Ricardo De Los Santos, General Manager
Valley Meat Co., LLC
Establishment 7299
Roswell, NM 88203

LETTER OF WARNING

Dear Mr. De Los Santos:

On February 24, 2012, a Notice of Suspension was issued to Est. 7299, Valley Meat Co., 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:

A Memorandum of Interview was documented by Dr. [REDACTED] Inspector in Charge (IIC) on February 4, 2012 for inhumane stunning during slaughter. The plant failed to meet the conditions set forth in 9 CFR 313.16(a) (3), 9 CFR 313.16 (b), and 9CFR 313.16 (b) (2).

On February 24, 2012 the Establishment's response to the Notice of Suspension was 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 February 29, 2012.

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 April 19, 2012, Dr. [REDACTED] IIC, conducted a 30 day verification visit. All of the records reviewed and the observations of stunning confirmed that all corrective and preventive activities were being conducted as proposed in the plant's response to the Notice of Suspension.

Dr. [REDACTED] District Veterinary Medical Specialist (DVMS), has conducted 60, 90, 120, 150, and 180 day verifications based on the completed verification plans because the plant has not operated since April 20, 2012.

Although the enforcement action at Est. 7299, Valley Meat Co., Roswell, NM 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,

Anna Gallegos
Deputy District Manager
Denver District

Cc: FO/QER
Reader File
Est. File
R. Nelson, DM
R. Reeder, DDM
S. Wagner, DDM
[REDACTED], FLS
A. Khoustalev, RM/OPEER
[REDACTED], DVMS
S. Symons, DDICS