



United States
Department of
Agriculture

Food Safety
and Inspection
Service

Office of Policy
and Program
Development

Washington, DC
20250

Ricardo De Los Santos
Est. M 7299, Valley Meat Company LLC
3845 Cedarvale Rd
Roswell, NM, 88203

MAR 02 2012

Dear Mr. De Los Santos:

We have received your inquiry concerning the possibility of slaughtering horses in a facility that also slaughters other Federally inspected livestock. Current regulations require equine slaughter or other preparation of products of equine to be done in establishments separate from any establishment in which cattle, sheep, swine or goats are prepared (9 CFR 305.2(b)).

While FSIS regulations provide authority for waivers for purposes of permitting experimentation so that new procedures, equipment, or processing techniques may be tested to facilitate specific and definite improvements (9 CFR 303.1(h)), we have concluded that a waiver under the circumstances of this case would not be appropriate. Simply permitting a practice that is prohibited under our current regulations would not be consistent with the purpose of the regulation that provides authority for such waivers.

If you wish to request a grant for Federal inspection of horse slaughter and processing in a facility separate from other livestock slaughter or processing, consistent with current procedures and regulations, you may request from the FSIS Denver District Office a grant of inspection via FSIS Form 5200-2, Application for Federal Meat and Poultry and Import Inspection.

Thank you for your inquiry. If you have additional questions please do not hesitate to contact me at (301) 504-0852 or by e-mail at William.Shaw@FSIS.USDA.gov.

Sincerely,

William K. Shaw, Jr.

Director
Risk, Innovations, and Management Division
Office of Policy and Program Development

Cc:
Ron Nelson, DM, Denver DO, OFO
Daniel Engeljohn, AA, OPPD
Kenneth Petersen, AA, OFO
Amia Tawadrous, EARO, OFO
Haroon Mian, EARO, OFO
Isabel Arrington, RIMD, OPPD

{Code of Federal Regulations}
{Title 1, Volume 2}
{Revised as of January 1, 2002}
From the U.S. Government Printing Office via GPO Access
{CITE: 9CFR305.2}

{Page 93-94}

TITLE 9--ANIMALS AND ANIMAL PRODUCTS

CHAPTER XII--FOOD SAFETY AND INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 305--OFFICIAL NUMBERS; INAUGURATION OF INSPECTION; WITHDRAWAL OF INSPECTION; REPORTS OF VIOLATION--Table of Contents

Sec. 305.2 Separation of official establishments.

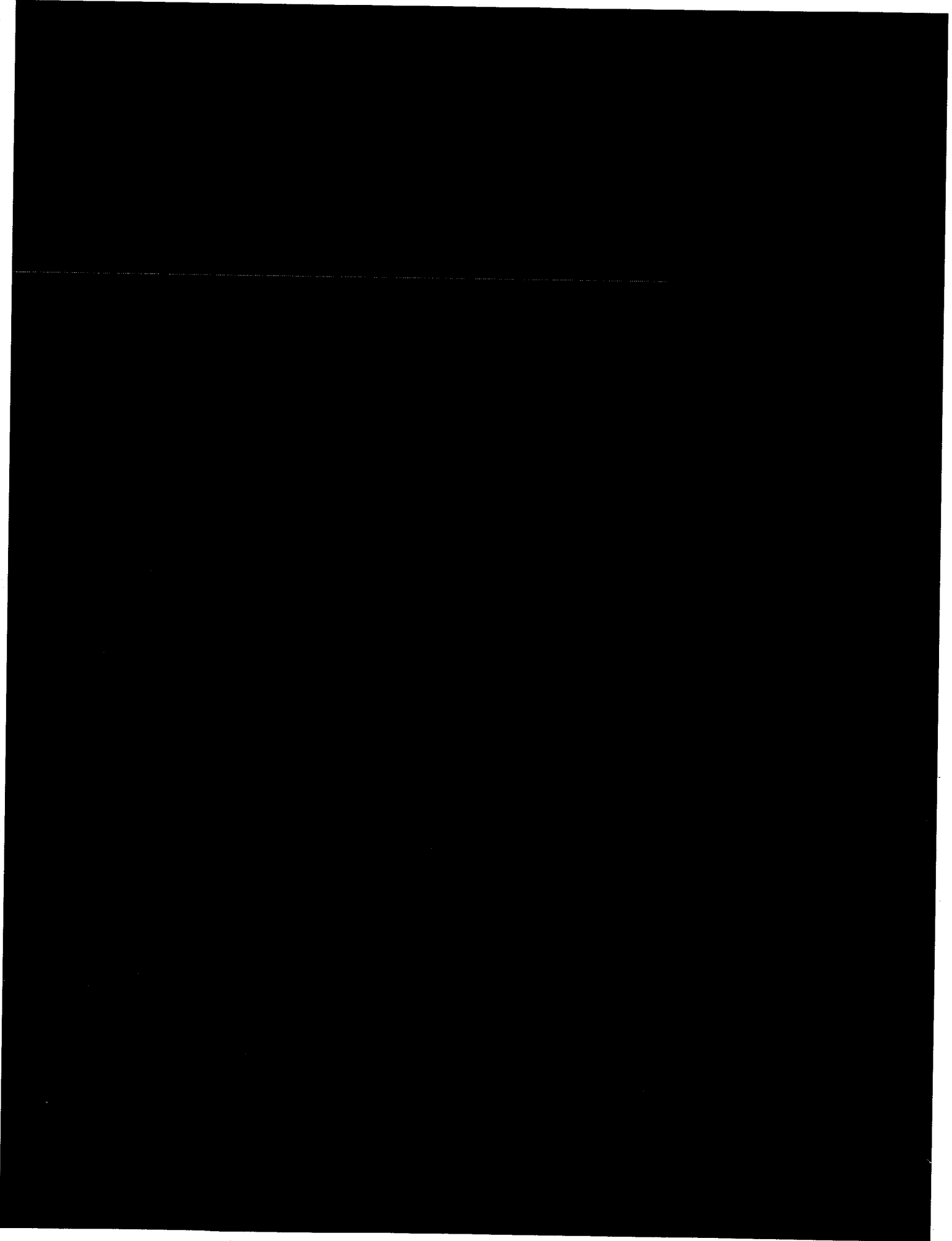
(a) Each official establishment shall be separate and distinct from any unofficial establishment except a poultry products processing establishment operated under Federal inspection under the Poultry Products Inspection Act or under State inspection.

(b) The slaughter or other preparation of products of horses, mules, or other equines required to be conducted under inspection pursuant to the regulations in this subchapter shall be done in establishments separate from any establishment in which cattle, sheep, swine, or goats are slaughtered or their products are prepared.

(c) Inspection shall not be inaugurated in any building, any part of

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which is used as living quarters, unless the part for which inspection is requested is separated from such quarters by floors, walls, and ceilings of solid concrete, brick, wood, or similar material, and the floors, walls, and ceilings are without openings that directly or indirectly communicate with any part of the building used as living quarters.



DRAFT

Est. #7299
Valley Meat Company LLC
3845 Cedarvale Rd
Roswell, NM 88203
Phone: (575)-622-1214 Fax (575)-622-0708

Cover Letter

Contact Person RICARDO DE LOS SANTOS Date JANUARY 05, 2012

Email: [redacted]@yahoo.com

To: ISABEL ARRINGTON
isabel.arrington@fsis.usda.gov

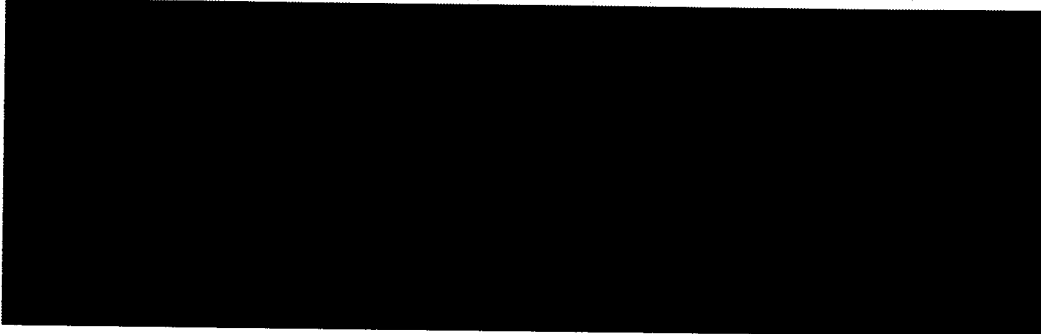
Ms. Arrington,

I am requesting a waiver to 9CFR 305.2 in order to add the slaughter of equine to my current Grant of Inspection and as such will agree to participate in Salmonella Initiative Program (SIP) and agree to abide by the program criteria as per Federal Register Notice 76 FR 41176 (July, 13, 2011). The alternative procedures for slaughtering horses and cattle in the same facility that will be used in place of 9 CFR 305.2 are alternating horse and cattle slaughter days. (ei. Horse slaughter on Monday, Wednesday and Fridays and Cattle slaughter on Tuesday and Thursday)

My last two FSIS, PR salmonella sets in 2010 consisted of 3 positives in Set B and 2 positives in set C.

I currently operate [redacted] My current rate of slaughter is [redacted] I am projecting to slaughter approximately [redacted] using [redacted] [redacted] I currently have a [redacted] inspection system.

Est M- 7299 will develop a specific [REDACTED]
[REDACTED] to demonstrate process control including:



Est M 7299 will conduct generic E Coli sampling as per 310.25 (a). In excess of [REDACTED] animals per year, we would then proceed accordingly.

Est M 7299 agrees to:

1. Maintain records in same manner and for the same duration as Hazard Analysis and Critical Control Points (HACCP) records (9CFR 417.5) allow access to records necessary to document SIP process control, including microbiological test results to FSIS IPP. FSIS requires access to the records at least weekly.

2. Submit microbiological test results to FSIS headquarters according to the FSIS electronic template and instructions on how to submit which can be obtained by emailing the FSIS [-SIP.mailbox@fsis.usda.gov](mailto:SIP.mailbox@fsis.usda.gov)

3. Provide FSIS 30 days prior written notice if the establishment decides to stop participation in the SIP and stop functioning under the waivers.

Thank you for your time and consideration.

Ricardo De Los Santos