



Food Safety and Inspection  
Service

March 25, 2014

Alameda District  
620 Central Avenue,  
Bldg. 2C  
Alameda, CA 94501

Phone: (510) 769-5712  
Fax: (510) 337-5081

(b) (6)  
Redwood Meat Company, Est. M6066  
3114 Moore Avenue  
Eureka, CA 95501

**CERTIFIED RETURN  
RECEIPT REQUESTED**

Facsimile: 707-442-3798  
E-mail: (b) (6)@aol.com

Amended to include correct address

## NOTICE OF SUSPENSION

Dear (b) (6)

This letter confirms the verbal notification provided to your establishment, on March 24, 2014, by the Food Safety Inspection Service (FSIS), Alameda District of the suspension of the assignment of inspectors at your establishment and the withholding of the marks of inspection for the slaughter operations, in accordance with 21 U.S.C. 603 and Title 9 Code of Federal Regulations (CFR) Part 500.3 (b). This action was initiated due to your firm's failure to maintain or implement required controls to prevent the inhumane handling and slaughtering of livestock at your establishment and to appropriately handle animals in accordance with Title 9 CFR 313.15(a) (1), Title 9 CFR 313.15(a)(3), and Title 9 CFR 313.15 (b) (ii), (iii) and (iv). This is in violation of 21 U.S.C. 603 (b) of the Federal Meat Inspection Act, and the Humane Methods of Slaughter Act of 1978, and the regulations promulgated thereunder.

### Background/Authority

The Federal Meat Inspection Act (FMIA) (21 U.S.C. 603 *et seq.*) provides, for the purpose of preventing the inhumane slaughtering of livestock that FSIS has the authority, as designated by the Secretary of the Department of Agriculture, to prescribe rules and regulations describing examine and inspect the method by which cattle, sheep, swine, goats, horses, mules or other equines are slaughtered and handled in connection with slaughter in the slaughtering establishments inspected under the Act. FSIS may refuse to provide inspection to a new slaughtering establishment or may cause inspection to be temporarily suspended at a slaughter establishment if FSIS finds that any cattle, sheep, swine, goats, horses, mules, or other equines have been slaughtered or handle in connection with slaughter at such establishment by any method not in accordance with

sections 1901 to 1906 of U.S.C Title 7 until the establishment furnishes assurances satisfactory to FSIS that all slaughtering and handling in connection with the slaughter of livestock shall be in accordance with such a method.

Under the authorities of the Acts, FSIS has prescribed rules and regulations required for the humane slaughtering of livestock, as contained in Regulations 9 CFR Part 313, and the Humane Methods of Slaughter Act of 1978. FSIS has also developed Rules of Practice regarding enforcement prescribed in 9 CFR Part 500. The Rules of Practice describe the types of enforcement actions that FSIS may take and include procedures for taking a withholding action and or suspension, with or without prior notification, as well as the procedures for filing a complaint to withdraw a Grant of Federal Inspection.

### **Findings and Basis for Action:**

On March 24, 2014, the District Veterinary Medical Specialist (DVMS) observed the following while conducting a humane handling verification visit at establishment M6066:

At approximately 1411 hours, the establishment employee was performing stunning operations on five lambs, which were unrestrained in Pen 1, an approximately 10'X 10' covered enclosure adjacent to the kill floor. This area has solid walls on three sides and an approximately 4' high wall on the remaining side that provides a clear view of stunning in a safe manner.

The establishment employee utilized a Hantover "*The Knocker*" pneumatic penetrating captive bolt stunning device. The employee herded the lambs into a corner and delivered an effective first stunning blow on three lambs. The lambs were not restrained in any way and the movement of the animals appeared to interfere with the employee's aim of the stunning blows on the fourth lamb. The employee then applied the stunner to the fourth lamb, with little effect except that the lamb began bleeding from the nose. The employee then turned towards the fifth unstunned animal and began to use the device until the DVMS instructed him to stun the injured animal again. He delivered two more unsuccessful stuns in quick succession (10s), at which time the Kill Floor Manager arrived and the DVMS requested that the .25 magnum hand-held penetrating captive bolt device be used to immediately stun this animal which was now recumbent, bleeding heavily and still conscious after the three unsuccessful stuns, as evidenced by heavy rhythmic breathing and normal eye blinks. The animal was effectively stunned with the first blow delivered with the hand-held device. The fifth animal was showing excitability due to the commotion in Pen 1 and the establishment was allowed to stun this animal with a single blow from the hand held device in a timely manner.

FSIS personnel applied U.S. Reject tag B19521260 to Pen 1, and applied U.S. Reject tag B19521259 to the pneumatic stunner. FSIS personnel verbally informed (b) (6), (b) (6), that stunning was suspended.

Examination of the skinned head showed three holes in the skull, two above each orbit on the forehead and only one in the recommended location for proper stunning, the crown of the skull. Two of these knock holes fully penetrated the skull, one over the eye and one on the crown. The third knock hole over the eye did not fully penetrate the skull. The animal was conscious after the initial stun for approximately four minutes until a fourth, effective stunning blow was delivered. This is an egregious act of inhumane handling of animals in connection with slaughter, as this animal suffered the pain of three powerful blows to the skull by a pneumatic penetrating captive bolt stunner with an approximate pressure of 180 psi, over the course of several minutes before becoming unconscious. Your establishment does not have a robust Systematic Approach to the humane handling of livestock at this time.

This is a violation of Title 9 CFR 313.15(a)(1) that states: *“The captive bolt stunners shall be applied to the livestock...so as to produce immediate unconsciousness”* and Title 9 CFR 313.15(a)(3) that states: *“Immediately after the stunning blow is delivered the animals shall be in a state of complete unconsciousness”* and is considered as an egregious act per Humane Handling and Slaughter of Livestock regulations and Agency guidance that define, in part, egregious inhumane treatment of livestock as *“Multiple attempts, especially in the absence of immediate corrective measures, to stun an animal versus a single blow or shot that renders an animal immediately unconscious.”*(FSIS Directive 6900.2 (Rev 2))

This is also in violation of Title 9 CFR 313.15 (b) (ii) that states: *“Stunning instruments must be maintained in good repair”*, Title 9 CFR 313.15(b) (iii) that states: *“ The stunning area shall be so designed and constructed as to limit the free movements of animals sufficiently to allow the operator to locate the stunning blow with a high degree of accuracy”* and Title 9 CFR 313.15(b)(iv) that states *“ the stunning operation is an exacting procedure and requires a well-trained and experienced operator.”*

The Federal Meat Inspection Act 21 U.S.C. Section 603(b) provides legal authority to suspend operations at any establishment where sheep/lambs have not been handled in a humane manner as described in 7 U.S.C. 1901 where it states *“It is therefore declared to be the policy of the United States that the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods.”* In accordance with Title 9 CFR 500.3(b), the suspension of inspection at an establishment without prior notification for inhumane handling practices is warranted, as specified in Title 9 CFR 313 and under authority of 21 U.S.C. 621.

Based on the above findings and your failures to meet statutory and regulatory requirements for the humane handling and slaughter of livestock, and in accordance with Title 9 CFR 500.3(b), FSIS is suspending the assignment of inspectors for the slaughter operations at your establishment. This letter confirms the verbal notification of the suspension of the assignment of inspectors for the slaughter operations that FSIS provided to your establishment on March 24, 2014.

The suspension of the assignment of inspectors will remain in effect until such time as you can proffer FSIS, Alameda District Office, adequate written assurances including corrective actions and preventative measures to assure that livestock at your establishment are handled and slaughtered humanely, in accordance with the FMIA, The Humane Methods of Slaughter Act, and regulations promulgated thereunder.

In addition, failure to respond to this notice of suspension, and failure to assure that animals at your establishment are handled and slaughtered humanely in accordance with the statutory and regulatory requirements may result in further administrative enforcement actions.

In accordance with Title 9 CFR 500.5(a) (5), you may appeal this action by contacting:

Dr. Hany Sidrak  
Executive Associate for Regulatory Operations  
USDA/FSIS/FO  
1400 Independence Ave., S.W  
Room 3157- S  
Washington DC 20250  
Phone: 202-205-4208

In accordance with 9 CFR 500.5(d), you may request a hearing concerning this action by contacting:

Director, Enforcement and Litigation Division  
Office of Investigation, Enforcement and Audit  
Food Safety and Inspection Service  
United States Department of Agriculture  
Patriots Plaze3, 8<sup>th</sup> Floor, Cubicle 8-210C  
355 E Street, SW  
Washington, DC 20024-3221  
Phone: 202-418-8872  
Fax: 202-245-5097

If you have any questions, please call the Alameda District Office at (510) 769-5712.

Sincerely,

*/s/ Virginia Felix, DVM*

Abdalla Amin  
Deputy District Manager

cc:

Y. Sharma, DM

F. Gillis, DDM

V. Felix, DDM

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USDA IIC, Est. M6066

A. Khroustalev, IEA, RD

FO/QER