



Food Safety and  
Inspection Service

July 3, 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

## REINSTATEMENT OF NOTICE OF SUSPENSION

Dear (b) (6)

This letter confirms the verbal notification provided to you on July 2, 2014, by the Food Safety Inspection Service (FSIS), Alameda District of the reinstatement of 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 continued 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)(1)(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 Food Safety Inspection Services (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 July 2, 2014, at approximately 1235 hours at Establishment M6066, the FSIS Food Inspector heard the sound of a hand-held captive bolt gun as he was going upstairs into the knocking area. He saw (b) (6) a plant employee, running past him to the management office to get more bullets for the rifle since the (b) (6) had indicated they had run out of bullets. The FSIS Food Inspector observed a steer with his legs folded underneath and head upright, with a hole from the captive bolt gun located at the caudal (top) edge of the head. The animal was rhythmically breathing inside the knock box and was partially standing, so that it was not leaning against the sides of the knock box. The FSIS Food Inspector asked (b) (6), standing at the knocking box, if he was going to use the rifle to render the animal unconscious. The operator informed him that they did not have more bullets. The FSIS Food Inspector told the stunner operator to use one of the other three visible and available hand-held captive bolt guns to re-stun the animal. When the stunner operator utilized the captive bolt gun, this second stun attempt rendered the steer completely unconscious.

The steer was not rendered insensible after the first stun attempt, and the stunner operator did not immediately initiate a second stun attempt, but waited until suggested by the FSIS Food Inspector to do so. The establishment failed to apply a single blow or shot that renders an animal immediately unconscious. Since the second stun attempt was not immediately applied, this event is an egregious inhumane noncompliance in accordance with Title 9 CFR 313.15 (a)(1). The captive bolt stunners shall be applied to the livestock in accordance with this section to produce immediate unconsciousness. In addition, this was in the absence of immediate corrective measures, to stun an animal versus a single blow or shot that renders an animal immediately unconscious.

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 in the animals before they are shackled, hoisted, thrown, cast, or cut,”* 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”*. Title 9 CFR 313.15(b)(1)(iv) states: *“the stunning operation is an exacting procedure and requires a well-trained and experienced operator.”* This humane handling incident is considered an egregious act as per Humane Handling and Slaughter of Livestock regulations and Agency guidance.

The FSIS Public Health Veterinarian (PHV) tagged the knock box using reject tag number B38512598 and informed (b) (6), of the regulatory action applied to the knock box.

Your establishment is currently operating under an abeyance period for a Notice of Suspension issued to you on March 24, 2014. FSIS initiated the Notice of Suspension at your establishment for your firm's failure to maintain or implement required controls to prevent inhumane handling and slaughtering of livestock at your establishment and to appropriate handle animals in accordance with 21 U.S.C. 603(b), Title 9 CFR 313.15(a) (1), Title 9 CFR 313.15(a)(3), and Title 9 CFR 313.15 (b)(1) (ii), (iii) and (iv). Your establishment had submitted corrective and preventive actions in response to the Notice of Suspension, which included the proffered corrective action: "*Stunning will be performed to produce unconsciousness in a rapid and effective manner...Back up knockers will be immediately available during operations*". As demonstrated by this recent incident of inhumane handling, your establishment failed to effectively implement your corrective actions in order to prevent the inhumane handling and slaughtering of livestock at your establishment, and demonstrate your establishment's unwillingness and/or inability to meet the regulatory requirements of Title 9 CFR Part 313. Furthermore, your establishment does not implement a robust systematic approach to humane handling.

Since the Notice of Suspension was issued to your establishment on March 24, 2014, FSIS personnel have also documented similar noncompliances related to humane handling:

- On June 19, 2014, FSIS Inspection Personnel documented noncompliance # BWC2916063719/N1 under Title 9 CFR 313.1 due to a steer's leg getting caught in a holding pen that your firm failed to maintain in good repair.
- On June 11, 2014, FSIS Inspection Personnel documented noncompliance # BWC1616064111/1N under Title 9 CFR 313.1 due to your firm's failure to maintain floors and prevent slips and falls for steers and heifers.
- On April 23, 2014, FSIS Inspection Personnel documented noncompliance # BWC4211041924 under Title 9 CFR 313.2 due to your firm's failure to prevent excitement and discomfort while unloading an injured bull from a trailer into the holding pen.
- On May 19, 2014 FSIS Inspection Personnel documented noncompliance # BWC2410054822/1N under Title 9 CFR 313.15 due to the malfunctioning of your mechanical bolt, which required two different heifers to be knocked twice due to ineffective stunning.

- On May 16, 2014, FSIS Inspection Personnel documented noncompliance # BWC2210050522/N under Title 9 CFR 313.2 for your failure to prevent excitement and discomfort while unloading bob veal calves from a trailer to a wooden chute.
- On May 14, 2014, during the Food Safety Assessment conducted from May 6, 2014, to May 23, 2014, the Enforcement Investigation Analysis Officers (EIAOs) observed that two sheep were kicked while being unloaded from a trailer into the alleyway. FSIS inspection personnel documented noncompliance # BWC5713053714/1N under Title 9 CFR 313.2 due to your failure to prevent excitement and excessive force while unloading sheep.

In addition, FSIS has provided your establishment several warnings, and has offered your establishment many opportunities to provide preventative measures and corrective actions as it pertains to your humane handling practices.

In a memorandum of interview (MOI) dated July 1, 2014, FSIS PHV met with (b) (6) (b) (6), and (b) (6), to address concerns with regards to the knocking process at the establishment. In the MOI, the PHV stated there is usually no establishment monitoring of the animal for signs of regaining consciousness while it is in the knock box. On the same day FSIS Inspection Personnel observed that a shackled animal was possibly vocalizing and having voluntary movement of the tongue. Although the establishment took immediate action and used the rifle to render the animal unconscious, this situation could have escalated into an egregious humane handling concern. FSIS PHV encouraged your establishment to review your knocking process to avoid any potential situation that may result in any harm or egregious situations to livestock.

In an MOI dated June 25, 2014, FSIS PHV noticed that a second stunner was not immediately available after (b) (6), rendered a dairy cow unconscious. The PHV also observed that (b) (6) failed to monitor sensitivity of the animal after it was rendered unconscious as per the Animal Welfare plan, which was also a proffered corrective action to the Notice of Suspension issued on March 24, 2014.

These findings demonstrate your ongoing failures to adhere to the regulatory requirements of the humane handling and slaughter of livestock, as required by the Federal Meat Inspection Act, 21 U.S.C. 603 (b) and the Humane Methods of Slaughter Act, and the regulations promulgated thereunder.

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 and withholding the marks of inspection 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 July 2, 2014.

The suspension of the assignment of inspectors will remain in effect until such time as you can proffer to the 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 Reinstatement of 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 which may include the recommendation to withdraw the Grant of Inspection from your establishment.

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

Dr. Ronald Jones  
Deputy Assistant Administrator  
1400 Independence Avenue, SW  
Room 344-E JWB  
Washington, DC 20250  
Phone: 202-720-8803  
Voice Mail: 202-720-2442

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  
Patriot Plaza III, 8th Floor, Cubicle 8-243A

355 E Street, SW  
Washington, DC 20024-3221  
Telephone: (202) 418-8872  
Facsimile Number: (202) 245-5097

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

Sincerely,

*/S/ Frank Gillis*  
*For*

Abdalla Amin  
Deputy District Manager

cc:

Y. Sharma, DM  
F. Gillis, DDM  
V. Felix, DDM

(b) (7)(C) [Redacted]  
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USDA IIC, Est. M6066  
A. Khroustalev, IEA, RD  
FO/QER