



Food Safety and
Inspection Service

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

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

June 27, 2013

(b) (6)
University of Nevada, Reno Meat Plant
Establishment 6004 MP
5895 Clean Water Way
Reno, NV 89502

CERTIFIED RETURN
RECEIPT REQUESTED

Email: (b) (6) @cabnr.unr.edu

NOTICE OF SUSPENSION

Dear (b) (6)

This letter confirms the verbal notification provided to you on June 27, 2013, by the Food Safety and 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 your slaughter operations, in accordance with 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 appropriately handle animals in accordance with Title 9 CFR 313.16(a)(1) and 313.16(a)(3). This is in violation of 21 U.S.C. 603 (b) of the Federal Meat Inspection Act, 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. 601 *et seq.*) provides that it is essential in the public interest that the health and welfare of consumers be protected, by assuring that meat products distributed to them are wholesome, not adulterated, and properly marked, labeled and packaged. This Act gives FSIS the authority, as designated by the Secretary of the Department of Agriculture, to prescribe rules and regulations describing sanitation requirements for inspected establishments. The Act also provides FSIS program personnel the authority to refuse to allow meat or meat food products to be labeled, marked, stamped, or tagged as "inspected and passed" and to prevent the entry of products into commerce when the sanitary conditions of any such establishment are such that rendered product adulterated and provided definitions for the term "adulterated." Furthermore, the Act provides FSIS the authority to appoint inspectors from time to time to examine and inspect products, including the sanitary conditions of facilities. The Act also gives FSIS program personnel the right to examine and inspect all carcasses and parts of carcasses that are further treated and prepared and the right to access and examine establishment records. When the sanitary conditions of a facility are not properly maintained, FSIS can refuse to render

inspection and indefinitely withdraw inspection from an establishment provided the establishment is afforded the right to an administrative hearing.

Under the authorities of the Act, FSIS has prescribed rules and regulations required for establishments producing meat products including the requirements pertaining to Hazard Analysis and Critical Control Point (Title 9 CFR Part 417), Sanitation SOP (Title 9 CFR Part 416) and other matters. FSIS has also developed Rules of Practices regarding enforcement (Title 9 CFR Part 500). The Rules of Practice describe the types of enforcement action that FSIS may take and include procedures for taking a withholding action and suspension, with or without prior notification, and for filing a complaint to withdraw a grant of Federal Inspection.

Findings and Basis for Action

On June 27, 2013, at approximately 0925 hours, a FSIS Consumer Safety Inspector (CSI) and Frontline Supervisor (FLS) witnessed and documented an egregious violation of the USDA-FSIS humane handling laws and regulations, which was committed by personnel working at your establishment, during a routine inspection activity on the slaughter floor.

Specifically, while engaged in viscera inspection, FSIS inspection personnel observed your employee attempting to knock a heifer. The heifer was agitated in the knock box, and the employee was attempting to aim a .22 caliber rifle used to stun the animal. The establishment employee discharged the rifle; the heifer went down but got back up. The FLS instructed the employee to "...knock it again" and your employee made four additional attempts to knock the heifer, taking time between each shot to reload the firearm. During the approximate 2-3 minutes between the first shot and the fourth shot, FSIS inspection personnel observed the heifer make several attempts to rise. On the fifth shot, the heifer was stunned properly and the CSI took regulatory control action applying US Reject tag number B10820180 to the knock box. The CSI informed (b) (6) of the egregious incident and that they would contact the Alameda District Office.

Your establishment does not have a systematic or robust approach to ensure humane handling of livestock slaughtered at your establishment as evidenced by FSIS observations of four unsuccessful attempts to effectively knock the animal. Included with this letter, please find a copy of FSIS Directive 6900.2 Handling and Slaughter of Livestock - Revision 2 (Aug 15, 2011). This directive provides official communications and instruction to Agency personnel in carrying out their functions, and includes information regarding a robust and systematic approach to humane handling.

This is a violation of Title 9 CFR 313.16(a)(1), which states that "*the firearms shall be employed in the delivery of a bullet or projectile into the animal in accordance with this section so as to produce immediate unconsciousness in the animal by a*

single shot before it is shackled, hoisted, thrown, cast, or cut.” This is also a violation of Title 9 CFR 313.16(a)(3), which states that *“immediately after the firearm is discharged and the projectile is delivered, the animal shall be in a state of complete unconsciousness and remain in this condition throughout shackling, sticking, and bleeding.”* Your establishment failed to prevent egregious inhumane treatment of livestock at your facility due to your employee ineffectively delivering a bullet into the animal to produce immediate unconsciousness and allowing the animal to regain consciousness.

The Federal Meat Inspection Act 21 U.S.C. Section 603(b) provides legal authority to suspend operations at any establishment where livestock 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.”*

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 slaughter operations at your establishment. This letter confirms the verbal notification that was provided to you on June 27, 2013.

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 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:

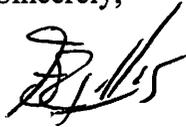
Keith Gilmore
Executive Associate for Regulatory Operations
210 Walnut St
Room 923
Des Moines, IA 50309
515-727-8970

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

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

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

Sincerely,



Frank Gillis
Deputy District Manager

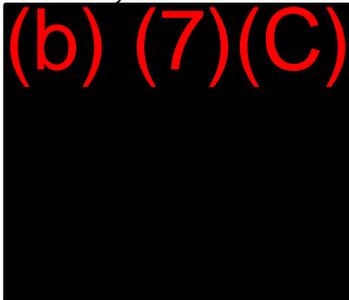
cc:

Y. Sharma, DM

A. Amin, DDM

V. Felix, DDM

(b) (7)(C)



USDA IIC, Est. 6004 MP
FO/QER