



United States Department of Agriculture

Food Safety and
Inspection Service

December 14, 2021

Office of Field
Operations
Denver District Office

**SENT VIA FEDEX &
ELECTRONIC MAIL**

1 Denver Federal
Center, Bldg. 45
P.O. Box 25387
Denver, CO 80225

Zeeshan Qazi, Plant Manger
ZYK Enterprises, Inc., 9325 M/P
17658 W. Snoqualmie River Road NE
Duvall, WA 98019

Voice (303) 236-9800
Fax (303) 236-9794

(b) (6)

NOTICE OF SUSPENSION

Dear Mr. Qazi,

This letter confirms the verbal notification provided to your establishment, ZYK Enterprises, Inc., 9325 M/P, located in Duvall, WA, on December 14, 2021, by the Food Safety Inspection Service (FSIS), Denver District, of the suspension of the assignment of inspectors and the withholding of the marks of inspection at your establishment for slaughter operations. Dr. Jessica VanHook, Deputy District Manager, verbally notified you of the suspension. This action was initiated in accordance with Title 21 of the United States Code (USC), Section 603(b) and Title 9 of the Code of Federal Regulations (CFR) Part 500.3(b) (Rules of Practice).

Background Authority

The Federal Meat Inspection Act (FMIA), 21 USC Section 603(b), provides for the purpose of preventing the inhumane slaughtering of livestock. The FMIA gives FSIS the authority, as designated by the Secretary of the Department of Agriculture, to prescribe rules and regulations describing examinations and inspections of the method by which cattle, sheep, swine, goats, horses, mules, and other equines are slaughtered in the establishments inspected under the FMIA. The FMIA also provides FSIS Program personnel the authority to suspend operations at a slaughtering establishment if FSIS finds that any cattle, sheep, swine, goats, horses, mules or other equines have been slaughtered or handled in connection with slaughter at such establishments by any method not in accordance with the Humane Methods of Slaughter Act (HMSA) of August 27, 1958 (72 Statute 862; Title 7 USC, Sections 1901-1906), until the establishment furnishes FSIS with satisfactory assurances that all slaughtering and handling in connection with the slaughter of livestock shall be in accordance with such methods.

Under the authorities of these Acts, FSIS has prescribed rules and regulations required for the humane slaughtering of livestock, contained in Title 9 CFR Part 313. 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.

Finding/Basis for Action

On Tuesday, December 14, 2021, FSIS Inspection Program Personnel (IPP) documented in a noncompliance record the following event at Est. 9325 M/P:

“HATS Category IX: Conscious Animals on the Rail

At approximately 0645 while observing the ritual slaughter process, FSIS IPP observed establishment employees restrain a mature goat in left lateral recumbency and apply the ritual cut. After the ritual cut was applied, IPP observed the establishment employees continue restraining the animal for a few seconds before releasing the animal. Once released from restraint, ending the ritual exemption period, the animal stood up and walked a few feet forward in the slaughter area. The animal did not vocalize but was alert with its head held upright and reacting to external stimuli, demonstrating full consciousness. An establishment employee gripped the animal’s left hind leg and pulled the standing animal approximately 10 feet back into the bleeding area. The establishment then applied a second ritual cut, extending the incision laterally through skin and muscle on either side, on the standing and conscious mature goat. After applying the second cut, establishment employees restrained the animal until it lost consciousness.

After verifying the animal was insensible, FSIS IPP took a regulatory control action and applied US Retain/Reject tag #B22079783 to the holding box. FSIS IPP notified plant management of the regulatory control action.”

Summary

The decision to suspend the assignment of inspectors at your establishment is based on this noncompliance with 9 CFR 313.2(d)(2) and 313.2(f). This is an inhumane noncompliance whereby establishment employees dragged and cut a disabled and conscious goat following the conclusion of the ritual exemption period.

The suspension of the assignment of inspectors will remain in effect until such time as you provide the Denver District Office adequate written corrective actions and preventative measures to ensure that livestock at your establishment are handled and slaughtered humanely, and in accordance with the FMIA, the HMSA, and 9 CFR 313 regulations.

These should include:

- A written description of the incident.
- The root cause of the incident
- Your immediate corrective actions.
- Your specific corrective actions to prevent reoccurrence of the noncompliance.

- Any training or retraining of employees you plan to provide, including materials you're planning to use.
- Any monitoring procedures, including any documentation records.

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

Paul Wolseley
Executive Associate for Regulatory Operations
Office of Field Operations
Food Safety and Inspection Service
United States Department of Agriculture
1400 Independence Avenue, SW
Room 1329, South Building
Washington, D.C. 20250
Tel: 202-708-9506
Paul.Wolseley@usda.gov

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

Scott C. Safian
Enforcement and Litigation Division
Office of Investigation, Enforcement and Audit
Food Safety and Inspection Service
Stop Code 3753, PP3, Cubicle 9-235-A
1400 Independence Avenue, SW
Washington, D.C. 20250
Voice: (202) 418-8872
Fax: (202) 245-5097

If you have any questions regarding this matter, you may contact the Denver District Office at (303)236-9800.

Sincerely,

**JESSICA
VANHOOK**

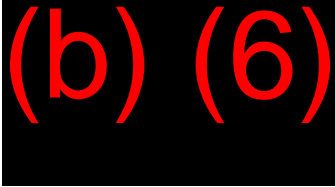
Digitally signed by
JESSICA VANHOOK
Date: 2021.12.14
13:10:14 -07'00'

for

Dr. Robert Reeder
District Manager
USDA FSIS OFO
Denver District Office
Robert.Reeder@usda.gov

cc: FO/QR
Est. File

J. Monteverde, DDM
D. James, DDM
J. VanHook, DDM



S. Baucher, RD/OIEA