



May 9, 2022

West Texas A&M University Meat Laboratory
Establishment 7124
600 WTAMU Drive
Canyon, TX 79016

HAND DELIVERED
SENT VIA USPS

Attention: (b) (6)

NOTICE OF SUSPENSION

This letter confirms the verbal notification provided to Mr. Nick Peterson, Laboratory Manager, (b) (6) May 9, 2022, by Dr. Gary Davis, Deputy District Manager, that the Food Safety Inspection Service (FSIS) is suspending the assignment of inspectors related to the Slaughter Hazard Analysis and Critical Control Point (HACCP) plan at Establishment 7124, West Texas A&M University Meat Laboratory, Canyon, Texas.

On Monday, May 9, 2022, at approximately 7:30 a.m., during review of the establishments humane handling verification, HAT category 8-Stunning Effectiveness, (b) (6) (b) (6) and (b) (6) observed an egregious ineffective stunning of a Hereford steer. In the process of trying to render the steer unconscious, the establishment repeatedly stunned it seven times; six stunning attempts being ineffective. The steer remained in standing posture and vocalized loudly during the stunning event. The animal was rendered unconscious on the seventh attempt.

(b) (6) observed plant employees or students travel back and forth to the equipment room to reload the stun guns and return to the stunning box to finally stun the steer effectively on the seventh attempt. At approximately 7:30 a.m., (b) (6) informed Laboratory Manager Peterson of the egregious noncompliance for ineffective stunning; a violation of Title 9 of the Code of Federal Regulations (CFR) Part 313.15(a)(1). The knock box was rejected with USDA Reject Tag B39419276. Other animals in the entrance chute were returned to their respective holding pens.

This egregious act does not meet the regulatory requirements of 9 CFR 313.15(a)(1) & (3) which state, (1) *The captive bolt stunners shall be applied to the livestock in accordance with this section so as to produce immediate unconsciousness in the animal before it is shackled, hoisted, thrown, cast, or cut. The animal shall be stunned in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort...* (3) *Immediately after stunning, the animal shall be in a state of complete unconsciousness and remain in this condition throughout shackling, sticking and bleeding.*

Further, the actions taken clearly showed that your establishment failed to handle and/or slaughter animals humanely, as required in the Humane Methods of Slaughter Act of 1978, Title 7, Section 1902, which states in part, *all animals are rendered insensible to pain by a single blow or gunshot...*

This suspension action, without prior notification, is taken in accordance with the Rules of Practice, 9 CFR 500.3(b) which states, *FSIS also may impose a suspension without providing the establishment prior notification because the establishment is handling or slaughtering animals inhumanely.*

Your establishment does have a robust systematic approach. However, it was not followed and/or implemented at the time of this incident. FSIS is issuing a Notice of Suspension for this egregious inhumane handling event.

The suspension of the assignment of inspectors will remain in effect until such time as you provide adequate written assurance to this office of corrective actions and preventive measures to assure that the handling and/or slaughter of animals will be done humanely and in accordance with the Federal Meat Inspection Act (FMIA), 21 United States Code (USC) 610(b), and the regulations promulgated therein. You may submit your corrective and preventive actions to my attention at the Dallas District Office.

You are reminded that as an operator of a federally inspected establishment, you are expected to comply with FSIS regulations and to take appropriate corrective actions to prevent inhumane slaughter. Please be advised that your failure to respond adequately to these rules may result in our initiating action to withdraw inspection from your establishment.

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

Paul V. Wolseley
Executive Associate for Regulatory Operations
Office of Field Operations
Food Safety and Inspection Service, USDA
1400 Independence Ave. SW
Room 1329 South Building
Washington, DC 20250
Office: (202) 708-9506
Cell: (630) 544-9805
paul.wolseley@usda.gov

In addition, you may request a hearing regarding this determination pursuant to FSIS's Rules of Practice, 9 CFR 500. The Rules of Practice were published in the Federal Register, Volume 64, Number 228, on November 29, 1999. As specified in Section 500.5(d), should you request a hearing, FSIS will file a complaint that will include a request for an expedited hearing.

If you wish to request a hearing regarding this determination, you should contact:

Mr. Scott C. Safian, Director
Enforcement Operations Branch
Office of Investigation, Enforcement and Audit
Food Safety and Inspection Service
United States Department of Agriculture
Stop Code 3753, PP3, Cubicle 9-235-A
1400 Independence Avenue, SW
Washington, DC 20250
Telephone: (202) 418-8872
Fax Number: (202) 245-5097

If you have any questions, please contact (b) (6)

(b) (6)

or (b) (6)

Sincerely,

GARY DAVIS

c=US, o=U.S. Government,
ou=Department of Agriculture,
cn=GARY DAVIS,
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Gary Davis, DVM
Deputy District Manager

cc:

(b) (6)

Inspector in Charge, Establishment 7124, Canyon, TX

I received a copy of this Notice of Notice of Suspension dated May 9, 2022, on

Date

Responsible Plant Official

Signature of FSIS Witness