



United States Department of Agriculture

Food Safety and
Inspection Service

April 28, 2022

Office of Field
Operations
Denver District Office

**SENT VIA FEDEX &
ELECTRONIC MAIL**

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(b) (6)

High Country Meats, Est. M47126
340 Colfax Ave
Raton, NM 87740

(b) (6)

NOTICE OF SUSPENSION

Dear (b) (6)

This letter confirms the verbal notification provided to your establishment, High Country Meats, M47216, located in Raton, NM, on Thursday, April 28, 2022, 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 Thursday, April 28, 2022, the FSIS Consumer Safety Inspector (CSI) documented in a Noncompliance Record (NR) the following event at Est. M47216:

“At approximately 1110 hours, the CSI observed egregious inhumane slaughter of a market age swine. The stun operator failed to render the animal unconscious on the first stun attempt using a hand-held captive bolt (HHCB) device. The CSI observed the animal vocalize and remain standing in the stunning pen. The stun operator then proceeded to use the readily available 22-caliber rifle for a second stun attempt. The stun operator failed again to render the animal unconscious. The CSI observed the animal pacing and circling within the stunning pen after the second stun attempt. The stun operator proceeded to call over the slaughter floor manager. The slaughter floor manager retrieved the HHCB device and entered the stunning pen. The CSI observed the animal continue to pace and circle in the stunning pen. The slaughter floor manager told the CSI that he would attempt a third stun using a 30-caliber firearm. The CSI instructed the slaughter floor manager to take immediate action to render the animal unconscious. The slaughter floor manager informed the CSI that the 30-caliber firearm was not readily available at the stunning area. The slaughter floor manager vacated the stunning area and returned from inside the establishment with the 30-caliber firearm. The CSI observed the slaughter floor manager load the firearm and after a third stun attempt the swine was rendered unconscious.

The CSI placed U.S. Reject Tag No. B28452910 in the stunning area to suspend all federal inspected slaughter and contacted the Denver District Management Team through supervisory channels. Upon inspection of the dressed head, the CSI observed three penetrating holes in the skull.

Summary

The decision to suspend the assignment of inspectors at your establishment is based on noncompliance with 9 CFR 313.15(a)(1), 313.16(a)(1), 313.15(b)(1)(iii), and 313.16(b)(1)(iii). This is an inhumane noncompliance, whereby multiple stunning attempts were required to render a market age swine unconscious.

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,

**ROBERT
REEDER**

Digitally signed by
ROBERT REEDER
Date: 2022.04.28 16:25:46
-06'00'

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

cc: FO/QER
Est. File
D. James, DDM
J. Monteverde, DDM
J. VanHook, DDM

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S. Baucher, RD/OIEA