



February 4, 2022

High Plains Processing LLC  
Establishment 47413  
PO Box 1012  
Las Vegas, NM 87701

HAND DELIVERED  
CERTIFIED - RETURN  
RECEIPT REQUESTED  
7020 1810 0002 2252 7124

Attention: Mr. Orvis Meston, Owner

## **NOTICE OF INTENDED ENFORCEMENT**

This letter serves as official notification by the Food Safety and Inspection Service (FSIS) of our intent to withhold the marks of inspection and suspend the assignment of inspection program personnel (IPP) at High Plains Processing LLC, Establishment 47413, Las Vegas, New Mexico.

### **Background/Authority**

The Federal Meat Inspection Act (FMIA), 21 United States Code (USC) Section 601 (et seq.), and the Poultry Products Inspection Act (PPIA), 21 USC 451 (et seq.) provide 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. The Acts give FSIS the authority, as designated by the Secretary of the Department of Agriculture, to prescribe rules and regulations describing sanitation requirements for inspected establishments. They also provide 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 products are adulterated, and provide definitions for the term *adulterated*. Furthermore, the Acts provide FSIS the authority to appoint inspectors from time to time to examine and inspect products, including the sanitary conditions of facilities. They also give 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 Acts, FSIS has prescribed rules and regulations required for establishments producing meat and poultry products, including the requirements pertaining to sanitation and Hazard Analysis and Critical Control Point (HACCP), Title 9 of the Code of Federal Regulations (CFR), Part 417, and other matters. FSIS has also developed Rules of Practice regarding enforcement in Title 9 CFR 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, and for filing a complaint to withdraw a Grant of Federal Inspection.

Food Safety and Inspection Service  
Office of Field Operations  
Dallas District Office  
1100 Commerce Street, Room 516  
Dallas, TX 75242  
Voice 214-767-9116 Fax 844-622-0080  
An Equal Opportunity Provider and Employer

The following information is provided to support this Notice of Intended Enforcement (NOIE) for your facility.

A Noncompliance Record (NR) YSH2111020804N/1, documented February 4, 2022, stated in part, *At approximately 0815 hours while performing a humane handling task at High Plains Processing, Establishment M-47413 the following noncompliance was observed. The water was frozen solid in all five tanks. There was no feed in the pens and the ground was frozen. There is ice hanging from their hair and coming out of their nose. When (b) (6) arrived at 0730 hrs. the temperature was -8 degrees F. There is about 6 inches of snow on the ground. The cattle have nowhere to seek shelter. There are 37 cattle on the property. The establishment failed to meet the regulatory requirements of 9 CFR 313.2(e) - Livestock do not have access to water in holding pens due to frozen water in buckets or troughs. Establishment owner .... was notified that an NR would be issued and that the district office was being contacted for further instructions. Mr. Meston stated they were going to bring a portable water tank to provide the cattle with water today. The failure of the establishment to provide feed and water was documented on two other occasions. This NR is linked to YSH2315014126N/1, 1/25/2022 and YSH0010015826N, 1/26/2022. Establishment Manager Art Albillar stated verbally that they would get some hay and buy tank heaters. In the interim they broke the ice on so the cattle could gain access to the water. Water heaters were purchased but never installed. The establishment failed to implement or provide adequate corrective actions.*

This act does not meet the regulatory requirements of Title 9 of the Code of Federal Regulations (CFR), Part 313.2(e), which states in part, *Animals shall have access to water in all holding pens and, if held longer than 24 hours, access to feed...* . NR YSH2111020804N/1 is linked to two additional NRs recently issued to your establishment for the same cause; NR YSH2315014126N/1 dated January 25, 2022, and NR YSH0010015826N dated January 26, 2022.

Your establishment clearly failed to implement effective corrective and preventive measures in response to these repeated humane handling violations. Therefore, it is the decision of the Dallas District Office to issue an NOIE in this matter rather than a Notice of Suspension, as allowed under the Rules of Practice. 9 CFR 500.3(b) states, *FSIS also may impose a suspension without providing the establishment prior notification because the establishment is handling or slaughtering animals inhumanely.* This decision is intended to allow you an opportunity to improve the establishment's humane handling practices as required by all parts of 9 CFR 313.

It is essential that you immediately provide effective, written corrective and preventive measures to prevent inhumane handling and slaughtering at your establishment. We are giving you the opportunity at this time to demonstrate or achieve regulatory compliance. Your written response is expected to contain two items: (1) your findings concerning the reevaluation of the Humane Handling Procedures designed and implemented by your establishment, and (2) your Action Plan, which must include all corrective/preventive measures you will take, are taking, or have taken, and the reasons these actions will prevent recurrence. Please provide this response within three (3) business days from the date of your receipt of this letter. We will determine further action, if any, based on your response.

High Plains Processing LLC  
February 4, 2022

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

Sincerely,

JENNIFER  
BEASLEY MCKEAN

c=US, o=U.S. Government,  
ou=Department of Agriculture,  
0.9.2342.19200300.100.1.1=12001000063  
383, cn=JENNIFER BEASLEY MCKEAN

Jennifer Beasley-McKean, DVM  
District Manager

cc:

(b) (6)  
Inspector in Charge, Establishment 47413, Las Vegas, NM

High Plains Processing LLC  
February 4, 2022

I received a copy of this Notice of Intended Enforcement dated February 4, 2022, on

\_\_\_\_\_  
Date

\_\_\_\_\_  
Responsible Plant Official

\_\_\_\_\_  
Signature of FSIS Witness