



June 23, 2022

High Plains Processing LLC  
Establishment 47413  
PO Box 3323  
Las Vegas, NM 87701

HAND DELIVERED  
SENT VIA USPS

Attention: Mr. Orvis Meston, Owner

## **NOTICE OF SUSPENSION**

This letter confirms the verbal notification provided to you on June 22, 2022, by Dr. Samuel Dragoi, Deputy District Manager, that the Food Safety and Inspection Service (FSIS) is suspending the assignment of inspectors related to all Hazard Analysis and Critical Control Point (HACCP) plan(s) at Establishment 47413, High Plains Processing LLC, Las Vegas, New Mexico.

On February 4, 2022, the Dallas District Office issued a Notice of Intended Enforcement (NOIE), to your establishment for failing to handle and/or slaughter animals humanely, as required by The Humane Methods of Slaughter Act of 1978 and Title 9 of the Code of Federal Regulations (CFR) Part 313. This action was taken based on information documented in Noncompliance Records (NRs). A Notice of Deferral and Verification Plan was issued to your establishment on March 1, 2022, based on your proffered corrective actions and preventative measures.

On March 4, 2022, the Dallas District Office issued an NOIE to your establishment because you failed to meet the regulatory requirements of 9 CFR 310, 416, and 417. This action was taken based on information reported in an EIAO's comprehensive Food Safety Assessment. A Notice of Deferral and Verification Plan was issued to your establishment on May 19, 2022, based on your proffered corrective actions and preventative measures. The Verification Plan included your corrective action elements, the relevant regulatory requirements, and the Public Health Information System (PHIS) tasks under which FSIS would conduct verification activities.

The following findings are provided as support for the suspension action:

### **Slaughter HACCP**

Your establishment personnel did not perform the critical control point (CCP1) Zero Tolerance monitoring as specified in your proffered corrective actions. One person was supposed to perform trimming activities while another person monitored Zero Tolerance for CCP 1. It was observed that the same individual performed both activities.

Your establishment failed to perform dentition checks to identify cattle over thirty months of age, and no records were generated as required by your Specified Risk Material (SRM) program. Additionally, your establishment did not perform titration for Lactic Acid, CCP 2 carcass spray intervention, as required by your HACCP plan. Noncompliance Record (NR) YSH0111050027N and YSH2309052731N were issued for these failures.

Your establishment has not reassessed your HACCP plan and prerequisite programs as proffered in your corrective actions. The HACCP plan and programs were last signed in 2021. Your establishment failed to conduct an analysis of the generic *E. coli* results as stated in your proffered corrective actions.

### **Beef Sanitary Dressing**

Your establishment failed to follow the Sanitary Dressing Procedures as written in your program.

### **Non-Intact HACCP**

Your establishment failed to document the application of Lactic Acid (CCP-2) for the Raw Non-Intact processing. Your establishment has not performed any raw ground beef sampling for *E. coli* O157:H7, as per your establishment's sampling program and proffered corrective actions. No HACCP records were generated between May 18, 2022, and June 6, 2022, for your Raw Non-Intact process. NRs YSH2408064106N, YSH1608062806N, and YSH4613064617N1 were issued for these failures.

### **Humane Handling**

Your establishment has failed to effectively implement your proffered corrective actions related to humane handling regulatory requirements as follows:

March 7, 2022, NR YSH5612031707N1 for not providing access to water (water frozen solid) for animals held onsite.

May 24, 2022, NR YSH3711052225N1 for not providing access to water to animals held onsite.

May 24, 2022, NR YSH0012055825N1 for failure to generate monitoring records as proffered in your corrective action response.

May 25, 2022, NR YSH3814053425N1 for not providing feed for animals held over 24 hours.

June 2, 2022, NR YSH1913062302N1 for not providing access to water to animals held onsite.

June 13, 2022, NR YSH3812064213N for failure to generate monitoring records as proffered in your corrective action response.

June 17, 2022, NR YSH4614064017N for not providing access to water to animals held onsite.

June 22, 2022, NR YSH1111065122N for not providing access to water to animals held onsite.

Failure to provide animals with access to water does not meet the regulatory requirements of 9 CFR 313.2(e), which states, *Animals shall have access to water in all holding pens and, if held longer than 24 hours, access to feed...* Further, the NRs issued clearly showed that your establishment repeatedly failed to implement, monitor, and document corrective and preventive measures proffered by your establishment in response to the NOIE. Consequently, your establishment failed to handle animals humanely, as required in the Humane Methods of Slaughter Act of 1978 which states in part, *no method of slaughtering or handling in connection with slaughtering shall be deemed to comply with the public policy of the United States unless it is humane...*

Your establishment has failed to implement all corrective actions and preventive measures proffered in your responses to the NOIEs that were issued on February 4, 2022, and March 4, 2022. Recurring noncompliance demonstrates that your establishment is either unwilling or unable to implement the corrective actions or preventative measures proffered for the NOIEs.

In accordance with 9 CFR 500.4(a), (b), and (c), we are suspending the assignment of inspectors at your establishment. 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) 603(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 Part 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.

High Plains Processing LLC  
June 23, 2022

4

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

Scott C. Safian  
Director, Enforcement Operations Staff  
Office of Investigation, Enforcement and Audit  
Food Safety and Inspection Service  
United States Department of Agriculture  
Stop Code 3753, SB - Room 2148  
1400 Independence Avenue, SW  
Washington, DC 20250  
Office: (202) 418-8872  
Fax: (202) 245-5097

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

Sincerely,

**SAMUEL DRAGOI** Digitally signed by SAMUEL DRAGOI  
Date: 2022.06.23 09:34:39 -05'00'

for  
Jennifer Beasley-McKean, DVM  
District Manager

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

High Plains Processing LLC  
June 23, 2022

I received a copy of this Notice of Suspension dated June 23, 2022, on:

\_\_\_\_\_  
Date

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

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