



United States Department of Agriculture

Food Safety and
Inspection Service

June 28, 2022

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

William Wright, Owner
National Cattle Works, LLC, Est. M47747
220 North Juniper St.
Colorado City, AZ 86021
billywright@usa.com

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

NOTICE OF SUSPENSION

Dear Mr. Wright,

This letter confirms the verbal notification provided to your establishment, National Cattle Works, LLC, Est. M47747, located in Colorado City, Arizona on Tuesday, June 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 Tuesday, June 28, 2022, the FSIS Consumer Safety Inspector (CSI) documented in a Noncompliance Record (NR) the following event at Est. M47747:

“At 1235 hours while in conduction of Livestock Humane Handling Inspection for Stunning Effectiveness and Conscious Animals On The Rail, I observed the following noncompliance. While the third bovine scheduled for Slaughter was in the stun box, I observed the stun operator administered the first stun attempt with a .22 mag caliber firearm at the same time that the animal lifted its head. The bovine continued to remain standing in the stun box and continued to exhibit signs of consciousness. I observed blinking and rhythmic breathing, but heard no vocalization.

I observed the stun operator immediately administer a second stun attempt with the same .22 mag caliber firearm, which again failed to render the animal unconscious. The bovine continued to remain standing in the stun box and continued to exhibit signs of consciousness. I observed blinking and rhythmic breathing, but no vocalization.

I observed the stun operator vacate the stunning area to retrieve a higher caliber firearm from a locker located in the room adjacent to the slaughter room. The stun operator returned to the stun box and proceeded to administer a third stun attempt with a .357 caliber, which successfully rendered the bovine unconscious, and I observed the bovine drop to the floor of the stun box. The stun operator then opened the latch to the door of the stun box and the animal rolled out onto the blood pit. I observed the tongue of the animal sticking out, there was no blinking of the eye, no breathing, nor vocalizing. The stun operator proceeded to bleed the animal.

I took Regulatory Control by tagging the Stun Box with U.S. Reject Tag# B45437040. I immediately contacted the FLS. The Denver District Management Team was notified through supervisory channels. I verbally notified the establishment management of the noncompliance. This noncompliance will be associated with NR#CDS5308060410N documented on June 9, 2022, for same root cause.-The establishment does not operate under a robust systematic approach to humane handling.”

Summary

The decision to suspend the assignment of inspectors at your establishment is based on this event and a trend of noncompliance’s with 9 CFR 313.16(a)(1), 313.16(b)(1)(i) and 313.16(b)(1)(iii). This event is an inhumane noncompliance, whereby three stunning attempts were required to render a bovine unconscious. Similar noncompliance records whereby two stunning attempts were required to render a bovine unconscious were issued on March 7, 2022 (NR#CDS3709031208N-1), May 17, 2022 (NR#CDS5611052417N-1) and June 9, 2022 (NR#CDS5308060410N-1).

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: 2022.06.28 15:58:36 -0600

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

(b) (6)

S. Baucher, RD/OIEA