



Food Safety and
Inspection Service

Alameda District
800 Buchanan St.
Albany, CA 94710

Phone: (510) 769-5712

Fax: (844) 622-0081

August 17, 2022

(b) (6)
American Beef Packers, Inc.
Establishment 34741 M
13677 Yorba Avenue
Chino, CA 91710

**CERTIFIED RETURN-
RECEIPT REQUESTED**

(b) (6)

LETTER OF DEFERRAL

Dear (b) (6)

On August 17, 2022, the Food Safety and Inspection Service (FSIS), Alameda District, notified your establishment of our intent to withhold the marks of inspection and suspend the assignment of inspectors for the slaughter operations in accordance with 21 U.S.C. 603 and Title 9 Code of Federal Regulations (CFR) Part 500.3 (b). This action was initiated due to your firm's failure to maintain or implement required controls to prevent the inhumane handling and slaughtering of livestock at your establishment in accordance with Title 9 CFR Part 313.2(a). This is a noncompliance with 21 U.S.C. 603(b) of the Federal Meat Inspection Act, the Humane Methods of Slaughter Act of 1978, and the regulations promulgated thereunder.

The Notice of Intended Enforcement (NOIE) letter was sent on August 17, 2022 to replace the Notice of Suspension (NOS) dated June 15, 2022, in response to your establishment's appeal submitted to the Executive Associate for Regulatory Operations (EARO) on July 26, 2022. As per the EARO's response dated August 16, 2022, the Alameda District Office will remove the Notice of Suspension and reissue it as a NOIE. The NOIE is issued in the place of the NOS as your employees still failed to maintain or implement required controls to prevent the inhumane handling and slaughter of livestock in accordance with Title 9 CFR 313.2(a). The non-compliance is valid and therefore will stand.

On June 16, 2022, your establishment submitted written responses to the Alameda District Office (ADO) containing the immediate corrective actions and further preventive measures in response to the NOIE issued on August 17, 2022.

Based on your written and verbal commitments provided on June 16, 2022, and June 17, 2022, FSIS has decided to defer further enforcement action to afford you the opportunity to implement your proposed action plan.

During this Deferral period, FSIS will continue to verify, assess, and evaluate the effectiveness of the corrective actions you have implemented to assure that all proffered corrective actions are followed and that your programs are adequate to assure that livestock at your establishment are handled and slaughtered humanely, in accordance with the FMIA, the Humane Methods of Slaughter Act, and the regulations promulgated thereunder.

FSIS designed a Verification Plan to verify that your establishment fully implements and follows the corrective actions and preventive measures that your establishment proffered in response to the NOS. The Verification Plan, which is enclosed with this letter, identifies your action plan, the relevant regulatory requirements, and the Public Health Information System (PHIS) tasks and frequencies under which FSIS officials will verify each corrective action. Please be advised that only FSIS can amend the Verification Plan, and should your establishment make any modifications to your animal handling and slaughter program or your submitted corrective actions during the Deferral period, you will need to submit these changes, in writing, to FSIS for verification of compliance prior to your establishment implementing these changes.

You are reminded that as an operator of a federally inspected facility, you are expected to comply with the Federal Meat Inspection Act (FMIA) and the regulations promulgated thereunder to ensure that livestock at your establishment are handled and slaughtered humanely. The regulations require establishments to take appropriate action(s) when either the establishment or FSIS determines that the establishment's system controls for humane handling requirements are ineffective.

It is also important for you to understand that FSIS has the responsibility to initiate actions, if your establishment fails to operate, in accordance with the regulations, or conditions occur that may render products unwholesome or adulterated. In these situations, FSIS personnel will continue to take regulatory control of product and/or other administrative enforcement action.

FSIS has the authority to reinstate the suspension or withholding action if your establishment fails to implement your proposed corrective actions and preventive measures or if the corrective actions and preventive measures are not effective.

Please be advised that your failure to comply with regulatory requirements, to implement the corrective actions in your action plan, and/or to notify this office in writing of any changes to your action plan may result in the immediate reinstatement of the suspension of inspection or withholding action at your establishment.

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

Sherri N. Johnson
Executive Associate for Regulatory Operations
Office of Field Operations
Food Safety and Inspection Service
United States Department of Agriculture
1400 Independence Avenue, SW

SB, Room 1330A
Washington, DC 20250
Phone: (202) 379-6196

If you have any questions, wish to further discuss this matter or wish to submit any proposals please contact the Alameda District Office at (510) 769-5712.

Sincerely,

*/s/ Frank Gillis
Deputy District Manager
(for)*

William Griffin
District Manager

cc:

A. Amin, DDM

V. Felix, DDM

F. Gillis, DDM

A. Darwish, Acting DDM

(b) (6)

S. Johnson, EARO

S. Baucher, IEA, RD

USDA IIC, Est. 34741 M

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