



**SENT VIA FEDEX &  
ELECTRONIC MAIL**

March 22, 2018

Mr. Eddie Roberts, President/GM  
Toole Valley Meats, Est. M20594  
P.O. Box 476  
Grantsville, UT 84026  
[emmieroberts@hotmail.com](mailto:emmieroberts@hotmail.com)

**NOTICE OF SUSPENSION (NOS)**

Dear Mr. Roberts,

This letter confirms the verbal notification provided to your establishment, Tooele Valley Meats, Est. M20594, located in Grantsville, UT on Thursday, March 22, 2018, by the Utah Department of Agriculture and Food (UDAF), of the suspension of the assignment of inspectors and the withholding of the marks of inspection at your establishment for slaughter operations. This action was initiated in accordance with 21 U.S.C. 603 and Title 9 Code of Federal Regulations (CFR) Part 500.3(b), and due to your establishment's failure to comply with 9 CFR 313.15(a)(1).

**Background Authority**

The *Federal Meat Inspection Act* (FMIA), 21 U.S.C. 603 et seq., provides for the purpose of preventing the inhumane slaughtering of livestock. This Act 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 temporarily 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 Stat 862; 7 U.S.C. 1901-1906), until the establishment furnishes assurances satisfactory to FSIS 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.

### **Findings/Basis for Action**

On Thursday, March 22, 2018, the Consumer Safety Inspector documented the following MOI:

*While performing slaughter VIII Category Stunning Effectiveness HATS verification procedures at Tooele Valley Meats M20594 at approximately 1110 hours (b) (6) (b) (6) observed the following; an establishment employee attempted to stun a market hog using a captive bolt stun gun. After the first stun attempt the hog remained conscious as it was still standing and vocalizing. The same establishment employee administered the second stun attempt within one minute. The market hog went down however was still breathing and eye blinking was observed. The same employee administered a third attempt within 30 seconds which was effective and rendered the market hog unconscious. The employee did not have a backup captive bolt gun loaded and needed to reload cartridges in between stunning attempts. The employee skinned the market hog head and one attempt appeared to be less than an inch below the appropriate stunning area, the other two attempts were within the proper stunning area (b) (6) notified establishment owner Eddie Roberts that the failure to render the hog unconscious after one attempt would result in further regulatory action with 9CFR 313.15(a)(1). The knock box was immediately tagged with a U.S. Reject tag number B42069031. The remaining hogs were released back to official establishment pens, and the rest of the day's harvesting procedures were stopped until (b) (6) receives further instructions from Denver District Regional Office.*

### **Summary**

The decision to suspend the assignment of inspectors at your establishment is based on this noncompliance with 9 CFR 313.15 (a)(1). This is an egregious inhumane noncompliance; an egregious noncompliance is any act or condition that results in severe harm to the animal, such as requiring multiple stunning attempts to render an animal unconscious. Currently, your firm does not operate under a robust systematic approach to humane handling.

The suspension of the assignment of inspectors will remain in effect until 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 HMSCA, and 9 CFR 313.15 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.

- Any monitoring of stunning effectiveness and consciousness after stunning, including any documentation records.

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

Dr. Keith Gilmore  
Executive Associate for Regulatory Operations  
USDA/FSIS/OFO  
210 Walnut St  
Room 985, Federal Building  
Des Moines, IA 50309  
Tel: 515-727-8970  
[Keith.Gilmore@fsis.usda.gov](mailto:Keith.Gilmore@fsis.usda.gov)

In accordance with 9 CFR Part 500.5 (d), you may request a hearing concerning this action by contacting:

Scott C. Safian, Director  
Food Safety and Inspection Service  
Office of Investigation, Enforcement and Audit  
Enforcement and Litigation Division  
Stop Code 3753, PP3, Cubicle 8-235A  
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.

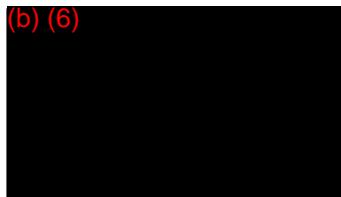
Sincerely,



Anna Gallegos  
District Manager  
FSIS Denver District Office  
[Anna.Gallegos@FSIS.USDA.GOV](mailto:Anna.Gallegos@FSIS.USDA.GOV)

cc: FO/QER  
Reader File  
Est. File  
M. Esteras, DDM  
R. Reeder, DDM  
R. Atkinson, DDM

(b) (6)



S. Baucher, RD/OIEA



**SENT VIA USPS &  
ELECTRONIC MAIL**

**May 22, 2018**

Mr. Eddie Roberts, President/GM  
Tooele Valley Meats, Est. M20594  
985 East Main Street  
Grantsville, UT 84026  
[emmieroberts@hotmail.com](mailto:emmieroberts@hotmail.com)

## **REINSTATEMENT OF SUSPENSION**

Dear Mr. Roberts,

This letter confirms the verbal notification provided to your establishment, Tooele Valley Meats, Est. M20594, located in Grantsville, UT by the Utah Department of Agriculture and Food (UDAF), of the intent to withhold the marks of inspection and Reinstate the Suspension (ROS) of the assignment of Inspection Program Personnel (IPP) at your establishment for slaughter operations. 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). Inspector In Charge (IIC) Jason Faust, verbally notified you of the suspension on May 21, 2018.

### **Background Authority**

The *Federal Meat Inspection Act* (FMIA), 21 U.S.C. 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 temporarily 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 Stat 862; 7 U.S.C. 1901-1906), until the establishment furnishes FSIS assurances satisfactory to FSIS 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.

**Enforcement History**

FSIS issued a Notice of Suspension (NOS) on March 22, 2018, when inspection program personnel observed a market hog that required three stunning attempts to render the animal unconscious. Based on your proffered corrective actions and preventive measures, a Notice of Suspension Held in Abeyance was issued on March 23, 2018. FSIS implemented a Verification Plan (VP) on March 30, 2018, under which you are currently operating.

**Findings/Basis for Action**

On May 21, 2108, at approximately 1000 hours, (b) (6)

(b) (6) a PHIS Humane Handling task at Tooele Valley Meats (TVM). A TVM employee attempted to stun a large castrated male hog with a 9mm semi-automatic pistol. After the first stunning attempt, the hog remained standing, vocalizing in distress. The employee made a second attempt with the same pistol, which again did not render the animal unconscious and again the animal remained standing, and vocalizing, in distress. The employee made a third attempt with the same pistol, only to find the pistol without ammunition, causing the employee to exit the kill-floor area to locate the ammunition. This third attempt with the pistol resulted in the animal hog lying on its left side, breathing rhythmically, and blinking its eyes. Eight to ten minutes had elapsed between the first attempt and the third. The establishment owner instructed the employee to use the captive bolt device. The employee retrieved the ammunition cartridge for the captive bolt device; and three to five minutes elapsed. After a misfire and a resulting reload, a fourth attempt the animal was rendered unconscious. The entire elapsed time of the attempts was fifteen minutes. (b) (6) placed USDA retain tag # B43299407 on the knock box and verbally informed Owner Mr. Eddie Roberts of the noncompliance and suspension.

**Summary**

The decision to reinstate the suspension of the assignment of inspectors at your establishment is based on this noncompliance with 9 CFR 313.16(a)(1). This is an egregious inhumane noncompliance; an egregious noncompliance is any act or condition that results in severe harm to the animal, such as requiring multiple stunning attempts to render an animal unconscious.

The reinstatement of suspension of the assignment of inspectors will remain in effect until 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 and evaluation of the noncompliant 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.
- Any monitoring of stunning effectiveness and consciousness after stunning, including any documentation records.

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

Dr. Keith Gilmore  
Executive Associate for Regulatory Operations  
USDA/FSIS/OFO  
210 Walnut St  
Room 985, Federal Building  
Des Moines, IA 50309  
Tel: 515-727-8970  
[Keith.Gilmore@fsis.usda.gov](mailto:Keith.Gilmore@fsis.usda.gov)

In accordance with 9CFR Part 500.5(d), you may request a hearing concerning this action by contacting:

Scott C. Safian, Director  
Food Safety and Inspection, Enforcement and Audit  
Enforcement and Litigation Division  
Stop Code 3753, PP3, Cubicle 8-235A  
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,



Anna Gallegos  
District Manager  
Denver District Office

cc: QER  
Est. File  
M. Esteras, DDM  
R. Reeder, DDM

(b) (6)



S. Baucher, RD/OIEA