



United States  
Department of  
Agriculture

Food Safety  
and Inspection  
Service

Washington, D.C.  
20250

JUN 5 2008



ANIMALS' ANGELS

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RE: FOIA-2008-00297  
Beltex Slaughter Plant

Dear [REDACTED]:

This letter is in response to your Freedom of Information Act (FOIA) request dated December 13, 2006, addressed to the Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS). Your request was referred by APHIS to USDA's Food Safety and Inspection Service (FSIS) on April 18, 2008.

In responding to a FOIA request, FSIS' search will include responsive records in its control on the date the search began.

Your request is granted in part at no cost to you. We located 6 pages that are responsive to your request. After a thorough review of these documents, I have determined that portions of them are exempt from disclosure under (b)(6) and (b)(7)(C) of the Freedom of Information Act of 1974, 5 U.S.C. § 552, as amended. We are releasing a total of 6 pages: 4 pages released in part, and 2 pages released in their entirety. Enclosed are the releasable portions of the responsive records.

Exemptions 6 and 7(C) protects information that would constitute a clearly unwarranted invasion of personal privacy. Under Exemption 6, we have withheld the identity of lower level Agency personnel. This exemption, along with the law enforcement Exemption 7(C), affords protection to Agency enforcement personnel.

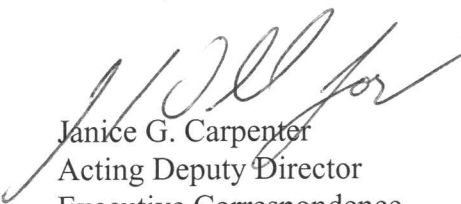
You may appeal this determination within 45 days from the date of this letter. Your appeal should include copies of your original request and this response, as well as a discussion of the reasons supporting your appeal. The envelope should be plainly marked to indicate that it contains a Freedom of Information Act appeal. If you decide to appeal this determination, please send your appeal to:

Alfred V. Almanza  
Administrator  
Department of Agriculture  
Food Safety and Inspection Service  
1400 Independence Avenue, SW  
Room 1140 South Building  
Washington, DC 20250-3700

For your information, your FOIA request, including your identity and the information made available, is releasable to the public under subsequent FOIA requests. In responding to these requests, FSIS does not release personal privacy information, such as home address, telephone number, or social security number, all of which are protected from disclosure under FOIA Exemption 6.

Thank you for your interest in FSIS' programs and policies.

Sincerely,



Janice G. Carpenter  
Acting Deputy Director  
Executive Correspondence  
and Issues Management Staff

Enclosures



**Clean • Separate • Cook • Chill**

Visit [befoodsafegov.gov](http://befoodsafegov.gov), [askkaren.gov](http://askkaren.gov), or call 1-888-MPHotline.

The request for this information is voluntary. It is needed to monitor defects found in this inspection system. It is used by FSIS to determine whether establishments are in compliance. 9 CFR 301 and 9 CFR 381. FORM APPROVED OMB No. 0583-0089. OMB DISCLOSURE STATEMENT: Public reporting burden for this collection of information is estimated to average 7 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, Room 404-W, Washington, DC 20250; and to the Office of Information and Regulatory Affairs, Office of Management and Budget.

US Department of Agriculture FOOD SAFETY AND INSPECTION SERVICE NONCOMPLIANCE RECORD		TYPE OF NONCOMPLIANCE	
		<input type="checkbox"/> Food Safety	<input checked="" type="checkbox"/> Other Consumer Protection
1. DATE	2. RECORD NO.	3. ESTABLISHMENT NO.	
03/27/2006	0006 0006-2006-4338	07041 E / 1	
4. TO (Name and Title)		5. PERSONNEL NOTIFIED	
Dick Koehler, President/GM		Richard Garcia	
6. RELEVANT REGULATION(S)			
313.2			
7. SECTION/PAGE OF EST. PROCEDURE PLAN	HACCP	SSOP	OTHER
			(a); (b)
8. ISP CODE	9. NONCOMPLIANCE CLASSIFICATION INDICATORS		
04C02	PRODUCT - Protocol		
10. DESCRIPTION OF NONCOMPLIANCE			
<p>At approximately 12:53, I performed verification of humane handling with [REDACTED] DVMS. We observed stunning of horses at the knocking box and moving of livestock from the alley onto the ramp leading to the knock box. We observed a plant employee attempt to drive three horses from one pen to the next by whipping three horses across the face with a fiberglass rod. These rods are normally used as prods to move the horses but this employee used his as a whip. One bay horse ran forward into a gate and then reared up and flipped over backwards, landing on his head. He received a laceration above one eye and a contusion above the left eye. After getting to his feet, the horse shook his head and continued to open and close his mouth.</p> <p>I immediately withheld inspection and verified that the injured horse was removed from the area and put in a separate pen. The horse in the knock box and the other two horses in the pen were moved also. I notified the employees in the area, and then I notified Mr. Richard Garcia, General Manager, of the egregious humane handling violation.</p> <p>[REDACTED] and [REDACTED] notified the District Office of the withholding of inspection. They verbally notified Richard Garcia and Dick Koehler that the assignment of inspectors was suspended without prior notification as per 9 CFR 500.3</p>			
11. SIGNATURE OF INSPECTION PROGRAM EMPLOYEE			
<p>[REDACTED] DVMS (b)(6) (b)(7)(c)</p>			
You are hereby advised of your right to appeal this decision as delineated by 306.5 and/or 381.35 of 9 CFR.			
12. PLANT MANAGEMENT RESPONSE (Immediate action(s)):			
Employee violating USDA / Company regulations + procedures was immediately suspended and removed from this position. Horses were removed from the runway and operations were stopped.			
13. PLANT MANAGEMENT RESPONSE (further planned action(s)):			
Employees involved in humane handling operations will be trained and only allowed to be placed in these areas. Documented auditing in these areas will be performed daily to prevent recurrence			
This document serves as written notification that your failure to comply with regulatory requirement(s) could result in additional regulatory or administrative action.			
14. SIGNATURE OF PLANT MANAGEMENT		15. DATE	
[REDACTED]		3/27/06	
16. VERIFICATION SIGNATURE OF INSPECTION PROGRAM EMPLOYEE		17. DATE	
[REDACTED]		3/31/06	

US Department of Agriculture FOOD SAFETY AND INSPECTION SERVICE NONCOMPLIANCE RECORD CONTINUATION SHEET		TYPE OF NONCOMPLIANCE <input type="checkbox"/> Food Safety <input checked="" type="checkbox"/> Other Consumer Protection	
1. DATE 03/27/2006	2. RECORD NO. 0006-2006-4338	3. ESTABLISHMENT NO. 07041 E / 1	
4. TO (Name and Title) Dick Koehler, President/GM		5. PERSONNEL NOTIFIED Richard Garcia	
6. RELEVANT REGULATION(S) 313.2			
7. SECTION/PAGE OF EST. PROCEDURE PLAN		HACCP	SSOP
		OTHER (a); (b)	
8. ISP CODE 04C02	9. NONCOMPLIANCE CLASSIFICATION INDICATORS PRODUCT - Protocol		

## 10. DESCRIPTION OF NONCOMPLIANCE

for egregious humane handling noncompliance.

This is a violation of:

9 CFR 313.2(a) which states "Driving of livestock from unloading ramps to the holding pens and from the holding pens to the stunning area shall be done with minimum of excitement and discomfort to the animals." and  
9CFR 313.2(b) which states "Electric prods, canvas slappers, or other implements employed to drive animals shall be used as little as possible in order to minimize excitement and injury. Any use of such implements which, in the opinion of the inspector, is excessive, is prohibited."

## 11. SIGNATURE OF INSPECTION PROGRAM EMPLOYEE



(b)(6)  
(b)(7)(c)

Beltex Corporation  
March 27, 2006



ANIMALS' ANGELS

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

Director  
Evaluation and Enforcement Division  
USDA/FSIS/OPEER  
West End Court, Room 300  
Washington, DC 20250  
Telephone: 202-418-8872  
Fax Number: 202-418-8896

It is our hope that this matter can be resolved quickly. We urge your cooperation and voluntary compliance.

Sincerely,

Alfred V. Almanza  
District Manager

Enclosure

CC: [REDACTED] Frontline Supervisor, Fort Worth, TX  
Inspector in Charge, Establishment E-7041, Fort Worth, TX

(b)(6)  
(b)(7)(c)



ANIMALS' ANGELS

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Beltex Corporation  
March 27, 2006

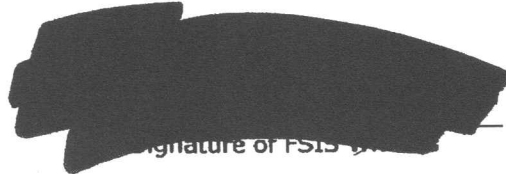
3

I received a copy of this Notice of Suspension dated March 27, 2006 on

3/27/06

Date

  
Responsible Plant Official

  
Signature of FSIS

This document serves as notice of the suspension of inspection from Beltex Corporation  
(Establishment Name)

Establishment Number E-7041, effective March 27, 2006  
(Date)

Inspected establishments are required to operate in accordance with the Federal Meat Inspection Act (FMIA), Poultry Products Inspection Act (PPIA), and requirements of the Code of Federal Regulations, Title 9.

Inspection services are suspended for the following reason(s):

- A. ☒ Failure to operate in accordance with 9 CFR part 500.  
B. ☐ Failure to implement or maintain sanitation SOP's in accordance with 9 CFR part 416.  
C. ☐ Failure to maintain sanitary conditions in accordance with 9 CFR part 308 or part 381, subpart H, and part 416.  
D. ☐ Failure to implement, collect, analyze, record and meet the Escherichia coli Biotype I testing requirements in accordance with 9 CFR Secs. 310.25(a) or 381.94(a).  
E. ☐ Failure to meet the Salmonella performance standard and reassessment requirements in accordance with 9 CFR Secs. 310.25(b) (3) (iii) and 381.94(b) (2) (ii).  
F. ☐ Failure to meet the zero tolerance for visible fecal contamination requirements in accordance with 9 CFR Sec. 310.18(a) or Sec. 381.65(e).

You failed to implement and/or maintain system(s) in an effective manner to assure adequate process controls, as shown on Noncompliance Record (NR) number(s): NR 006-2006-4338

Action to suspend inspection at your establishment will:

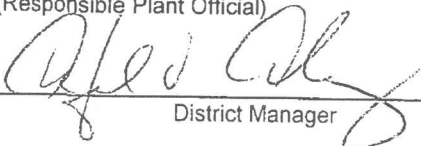
- A. ☒ Remain in effect until such time as you provide adequate written assurances of corrective and preventive measures taken to assure that meat and poultry products will be produced in accordance with the FMIA, PPIA and regulations promulgated there under.  
B. ☐ Be held in abeyance based upon the written assurances you provided on \_\_\_\_\_ (Date) which outline the steps you will take to assure that meat and poultry products will be produced in accordance with the FMIA, PPIA and regulations promulgated there under. The suspension will remain in abeyance pending verification by FSIS that the proposed corrective and preventive measures have been implemented and are effective.

Please be advised that FSIS may proceed to initiate a complaint to withdraw inspection from your establishment based upon failure to meet requirements of the FMIA, PPIA or regulations promulgated there under. Any products which were prepared under the conditions or failures specified in this notice are required to be inspected and passed. Any products that have not been so inspected and passed at the time of suspension or withdrawal of inspection may not be sold or transported or offered for sale or transportation. You may not process or otherwise prepare products without inspection.

You may appeal this action by contacting:

Name and Title: Executive Associate for Regulatory Operations  
Address: USDA/FSIS/OFO, Room 3154-S South Building, 1400 Independence Avenue SW  
City, State, Zip: Washington, DC 20250  
Telephone & Fax Number: Telephone: 202-720-3697 Fax Number: 202-690-3287

This notice confirms notification provided by Gary Cannon, Deputy District Manager, to your  
(FSIS Representative)  
representative Mr. Richard Garcia, General Manager, on March 27, 2006  
(Responsible Plant Official) (Date)

  
District Manager March 27, 2006  
Date

cc:  
Director, EED, OPEER

