From: "Sepulveda,Jaime (DSHS)" <Jaime.Sepulveda@dshs.texas.gov>
Subject: FW: Escalating Food Contamination and Public Health Concerns – Walmart Store #131, Mount Pleasant, Texas
Date: Mon, 21 Jul 2025 19:01:53 +0000
To: John Ankrum <jankrum@mpcity.org>
Cc: "Williams,Joe (DSHS)" <Joe.Williams@dshs.texas.gov>, "Ressler,Lewis (DSHS)" <Lewis.Ressler@dshs.texas.gov>

CAUTION: [EXTERNAL EMAIL]

Good afternoon,

The Texas DSHS Retail Food Safety Operations received some concerns regarding an establishment in Mount Pleasant, Texas. Please see the email below. **A response that this referral has been received will be greatly appreciated.** Let us know if you have any questions.

Thank you,

Jaime Sepulveda, MPH, RS
Compliance Officer
Retail Food Safety Operations
Texas Department of State Health Services
PO Box 149347 MC 1987 Austin, TX 78714-9347
Phone (512) 834-4561
Cell [redacted]
Fax (512) 206-3791

TEXAS Health and Human Services | Texas Department of State Health Services

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From: [redacted] <[redacted]>
Sent: Monday, July 21, 2025 8:21 AM
To: Motes,Stephen (DSHS) <Stephen.Motes@dshs.texas.gov>; DSHS Food Establishments <FoodEstablishments@dshs.texas.gov>
Subject: Escalating Food Contamination and Public Health Concerns – Walmart Store #131, Mount Pleasant, Texas

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Good morning,

I am writing in good faith to submit a formal and supplemental complaint regarding persistent and worsening public health conditions at Walmart Store #131, located at 2311 S. Jefferson Avenue, Mount Pleasant, TX 75455. This issue has been reported multiple times to the FDA and DSHS, beginning on June 28, 2025, and

remains unresolved as of July 21, 2025. It is also under federal investigation through my OSHA Whistleblower Complaint [redacted]

The store remains under active roofing construction, which has resulted in substantial contamination of food, infant merchandise, and customer-accessible areas. Roofing debris, metal shavings, ceiling dust, and water intrusion have been observed falling directly onto:

– Infant formula and baby food
– Packaged meats, tortillas, and frozen items
– Snack products and food-contact shelving
– Baby apparel and car seats
– Wet walls and floor areas in open refrigeration zones

Despite these hazardous conditions, no food items have been removed from sale, and the affected areas remain open to both customers and employees. Roofing debris has been observed on food products as recently as July 19, 2025, including sealed formula cans and snack packaging. A GIF and photographic documentation confirming these facts were submitted as part of my formal FDA report (and supplemental updates) under ICSR ID: 2179562.

On July 18, 2025, City of Mount Pleasant officials—including Building Director John Ankrum and the City Health Inspector—visited the store, observed active construction, and subsequently prompted the placement of non-compliant overhead signage and minimal containment barriers. However, by the following day, July 19, 2025, the signage had been removed, and there were even fewer protective measures in place than before their visit, leaving high-risk products directly exposed.

The store continues to operate despite no enforcement action from local authorities. Permit #ROOF35226, issued by the City, reflects serious administrative deficiencies, including incorrect fee calculations, lack of issuance date, and missing asbestos documentation. Asbestos oversight concerns were formally submitted to the DSHS Asbestos Program on June 30, 2025, and assigned Complaint #1499252131. That complaint detailed:

– Absence of NESHAP notification and updated asbestos survey
– 2006 and 2013 reports that excluded roof membrane sampling
– Tear-off activity prior to permit issuance and use of uncontained open dumpsters
– Documented water intrusion in food departments during demolition

These failures indicate a pattern of regulatory avoidance and unsafe conditions involving both the permit holder and the issuing authority. Taken together with the food-contact risks documented in my photographic reports, these issues constitute clear violations of the Texas Food Establishment Rules (TFER):

– **§228.211(a):** Failure to protect food from contamination
– **§228.65(b):** Failure to maintain physical facilities in good repair
– **§228.66:** Exposure of food to overhead contamination hazards

Although these facts overlap with the circumstances raised in my OSHA Whistleblower Complaint [redacted] this submission is made independently and solely for the purpose of addressing public health and food safety violations under DSHS jurisdiction.

Requested Actions:

1. Conduct an immediate inspection of Walmart Store #131
2. Investigate Permit #ROOF35226 and City enforcement practices

3. Determine whether affected products are adulterated under FD&C §342(a)(4) and TFER

I am prepared to provide the full supporting evidence, including photographs, video, timeline logs, permit records, and contact history with city and state officials. Please advise whether these should be uploaded through an official DSHS portal or submitted directly via email.

In closing, I must also express that, in my view, the lack of decisive action by regulatory authorities in Texas has created a chilling effect on the workforce, particularly in rural communities where options for employment and public services are already limited. It appears to me that Walmart operates as an untouchable entity, immune to meaningful enforcement. This undermines not only consumer protections but also the confidence of frontline employees who report hazards in good faith, only to witness regulatory passivity. Based on my experience and observations, it appears that companies like Walmart are permitted to operate above enforcement—with minimal scrutiny and little regard for the health and safety of the communities they serve.

I urge DSHS to take this matter seriously—not only for the sake of immediate food safety—but for the integrity of public health enforcement and workplace protections throughout the state.

Thank you for your time and attention. I am acting in the public interest and in accordance with whistleblower protections under FSMA, OSHA 11(c), and Texas Health & Safety Code provisions.

With gratitude,

Kyle Douglas Moring
OSHA Whistleblower Complainant – Case [redacted]
[redacted]
[redacted]