



Food Safety and
Inspection Service

December 1, 2020

Office of Field
Operations
Denver District Office

**SENT VIA FEDEX &
ELECTRONIC MAIL**

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Center, Bldg. 45
P.O. Box 25387
Denver, CO 80225

(b) (6)

Northwest Premium Meats, LLC, Est. M11032
137 N. Happy Valley Road
Nampa, ID 83687
nwpremiummeats@gmail.com

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

REINSTATEMENT OF SUSPENSION (ROS)

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This letter confirms the verbal notification provided to your establishment, Northwest Premium Meats, LLC, Establishment M11032, located in Nampa, ID on Tuesday, December 1, 2020, by the Food Safety Inspection Service (FSIS), Denver District, of the reinstatement of suspension (ROS) 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 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.

Findings/Basis for Action

On Tuesday, December 1, 2020, the FSIS Supervisory Public Health Veterinarian (SPHV) documented in a noncompliance record (NR) the following event at Est. M11032:

At approximately 1345 on 12/1/2020 the SPHV was observing the stunning of lambs at M11032 Northwest Premium. Three lambs were in the concrete stun box along with the stun operator. The stun operator stunned the first animal with a hand-held captive bolt (HHCB) device and the SPHV observed the lamb remained quietly standing, breathing, and blinking. The stun operator reloaded the HHCB device and applied a second stun attempt. The SPHV observed the animal remained quietly standing, breathing, and blinking. The stun operator reloaded the HHCB device and applied a third stun attempt. The SPHV observed the animal continued to remain quietly standing, breathing, and blinking. The stun operator asked the SPHV for direction and the SPHV advised the stun operator to use a different stunning device. The stun operator retrieved the firing mechanism from the back-up HHCB device located at the stun box and attached it to the primary HHCB device. With this altered HHCB device/modification to the HHCB, the stun operator applied a fourth stun attempt and the lamb was rendered immediately insensible.

The stun operator continued with the same modified HHCB device and applied a stun attempt to a second lamb. The SPHV observed the lamb remain standing, breathing, and blinking. The stun operator reloaded the modified HHCB device and applied a second stun attempt to the lamb which rendered the animal immediately insensible. The third lamb was stunned with the modified HHCB device and rendered insensible on the first stun attempt. When the swinging door to the stun box was opened, one of the first two lambs was sternal (laying on its chest) and the head and neck were swaying. The SPHV did not observe any vocalization, breathing, or blinking, but the stun operator elected to apply a security stun with the modified HHCB device.

Both lamb heads were skinned and penetrating stun holes were evaluated by the SPHV and the stun operator. One head had two penetrating holes through the front of the skull, and a third at the top of the skull through the poll (i.e. top of the head). The other head had bruising under the skin and a larger penetrating hole through the front of the skull, as well as a penetrating hole through the poll.

The stunning events were discussed with (b) (6) The stun box was tagged with USDA Reject tag #B38905612 and all slaughter of amenable species has halted until further guidance from FSIS Denver District Management.

Summary

The decision to reinstate the suspension of the assignment of inspectors at your establishment is based on this noncompliance with 9 CFR 313.15(a)(1) and your establishment's humane handling noncompliance history.

You were currently operating under the abeyance period for a Notice of Reinstatement of Suspension issued on October 6, 2020, whereby your employee needed multiple stunning attempts with a HHCB device to render a bovine unconscious. At the time of the Notice of

Reinstatement of Suspension in October, you were operating under the abeyance period for a Notice of Suspension issued on July 15, 2020, whereby your employee needed multiple stunning attempts with an electrical stunning device to render a swine unconscious. At this time, FSIS does not recognize that a robust systematic approach to humane handling is being utilized at your establishment.

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.
- Any training or retraining of employees you plan to provide, including materials you are planning to use.
- Any monitoring procedures, including any documentation records.

Your recent humane handling noncompliance history shows a systematic failure to comply with 9 CFR 313 regulations. Be advised that based on your recent history of non-compliance concerning the inhumane handling of livestock, the Denver District Office will be referring this case to the Office of Investigation, Enforcement and Audit, Enforcement and Litigation Division (ELD) for review.

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

Paul V. Wolseley
Executive Associate for Regulatory Operations
Office of Field Operations
Food Safety and Inspection Service, USDA
1400 Independence Avenue, SW
Room 1329, South Building
Washington, D.C. 20250
Office: 202-708-9506
Cell: 630-544-9805
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 Operations Branch
Office of Investigation, Enforcement and Audit
Food Safety and Inspection Service
United States Department of Agriculture
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: 2020.12.01
17:11:27 -07'00'

FOR

Valerie Clay
District Manager
FSIS Denver District Office
Valerie.Clay@usda.gov

cc: FO/QER
Est. File
S. Hoffman, DDM
R. Reeder, DDM
J. VanHook, DDM

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S. Baucher, RD/OIEA