



United States Department of Agriculture

Food Safety and  
Inspection Service

Office of Field  
Operations  
Des Moines District  
Office

Neal Smith Federal  
Building  
210 Walnut Street  
Room 985  
Des Moines, IA  
50309-2123

Voice 515.727.8960  
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August 25, 2020

Signed Original sent via FedEx  
Signed copy Hand Delivered

Randy Hanson  
Verschoor Meats, Inc.  
P.O. Box 2410  
1401 Bluff Road  
Sioux City, IA 51106

## NOTICE OF SUSPENSION

Dear Mr. Hanson:

This letter confirms verbal notification given to you by the Des Moines District, Food Safety and Inspection Service (FSIS) on August 25, 2020, of our decision to suspend the assignment of FSIS Inspection Program Personnel (IPP) at Est. M363, Verschoor Meats, Inc., located at 1401 Bluff Road, Sioux City, IA 51106, herein referred to as your firm. This action is taken in accordance with the Rules of Practice, 9 CFR 500.3(b), which indicates that FSIS may take a withholding action or impose a suspension without providing an establishment prior notification if it is handling or slaughtering animals inhumanely such as occurred at your establishment on August 25, 2020.

### **Background**

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 this Act. They also provide FSIS program personnel the authority to temporarily suspend the assignments of IPP 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 the Acts, FSIS has prescribed rules and regulations required for the humane slaughtering of livestock, as contained in Regulations 9 CFR Part 313, and the HMSA of 1978. 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**

At approximately 1225 hours, while verifying HATS Category VIII – Stunning Effectiveness and IX – Return to Consciousness.

The District Veterinary Medical Specialist (DVMS) and Frontline Supervisor (FLS) observed the following non-compliance: An establishment employee had two small hogs within the restrainer. He effectively stunned the first hog with a pneumatic captive bolt device. He then attempted to stun the second hog with a pneumatic captive bolt stunner. The second hog moved when the stunner attempted the first stun which hit the hog on the left side of its head near the eye. The hog was still conscious and vocalizing. It did not lose posture and continued to move around within the restrainer. The same employee then attempted to stun the animal again with the pneumatic captive bolt stunning device. The hog lost posture and we were unable to visualize for signs of consciousness. The employee then released the hog from the restrainer into the shackle pit. The hog that was stunned twice (two wounds and blood was observed on the animal's head) then stood up and started walking around the shackle pit. The shackle employee noticed the conscious hog and retrieved a hand-held captive bolt device from a maintenance room behind the restrainer, approximately fifteen feet from the shackle pit. He then returned to the shackle pit and effectively stunned the hog with the hand-held captive bolt device. He then checked for unconsciousness and verified unconsciousness with the FLS.

The FSIS employees then notified Mr. Randy Hanson, Establishment Manager, of their observations and informed him that they would be taking a regulatory control action and contacting the district office for further guidance. U.S. Reject tag number B32055461 was placed on the pneumatic captive bolt device.

### **Conclusion**

The observations described above indicate a violation of the FMIA (21 U.S.C.) 603, Regulations 9 CFR 313.15(a) and the HMSA of 1978 occurred.

The establishment has a humane handling program that meets the four criteria as described in the Federal Register Notice of September 9, 2004 but was not implementing the program as written at the time of the incident. Based on the above findings, the Des Moines District Office has determined to suspend the assignment of inspectors for your slaughter operations, as per the Rules of Practice 9 CFR 500.3(b) and as specified in 9 CFR 313.15(a).

If you choose to respond with corrective and preventive measures please provide this office with a written response concerning the Notice of Suspension (NOS) and we will determine further action, if any, based upon your response. If you choose to address this issue your written response should include:

1. An initial assessment of incident/determine the cause.
2. Immediate corrective actions taken.
3. Preventive measures to prevent reoccurrence.
4. Any training of employees and materials used.
5. Type of monitoring activity for stunning, along with a documentation record.

You are reminded that as an operator of a federally inspected establishment, you are expected to comply with FSIS regulations, regarding the humane handling and slaughter of livestock. Please be advised that you have the right to appeal this matter. If you wish to appeal, you should contact:

**Executive Associate for Regulatory Operations  
Office of Field Operations  
Food Safety and Inspection Service  
United States Department of Agriculture  
1400 Independence Ave. S.W.  
Room 3157, South Building  
Washington, DC 20250-3700 Telephone  
(202) 720-4614  
Fax: (202) 690-3287**

In addition, you may also request a hearing regarding this determination pursuant to FSIS Rules of Practice, 9 CFR Part 500. The Rules of Practice were published in the Federal Register, Vol. 64, no 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, contact:

**Scott C. Safian, Director  
Food Safety and Inspection Service  
Office of Investigation, Enforcement and Audit  
Enforcement and Litigation Division  
United States Department of Agriculture  
Stop Code 3753, PP3, Cubicle 8-243A  
1400 Independence Avenue, SW  
Washington, DC 20250  
Telephone No: (202) 418-8872  
Fax number: (202) 245-5097**

We urge your cooperation and voluntary compliance. If you have questions regarding this matter, please feel free to contact (b) (6) or (b) (6) or the Des Moines District Office at 515-727-8960.

Sincerely,

**DAWN  
SPROULS**

Dawn Sprouls, DVM  
District Manager  
Des Moines District Office

 Digitally signed by DAWN  
SPROULS  
Date: 2020.08.25 14:33:21  
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