



Food Safety and
Inspection Service

Office of Field
Operations
Denver District Office

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

Voice (303) 236-9800
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9/28/2020

**SENT VIA FEDEX &
ELECTRONIC MAIL**

Mr. Gerald Marlow, Plant Manager
Mr. Francis Wozniak, Plant Manager
Alaska Interior Meats, LLC
Establishment M40463
1561 Levee Way
North Pole, AK
alaskainteriormeats@gmail.com

REINSTATEMENT OF SUSPENSION (ROS)

Mr. Marlow and Mr. Wozniak,

This letter confirms the verbal notification provided to your establishment, Alaska Interior Meats, LLC, Establishment M40463, located in North Pole, AK on Wednesday, September 28, 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 Monday, September 28, 2020, the FSIS Consumer Safety Inspector (CSI) and the Supervisory Public Health Veterinarian (SPHV) documented in a Non-compliance the following event at Est. M40463:

“At approximately 11:00am on September 28, 2020, while verifying HATS Category VIII Stunning Effectiveness on the slaughter floor both the SPHV and the CSI, observed a male goat with very large horns being restrained. The stun operator was holding one horn of the goat with one hand while holding the .22 firearm in the other.

The CSI observed the first stunning attempt with the .22 firearm. The SPHV was unable to observe the stun operator apply the first stun attempt due to her vantage point. After the first stun attempt was observed by the CSI. The CSI and the SPHV observed the animal standing and attempting to walk away. No vocalization was observed. The stun operator immediately applied a second stun attempt with the same firearm. After the second stun attempt, the goat remained standing, attempted more aggressively to walk away, and began to bleat. The stun operator immediately applied a third stun attempt with the same firearm. The third stun attempt was effective in rendering the goat insensible; the goat dropped to the ground and did not actively move. The stun operator did not need to reload the firearm between stun attempts.

Inspection personnel rejected the stun box and contacted Denver District Management through supervisory channels. I applied U.S. Reject tag number B37157052. I verbally notified Mr. Gerald Marlow, Plant Manager, and Mr. Francis Wozniak, Plant Manager of the regulatory control action.

Mr. Wozniak, the stun operator, verified that all three stuns contacted the goat in the head. The establishment is not currently operating under a robust humane handling systematic approach. Currently the establishment is operating under a verification plan for a reinstated suspension held in abeyance on July 1, 2020.”

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) and your establishment's humane handling noncompliance history.

You were currently operating under the abeyance period for a Reinstatement of Suspension issued on July 1, 2020, whereby your employee needed multiple stunning attempts with a firearm to render a cow insensible. As your firm does not operate with a Robust Systematic Approach, regulatory discretion by the Denver District Office is not an option.

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're 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 consulting with the Office of Investigation, Enforcement and Audit, Enforcement and Litigation Division (ELD). Further humane handling noncompliance may result in referring this matter to ELD and removal of your Grant of Inspection.

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

Paul Wolseley
Acting Executive Associate for Regulatory Operations
USDA/FSIS/OFO
Room 3159 South Building
Washington, D.C. 20250
Tel: 207-708-9506
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 and Litigation Division
Office of Investigation, Enforcement and Audit
Food Safety and Inspection Service
Stop Code 3753, PP III, Cubicle 9-235A
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,

**VALERIE
CLAY**

Digitally signed by
VALERIE CLAY
Date: 2020.09.28
16:05:22 -06'00'

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

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

(b) (6)

A large black rectangular redaction box covers the majority of the text in the 'cc' list, obscuring the names and titles of several individuals.

S. Baucher, RD/OIEA