



United States Department of Agriculture

Food Safety and
Inspection Service

November 12, 2020

Office of Field
Operations

Signed copy hand-delivered

Des Moines District
Office

Ross Williams
Nordik Meats, Inc.
E7342 Three Chimney Road
Viroqua, WI 54665

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

NOTICE OF REINSTATEMENT OF SUSPENSION

Phone: 515-727-8960
Fax: 515-727-8991

Dear Mr. Williams:

This letter confirms verbal notification by the Des Moines District, Food Safety and Inspection Service (FSIS) on November 10, 2020, of the decision to reinstate the suspension of the assignment of inspection program personnel (IPP) at Est. M47261, Nordik Meats, Inc., located at E7342 Three Chimney Road, Viroqua, WI, herein referred to as your/the establishment. 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 November 10, 2020.

Authority

The *Federal Meat Inspection Act* (FMIA) (Title 21 United States Code {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. The FMIA also provides FSIS program personnel the authority to temporarily suspend 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 Title 7 of the *Humane Methods of Slaughter Act* (HMSA) (72 Statute 862; 7 U.S.C. 1901 to 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.

The HMSA of 1978 (7 U.S.C. 1901 et seq.) states that Congress finds that the use of humane methods in the slaughter of livestock prevents needless suffering; results in safer and better working conditions for persons engaged in the slaughtering industry; brings about improvement of products and economies in slaughtering operations; and produces other benefits for producers, processors, and consumers which tend to expedite an orderly flow of livestock and livestock products in interstate and foreign commerce.

Under the authorities of the Acts, FSIS has prescribed rules and regulations required for the

humane slaughtering of livestock, as contained in regulations Title 9 CFR Part 313, and the HMSA. FSIS has also developed Rules of Practice regarding enforcement prescribed in Title 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 1430 hours, while performing a HATS Category VIII, Stunning Effectiveness Task, IPP observed an establishment employee take three stunning attempts, with a hand-held captive bolt device, to render a lamb unconscious. This was the second lamb of the day to be slaughtered. It was also the second lamb ever stunned by the employee who was responsible for stunning today. The establishment slaughtered lamb only one other day since the start of operations. On that day, four lamb were stunned by a different employee, who no longer works at the establishment. Today, the lamb under discussion was haltered and secured around a post to prevent movement. The first stun attempt was between the eyes. The lamb fell to the ground and tucked its legs under itself in a sitting position, while conscious. The second stun attempt was in the same location as the first. IPP then observed blood come out of the nose and mouth of the lamb. After the second attempt, the lamb was still conscious it was blinking, and its eyes were tracking sound. Establishment Manager, Mr. Ross Williams, took the re-loaded hand-held captive bolt gun and stunned the lamb at the top of the skull. It was effective in rendering the lamb unconscious. After rendering the lamb unconscious, it was hoisted and bled. IPP placed U.S. Reject tag number B22388118 on the stunning chute and informed Mr. Williams that a noncompliance record (NR) would be issued, and the District Office would be contacted for further guidance.

Upon closer inspection of the skull, the first stuns were between the eyes, on the forehead of the lamb, the final stun was one and a half inches above the previous attempts, at the top of the skull.

This is a violation of the FMIA (21 U.S.C.) 603, regulations 9 CFR 313.15(a)(1) and the HMSA of 1978.

Justification

Currently, your slaughter process is operating under the terms of a Notice of Suspension Held in Abeyance (NOSA) as a result of a similar egregious inhumane handling incident on August 19, 2020. This noncompliance described above indicates a failure to follow or adequately implement your systematic approach, and the corrective and preventive measures outlined in your response to the previously issued Notice of Suspension (NOS).

The suspension of the assignment of inspectors will remain in effect until such time as you provide to this office adequate written corrective actions and preventive measures to assure that the handling and/or slaughter of animals will be done humanely and in accordance with the FMIA, HMSA, and the regulations promulgated therein.

You may provide this office written corrective actions and preventive measures concerning the NROS 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 the incident, including determination of 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:

Attention: Paul Wolseley
Executive Associate for Regulatory Operations
Office of Field Operations
Food Safety and Inspection Service
United States Department of Agriculture
1400 Independence Avenue, SW
Room 1329, South Building
Washington, DC 20250
Office number: 202-708-9506; Phone number: 630-544-9805

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, you should contact:

Scott C. Safian, Branch Chief
Enforcement Operations Branch
Office of Investigation, Enforcement and Audit
Food Safety and Inspection Service
United States Department of Agriculture
Stop Code 3753, PP3, Cubicle 8-235-A
1400 Independence Avenue, SW
Washington, DC 20250
Phone number: 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 the Des Moines District Office at 515-727-8960. (b) (6)

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Sincerely,

TODD

Dawn Sprouls, DVM
District Manager
USDA FSIS OFO
Des Moines District

Digitally signed by TODD

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Date: 2020.11.12 07:36:58 -06'00'