



United States Department of Agriculture

Food Safety and
Inspection Service

February 23, 2021

Digitally signed copy hand delivered

Office of Field
Operations
Des Moines District
Office

Evan Bailey, Interim Plant Manager
North Dakota State University Meat Laboratory
P.O. Box 6050, Dept 7630
Fargo, North Dakota 58105

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

NOTICE OF SUSPENSION HELD IN ABEYANCE

Voice 515.727.8960
Fax 515.727.8991

Dear Ms. Bailey:

On February 22, 2021, the Food Safety and Inspection Service (FSIS) issued a Notice of Suspension (NOS) withholding the marks of inspection and suspending the assignment of slaughter inspection program personnel (IPP) for livestock slaughter at Establishment M7627, North Dakota State University Meat Laboratory, located at Animal and Range Sciences Department, 1350 Albrecht Blvd. Fargo, North Dakota 58104, herein referred to as the/your establishment. This action was taken in accordance with the Rules of Practice, 9 CFR 500.3(b), which indicates that FSIS may take 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 February 22, 2021.

On February 22, 2021, you provided FSIS, in multiple emails, written corrective action and preventive measures in response to the regulatory noncompliance detailed in the NOS. The response outlined actions adequate to address the noncompliance regarding humane handling of livestock requirements, including a plan to maintain compliance with the *Federal Meat Inspection Act* (FMIA) Title 21 of the United States Code (21 U.S.C. 603), the *Humane Methods of Slaughter Act* of 1978 (HMSA) (7 U.S.C. 1901 et seq), and federal regulations {Title 9 of the Code of Federal Regulations (9 CFR) Part 313.15}.

Corrective actions and preventative measures are contained in the body of the email and attached documents, detailing actions immediately implemented and further proposed:

- Captive Bolt NDSU – IACUC Skill Specific Training/Competency Record: Captive Bolt Application-Beef and Captive Bolt Maintenance (2 pages)
 - Training Competency Record completed 2.22.2021 (1 page)
 - William Ogdall Training Competency Record (1page)
- Standard Operating Procedures for the Use and Maintenance of Captive Bolt Stunners (9 pages)
- Chapter 2: Section 4 Recommended Stunning Practices (pages 19-22) training (4 pages)
- Checklist for Captive Bolt and Ammunition Maintenance (1 page)
- Compliance Log for Captive Bolt Application of Effective Beef Stunning (1 page)

- Monitor Compliance Log for Captive Bolt completed for 2.22.2021 (1 page)

Based on your submitted written response, you were informed via telephone, that the suspension of the assignment of IPP, for slaughter operations, at your establishment would be held in abeyance effective February 23, 2021, in accordance with 9 CFR 500.3(b). The suspension will remain in abeyance pending verification by FSIS personnel that your proposed corrective and preventive measures have been effectively implemented and adequate to maintain compliance. Establishment personnel should monitor operations to prevent violations of humane handling and slaughter from occurring in the future. It is also important for you to understand the responsibility of FSIS to initiate action when there is a failure to operate in accordance with 9 CFR Part 313 of the regulations.

During the abeyance period verification activities will be conducted by IPP and results will be reported to the District Office on a weekly basis. The decision to hold the suspension action in abeyance is based on the proffered actions. Any modifications to your submitted corrective actions and preventive measures made during the abeyance period need to be submitted in writing to the FSIS Des Moines District Office for review prior to implementation by your establishment.

Please be advised that, as a federally inspected establishment, you are expected to comply with FSIS regulations and to take appropriate corrective action to prevent inhumane handling of livestock at your establishment. Your failure to comply with these requirements or to implement the measures in your action plan could result in reinstatement of the suspension of inspection at your establishment or other appropriate administrative or legal action.

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

Sincerely,



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GERWIG
Date: 2021.02.23 15:34:03 -06'00'

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