



United States Department of Agriculture

Food Safety and
Inspection Service

November 3, 2021

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Office of Field
Operations
Des Moines District
Office

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(b) (6)
Nordik Meats, Inc.
E7342 Three Chimney Road
Viroqua, WI 54665

NOTICE OF SUSPENSION

Dear, (b) (6) :

This letter confirms verbal notification provided to you by the Des Moines District, Food Safety and Inspection Service (FSIS) on November 2, 2021, at approximately 0755, of our decision to suspend the assignment of FSIS Inspection Program Personnel (IPP) at Est. M47261, Nordik Meats, Inc., Viroqua, WI, herein referred to as your/the establishment. This action is being taken due to the egregious nature of the humane handling incident that occurred at your establishment today, and 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.

Background

The *Federal Meat Inspection Act* (FMIA) (Title 21 of the United States Code {21 U.S.C.} 603 et seq) provides that for the purpose of preventing the inhumane slaughtering of livestock, the secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of the methods by which amenable species cattle, sheep, swine, goats, horses, mules, or other equines are slaughtered and handled in connection with slaughter in the slaughtering establishments inspected under this Act. The Secretary may refuse to provide inspection to a new slaughtering establishment or may cause inspection to be temporarily suspended at a slaughtering establishment if the Secretary finds that any cattle, sheep, swine, goats, horses, mules, or other equines have been slaughtered or handled in connection with slaughter at such establishment by any method not in accordance with the *Humane Methods of Slaughter Act* (HMSA) (72 Statute, 862; 7 U.S.C. 1901 to 1906) until the establishment furnishes assurances satisfactory to the Secretary that all slaughtering and handling in connection with slaughter of livestock shall be in accordance with such methods.

Under the authorities of the Acts, FSIS has prescribed rules and regulations for the humane slaughtering of livestock, as contained in 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 0614 hours, while performing a HATS Category VIII, Stunning Effectiveness Task, Inspection Program Personnel (IPP) observed an establishment employee take five stun attempts, with a hand-held captive bolt device (HHCB), to render a beef unconscious. This was the first beef of the day to be slaughtered. The animal was placed into the headgate to secure it from freely moving. The first stun attempt was ineffective at rendering the animal unconscious. The animal was conscious and remained standing and moved its head. The stunning employee grabbed a backup pre-loaded HHCB and attempted to stun the animal again. The second stun attempt failed to render the animal unconscious and the animal remained standing and moved its head back and forth. The stunning employee reloaded the HHCB and attempted a third stun without successfully stunning the animal. The beef stayed standing and the IPP observed the fur on the head of the animal had gunpowder residue from the blanks used in the HHCB. After the fourth stun attempt, the animal fell to the floor. The stunning employee checked for consciousness. The animal blinked and was tracking movement with its eyes. The fifth and final stun attempt rendered the animal unconscious. Its eyes did not respond to touch and its tongue hung out. After rendering the beef unconscious, it was hoisted and bled. IPP placed U.S. Reject tag number B15260288 on the stunning area, and informed (b) (6) that this was a noncompliance, and a noncompliance record (NR) would be issued.

On post-mortem examination of the skull, IPP noticed five holes, two approximately ½ an inch above the eyeline, two more approximately an inch and a ½ above those two, and one in the middle 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.

Conclusion:

The observations detailed above indicate an egregious violation of the humane handling requirements specified within the provisions of 21 U.S.C. 603, Section 3(b) of the FMIA, and 7 U.S.C. 1901 and 1902 of the HMSA of 1978 and the regulatory requirements outlined in 9 CFR 313.15(a)(1). The establishment does not have a systematic approach to humane handling and slaughter that meets the four criteria as described in the Federal Register Notice Volume 69, No. 174. 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).

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 and preventive measures concerning the NOS and we will determine further action, if any, based upon your response. 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.

Your proposed corrective actions and preventive measures should include any times and/or dates for completion of these proposed activities.

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:

Sherri N. Johnson
Acting Executive Associate for Regulatory Operations
Office of Field Operations
Food Safety and Inspection Service
United States Department of Agriculture
1400 Independence Avenue, SW
South Building, Room 1330A
Washington, DC 20250
sherri.johnson@usda.gov
Phone number: 202-379-6196

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

or the (b) (6)

(b) (6).

Sincerely,

THOMAS BECK

Digitally signed by THOMAS BECK
Date: 2021.11.03 08:46:03 -05'00'

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