



United States Department of Agriculture

Food Safety and
Inspection Service

March 9, 2022

Digitally signed copy hand-delivered

Office of Field
Operations
Des Moines District
Office

Scott Wilson, President
Wilson Farm Meats, Inc.
406 S. Wisconsin Street
Elkhorn, Wisconsin 53121

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

Voice 515.727.8960
Fax 515.727.8991

NOTICE OF SUSPENSION

Dear Mr. Wilson:

This letter confirms verbal notification by the Des Moines District Office, Food Safety and Inspection Service (FSIS) on March 9, 2022, of the decision to suspend the assignment of slaughter Inspection Program Personnel (IPP) at your firm, Establishment M34554, Wilson Farm Meats, Inc., located at 406 S. Wisconsin Street Elkhorn, Wisconsin, herein referred to as the/your establishment. This action is taken in accordance with the Rules of Practice regulation 9 Part Code of Federal Regulations (CFR) Part 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. FSIS is taking action due to an egregious inhumane handling incident that occurred at your establishment on March 9, 2022.

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; Title 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 regulations 9 CFR Part 313, and the HMSA of 1978. FSIS has also developed Rules of Practice regarding enforcement prescribed in regulations 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 0720 hours while performing a HATS Category VIII task – Stunning Effectiveness, IPP observed the following egregious noncompliance with HATS Category VI – Alternative Object Use: Establishment Manager, Mr. Justin Corman, was using loud, explicit language while twisting the tail of Hereford steer as it was repeatedly pulling its head out of the stunning area head restraint. IPP was able to see the employee’s arm rotating with the tail within the restrainer. IPP observed the animal vocalizing with its mouth open, tongue hanging out, and eyes bulged. IPP moved closer to get a better look. When IPP moved closer, the establishment manager stopped tail twisting and was encouraging the animal into the restrainer by smacking the rump with his hands. The hand smack was audible but the steer did not respond. Because the harm stopped, IPP stepped off the floor briefly to contact his supervisor for clarification. While off the floor, he heard the animal vocalizing again. Once he got back to the floor, the animal was effectively stunned and unconscious. He noticed that there was fresh blood on the back of the stunning area (away from the head). IPP then told the (b) (6) (b) (6) that he wanted to inspect the tail. Upon inspection, IPP noticed blood at the end of the animals white tail. IPP then tagged the stunning area with U.S. Rejected Tag B33511262 and informed establishment management to stop slaughter until further direction from the District Office. The establishment was allowed to bleed out the animal but was asked not to dress it until the FSIS, Supervisory Public Health Veterinarian (SPHV) could inspect it. Upon her inspection, she confirmed that there was fresh blood on the tail and on the restrainer. There was a small open wound in the hide (approximately ½ inch) about 2-2.5 inches from the tip of the tail. When running her fingers over the wound, it was not smooth, there was a noticeable bump consistent with a break. The tail was then examined after dehidng. The injured tail was red and bruised in the same area where the wound was observed with the hide on. The bruised area was also curved and flexible, consistent with a fractured tail.

This is a violation of the FMIA (21 U.S.C.) 603, regulations 9 CFR Part 313.2(a) and 313.2(b), 313.15(a)(2) 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 Title 7 U.S.C. 1901 and 1902 of the HMSA of 1978, and the regulatory requirements outlined in 9 CFR Part 313.2

The establishment does not have a humane handling program that meets the four criteria as described in the Federal Register Notice of September 9, 2004. 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 regulation 9 CFR Part 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 actions and preventive measures concerning the 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 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 truck unloading and animal handling/movement, 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: 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
Office number: 202-379-6196
sherri.johnson@usda.gov

In addition, you may also request a hearing regarding this determination pursuant to FSIS Rules of Practice, regulation 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:

Attention: Scott C. Safian, Director
Enforcement Operations Staff
Office of Investigation, Enforcement and Audit
Food Safety and Inspection Service
United States Department of Agriculture
Stop Code 3753, PP3, Cubicle 9-235-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,

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Sincerely,

AUBREY WILLIAMS Digitally signed by AUBREY WILLIAMS
Date: 2022.03.09 14:54:03 -06:00

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