



United States Department of Agriculture

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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December 4, 2023

**SENT VIA
ELECTRONIC MAIL**

Todd Elsberry, Owner
Lacy Sanders, Plant Manager
Alaska Meat Packers Inc.,
Establishment 20891 M/P/V
385 E. Outer Springer Loop
Palmer, AK 99645
(b) (6) @gmail.com
lacy@alaskameatpackers.com

Attention: Mr. Elsberry, Owner

REINSTATEMENT OF SUSPENSION (ROS)

This letter confirms the verbal notification provided to your establishment, Alaska Meat Packers Inc., Establishment M20891, located in Palmer, AK on Monday, December 4, 2023, 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. Dr. Robert Reeder, District Manager, notified you of the suspension action. 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, December 4, 2023, the FSIS Consumer Safety Inspector (CSI) documented in a Noncompliance Record (NR) the following event at Est. M20891:

“HATS Category VIII: Ineffective Stun

On 12/4/23, at approximately 0835am, I observed the stun operator at Alaska Meat Packers Inc. ineffectively stun a cow (2-year-old Highland cross) with a hand-held captive bolt (HHCB) device in the stun box with a head catch. After the first ineffective stun attempt, I observed the cow bellowing, remain standing and fully conscious in the stun box with its head held upright, showing signs of controlled movement and labored breathing. The stun operator attempted to immediately stun the cow a second time with the backup HHCB device, which was ineffective, as the cow was still standing, bellowing and moving around in the stun box with its head in the head catch. At approximately, 0838am, the stun operator attempted a third stun with the HHCB device, which was still ineffective as the animal remained standing and continued bellowing. At approximately, 0840am, the manager vacated the slaughter floor to go retrieve a firearm (pistol) utilizing .38 special cartridges from the office. In the interim, I recommended to continue stunning the animal until insensible. The stun operator attempted a fourth stun to the cow with the HHCB device. The cow was no longer bellowing but remained standing and showed signs of consciousness with stagnant eye movement and blinking in response to touching of the eye. I instructed the stun operator to utilize the pistol for the next stun attempt. At 0843am, the stun operator discharged the pistol, rendering the cow unconscious. The animal showed no signs of being conscious and was immediately shackled and hoisted up on the rail, to bleed out. At approximately 0846 am, I applied U.S. Reject tag to the stun box with U.S. Rejected Tag NO. B35943884. The establishment management was verbally informed of the forthcoming noncompliance.

Upon inspection of the split skull, two of the HHCB penetrating holes appeared to be within the target zone, whereas another two of the penetrating HHCB holes appeared to be too high. The firearm penetrating hole was within the target zone.

The Denver District Management Team was notified through supervisory channels. There have been no noncompliance records issued within the past 90 days for the same root cause. This establishment was operating within the abeyance period for a Notice of Suspension for Humane Handling.”

Summary

The decision to reinstate the suspension of the assignment of inspectors at your establishment is based on this noncompliance with 9 CFR 313.15(a)(1) and your establishment's humane handling noncompliance history.

You were currently operating under the abeyance period for a Notice of Suspension issued on October 30, 2023, whereby your employee needed multiple stunning attempts with a HHCB device to render a cow unconscious. As your firm does not operate with a Robust Systematic Approach during the abeyance period of a humane handling enforcement action, 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.

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

William Griffin
Executive Associate for Regulatory Operations
Office of Field Operations
Food Safety and Inspection Service
United States Department of Agriculture
SB, Room 3164
1400 Independence Avenue, SW
Washington, DC 20250
Email: William.Griffin1@usda.gov
Phone: (202) 961-7156

In accordance with 9 CFR Part 500.5 (d), you may request a hearing concerning this action by contacting:

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, SB - Room 2148
1400 Independence Avenue, SW
Washington, DC 20250
Office: (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,

ROBERT REEDER Digitally signed by ROBERT REEDER
Date: 2023.12.04 13:00:32 -0700

Dr. Robert Reeder
District Manager
USDA FSIS OFO
Denver District Office
Robert.Reeder@usda.gov

cc: FO/QER
Est. File
D. James, DDM
J. Monteverde, DDM
J. VanHook, DDM
(b) (6), aFLS
(b) (6) FLS
(b) (6) SPHV
(b) (6) CSI
(b) (6) DVMS
(b) (6) SELAO
S. Smith, RD/OIEA