



March 7, 2025

Hand Delivered by (b) (6), SVMO on March 7, 2025
Electronically Submitted on March 7, 2025

Northwoods Locker LLC, Est. M34687
267 100th Ave.
Clayton, Wisconsin 54004
(b) (6)@yahoo.com
715-948-2554

Attention: Michael Flanigan, Owner

NOTICE OF REINSTATMENT OF SUSPENSION

This letter serves as official notification by the Food Safety and Inspection Service (FSIS) of its decision to, effective immediately, withhold the marks of inspection and suspend inspection services for the Slaughter Hazard Analysis Critical Control Point (HACCP) processes at Northwoods Locker LLC, Est. M34687 located at 267 100th Ave. Clayton, WI. This letter follows verbal notification of the suspension action, provided by (b) (6), Supervisory Veterinary Medical Officer to Michael Flanigan, Owner, at approximately 0830 on March 7, 2025.

FSIS is taking this action in accordance with Title 9 of the Code Federal Regulations (CFR) Rules of Practice 500.3(b), based on the determination that Northwoods Locker handled or slaughtered livestock inhumanely, in violation of the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*), the Humane Methods of Slaughter Act (HMSA) (7 U.S.C. 1901 *et seq.*), and the relevant regulatory requirements (9 CFR Part 313), specifically 313.16(a)(1).

This letter provides you with information on the Agency's authority, the facts supporting FSIS' action, and information on how you can respond.

Background/Authority

FSIS is the agency in the U.S. Department of Agriculture responsible for protecting the public's health by ensuring the nation's supply of meat, poultry, and processed egg products for sale and distribution in commerce is safe, unadulterated, wholesome, and correctly labeled and packaged. FSIS administers and enforces, among other laws, the FMIA, HMSA, and the statutes' implementing regulations. FSIS has prescribed rules and regulations required for establishments producing meat/meat food products, including requirements pertaining to humane handling and slaughtering of livestock (9 CFR Part 313) and other matters. FSIS has also developed the Rules of Practice regarding enforcement (9 CFR Part 500). The Rules of Practice describe the types of enforcement action that FSIS may take and include procedures for taking a withholding action and/or suspension, with or without prior notification, and for filing a complaint to withdraw a Federal Grant of Inspection.

Should FSIS personnel document serious or repetitive food safety, sanitation, humane handling, slaughter, or other violations, FSIS may take enforcement action under 9 CFR Part 500.

Links to the Acts and the Rules of Practice are enclosed for your information and review.

FMIA: <https://www.fsis.usda.gov/policy/food-safety-acts/federal-meat-inspection-act>
HMSA: <https://www.fsis.usda.gov/policy/food-safety-acts/humane-methods-slaughter-act>
FSIS Rules of Practice: <https://www.ecfr.gov/current/title-9/chapter-III/subchapter-E/part-500>

Findings/Basis for Action

On March 7, 2025, at approximately 0805 hours, IPP observed the following noncompliance while performing HATS Category VIII Stunning Effectiveness Task. A fractious beef cow entered the stunning restrainer but was not placed into the head restrainer. IPP moved out of the stunning room. At that time an establishment employee attempted to stun the beef animal, using a firearm with a .22 magnum, full metal jacket bullet. IPP re-entered the room and observed the animal was conscious, standing, breathing and not vocalizing. The same employee reloaded the same firearm, IPP moved out of the room for the second stun attempt. IPP again observed the animal standing, conscious, breathing and not vocalizing. IPP stepped out during the third stun attempt by the same employee using the same rifle. IPP observed the animal was down and unconscious. Blood was observed to be coming from the nose. IPP notified Mr. Mike Flannigan, Owner, of the egregious nature of the stunning. The DO was notified of the situation. US Reject tag No. B42126299 was placed on the stunning restrainer. Mr. Flanigan provided corrective actions.

On post-mortem examination of the skinned head, two holes were found in the skull. One hole was at the location at the base of the "V" of the frontal bone. The second hole was approximately two inches above and slightly to the right of the first hole. The skull was split and the first hole described did penetrate the skull and entered the brain. The second hole described tracked to the top of the poll. IPP were unable to find a third hole in the skull, but the right eye appeared to have a fresh bruise in the fat above the eyeball.

This is noncompliance with 9 CFR 313.16(a)(1) and 313.16(b)(1)(iii). Mr. Flanigan was notified of the issuance of a noncompliance record.

Conclusion

On September 9, 2004, FSIS published "*Humane Handling and Slaughter Requirements and the Merits of a Systematic Approach to Meet Such Requirements*" in the Federal Register (69 FR 54625). Subsequently, on October 23, 2013, FSIS issued guidance, titled "*FSIS Compliance Guide for a Systematic Approach to the Humane Handling of Livestock*," to promote a systematic approach to achieve compliance with the FSIS requirements for the humane handling and slaughter of livestock.

Northwoods Locker, does not currently maintain a written humane handling program for consideration. Currently, Northwoods Locker is operating under the terms of a Notice of Suspension Held in Abeyance (NOSA) as a result of an inhumane handling incident (NR DXS3609111412N) on November 8, 2024. This NROS is being issued for the failure to effectively stun a beef with a firearm as described above, which indicates a failure to humanely handle livestock.

Based on the findings described above, Northwoods Locker handled or slaughtered livestock inhumanely, in violation of the FMIA 21 U.S.C. 603(b), HMSA 7 U.S.C. 1901 – 1902, and 9 CFR 313.16(a)(1) and 313.16(b)(1)(iii). In accordance with 9 CFR Part 500.3(b), FSIS is exercising its authority to withhold the marks of inspection and suspend inspection services for the Slaughter HACCP processes at Northwoods Locker, effective immediately.

How to Respond to this Letter

Please be advised that this suspension will remain in effect for the Slaughter HACCP processes at Northwoods Locker LLC, Est. M34687 until you provide adequate written corrective action and preventative measures to demonstrate adherence to regulatory requirements. Your written response is expected to include:

- An evaluation and identification of the nature and cause of the incident.
- A description of the specific actions taken to eliminate the cause of the incident and prevent future recurrences.
- Any corrective actions, preventative measures, and monitoring activities to ensure continued compliance.
- Copies of supporting documentation and records maintained and/or associated with the proposed corrective actions and preventative measures.

You may submit your response by electronic mail
fo/do25/desmoinesdistrictmanagementteam@usda.gov.

You are reminded that, as an operator of a federally inspected establishment, you are expected to comply with FSIS regulations and to take appropriate corrective actions to prevent the inhumane handling and slaughtering of livestock. Please be advised that failure to respond adequately to these issues may result in additional enforcement action, including initiation of administrative proceedings to withdraw Federal inspection services from Northwood Locker or other appropriate action.

Appeal and Hearing Rights

You have the right to appeal this matter and can do so by contacting:

Robert Q. Bane
Executive Associate for Regulatory Operations

Office of Field Operations
4700 S. Thompson, Bldg. B, Ste. 201
Springdale, AR 72764
Mobile: (b) (6)
robert.bane@usda.gov

Pursuant to 9 CFR 500.5(d), you may also request a hearing regarding this determination. 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, please contact:

Scott C. Safian, Director
Enforcement Operations Staff (EOS)
Office of Investigation, Enforcement and Audit (OIEA)
Food Safety and Inspection Service
United States Department of Agriculture
Stop Code 3753, SB - Room 2148
1400 Independence Avenue, SW
Washington, DC 20250
Telephone: (202) 418-8872
Facsimile: (202) 245-5097
E-mail: EOSCorrespondence@usda.gov

If you have any questions, please contact the Des Moines District Office via telephone at 515-727-8960 or via electronic mail at fo/do25/desmoinesdistrictmanagementteam@usda.gov.

Sincerely,

(b) (6)

Digitally signed by TODD GERWIG
Date: 2025.03.07 14:48:49 -06'00'

District Manager

cc: Robert Q. Bane, EARO
Jeffery Jacobsen, DM
Carol Ford, DDM
Todd Gerwig, DDM
Dr. Mark Johnson, DDM
Aubrey Williams, DCS
(b) (6), FLS
(b) (6), DVMO
(b) (6), DVMO
(b) (6), SVMOM
FO/Quarterly Reports