



United States Department of Agriculture

Food Safety and
Inspection Service

April 12, 2024

Office of Field
Operations
Denver District Office

SENT VIA
ELECTRONIC MAIL

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Hoagland Enterprises, LLC
M/V454 + P4988
3408 Industrial Road
Homedale, ID 83628
JD@HoaglandMeat.com
(208) 337-3648

Attention: Rex Hoagland, Owner

NOTICE OF SUSPENSION

This letter serves as official notification by the Food Safety and Inspection Service (FSIS) of our decision to suspend the assignment of Inspection Program Personnel (IPP) at Hoagland Enterprises, LLC, M/V454 + P4988, located in Homedale, Idaho. This letter follows verbal notification of the suspension action, provided by Dr. Robert Reeder, District Manager, to Karen Hoagland, Plant Manager at approximately 11:00am on April 12, 2024.

The decision to institute this enforcement action is in accordance with Title 9 of the Code of Federal Regulations (CFR), Rules of Practice 500.3(b), based on the determination that your establishment did not handle or slaughter animals humanely. The evidence demonstrates failure to comply with the Federal Meat Inspection Act (FMIA) Title 21 United States Code Section 603 (21 U.S.C. 603), the Humane Methods of Slaughter Act (HMSA) (7 U.S.C. 1901 *et seq.*), and the regulatory requirements (9 CFR Part 313).

Background/Authority

The 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 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.

The HMSA provides that Congress finds that the use of humane methods in the slaughter of livestock prevents needless suffering; results in safer and better working conditions for persons engaged in the slaughtering industry; brings about improvement of products and economies in slaughtering operations; and produces other benefits for producers, processors, and consumers which tend to expedite an orderly flow of livestock and livestock products in interstate and foreign commerce. It is therefore declared to be the policy of the United States that the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods.

Under the authority of the Acts, FSIS has prescribed rules and regulations required for establishments slaughtering and handling livestock, as required by 9 CFR Part 313. FSIS has also developed the Rules of Practice regarding administrative enforcement, 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, and for filing a complaint to withdraw a grant of inspection. Specifically, 9 CFR 500.3(b) states that FSIS may impose a suspension without providing prior notification due to handling or slaughtering of animals inhumanely.

Findings/Basis for Action

On April 12, 2024, the FSIS Consumer Safety Inspector (CSI) documented in a Noncompliance Record (NR) the following event at Est. M/V454:

“HATS Category VIII: Stunning Effectiveness

On April 12, 2024, at approximately 0815 hours I observed a beef cow being stunned with a hand-held captive bolt (HHCB) device in the stun box utilizing the head catch. The first stun attempt caused the animal to vocalize but it remained standing, blinking and rhythmically breathing with steam coming out of its nose. The stun operator immediately attempted to stun the cow again with the readily available backup HHCB device and the cow continued to remain conscious and now had blood coming out of the nose.

As no further action was being taken by establishment personnel, I verbally informed the stun operator and establishment owner that the animal had to be rendered unconscious and once again the stun operator proceeded to attempt to stun the animal a third time with the primary HHCB device in the same location on the head with the same unsuccessful result. A fourth stunning attempt was made after switching to the backup HHCB device with the same unsuccessful result.

All four times that the animal was stunned it remained standing, rhythmically breathing and blinking with eyes tracking, but it did not continue to vocalize although I continued to observe blood coming out of the nose. I again verbally intervened and informed the stun operator and the establishment owner that where they were applying the stuns to the animal wasn't being effective at rendering the animal insensible. For the fifth stun attempt the employee prompted the animal

to move away from the head catch and applied the primary HHCB device stun attempt to the back of the head (poll), which effectively rendered the animal unconscious.

Once the animal's head was removed, I initially observed two penetrating stun holes on the hide and on the skull itself. Once removed, the impressions on the hide also demonstrated that the four (4) HHCB entries to the hide were consistent with the holes in the skull.

The measurements depth on the front of the bovine skull was 4 ¾ inches and it measured 1 inch in diameter. Upon investigation on the front hole on the skull it appeared that four (4) stun attempts were made as the hole had signs of entry where the captive gun went in again and again in the same location. After measuring the skull from ear to eye on both sides it showed that the hole was 5mm below the center.

A regulatory control action was taken on the stun box with U.S. Reject tag #B37353588 and the Denver District Office was notified through supervisory channels. The establishment owner was verbally notified of the forthcoming noncompliance. There have been no noncompliance records issued within the past 90 days for the same root cause. This establishment currently does not implement a robust systematic approach to the humane handling of livestock.”

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). On September 24, 2020, FSIS released FSIS Directive 6900.2 Revision 3, entitled, "*Humane Handling and Slaughter of Livestock*." Additionally, on October 23, 2013, FSIS introduced new guidance, titled "*FSIS Compliance Guide for a Systematic Approach to the Humane Handling of Livestock*." Within the guidance material is information intended to better ensure the humane treatment of livestock presented for slaughter. The guidance material provides a set of practices designed to minimize excitement, discomfort, and accidental injury regarding the humane handling of livestock to include the four components of a robust systematic approach to humane handling.

When an establishment maintains a robust humane handling program, FSIS can exercise regulatory discretion when an inhumane handling or slaughter incident is observed. You do not currently maintain a written humane handling program for consideration.

Summary and Conclusion

Provisions of the FMIA outline FSIS' ability to refuse to render inspection and indefinitely withdraw inspection from an establishment, provided the establishment is afforded the right to an administrative hearing, when conditions exist where the slaughter and/or handling of livestock was not by a method in accordance with the Act(s).

Evidence demonstrates your failure to meet regulatory requirements addressed in 9 CFR 313.15(a)(1) "*The captive bolt stunners shall be applied to the livestock in accordance with this section to produce immediate unconsciousness in the animals before they are shackled, hoisted, thrown, cast, or cut. The animals shall be stunned in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort.*", constituting a violation of the

humane slaughter requirements, and supporting the conclusion that your handling of livestock violated the provisions of the FMIA and HMSA.

Please provide a written response, inclusive of written corrective action and preventative measures, by addressing the following:

- Evaluate and identify the nature, cause of the incident.
- Describe the specific actions taken to eliminate the cause of the incident and prevent future recurrences.
- Describe specific monitoring activities planned to ensure future compliance.
- Provide any supporting documentation and records maintained and/or associated with the proposed corrective actions and preventative measures.

A determination of further administrative action will be made upon receipt and review of your submitted corrective actions and preventative measures. 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 production of or adulterated products at your establishment. Please be advised that your failure to respond adequately to these issues may result in our initiating action to withdraw inspection from your establishment.

Appeal and Hearing Rights

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

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: AEBCorrespondence@usda.gov

If you have any questions, you can contact the Denver District Office at (303) 236-9800 or by fax at (303) 236-9794.

Sincerely,

ROBERT REEDER Digitally signed by ROBERT REEDER
Date: 2024.04.12 12:43:11 -0600

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

cc: W. Griffin, EARO
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FO/Quarterly Reports