



May 16, 2023

University of Nevada, Reno Meat Plant
DBA Wolf Pack Meats
Establishment 6004 M/P
5895 Clean Water Way
Reno, Nevada 89502

ELECTRONIC MAIL on May 16, 2023

EMAIL:

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JD@HoaglandMeat.com

TELEPHONE NUMBER: 775-857-3663

Attention: Dr. Amilton De Mello, Director

NOTICE OF INTENDED ENFORCEMENT

This letter serves as official notification by the Food Safety and Inspection Service (FSIS) of our intent to withhold the marks of inspection and suspend the assignment of inspection program personnel (IPP), with prior oral notification, for your Slaughter Hazard Analysis and Critical Control Point (HACCP) processes at University of Nevada, Reno Meat Plant DBA Wolf Pack Meats, Establishment 6004 M/P, located at 5895 Clean Water Way, Reno, NV 89502. The decision to institute this enforcement action is in accordance with Title 9 Code of the Federal Regulations (CFR) Rules of Practice 500.3(b), based on the determination that your establishment did not handle or slaughter animals inhumanely in accordance with Title 9 CFR 313.15(a)(1) and 313.16(a)(1). The evidence demonstrates the failure to comply with the Federal Meat Inspection Act (FMIA) (21 U.S.C. 603), the Humane Methods of Slaughter Act (HMSA) (7 U.S.C 1901 et seq.) and regulatory requirements (9 CFR Part 313).

Background / Authority

The FMIA (21 USC 601 *et seq.*) provides it is essential to the public interest that the health and welfare of consumers be protected, by assuring meat products distributed to them are wholesome, not adulterated, and properly marked, and labeled. The Act gives FSIS the authority, as designated by the Secretary of Agriculture, to prescribe rules and regulations describing sanitation requirements for inspected establishments and provide FSIS program personnel the authority to refuse to allow meat/meat food products to be marked, labeled, stamped, or tagged as *inspected and passed*, to prevent the entry of adulterated products into commerce. Furthermore, the FMIA provides FSIS the authority to appoint inspectors to examine and inspect the method by which livestock are slaughtered and handled at slaughtering establishments.

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 May 15, 2023, the FSIS Consumer Safety Inspector (CSI) observed your establishment's failure to conduct slaughter of livestock in accordance with the regulatory requirements. At approximately 1110 hours, while conducting an operational sanitation task near a zero-tolerance inspection station, the CSI heard a .22 magnum caliber rifle fire. The CSI observed (b) (6), Production Supervisor, grab the captive bolt device stored on the wall behind him. The CSI immediately began heading towards the knock box and heard a captive bolt fire as she walked to the small animal stunning area, which was approximately 45 feet away. When the CSI arrived, the CSI observed a market hog in lateral recumbency. The CSI observed that the stunning area for small animals is approximately 3 feet wide and approximately 12 feet long, and does not allow for hogs to turn around. The animal was exhibiting raspy rhythmic breathing and vocalizing continuously. Although the animal was showing signs of consciousness, (b) (6) informed the CSI that he would perform a "safety knock."

More time elapsed and the hog continued to vocalize as (b) (6) reloaded the captive bolt gun for a third stunning attempt. Upon firing the captive bolt device, the hog was finally rendered insensible.

The CSI informed Mr. Thomas Kulas, Plant Manager, of this incident and that no further slaughter would be allowed due to the inhumane handling of livestock. The CSI placed U.S. Rejected Tag No. B9662562 to the small stunning area so no further slaughter could occur.

Upon examination of the head after it had been scalded, there was a 3-inch long gash on the right side of the snout consistent with an injury from a bullet from the rifle. There were two penetrating holes in the forehead consistent with a captive bolt gun. The first hole was approximately a half an inch to the right and an inch below the center of the skull at approximately the same level as the eyes. The second hole was located in the middle of the forehead.

This is an egregious noncompliance of inhumane handling of animals in connection with slaughter. This is a violation in accordance with Title 9 CFR 313.15(a)(1) which states, "*The captive bolt stunners shall be applied to the livestock in accordance with this section so as 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.” In addition, this is a violation in accordance with Title 9 CFR 313.16(a)(1) which states, “*The firearms shall be employed in the delivery of a bullet or projectile in the animal in accordance with this section so as to produce immediate unconsciousness in the animal by a single shot before it is shackled, hoisted, thrown, cast, or cut. The animal shall be shot in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort.*”

This constitutes failure to adhere to the regulatory requirements of the humane handling and slaughter of livestock, as required by the Federal Meat Inspection Act, 21 U.S.C. 603(b), the Humane Methods of Slaughter Act, and the regulations promulgated thereunder.

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 Notice (54 Fed. Reg. 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 intended to better ensure the humane treatment of livestock presented for slaughter. The compliance guide provides a set of practices designed to minimize excitement, discomfort and accidental injury of livestock. These documents describe the four components of a robust systematic approach to humane handling. The decision to issue a Notice of Intended Enforcement (NOIE) in lieu of a Notice of Suspension (NOS) is based on your establishment implementing and maintaining a robust systematic approach to humane handling.

Conclusion

In accordance with the Rules of Practice specified in 9 CFR Part 500.3(b), FSIS is notifying you of our intent to withhold the marks of inspection and suspend the assignment of FSIS inspectors from your Slaughter HACCP processes.

Please provide this office with a written response concerning this NOIE within three (3) business days from the date of your receipt of this letter, no later than close of business May 19, 2023. We will determine further action, if any, based on your response. Your written response is expected to explain how you will bring your establishment back into compliance with the regulatory requirements and failure to assure that you handle and slaughter animals at your establishment humanely, in accordance with the statutory and regulatory requirements, may result in further administrative enforcement actions. Your response should include the specific corrective actions and preventative measures that have been or will be taken in response to the noncompliance(s) identified and copies of all documents associated with the proffered corrective actions.

You may submit your response by fax to (844) 622-0081, or by electronic mail (AlamedaDistrictOffice@usda.gov). In accordance with Title 9 CFR 500.5(b)(4), you may contest the basis for this proposed action by contacting:

Dr. Amilton De Mello, Director
Wolf Pack Meats, EST M6004

Notice of Intended Enforcement
May 16, 2023

Sherri Johnson, Executive Associate for Regulatory Operations
OFO, FSIS, USDA
1400 Independence Avenue, SW
SB, Room 3162
Washington, DC 20250
Email: sherri.johnson@usda.gov
Phone: (202) 379-6196

If you have any questions, please call the Alameda District Office at (510) 769-5712, by fax at (844) 622-0081, or via electronic mail at AlamedaDistrictOffice@usda.gov.

Sincerely,

*/s/ Frank Gillis
Deputy District Manager
(for)*

William Griffin
District Manager

cc: S. Johnson, EARO
(b) (6) Humane Handling Enforcement Coordinator
S. Baucher, OIEA Regional Director
G. Abreu, DDM
V. Felix, DDM
F. Gillis, DDM
(b) (6), SEIAO
(b) (6), DCS
(b) (6), DVMS
(b) (6), DVMS
(b) (6), FLS
(b) (6), EIAO
IIC at Est. M6004
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