



March 21, 2024

University of Nevada, Reno Meat Plant
dba Wolf Pack Meats
Establishment 6004 M/P
5895 Clean Water Way
Reno, NV 89502
tkulas@unr.edu
(775) 857-3663

ELECTRONIC MAIL on March 21, 2024

Attention: Thomas Kulas, Plant Manager

NOTICE OF SUSPENSION

This letter serves as official notification by the Food Safety and Inspection Service (FSIS) of our decision to withhold the federal marks of inspection and suspend the assignment of Inspection Program Personnel (IPP) at University of Nevada Reno, Reno Meat Plant dba Wolf Pack Meats, Est. 6004 M/P, located at 5895 Clean Water Way, Reno, NV 89502. This letter follows verbal notification of the suspension action, provided by Mr. Frank Gillis, Deputy District Manager, to Mr. Thomas Kulas, Operations Manager, and (b) (6), Manager, at approximately 1006 hours on March 21, 2024. This action includes your Slaughter Hazard Analysis and Critical Control Point (HACCP) processes employed at your establishment.

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) (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 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 March 21, 2024, at approximately 0828 hours, while observing your establishment conduct slaughter operations, FSIS Inspection Program Personnel (IPP) observed your establishment slaughtering rams. The establishment employee held the ram's head with their left hand placed under the chin as they fired the primary handheld captive bolt on the forehead with their right hand. Following the initial firing of the captive bolt, IPP observed that the ram remained standing and that it looked around and blinked its eyes. Your establishment employee grabbed the back-up captive bolt and administered a second stun. After the second stun, IPP observed that the ram fell to the ground and another employee opened the door to the knock box to begin shackling and hoisting the ram.

IPP stepped to the side so that the ram could be railed into the bleeding area. Once IPP had moved out of the way, they observed that the ram, which had not been shackled yet, was back on its feet and was looking around. The establishment employee looked at IPP unsure of what to do. IPP indicated that the ram needed to be rendered unconscious immediately. Additionally, you, Mr. Thomas Kulas, instructed the employee to stun the ram a third time. At this point, approximately 1 minute had passed since the second shot was fired. The employee reloaded the handheld captive bolt stunner and administered a third stunning attempt; however, the ram remained standing. IPP then observed the same employee use another captive bolt stunner to administer a fourth stunning attempt. When the ram remained standing after the fourth stunning attempt, an employee administered a fifth stunning attempt with the captive bolt device that rendered the ram unconscious. IPP noted that the time between the third stunning attempt and the fifth attempt, which rendered the ram unconscious, was approximately 1 minute and 30 seconds. At this time, IPP informed your employees and you, Mr. Kulas, to stop the slaughter line and not stun any additional animals. IPP took regulatory control action and applied U.S. Rejected Tag No. B9662793 to the small animal stunning area.

Afterward, IPP asked an employee to remove the head of the ram and skin it for further inspection. Upon further inspection of the ram's head, IPP and the Supervisory Public Health Veterinarian (SPHV) observed that the ram did have very small horn buds that were completely

covered by wool. They observed three (3) entry holes in the head. One hole was on the median plane of the forehead, slightly above the eyes. A second hole was just cranial to the horn buds and left of the median plane; this hole was at an acute angle pointed towards the nasal cavity and did not appear to penetrate the brain. The third hole was on the median plane just caudal to the horn buds. After the head was split, IPP and the SPHV observed there was only one hole that made contact with the brain.

This is an egregious act of inhumane handling of animals in connection with slaughter, as your establishment failed to effectively stun a ram so that it was immediately unconscious on the first stun attempt.

This is a violation of Title 9 CFR 313.15(a)(1), which states, "*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.*" 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.

The Federal Meat Inspection Act 21 U.S.C. Section 603(b) provides legal authority to suspend operations at any establishment where animals have not been handled in a humane manner as described in 7 U.S.C. 1901 where it states, "*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.*" In accordance with Title 9 CFR 500.3(b), the suspension of inspection at an establishment without prior notification for inhumane handling practices is warranted, as specified in Title 9 CFR 313 and under authority of 21 U.S.C. 621.

Furthermore, FSIS inspection personnel held multiple meetings with your plant management to discuss humane handling procedures including discussions on the malfunction of the handheld captive bolts. FSIS documented these meetings in Memorandum of Interviews (MOIs) for meetings held on October 5, 2023, December 22, 2023, January 19, 2024, and February 29, 2024. Despite these meetings, your establishment failed to implement effective procedures to prevent inhumane handling of animals at your establishment.

These findings demonstrate your 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) and 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 (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. Although your establishment has previously developed and implemented a systematic approach to humane handling, your written humane handling procedures are not considered robust, and you have failed to effectively implement your program accordingly.

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), 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.

Thomas Kulas, Plant Manager
University of Nevada Reno, Reno Meat Plant
dba Wolf Pack Meats, Est. 6004 M/P

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Appeal and Hearing Rights

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

Sherri Johnson,
Executive Associate for Regulatory Operations
Office of Field Operations
Food Safety and Inspection Service
United States Department of Agriculture
1400 Independence Avenue, SW
SB, Room 3162
Washington, DC 20250
Email: sherri.johnson@usda.gov
Phone: (202) 379-6196

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
1400 Independence Avenue, SW
Stop Code 3753, SB - Room 2148
Washington, DC 20250
Telephone: (202) 418-8872
Facsimile: (202) 245-5097
E-mail: AEBCorrespondence@usda.gov

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
Gabrial Eddings, DVM DACVPM
District Manager

Thomas Kulas, Plant Manager
University of Nevada Reno, Reno Meat Plant
dba Wolf Pack Meats, Est. 6004 M/P

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cc: S. Johnson, EARO
(b) (6), Humane Handling Enforcement Coordinator
S. Smith, OIEA Regional Director
G. Abreu, DDM
V. Felix, DDM
F. Gillis, DDM
(b) (6), SELAO
(b) (6), DCS
(b) (6), DVMS
(b) (6), FLS
(b) (6), Acting FLS
(b) (6), EIAO
IIC at 6004 M/P
FO/Quarterly Reports