



Food Safety  
and Inspection  
Service

July 14, 2023

Electronically Signed copy emailed July 14, 2023

Office of Field  
Operations  
Des Moines  
District Office

Northern MN Meat Co.  
Establishment M1083  
5155 Great Scott Holmes Road  
Mt. Iron, Minnesota 55768  
[shane@mahkahta.com](mailto:shane@mahkahta.com)  
(218) 258-2239

Neal Smith  
Federal  
Building  
210 Walnut  
Street  
Room 985  
Des Moines,  
IA 50309-2123

Attention: Shane Lokken, Owner

### NOTICE OF SUSPENSION

Voice

515.727.8960

Fax

515.727.8991

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 Northern MN Meat CO., Est. M1083, located at 5155 Great Scott Holmes Road Mt. Iron, MN. This letter follows verbal notification of the suspension action, provided by (b) (6), Supervisory Public Health Veterinarian, to Shane Lokken, Owner at approximately 11:05am on July 14, 2023. This action includes your Slaughter Hazard Analysis 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 an egregious human handling incident occurred at your establishment. 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 July 14, 2023 at approximately 1000 hours, while conducting the HATS task Category VIII: Stunning Effectiveness, IPP, observed the following noncompliance: a hog in the stunning pen was not immediately rendered unconscious with the first stun application. After the first stun application with the electrical hog stunner, the conscious hog remained standing with rhythmic breathing and continuous, high pitched, loud vocalization. The prongs of the stunner were fully seated on the hog's neck prior to electrical discharge, however the hog moved suddenly and contact was lost. A second stun attempt was immediately applied by contacting the prongs with the animal's neck and then discharging the wand. The hog went down to lateral recumbency in the pen but continued to show signs of consciousness including rhythmic breathing and continuous, high pitched, loud vocalization. A third stun attempt was applied by contacting the prongs to the animal and then discharging the wand, however the animal continued to emit conscious vocalizations. The fourth stun attempt rendered the hog unconscious.

IPP took verbal regulatory control action. Plant Manager, Shane Holmes informed IPP that the suspected cause of the ineffective stuns was that the settings on the hog stunner were not properly set before use, and so the electrical current delivered to the animal was insufficient for the size of the hog. Verbal corrective actions were provided the settings on the stunner would be modified to be appropriate for the size of the animals.

IPP informed Plant Manager, Shane Lokken of the forthcoming noncompliance. A U.S. Reject tag number B37606514 was placed on the restrainer and IPP informed Mr. Lokken that they would be contacting the District Office through supervisory channels for further guidance. This represents noncompliance with regulation 313.30(a)(3): "the quality and location of the electrical shock shall be such as to product immediate insensibility to pain in the exposed animal."

### **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

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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 9 CFR 313.30(a)(3) and 313.30(b)(2), 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.

The establishment does not have a humane handling program that meets the four criteria as described in the Federal Register Notice of September 9, 2004. Based on the above findings, the Des Moines District Office has determined to suspend the assignment of inspectors for your slaughter operations, as per the Rules of Practice regulation 9 CFR Part 500.3(b).

The suspension of the assignment of inspectors will remain in effect until such time as you provide to this office adequate written corrective actions and preventive measures to assure that the handling and/or slaughter of animals will be done humanely and in accordance with the FMIA, HMSA, and the regulations promulgated therein.

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:

Sherri N. Johnson  
Executive Associate for Regulatory Operations  
Office of Field Operations  
Food Safety and Inspection Service  
United States Department of Agriculture  
SB, Room 1330A  
1400 Independence Avenue, SW  
Washington, DC 20250

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Email: [sherri.johnson@usda.gov](mailto:sherri.johnson@usda.gov)  
Phone: (b) (6)

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](mailto:AEBCorrespondence@usda.gov)

If you have questions regarding this matter, please feel free to contact the Des Moines District Office at 515-727-8960 or District Veterinary Medical Specialists (DVMS) (b) (6) (b) (6) or (b) (6)

Sincerely,



Dawn Sprouls  
District Manager



Digitally signed by Todd C. Gerwig  
Date: 2023.07.14 12:26:12 -05'00'