



Food Safety  
and Inspection  
Service

July 26, 2023

Electronically Signed copy emailed July 26, 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) for all slaughter operations at Northern MN Meat CO., Est. M1083, located at 5155 Great Scott Holmes Road Mt. Iron, MN. This letter follows notification via email of the suspension action, provided by (b) (6), District Veterinary Medical Specialist, to Shane Lokken, Owner at approximately 7:55pm on July 25, 2023.

This action is taken in accordance with the Rules of Practice regulation 9 Part Code of Federal Regulations (CFR) Part 500.3(b) due to multiple recurring noncompliance with 9 CFR part 313, including an egregious inhumane handling incident that occurred at your establishment on July 25, 2023. 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 Federal Meat Inspection Act (FMIA) (Title 21 of the United States Code {21 U.S.C.} 603 et seq) provides that for the purpose of preventing the inhumane slaughtering of livestock, the secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of the methods by which amenable species cattle, sheep, swine, goats, horses, mules, or other equines are slaughtered and handled in connection with slaughter in the slaughtering establishments inspected under this Act. The Secretary may refuse to provide inspection to a new slaughtering establishment or may cause inspection to be temporarily suspended at a slaughtering establishment if the Secretary finds that any cattle, sheep, swine, goats, horses, mules, or other equines have been slaughtered or handled in connection with slaughter at such establishment by any method not in accordance with the Humane Methods of Slaughter Act (HMSA) (72 Statute, 862; Title 7 U.S.C. 1901 to 1906) until the establishment furnishes assurances satisfactory to the Secretary that all slaughtering and handling in connection with 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 July 14, 2023, FSIS issued a Notice of Suspension due to an egregious inhumane handling event involving multiple electrical stun attempts made to render a hog unconscious. As of July 24, 2023, FSIS had not received a comprehensive response that includes all corrective actions and preventative measures to address the noncompliance outlined in that NOS. This suspension action is still in effect.

On July 24, 2023, the establishment requested to slaughter 10 head of sheep utilizing a handheld captive bolt device (HHCB). FSIS exercised regulatory discretion and granted your request.

On July 25, 2023, at approximately 1040 hours, while conducting the humane handling verification task Category VIII: Stunning Effectiveness, inspection program personnel (IPP), observed the following noncompliance: an ovine in the stunning area was not immediately rendered unconscious with the first stun application. After the first stun application with a HHCB, the conscious animal went down into sternal recumbency but was observed to have its head lifted with coordinated eye tracking movement. The animal rolled out of the stunning pen and then attempted to stand on its hind legs. The animal did not vocalize. A second stun was immediately applied with the backup HHCB which rendered the animal unconscious. Verbal regulatory control action was applied of the stunning area. US Reject tag B37606509 was applied to the stunning area.

Post-mortem inspection of the head revealed two wounds directly in the center of the forehead at the intersection of two lines drawn from each ear to the opposite eye. Plant owner Shane Lokken was notified of the forthcoming noncompliance. This represented noncompliance with 9 CFR 313.15(a)(1) immediate unconsciousness via captive bolt.

In addition to the egregious inhumane handling incidents outlined above IPP have issued noncompliance records (NRs) for 2 additional ineffective stunning incidents on March 7, 2023 that were not deemed egregious:

- NR #ONK3313034007N Livestock Humane Handling for a bovine not immediately rendered unconscious on the first stun application with a firearm.
- NR #ONK3411033507N Livestock Humane Handling for a hog not immediately rendered unconscious on the first stun application with a firearm.

### **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 detailed in 9 CFR 313.15(a)(1) 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 made a decision 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 address the noncompliance detailed in both the NOS issued on July 14, 2023 as well the additional noncompliance identified in this NOS, 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.

You may provide this office written corrective actions and preventive measures concerning the NOS and we will determine further action, if any, based upon your response. If you choose to address this issue, your written response should include:

1. An initial assessment of the incident, including determination of the cause.
2. Immediate corrective actions taken.
3. Measures to prevent reoccurrence.
4. Any training of employees, materials used, and associated records.
5. Type of monitoring activity(s) to be conducted and associated monitoring records.

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

Shane Lokken, Owner  
Northern MN Meats Co. Est. M1083

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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  
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,

**MARK**  
**JOHNSON**  
Digitally signed by  
MARK JOHNSON  
Date: 2023.07.26  
07:16:43 -05'00' (for)

Dawn Sprouls  
District Manager