



Food Safety and
Inspection Service

December 6, 2022

Office of Field
Operations
Denver District Office

**SENT VIA FEDEX &
ELECTRONIC MAIL**

1 Denver Federal
Center, Bldg. 45
P.O. Box 25387
Denver, CO 80225

Mr. Brian Jensen, Owner
Jensen Meat Co., LLC, Est. M1529
103 Baseline Rd.
Rupert, ID 83350
jensenmeat@live.com

Voice (303) 236-9800
Fax (303) 236-9794

NOTICE OF SUSPENSION

Dear Mr. Jensen,

This letter confirms the verbal notification provided to your establishment, Jensen Meat Co., LLC, M1529, located in Rupert, ID, on Tuesday, December 6, 2022, by the Food Safety Inspection Service (FSIS), Denver District, of the suspension of the assignment of inspectors and the withholding of the marks of inspection at your establishment for slaughter operations. Dr. David James, Deputy District Manager, verbally notified you of the suspension. This action was initiated in accordance with Title 21 of the United States Code (USC), Section 603(b) and Title 9 of the Code of Federal Regulations (CFR) Part 500.3(b) (Rules of Practice).

Background Authority

The Federal Meat Inspection Act (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 Humane Methods of Slaughter Act (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.

Under the authorities of these Acts, FSIS has prescribed rules and regulations required for the humane slaughtering of livestock, contained in Title 9 CFR Part 313. FSIS has also developed Rules of Practice regarding enforcement prescribed in 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, as well as the procedures for filing a complaint to withdraw a Grant of Federal Inspection.

Finding/Basis for Action

On Tuesday, December 6, 2022, the FSIS Consumer Safety Inspector (CSI) documented in a Noncompliance Record (NR) the following event at Est. M1529:

"The Establishment M1529 stun operator entered the slaughter floor with a standard 22 caliber long rifle at approximately 0928 hours, approached the stun box and aimed the firearm at the pig's head to apply the first stun attempt. The pig was a pot-bellied boar approximately 180lbs. The pig remained standing and moving around in the stun box after the first stun attempt. The animal was grunting as it continued to move around inside the stun box. The stun operator reloaded the firearm at 9:30 am and delivered a second ineffective attempt. Between 9:30 and 9:34 am the stun operator continued to attempt to stun the pig with the firearm three more times. With each concurrent stun attempt, the pig grunted, softly squealed and continued to move around inside the stunning enclosure. At this time, the firearm was out of ammunition. At 9:34am the stun operator vacated the slaughter floor to acquire more ammunition. The CSI then informed the slaughter floor employee that a potentially egregious humane handling non-compliance had occurred and that a U.S. Reject tag would be applied to the stunning area suspending further slaughter. The CSI and slaughter floor employee then approached the stun box and observed the pot-bellied boar standing and bleeding from the head. Between 9:34am and 9:36am the stun operator returned with more ammunition, reloaded the magazine, and proceeded to attempt to stun the pig. During stun attempts six through eleven the pig remained conscious, vocalizing loudly, and squealing after each stun attempt while the stun operator moved around the outside of the stun box. On stun application twelve, the pig collapsed to the floor but continued squealing and breathing rapidly. Two additional stun applications were taken. After the fourteenth stun attempt, the pig stopped vocalizing. The stun operator opened the stun box door to check the pig. At that at that time the pig was unresponsive. Absence of palpebral and corneal reflexes was demonstrated by the establishment stun operator. The carcass was dragged out of the stun box, stuck for bleeding and hoisted at 9:41am. The CSI then informed the establishment owner that a humane handling non-compliance record would be issued. US Reject tag B-45435477 was applied to the entrance of the stun box. The CSI notified his SPHV supervisor at approximately 0944 hours. Upon inspection of the dressed head, the CSI observed a grouping of penetrating stun holes producing an approximately two cm diameter larger hole in the target area. There were two penetrating holes outside the target area with one hole at the top of the skull about 8 cm caudal to the initial grouping of and a second hole was approximately 2 cm caudal to the initial grouping of penetrating holes. The Denver District Management Team was notified through supervisory channels."

Summary

The decision to suspend the assignment of inspectors at your establishment is based on this noncompliance with 9 CFR 313.16(a)(1). This is an inhumane noncompliance, whereby a swine

was unsuccessfully stunned multiple times, with ineffective corrective actions.

The suspension of the assignment of inspectors will remain in effect until such time as you provide the Denver District Office adequate written corrective actions and preventative measures to ensure that livestock at your establishment are handled and slaughtered humanely, and in accordance with the FMIA, the HMSA, and 9 CFR 313 regulations.

These should include:

- A written description of the incident.
- The root cause of the incident
- Your immediate corrective actions.
- Your specific corrective actions to prevent reoccurrence of the noncompliance.
- Any training or retraining of employees you plan to provide, including materials you're planning to use.
- Any monitoring procedures, including any documentation records.

In accordance with Title 9 CFR 500.5(a)(5), you may appeal this action by contacting:

Paul Wolseley
Executive Associate for Regulatory Operations
Office of Field Operations
Food Safety and Inspection Service
United States Department of Agriculture
1400 Independence Avenue, SW
Room 1329, South Building
Washington, D.C. 20250
Tel: 202-708-9506
Paul.Wolseley@usda.gov

In accordance with 9 CFR Part 500.5 (d), you may request a hearing concerning this action by contacting:

Scott C. Safian
Director, Enforcement Operations Staff
Office of Investigation, Enforcement and Audit
Food Safety and Inspection Service
United States Department of Agriculture
Stop Code 3753, SB - Room 2148
1400 Independence Avenue, SW
Washington, DC 20250
Office: (202) 418-8872
Fax: (202) 245-5097

If you have any questions regarding this matter, you may contact the Denver District Office at (303)236-9800.

Sincerely,
**JESSICA
VANHOOK**

Digitally signed by
JESSICA VANHOOK
Date: 2022.12.06 14:06:01
-07'00'

for

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

cc: FO/QER
Est. File
D. James, DDM
J. Monteverde, DDM
J. VanHook, DDM
(b) (6) FLS
(b) (6) SPHV
(b) (6) CSI
(b) (6) DCS
(b) (6) DVMS
(b) (6) DVMS
S. Baucher, RD/OIEA