



United States Department of Agriculture

Food Safety and
Inspection Service

March 23, 2023

Digitally signed copy sent via email

Office of Field
Operations
Des Moines District
Office

Jake Sailer
Sailer's Food Market and Meat Processing
Establishment M157
600 W. Winter Ave.
Elmwood, Wisconsin 54740

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

Voice 515.727.8960
Fax 515.727.8991

NOTICE OF SUSPENSION HELD IN ABEYANCE

Dear Mr. Sailer:

This letter confirms verbal notification provided by the Des Moines District Office, Food Safety and Inspection Service (FSIS) to establishment Sailer's Food Market and Meat Processing, M157, located at 600 W. Winter Ave, Elmwood, WI, herein referred to as the/your establishment, of the decision to place the Notice of Suspension (NOS), initiated on March 22, 2023, due to observation by inspection program personnel (IPP) of an egregious humane handling incident, into abeyance (NOSA).

On March 22 & 23, 2023, you provided FSIS, via emails, written corrective actions and preventive measures, in response to the regulatory noncompliance detailed in the NOS. The response outlined actions adequate to address the noncompliance regarding humane handling of livestock requirements, including a plan to maintain compliance with the *Federal Meat Inspection Act* (FMIA) Title 21 of the United States Code (21 U.S.C. 603), the *Humane Methods of Slaughter Act* of 1978 (HMSA) (7 U.S.C. 1901 *et seq*), and federal regulations {Title 9 of the Code of Federal Regulations (9 CFR) Part 313.15(a)(1) and 313.16(a)(1)}. The following documents were included, detailing actions immediately implemented and further proposed at your establishment:

Specifically:

- 5 points 3-22-23 (3 pages)
- HH Training Signature 1 (1 page)
- HH Training Signature 2 (1 page)
- HH Training Log Oct 2022 (excel spreadsheet)
- Humane Handling Program Rev.2 (4 pages)
- Stunning Procedure Training 3-22-23 (1 page)
- FRM-001 Employee Training Log Beef Captive Bolt Training (excel spreadsheet)
- Revised for Sailer's Humane Handling Training Program (PowerPoint 40 slides)
- Updated Employee Training (excel spreadsheet)
- Knocking Device Inspection R1 (excel spreadsheet)
- Knocking Logs (excel spreadsheet)
- Knocking Device Inspection Revisions (excel spreadsheet snip)
- Knocking Log revision (excel spreadsheet snip)
- Knocking Revisions 1(excel spreadsheet snip)

Based on your written response, you were informed via telephone, that the suspension of the assignment of IPP, for slaughter operations, at your establishment is held in abeyance effective March 23, 2023 @ 12:30 PM.

The suspension will remain in abeyance pending verification by FSIS personnel that your proposed corrective actions and preventive measures have been effectively implemented and are adequate to maintain compliance. Establishment personnel should monitor operations to prevent violations of humane handling and slaughter from occurring in the future. It is also important for you to understand the responsibility of FSIS to initiate action when there is a failure to operate in accordance with 9 CFR Part 313 of the regulations.

During the abeyance period verification activities will be conducted by IPP and results will be reported to the Des Moines District Office on a weekly basis. The decision to hold the suspension action in abeyance is based on the proffered actions. Any modifications to your submitted corrective actions and preventive measures made during the abeyance period need to be submitted, in writing, to the Des Moines District Office for review prior to implementation by your establishment.

Please be advised that, as a federally inspected establishment, you are expected to comply with FSIS regulations and to take appropriate corrective action to prevent inhumane handling of livestock at your establishment. Your failure to comply with these requirements or to implement the measures in your action plan could result in reinstatement of the suspension of inspection at your establishment or other appropriate administrative or legal action.

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

Sincerely,

**JEFFERY
JACOBSEN** Digitally signed by
JEFFERY JACOBSEN for
Date: 2023.03.23
13:15:03 -05'00'

Dawn Sprouls, DVM
District Manager
USDA FSIS OFO
Des Moines District Office