United States Department of Agriculture

Food Safety and Inspection Service

Office of Field Operations Denver District Office

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

Voice (303) 236-9800 Fax (303) 236-9794 Mr. Jim Wieringa, Plant Manager Island Grown Farmers Cooperative, Est. M21700 11719 Westar Ln. Burlington, WA 98233 igfc@igfcmeats.com

### NOTICE OF SUSPENSION

Dear Mr. Wieringa,

This letter confirms the verbal notification provided to your establishment, Island Grown Farmers Cooperative, M21700, located in Burlington, WA, on Tuesday, December 7, 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. Ms. Jenifer Monteverde, 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.

December 8, 2022

## SENT VIA FEDEX & ELECTRONIC MAIL

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 7, 2022, the FSIS Consumer Safety Inspector (CSI) documented in a Noncompliance Record (NR) the following event at Est. M21700:

"At approximately 10:00 am while IPP was observing stunning of a steer. An establishment employee attempted to stun the animal with a 22 mag Ruger rifle, while the animal was loaded into a small stock trailer standing facing the back end of the trailer. The establishment stun operator aimed the firearm at the steer's head to apply the first stun attempt. The animal remained standing and did not vocalize. The stun operator immediately aimed the firearm again and delivered a second ineffective stun attempt. The steer continued to remain standing and moving around inside the trailer. The stun operator aimed the firearm again and applied a third ineffective stun attempt. The steer remained standing and moved around in circles, then stopped, and immediately a fourth effective stun attempt was applied, and the animal dropped down to the trailer floor. IPP verified the animal was not displaying any signs of consciousness or sensibility.

*IPP verbally informed the establishment butcher that a humane handling non-compliance record would be issued and US Reject tag #B39950167 was applied to the trailer's door. IPP notified her supervisor and then Denver District office was contacted through supervisory channels.* 

Upon review of the dressed head four penetrating stun holes were observed.

This establishment has not implemented a Robust Systematic Approach to Humane Handling."

# Summary

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

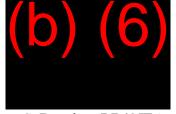
Scott C. Safian Director, Enforcement Operations Staff Office of Investigation, Enforcement and Audit Food Safety and Inspection Service United States Department of Agriculture Stop Code 3753, SB - Room 2148 1400 Independence Avenue, SW Washington, DC 20250 Office: (202) 418-8872 Fax: (202) 245-5097

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

Sincerely, JENIFER MONTEVERDE Date 2022 12 08 08 06 29 -0700 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



S. Baucher, RD/OIEA