



Food Safety and
Inspection Service

September 19, 2023

Office of Field
Operations
Des Moines
District Office

Verbally Delivered on September 15, 2023
Electronically Delivered on September 19, 2023

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

Russ Heinrichs, Establishment Manager
Farmers Union Industries, LLC, Est. M21898
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Estherville, Iowa 51334
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Voice
515.727.8960
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712-362-2225

LETTER OF DEFERRAL

Attention: Russ Heinrichs

This letter confirms verbal notification by (b) (6), DVMS at approximately 1300 on September 15, 2023, of the Des Moines District Office, Food Safety and Inspection Service (FSIS) decision to defer further action at this time, regarding the Notice of Intended Enforcement (NOIE).

The NOIE was initiated on September 12, 2023, due to the observation of an egregious humane handling incident at Establishment M21898, Farmers Union Industries, LLC., located at 2421 9th Avenue South, Estherville, Iowa 51334. On September 13, 14, and 15, 2023 you provided this office, via multiple emails, written corrective actions and preventative measures, in response to the regulatory noncompliance detailed in the NOIE. 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 313.30(a)(3) and 313.15(a)(1)}.

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 placed in deferral effective September 15, 2023.

The deferral period will remain 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.

Russ Heinrichs, Establishment Manager
Farmers Union Industries, LLC. Est. M21898

Letter of Deferral
September 18, 2023

During the deferral 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 place the NOIE in deferral is based on the proffered actions. Any modifications to your submitted corrective actions and preventive measures made during the deferral 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,

MARK
JOHNSON (for)

Digitally signed by
MARK JOHNSON
Date: 2023.09.19
12:57:49 -0500

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