



United States Department of Agriculture

Food Safety and
Inspection Service

January 8, 2025

ELECTRONIC MAIL on January 8, 2025

Office of Field
Operations
Des Moines
District Office

Amanda Isaacson, Owner
Backroads Meats Inc., Est. M2379
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210 Walnut Street
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Voice
515.727.8960
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NOTICE OF SUSPENSION

To: Amanda and Robbie Isaacson, Owners

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 Est. M2379, Backroad Meats Inc., located at 16849 110th Ave., Milaca, MN.

This letter follows verbal notification of the suspension action, provided by (b) (6) (b) (6) Public Health Veterinarian (PHV), to Robbie Isaacson, Owner at approximately 1:30pm on January 7, 2025.

The decision to institute this enforcement action is in accordance with Title 9 of the Code of Federal Regulations (CFR), Rules of Practice 500.3(b), based on the determination that your establishment did not handle or slaughter animals humanely. The observed egregious inhumane handling incident 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 regulatory requirements (9 CFR Part 313), specifically 313.16(a)(1).

Background

The FMIA (21 USC 601 *et seq.*) provides it is essential to the public interest that the health and welfare of consumers be protected, by assuring meat products distributed to them are wholesome, not adulterated, and properly marked, and labeled. The Act gives FSIS the authority, as designated by the Secretary of Agriculture, to prescribe rules and regulations describing sanitation requirements for inspected establishments and provide FSIS program personnel the authority to refuse to allow meat/meat food products to be marked, labeled, stamped, or tagged as *inspected and passed*, to prevent the entry of adulterated products into commerce. Furthermore, the FMIA provides

FSIS the authority to appoint inspectors to examine and inspect the method by which livestock are slaughtered and handled at slaughtering establishments.

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 January 7th, 2025, at approximately 9:25 a.m., while performing HATS category VIII, stunning effectiveness, inspection program personnel (IPP) observed the following noncompliance. While observing and listening from the neighboring room, outside of the slaughter room containing the knock box, IPP heard the first shot of a stun attempt on a sow contained in the knock box. After the shot, IPP immediately entered the slaughter room to verify stunning effectiveness. The establishment uses a 22-caliber long rifle with 22 high powered jacketed hollow point ammunition to stun hogs. The hog remained standing after the first attempt and remained standing and looking around the room. IPP stepped back into the neighboring room for the second stunning attempt with the same firearm. After the shot was heard, IPP stepped into the slaughter room and the hog was still standing, shaking her head and was visibly agitated. IPP again left the room, and the establishment made a third attempt at stunning with the same firearm. After the shot was heard IPP entered the slaughter room, and the hog was rendered unconscious. She showed no signs of sensibility. IPP applied USDA Reject tag # B34356583 to the knock box and informed the establishment they could not continue with federal slaughter until a decision was made by the district office.

Once the hog's head was removed, it was examined for the bullet holes. There were 3 entrance wounds to the skull. One was centered between the medial canthus of the eyes and one inch cranially. The 2nd wound was about ½ inch above the first and the 3rd wound was approximately ½ inch above the second wound.

IPP informed Rob Isaacson, Owner of the forthcoming noncompliance record (NR).

This is a noncompliance with 9 CFR 313.16(a)(1).

When an establishment maintains a robust humane handling program, FSIS can exercise regulatory discretion when an inhumane handling or slaughter incident is observed. You do not maintain a written humane handling program that is considered robust at this time.

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 addressed in 9 CFR 313.16(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.

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 IPP 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 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.

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 adulterated products at your 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:

Amanda Isaacson, Owner
Backroad Meats Inc., Est. M2379

Notice of Suspension
January 8, 2025

Robert Q. Bane
Executive Associate for Regulatory Operations
Office of Field Operations
4700 S. Thompson, Bldg. B, Ste. 201
Springdale, AR 72764
Mobile: (b) (6)
robert.bane@usda.gov

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

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 Specialist (b) (6) at (b) (6) (b) (6)

Sincerely,

(b) (6)

Digitally signed by
TODD GERWIG
Date: 2025.01.08
06:45:59 -06'00'
(for)

Mr. Jeffery Jacobsen
District Manager
USDA FSIS OFO
Des Moines District