



United States Department of Agriculture

Food Safety and
Inspection Service

March 1, 2023

Digitally signed copy emailed

Office of Field
Operations
Des Moines District
Office

(b) (6)
Cimpl's Inc.
1000 Cattle Drive
Yankton, SD, 57078

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

LETTER OF DEFERRAL

Dear (b) (6) :

Voice 515.727.8960
Fax 515.727.8991

This letter confirms verbal notification provided by the Des Moines District Office, Food Safety and Inspection Service (FSIS) to establishment Cimpl's Inc., M2460, located at 1000 Cattle Drive, Yankton, SD, herein referred to as the/your establishment, of the decision to place the Notice of Intended Enforcement (NOIE), initiated on February 27, 2023, due to observation by inspection program personnel (IPP) of an egregious humane handling incident, into deferral (LOD).

On February 28, 2023, and March 1, 2023, you provided FSIS, via emails, written corrective actions and preventive 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 313.15(a)(1)}.

The following documents were included, detailing actions immediately implemented and further proposed at your establishment:

- NOIE response letter (3 pages)
- Cimpl's Animal Handling Training Guide (4 pages)
- Humane Handling Training (18 pages)
- Animal Welfare Guidelines Training Sign Off Sheet (5 pages)
- Stun Placement Head Audit (1 page)
- Cattle Slaughter (4 pages)
- Knocker Training Sign Off Sheet (11 pages)
- Knocker Training PowerPoint (15 slides)
- Knock Gun Daily PM Procedures (1 excel sheet)
- Knock Gun Weekly PM Procedures (1 excel sheet)
- Knock gun readings start of day and post incident (1 email)
- Daily cleaning checklist (1 page)
- Daily Inspection of Animal Handling Equipment (1 page)
- February maintenance logs (1 excel sheet)

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 March 1, 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.

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) Veterinary Medical Specialist (DVMS), at (b) (6) or (b) (6), DVMS, at (b) (6)

Sincerely,

**MARK
JOHNSON** Digitally signed by
MARK JOHNSON
Date: 2023.03.01
17:28:11 -06'00' (for)

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