



Food Safety and
Inspection Service

February 8, 2024

Office of Field
Operations
Des Moines
District Office

Electronically mailed on February 8, 2024

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Des Moines, IA
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10 Riverside Drive
Long Prairie, MN 56347
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320-732-8334

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515.727.8960
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NOTICE OF SUSPENSION

Attention: Mr. Meyer

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 Long Prairie Packing, LLC, Establishment M253, located at 10 Riverside Drive, Long Prairie, Minnesota 56347. This letter follows notification via phone of the suspension action, provided by (b) (6), Frontline Supervisor, to Mr. Lyle Meyer, Plant Manager, at approximately 1138 hours on February 8, 2024.

This action is taken in accordance with the Rules of Practice regulation 9 Part Code of Federal Regulations (CFR) Part 500.3(b) due to an egregious inhumane handling incident that occurred at your establishment on February 8, 2024. The evidence 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 the regulatory requirements (9 CFR Part 313).

Background

The Federal Meat Inspection Act (FMIA) (Title 21 of the United States Code {21 U.S.C.} 603 *et seq.*) provides that for the purpose of preventing the inhumane slaughtering of livestock, the secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of the methods by which amenable species cattle, sheep, swine, goats, horses, mules, or other equines are slaughtered and handled in connection with slaughter in the slaughtering establishments inspected under this Act. The Secretary may refuse to provide inspection to a new slaughtering establishment or may cause inspection to be temporarily suspended at a slaughtering establishment if the Secretary finds that any cattle, sheep, swine, goats, horses, mules, or other equines have been slaughtered or handled in connection with slaughter at such establishment by any method not in accordance with the Humane Methods of

Slaughter Act (HMSA) (72 Statute, 862; Title 7 U.S.C. 1901 to 1906) until the establishment furnishes assurances satisfactory to the Secretary that all slaughtering and handling in connection with slaughter of livestock shall be in accordance with such methods.

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 February 8, 2024, at approximately 0905 hours, while performing a Livestock Humane Handling task observing HATS Category IX (Conscious Animals on the Rail), the following noncompliance was observed. IPP observed a conscious Holstein cow shackled and hanging on the stack rail between the restrainer and the sticker. IPP observed the cow attempting to right itself by lifting its head straight up towards the spine and holding it for a few seconds; this occurred two times in a course of twenty seconds. IPP also observed the cow blinking consistently with intention in a controlled manner. The cow was breathing, which IPP observed the abdominal cavity and neck move in and out as the cow was taking its breath. This breathing activity was rhythmic and observed the entire time while the cow was attempting to right itself. IPP did not hear the cow vocalize and the tongue was inside the mouth at the time. IPP heard the establishment employees in the stack rail area stating, "She is alive, she is alive."

IPP notified Harvest Supervisor (b) (6) that the cow was still conscious on the rail. No action was taken by (b) (6). IPP then went to notify Harvest Superintendent (b) (6) of their observations. (b) (6) and IPP arrived just as the cow was being re-stunned. IPP did not observe any signs of consciousness after the re-stun was applied. The animal was then stuck and bled. IPP asked (b) (6) for the establishment to save the head for further evaluation. During post-mortem inspection, IPP observed two holes in the skull. The larger stun hole 1 ¾ inch long and ¾ inch oblong in shape, was 8 inches below the top of the poll on center, approximately ¾ inch dorsal to the center of the eye from a horizontal line drawn from center of the right and left eye. The smaller stun hole was 6 ¼ inches from the top of the poll on center. FSIS IPP took

regulatory control action, and the restrainer was tagged at approximately 0940 hours with U.S. Reject tag B-45321944. Harvest Superintendent (b) (6) was notified of the forthcoming noncompliance with 9 CFR 313.15(a), and that USDA IPP would be contacting the District Office for further guidance.

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 detailed in 9 CFR 313.15(a) 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.

The establishment does have a humane handling program that meets the four criteria as described in the Federal Register Notice of September 9, 2004, but is currently under Deferral of a Notice of Intended Enforcement Action (NOIE) that was issued on December 12, 2023. 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 inspectors 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.

You may provide this office written corrective actions and preventive measures concerning the NOS and we will determine further action, if any, based upon your response. If you choose to address this issue, 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 or 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:

Sherri N. Johnson, Executive Associate for Regulatory Operations
Office of Field Operations
Food Safety and Inspection Service
United States Department of Agriculture
1400 Independence Avenue, SW
South Building, Room 1330A
Washington, DC 20250
sherri.johnson@usda.gov
Phone number: (b) (6)

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)

Sincerely,

**MARK
JOHNSON**

Digitally signed by
MARK JOHNSON
Date: 2024.02.08
14:16:37 -06'00'

(for)

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