



U.S. DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service
1400 Independence Avenue, SW
Washington, DC 20250

May 15, 2025

Electronically Submitted on May 15, 2025

Steve Hammer, Plant Manager

Elkton Locker and Grocery, Inc.
Establishment M34384
127 Elk Street
Elkton, South Dakota 57026
sdhammer@itctel.com
605-542-2291

Attention: Steve Hammer, Plant Manager

NOTICE OF REINSTATMENT OF SUSPENSION

This letter serves as official notification by the Food Safety and Inspection Service (FSIS) of its decision to, effective immediately, withhold the marks of inspection and suspend inspection services for the Slaughter Hazard Analysis Critical Control Point (HACCP) processes at Elkton Locker and Grocery (Elkton Locker), M34384, located at 127 Elk Street, Elkton, South Dakota. This letter follows verbal notification of the suspension action, provided by (b) (6), Consumer Safety Inspector to Steve Hammer, Owner, at approximately 1103 on May 15, 2025.

FSIS is taking this action in accordance with Title 9 of the Code Federal Regulations (CFR) Rules of Practice 500.3(b), based on the determination that Elkton Locker handled or slaughtered livestock inhumanely, in violation of the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*), the Humane Methods of Slaughter Act (HMSA) (7 U.S.C. 1901 *et seq.*), and the relevant regulatory requirements (9 CFR Part 313), specifically 313.16(a)(1).

This letter provides you with information on the Agency's authority, the facts supporting FSIS' action, and information on how you can respond.

Background/Authority

FSIS is the agency in the U.S. Department of Agriculture responsible for protecting the public's health by ensuring the nation's supply of meat, poultry, and processed egg products for sale and distribution in commerce is safe, unadulterated, wholesome, and correctly labeled and packaged. FSIS administers and enforces, among other laws, the FMIA, HMSA, and the statutes' implementing regulations. FSIS has prescribed rules and regulations required for establishments

producing meat/meat food products, including requirements pertaining to humane handling and slaughtering of livestock (9 CFR Part 313) and other matters. FSIS has also developed the Rules of Practice regarding enforcement (9 CFR Part 500). The Rules of Practice describe the types of enforcement action 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 Federal Grant of Inspection.

Should FSIS personnel document serious or repetitive food safety, sanitation, humane handling, slaughter, or other violations, FSIS may take enforcement action under 9 CFR Part 500.

Links to the Acts and the Rules of Practice are enclosed for your information and review.

FMIA: <https://www.fsis.usda.gov/policy/food-safety-acts/federal-meat-inspection-act>

HMSA: <https://www.fsis.usda.gov/policy/food-safety-acts/humane-methods-slaughter-act>

FSIS Rules of Practice: <https://www.ecfr.gov/current/title-9/chapter-III/subchapter-E/part-500>

Findings/Basis for Action

At 0747 hours on Thursday, May 15th, 2025, while performing Humane Handling Stunning Effectiveness, Category VIII, IPP observed the first of eight hogs was moved to the restrainer. The hog was an agitated male. IPP moved to the hallway adjacent to the slaughter floor as the establishment employee prepared to stun the hog with a .22 magnum rifle. Immediately after the first attempt, the employee was heard releasing the floor of the restrainer allowing the animal to roll out onto the floor. When IPP opened the door, she observed the hog to be conscious, blinking several times and rhythmically breathing. The establishment employee was observed reloading the .22 magnum rifle for a second attempt, additional rounds are carried by the employee each time an animal is stunned. Before the second stunning attempt could be made, the animal was able to rise and unsteadily walked across the room moving its head and looking around. The hog walked approximately 11 feet from the restraining cage. The stunning employee effectively performed the second stun once the animal stood still. The animal was observed to be unconscious throughout the remaining process. No vocalization was heard during the incident. A ½ inch diameter defect was present in the bone midline, two inches below a line drawn between the base of the ears and the eyes. Another ½ inch diameter defect was present in the bone one inch below a line drawn between the base of the ears. When the head was split, two enlarged projective pathways were found. One terminated inside the cranial vault at the caudal end. The other entry point fragmented and shattered the skull but did not damage the brain. The restrainer was rejected with US B19246642. Establishment supervisor (b) (6) was verbally notified of the noncompliance with 9 CFR 313.16(a)(1). (b) (6) then informed Plant Owner Mr. Steve Hammer of the situation.

Conclusion

On September 9, 2004, FSIS published "*Humane Handling and Slaughter Requirements and the Merits of a Systematic Approach to Meet Such Requirements*" in the Federal Register (69 FR 54625). Subsequently, on October 23, 2013, FSIS issued guidance, titled "*FSIS Compliance Guide*

for a Systematic Approach to the Humane Handling of Livestock," to promote a systematic approach to achieve compliance with the FSIS requirements for the humane handling and slaughter of livestock.

Elkton Locker and Grocery, does not currently maintain a written humane handling program for consideration. Currently, Elkton Locker is operating under the terms of a Notice of Suspension Held in Abeyance (NOSA) as a result of an inhumane handling incident (NR TLN3307011324N) on January 23, 2025. This NROS is being issued for the failure to effectively stun a hog with a firearm as described above, which indicates a failure to humanly handle livestock.

Based on the findings described above, Elkton Locker handled or slaughtered livestock inhumanely, in violation of the FMIA 21 U.S.C. 603(b), HMSA 7 U.S.C. 1901 – 1902, and 9 CFR 313.16(a)(1). In accordance with 9 CFR Part 500.3(b), FSIS is exercising its authority to withhold the marks of inspection and suspend inspection services for the Slaughter HACCP processes at Elkton Locker, effective immediately.

How to Respond to this Letter

Please be advised that this suspension will remain in effect for the Slaughter HACCP processes at Elkton Locker and Grocery, Est. M34384 until you provide adequate written corrective action and preventative measures to demonstrate adherence to regulatory requirements. Your written response is expected to include:

- An evaluation and identification of the nature and cause of the incident.
- A description of the specific actions taken to eliminate the cause of the incident and prevent future recurrences.
- Any corrective actions, preventative measures, and monitoring activities to ensure continued compliance.
- Copies of supporting documentation and records maintained and/or associated with the proposed corrective actions and preventative measures.

You may submit your response by electronic mail
fo/do25/desmoinesdistrictmanagementteam@usda.gov.

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 inhumane handling and slaughtering of livestock. Please be advised that failure to respond adequately to these issues may result in additional enforcement action, including initiation of administrative proceedings to withdraw Federal inspection services from Elkton Locker or other appropriate action.

Appeal and Hearing Rights

You have the right to appeal this matter and can do so by contacting:

Steve Hammer
Elkton Locker and Grocery

Notice of Reinstatement of Suspension
May 15, 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: EOSCorrespondence@usda.gov

If you have any questions, please contact the Des Moines District Office via telephone at 515-727-8960 or via electronic mail at fo/do25/desmoinesdistrictmanagementteam@usda.gov.

Sincerely,

MARK
JOHNSON
Digitally signed by MARK
JOHNSON
Date: 2025.05.15
15:31:55 -05'00' (for)

Jeffery Jacobsen
District Manager

cc: Robert Q. Bane, EARO
Jeffery Jacobsen, DM
Carol Ford, DDM
Todd Gerwig, DDM
Dr. Mark Johnson, DDM
Aubrey Williams, DCS
(b) (6), FLS
(b) (6), Acting FLS
(b) (6), SVMO
FO/Quarterly Reports