



March 30, 2023

Sent via  
ELECTRONIC MAIL

Limit Bid Packing  
Establishment M/V45201O  
13644 Stein Lane E.  
Odessa, WA 99159  
[keith@limitbidpacking.com](mailto:keith@limitbidpacking.com)  
(509)982-0043

Attention: Mr. Keith Nantz, Owner

## **NOTICE OF SUSPENSION**

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) at Limit Bid Packing, Establishment M/V45201O, located in Odessa, WA. This letter follows verbal notification of the suspension action, provided by (b) (6) District Veterinary Medical Specialist (DVMS), to Mr. Winston Wade, Plant Manager at approximately 12:09pm on March 30, 2023.

The decision to institute this enforcement action is in accordance with Title 9 of the Code of Federal Regulations (9 CFR), Rules of Practice 500.3(b), based on the determination that your establishment did not handle or slaughter animals humanely. 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/Authority**

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 March 30, 2023, the FSIS Supervisory Consumer Safety Inspector (SCSI) documented in a Noncompliance Record (NR) the following event at Est. M/V452010:

#### *“HATS Category VIII: Stunning Effectiveness*

*At approximately 9:34am following an initial stunning attempt by a newly trained stun operator on an older adult beef cow, the SCSI heard loud bovine vocalization coming from the stun box followed by the sound of the pneumatic captive bolt device a second time. The SCSI observed the cow to remain standing in the stun box, restrained by the head catch and vocalizing. The Plant Manager then immediately applied a third stun attempt using the pneumatic captive bolt device and the cow remained standing and vocalizing. A fourth stun attempt was applied using the readily available back-up hand-held captive bolt device and was ineffective as the cow continued to be standing and vocalizing. A fifth stun attempt by the Plant Manager using the readily available .380 caliber handgun rendered the cow unconscious at 9:37am. The cow remained unconscious and insensible to pain during shackling and sticking. The SCSI informed the Plant Manager of the egregious humane handling non-compliance and applied US Rejected tag B36817010 to the stun box.*

*Upon inspection of the dressed head, the three penetrating stun holes from the pneumatic captive bolt device along with the .380 caliber handgun were grouped slightly low and center on the head and the penetrating hole from the hand-held captive bolt device was about 1” higher and to the left of the cluster.*

*The Denver District Management Team was notified through supervisory channels. There have been no noncompliance records issued for the same root cause in the past 90 days. The establishment does not operate under a robust systematic approach to humane handling of livestock.”*

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). On September 24, 2020, FSIS released FSIS Directive 6900.2 Revision 3, entitled,

"*Humane Handling and Slaughter of Livestock.*" Additionally, on October 23, 2013, FSIS introduced new guidance, titled "*FSIS Compliance Guide for a Systematic Approach to the Humane Handling of Livestock.*" Within the guidance material is information intended to better ensure the humane treatment of livestock presented for slaughter. The guidance material provides a set of practices designed to minimize excitement, discomfort, and accidental injury regarding the humane handling of livestock to include the four components of a robust systematic approach to humane handling.

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 currently maintain a written humane handling program for consideration.

### **Summary and 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 313.15(a)(1), 313.15(b)(1)(iv) and 313.15(b)(2)(i), 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.

Please provide a written response, inclusive of written corrective action and preventative measures, by addressing the following:

- Evaluate and identify the nature, cause of the incident.
- Describe the specific actions taken to eliminate the cause of the incident and prevent future recurrences.
- Describe specific monitoring activities planned to ensure future compliance.
- Provide any supporting documentation and records maintained and/or associated with the proposed corrective actions and preventative measures.

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:

Paul Wolseley,  
Executive Associate for Regulatory Operations  
Office of Field Operations

Food Safety and Inspection Service  
United States Department of Agriculture  
1400 Independence Avenue, SW  
SB, Room 3160  
Washington, DC 20250  
Email: [Paul.Wolseley@usda.gov](mailto:Paul.Wolseley@usda.gov)  
Phone: (202) 937-4761

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](mailto:AEBCorrespondence@usda.gov)

If you have any questions you may contact the Denver District Office via telephone at (303) 236-9800 or via electronic mail at [Denver.Districtmanagement@usda.gov](mailto:Denver.Districtmanagement@usda.gov) or by fax at (303) 236-9794.

Sincerely,

ROBERT REEDER Digitally signed by ROBERT REEDER  
Date 2023.03.30.14.31.34 -0600

Dr. Robert Reeder  
District Manager  
USDA FSIS OFO  
Denver District Office  
[Robert.Reeder@usda.gov](mailto:Robert.Reeder@usda.gov)

cc: P. Wolseley, EARO  
R. Reeder, DM  
S. Baucher, OIEA Regional Director  
J. VanHook, DDM  
D. James, DDM  
J. Monteverde, DDM  
(b) (6), SEIAO

Mr. Keith Nantz  
Limit Bid Packing, Est. M/V452010

Notice of Suspension  
March 30, 2023

(b) (6) DCS  
(b) (6), DVMS  
(b) (6) DVMS  
(b) (6) FLS  
(b) (6), SPHV at Est. M/V452010  
(b) (6), EIAO  
(b) (6) SCSI  
FO/Quarterly Reports