



United States Department of Agriculture

Food Safety and
Inspection Service

Office of Field
Operations
Des Moines District
Office

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210 Walnut Street
Room 985
Des Moines, IA
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Voice 515.727.8960
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December 29, 2023

Electronically mailed on December 29, 2023

Adam Bode, Plant Manager
New Angus, LLC, Est. M45471
P.O. Box 190
Aberdeen, SD 57402
abode@demkotarb.com
605-262-2333

NOTICE OF SUSPENSION HELD IN ABEYANCE

Attention: Adam Bode

This letter serves as official notification by the Food Safety and Inspection Service (FSIS) of our decision to place the Notice of Suspension (NOS), initiated on December 29, 2023, at New Angus, LLC., Establishment M45471, located at 13 135th Street SW, Aberdeen, South Dakota 57401, into abeyance (NOSA). This letter follows verbal notification, provided by (b) (6), DVMS, to (b) (6) QA Manager and Mr. Adam Bode, Plant Manager, on December 29, 2023.

On December 29, 2023, you provided FSIS, via emails, written corrective actions and preventive measures, in response to the regulatory noncompliance detailed in the NOS. 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}. The following documents were included, detailing actions immediately implemented and further proposed at your establishment:

Specifically:

- Humane Handling Action Plan, dated December 29, 2023 (2 pages)
- Knock hole Placement Audit Rev 2 (4 pages)
- Cattle Welfare Audit-rev 4 (Xcel document)
- Knocker Certified training (10 pages)
- Stunner Certification Training – Rev 1 (15 pages)
- Cattle Welfare Audit (6 pages)

- 5 emails dated 12/29/2023, time stamped at 2:17 pm, 3:16 pm, 5:27 pm, 7:15 pm, 8:21 pm

Based on your written response, you were informed verbally, that the suspension of the assignment of IPP, for slaughter operations, at your establishment is held in abeyance effective at 2036 hours on December 29, 2023.

The suspension will remain in abeyance 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 reoccurring. 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 abeyance 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 hold the suspension action in abeyance is based on the proffered actions. Any modifications to your submitted corrective actions and preventive measures made during the abeyance 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 District Veterinary Medical Specialist (b) (6) (b) (6)

Sincerely,

MARK JOHNSON
Digitally signed by
MARK JOHNSON
Date: 2023.12.29
21:12:05 -06'00' (for)

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