



United States Department of Agriculture

Food Safety and
Inspection Service

Office of Field
Operations
Des Moines District
Office

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

Voice 515.727.8960
Fax 515.727.8991

May 10, 2023

HyLife Foods Windom LLC
EST. #45856
2850 Hwy. 60 East
Windom, MN 56101

ELECTRONIC MAIL on May 10, 2023

Attention: Mr. Glen Taylor, Owner

NOTICE OF REINSTATEMENT 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) for slaughter operations at HyLife Foods Windom, LLC, EST.#45856, located at 2850 Hwy. 60 East, Windom, MN.,56101. This letter follows verbal notification of the reinstatement of suspension action, provided by (b) (6) to (b) (6) at approximately 2:30pm on May 10, 2023.

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 May 10, 2023. 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

At approximately 12:56pm while performing HATS Category IX, Check for Conscious Animals on the Rail, IPP observed the following noncompliance. While standing across from the hog sticker, IPP observed a market hog shackled and hanging on the rail between the shackling and the sticking areas. The hog quietly vocalized three times as it approached the sticking area. Once it reached the sticking area, the conscious hog loudly vocalized and began kicking all four limbs with coordinated movements. The hog sticker motioned to another employee and an employee arrived with a loaded handheld captive bolt (HHCB) gun. The employee grabbed the hog by the ear to turn it and the hog loudly squealed as it was turned. The employee applied an effective stun with the HHCB gun. The hog began to reflexively kick and vocalizations ceased. IPP applied U.S. Reject Tag B46568477 to the CO2 stunner. IPP notified (b) (6), Senior Manager of the Kill Floor and Yards of the noncompliance and regulatory control action. The establishment failed to meet the requirements of 9 CFR 313.5(a)(3).

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 313.5(a)(3), 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.

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- 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 take appropriate actions to prevent the inhumane handling and slaughter of livestock 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
SB, Room 1330A
1400 Independence Avenue, SW
Washington, DC 20250
Email: sherri.johnson@usda.gov
Phone: 202-379-6196

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 any questions, please contact the Des Moines District Office at 515-727-8960, (b) (6), District Veterinary Medical Specialist (DVMS), at (b) (6) or (b) (6), DVMS, at (b) (6)

Mr. Glen Taylor, Owner
HyLife Foods Windom, LLC, Est. 45856

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Sincerely,



Digitally signed by Todd
C. Gerwig
Date: 2023.05.10 15:54:32
-05'00'

Dawn Sprouls
District Manager

Mr. Glen Taylor, Owner
HyLife Foods Windom, LLC, Est. 45856

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cc: Sherri Johnson, EARO
Dawn Sprouls, DM
(b) (6), Humane Handling Enforcement Coordinator
Shaun Smith, OIEA Regional Director
Mark Johnson, DDM
Todd Gerwig, DDM
Jeff Jacobsen, DDM
(b) (6), SEIAO
(b) (6), SEIAO
(b) (6), DCS
(b) (6), DVMS
(b) (6), DVMS
(b) (6), FLS
(b) (6), IIC at EST. 45856
FO/Quarterly Reports