



May 10, 2024

Lighthouse Custom Meats, LLC
Est. M47916
464 North Indiana State Road 57
Bloomfield, IN 47424
(b) (6)
(812) 645-9673

HAND DELIVERED on 05/10/24.
ELECTRONIC MAIL on 05/10/24
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Attention: Mr. Delmar Wagler, 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 Lighthouse Custom Meats, LLC, establishment M47553, located at 464 North Indiana State Road 57 in Bloomfield, Indiana. This letter follows verbal notification of the suspension action, provided by Mr. William Cranford, Deputy District Manager, to Mr. John Wagner, owner, and (b) (6), HACCP Coordinator, at approximately 11:40 AM EST on May 9, 2024. This action includes your Slaughter Hazard Analysis Critical Control Point (HACCP) processes employed at your establishment.

The decision to institute this enforcement action is in accordance with Title 9 of the Code of Federal Regulations (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 handling and slaughtering 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 May 9, 2024, at approximately 1115 hours EST, the following observations were made during a routine District Veterinary Medical Specialist (DVMS) humane handling verification visit. An approximately 300-pound hog was confined within the knock box. The electrical stunning equipment operator wet the hog down with water and set the B&D stunning equipment to the "Hi" setting in preparation for stunning. The operator applied the device to the head of the hog in contact behind the ears. The animal vocalized in response, became momentarily rigid, and remained conscious, i.e. rhythmically breathing and eyes open and in a sternal position. During this time the electrical stunning equipment remained in contact behind the ears and continued discharging as indicated by smoke emanating directly from beneath the points where the wand was in contact with the hide of the hog. The operator recognized the animal was not effectively stunned and quickly removed the device from contact with the hog and immediately replaced the device in the same position, again discharging the device as he did so. The hog vocalized in response and remained in a sternal position. The device remained in contact with the hog, continuously discharging with smoke emanating from the contact points on the hogs hide. During this time, and as the device continued discharging, the operator used the device to roll the hog laterally in preparation for a heart stun. The operator removed the device from contact with the hog and allowed the animal to remain in lateral recumbency. The knock box door was opened to administer the heart stun and the hog immediately rose, vocalized, and stumbled from the knock box onto the kill floor. The operator pursued the hog for a distance of approximately 7 feet where he was able to reapply the electrical stunning device to the head and effectively render the hog insensible at that time. A heart stun was subsequently placed, and the hog was stuck to initiate exsanguination. The owner was informed the incident as observed was noncompliant and egregious. Regulatory control of the process was verbally imposed and U.S. Retained tag number B37087424 was placed on the knock box.

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 that is considered robust.

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 handling and/or slaughter 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 313.2(f), 313.30(a)(1), and 313.30(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 to the Chicago District Office which address the following:

- Evaluate and identify the nature and 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 preventive 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:

Ms. Karen Hunter
Executive Associate for Regulatory Operations
Office of Field Operations
Food Safety and Inspection Service
United States Department of Agriculture
SB, Room 3129
1400 Independence Avenue, SW
Washington, DC 20250
Email: karen.hunter@usda.gov
Phone: (202) 499-0275

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


Mr. Delmar Wagler, Owner
Lighthouse Custom Meats, LLC Est. M47916

Notice of Suspension
May 10, 2024

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 (b) (6), District Veterinary Medical Specialist (DVMS), at (b) (6) or electronic mail at (b) (6) @usda.gov; or (b) (6) at (b) (6) electronic mail at (b) (6) @usda.gov. Additionally, you may contact the Chicago District Office at (630) 317-1293.

Sincerely,

 Digitally signed by
WILLIAM CRANFORD For/
Date: 2024.05.10
09:12:28 -0500

Dr. Donald B. Fickey
District Manager
FSIS Chicago District