



United States Department of Agriculture

Food Safety and  
Inspection Service

October 25, 2024

Office of Field  
Operations  
Des Moines  
District Office

Electronic Mail on October 25, 2024

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

Todd Casperson, Vice President of Operations  
Eagle Grove Cooperative  
3183 IA Hwy 17  
Eagle Grove, Iowa 50533  
Est. M51340  
[tcasperson@prestagefoods.com](mailto:tcasperson@prestagefoods.com)  
515-448-2700

Voice  
515.727.8960  
Fax 515.727.8991

**NOTICE OF INTENDED ENFORCEMENT**

Attention: Todd Casperson

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), with prior oral notification, at Establishment M51340, Eagle Grove Cooperative, located at 3183 IA Hwy 17, Eagle Grove, Iowa 50533. This letter follows verbal notification of the Notice of Intended Enforcement (NOIE), by (b) (6), SPHV, to (b) (6), Food Safety Quality Assurance Supervisor, at approximately 2:25 pm on October 25, 2024. This action includes the 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 observed, egregious, inhumane handling incident 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 regulatory requirements (9 CFR Part 313).

**Background**

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 October 25, 2024, at approximately 14:25 hours, IPP was conducting a Livestock Humane Handling Task and verifying HATS Category Alternative Object Use VI and observed the following noncompliance. There were six hogs in a group. As the pre-dividing gate was moving the group towards the East (b) (4) loading area, IPP observed one hog sitting with its rear end contacting the floor. The gate moved approximately five (5) feet, and the hog remained sitting the entire time. An employee was standing approximately 2 feet away and did not either observe the hog and/or did not take action to stop the gate. The hog did not vocalize. IPP immediately informed the employee to stop the gate as a Supervisor was not near them. The gates were stopped. The animal stood up voluntarily on its own after IPP informed (b) (6), Barn Supervisor that IPP was taking a regulatory control action by stopping stunning. IPP also informed (b) (6), FSQA Supervisor, of the incident and that IPP was taking a regulatory control action. This is in noncompliance with 9 CFR 313.2(d)2 and 313.5(a)(2). U.S. Retain Tags #B45256052 and B45256173 were placed on both CO2 stunners. IPP then contacted the District Office for additional direction.

### **Conclusion**

After consideration of the facts surrounding this incident, the Des Moines District Office has determined that a NOIE be issued for your slaughter operations, in lieu of a Notice of Suspension (NOS), as per the Rules of Practice 9 CFR Part 500.3(b) and 9 CFR 313.2(d)2 and 313.5(a)(2).

When an establishment maintains a robust humane handling program, FSIS can exercise regulatory discretion when an inhumane handling or slaughter incident is observed. Although your establishment has previously developed and implemented a systematic approach to humane handling that was considered robust, you have failed to effectively implement your program accordingly.

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.

In accordance with FSIS' Rules of Practice, regulation 9 CFR Part 500.3(b), we are affording you the opportunity to demonstrate why a determination should not be made that your slaughter process is inadequate or to demonstrate that you have achieved regulatory compliance. Please provide this office with a written response to this NOIE within three (3) working days from the date of your receipt of this letter. We will determine if any further actions are necessary based on your response.

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 immediate suspension action.

Your proposed corrective actions and preventive measures should include any times and/or dates for completion of these proposed activities.

Todd Casperson, VP of Operations  
Eagle Grove Cooperative, Est. M51340

Notice of Intended Enforcement  
October 25, 2024

**Appeal Rights**

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

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](mailto:robert.bane@usda.gov)

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) at (b) (6) (b) (6)

Sincerely,

(b) (6)

Digitally signed by  
TODD GERWIG  
Date: 2024.10.25  
17:33:31 -05'00'

Mr. Jeffery Jacobsen  
District Manager  
USDA FSIS OFO  
Des Moines District