



April 23, 2025

Hand Delivered by (b) (6) on 4/23/25
Electronically Submitted on 4/23/25

HK Cooperative, Inc., Est. M818
4413 W. Bogart Road
Sandusky, OH 44870
ngilroy@routhpacking.com
(419) 626-2251

Attention: Mr. Norman Gilroy, President

NOTICE OF SUSPENSION

This letter serves as official notification by the Food Safety and Inspection Service (FSIS) of its decision to, effective immediately, withhold the marks of inspection and suspend inspection services for the Slaughter Hazard Analysis Critical Control Point (HACCP) processes at HK Cooperative, Inc. (HK Cooperative), Est. M818, located at 4413 W. Bogart Road, Sandusky, OH 44870. This letter follows verbal notification of the suspension action, provided by Dr. Kelsey Travis, Deputy District Manager (DDM), to you, Mr. Norman Gilroy, President, at approximately 5:32 pm EDT on April 22, 2025.

FSIS is taking this action in accordance with Title 9 of the Code Federal Regulations (CFR) Rules of Practice 500.3(b), based on the determination that HK Cooperative handled or slaughtered livestock inhumanely, in violation of the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*), the Humane Methods of Slaughter Act (HMSA) (7 U.S.C. 1901 *et seq.*), and the relevant regulatory requirements (9 CFR Part 313).

This letter provides you with information on the Agency's authority, the facts supporting FSIS' action, and information on how you can respond.

Background/Authority

FSIS is the agency in the U.S. Department of Agriculture responsible for protecting the public's health by ensuring the nation's supply of meat, poultry, and processed egg products for sale and distribution in commerce is safe, unadulterated, wholesome, and correctly labeled and packaged. FSIS administers and enforces, among other laws, the FMIA, HMSA, and the statutes' implementing regulations. FSIS has prescribed rules and regulations required for establishments producing meat/meat food products, including requirements pertaining to humane handling and slaughtering of livestock (9 CFR Part 313) and other matters. FSIS has also developed the Rules of Practice regarding enforcement (9 CFR Part 500). The Rules of Practice describe the types of enforcement action 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 Federal Grant of Inspection.

Should FSIS personnel document serious or repetitive food safety, sanitation, humane handling, slaughter, or other violations, FSIS may take enforcement action under 9 CFR Part 500.

Links to the Acts and the Rules of Practice are enclosed for your information and review.

FMIA: <https://www.fsis.usda.gov/policy/food-safety-acts/federal-meat-inspection-act>

HMSA: <https://www.fsis.usda.gov/policy/food-safety-acts/humane-methods-slaughter-act>

FSIS Rules of Practice: <https://www.ecfr.gov/current/title-9/chapter-III/subchapter-E/part-500>

Findings/Basis for Action

On April 22, 2025, at approximately 4:00 pm EDT, while watching truck unloading, the Supervisory Public Health Veterinarian (SPHV) observed the following noncompliance. Against the right side of a semi-trailer and unloading dock, the SPHV observed a market hog lying parallel to the trailer wall. Upon closer inspection, the SPHV noticed that the trailer on the right side was not flush to the building, creating an approximate 2-inch gap where the hog's right foot and leg had fallen into. Since the last hog had been unloaded from the truck, the barn lead went to the barn office and retrieved the captive bolt gun to stun the entrapped hog. He then placed the captive bolt gun on the animal's forehead and discharged it. The hog showed normal reactions consistent with an insensible hog. The barn lead returned the captive bolt gun to the office and grabbed a chain to move the animal. The chain was attached to the hog's front left foot, and the barn lead attempted to move the hog. When the hog did not move, the chain was handed to a second barn employee to pull, and the barn lead used his hands to lift on the hog's rear left leg to maneuver the hog out of the gap and onto the unloading dock. The hog was pulled approximately 6 feet away from the trailer onto the dock. The barn lead then retrieved the cradle sled and moved to position the sled against the back of the hog. At this point, the barn lead commented that the hog was still breathing and went back to the barn office to retrieve the captive bolt gun. As the barn lead was returning, the hog regained consciousness and righted itself from a lateral position into sternal recumbency. The barn lead placed the captive bolt gun against the hog's forehead and discharged the device. The hog remained conscious in sternal recumbency and was looking around and tracking movement with its eyes. The barn lead then went back to the office to retrieve another charge for the captive bolt gun. During that time, the hog proceeded to stand onto all four feet, and as the barn lead returned and placed the captive bolt gun against the hog's forehead, the hog squealed and moved away from the barn lead approximately a foot and a half. The barn lead then repositioned himself on the opposite side of the hog. The hog took a few more steps away before the barn lead was able to place the captive bolt gun and discharge it. The hog immediately collapsed and exhibited normal reactions of an insensible hog. The hog was left under observation until all normal reflexive motion had stopped. The hog was then placed in the cradle sled and moved off the dock and into the small, enclosed area behind a gate. At this time, U.S. Reject Tag number B-46512040 was placed across the single file chute entering the stunning area. After discussing her observations with supervisory and district office personnel, the SPHV went to examine the hog before leaving the barn area. The hog was still in the cradle sled on its back, but, upon observation, was rhythmically breathing. No other actions or movements were observed at that time. The SPHV notified the barn lead of her observations and requested that they apply a security stun to ensure that the animal remained insensible. Upon the barn lead placing the captive

bolt gun against the left side of the hog's head behind the ear, the hog regained consciousness and pulled away from the captive bolt gun and then squealed as the barn lead discharged the captive bolt gun. The barn lead again placed the captive bolt gun behind the left ear in the same position and discharged the device. The hog was rendered insensible at that time. Once the reflexive kicking had ceased, the barn lead applied a security stun with the captive bolt gun behind the right ear.

Upon examination of the hog's head, there were three wounds in the forehead, two behind the left ear, and one behind the right ear. Two of the wounds on the forehead were on midline at the level of the eyebrow, almost directly on top of each other. The third wound on the forehead was just to the left of midline, approximately at the same level as the other two forehead shots. Two wounds were observed behind the base of the left ear, one slightly lower than the other. One wound was observed behind the base of the right ear.

Conclusion

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). Subsequently, on October 23, 2013, FSIS issued guidance, titled "*FSIS Compliance Guide for a Systematic Approach to the Humane Handling of Livestock*," to promote a systematic approach to achieve compliance with the FSIS requirements for the humane handling and slaughter of livestock.

If an establishment maintains a robust humane handling program, FSIS can exercise regulatory discretion when an inhumane handling or slaughter incident is observed. Although HK Cooperative had previously developed and implemented a systematic approach to humane handling that was considered robust, it failed to effectively implement the program.

Based on the findings described above, HK Cooperative handled or slaughtered livestock inhumanely, in violation of the FMIA 21 U.S.C. 603(b), HMSA 7 U.S.C. 1901 – 1902, and 9 CFR 313.1(a), 313.15(a)(1), and 313.15(a)(3). In accordance with 9 CFR Part 500.3(b), FSIS is exercising its authority to withhold the marks of inspection and suspend inspection services for the Slaughter HACCP processes at HK Cooperative, effective immediately.

How to Respond to this Letter

Please be advised that this suspension will remain in effect for the Slaughter HACCP processes at HK Cooperative until you provide adequate written corrective action and preventative measures to demonstrate adherence to regulatory requirements. Your written response is expected to include:

- An evaluation and identification of the nature and cause of the incident.
- A description of the specific actions taken to eliminate the cause of the incident and prevent future recurrences.
- Any corrective actions, preventative measures, and monitoring activities to ensure continued compliance.

- Copies of supporting documentation and records maintained and/or associated with the proposed corrective actions and preventative measures.

You may submit your response by fax to SM.FSIS.OFO.CHIIL.EFAX7599@USDA.GOV, or by electronic mail (e-mail) to (b) (6) [@usda.gov](mailto:(b) (6)@usda.gov).

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 inhumane handling and slaughtering of livestock. Please be advised that failure to respond adequately to these issues may result in additional enforcement action, including initiation of administrative proceedings to withdraw Federal inspection services from HK Cooperative or other appropriate action.

Appeal and Hearing Rights

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

Ms. Geraldine French
Acting Executive Associate for Regulatory Operations
Food Safety and Inspection Service
1400 Independence Avenue, S.W.
3130 South Building
Washington, DC 20250
Email: geraldine.french@usda.gov
Phone: (b) (6)

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
Office of Investigation, Enforcement and Audit
Food Safety and Inspection Service
Stop Code 3753, Room 2161
1400 Independence Avenue, SW
Washington, DC 20250
Fax Number: (202) 245-5097
E-mail: EOSCorrespondence@usda.gov

If you have any questions, please contact (b) (6), District Veterinary Medical Specialist (DVMS) by telephone at (b) (6) or by electronic mail at (b) (6) [@usda.gov](mailto:(b) (6)@usda.gov). Additionally, you can contact the Chicago District Office at (630) 317-1293 or by fax at SM.FSIS.OFO.CHIIL.EFAX7599@USDA.GOV.

Mr. Norman Gilroy, President
HK Cooperative, Inc., Est. M818

Notice of Suspension
April 23, 2025

Sincerely,

**KELSEY
TRAVIS**

Digitally signed by KELSEY
TRAVIS
Date: 2025.04.23 06:50:20
-05'00'

Dr. Donald Fickey
District Manager
Chicago District