



Food Safety and
Inspection
Service

September 26, 2023

Electronically Signed copy emailed September 26, 2023

Office of Field
Operations
Des Moines
District Office

Carlson Meat Shop
Establishment M8948
105 2nd Street North
Grove City, MN 56243

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

info@carlsonmeatshop.com
(320) 905-1381

Attention: Joel Inselmann, Owner

NOTICE OF SUSPENSION

Voice
515.727.8960
Fax
515.727.8991

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 all slaughter operations at Carlson Meat Shop, Est. M8948, located at 105 2nd Street North, Grove City, MN. This letter follows notification via phone of the suspension action, provided by (b) (6), District Case Specialist, to Joel Inselmann, Owner at approximately 4:24pm on September 26, 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 September 26, 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 Federal Meat Inspection Act (FMIA) (Title 21 of the United States Code {21 U.S.C.} 603 *et seq*) provides that for the purpose of preventing the inhumane slaughtering of livestock, the secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of the methods by which amenable species cattle, sheep, swine, goats, horses, mules, or other equines are slaughtered and handled in connection with slaughter in the slaughtering establishments inspected under this Act. The Secretary may refuse to provide inspection to a new slaughtering establishment or may cause inspection to be temporarily suspended at a slaughtering establishment if the Secretary finds that any cattle, sheep, swine, goats, horses, mules, or other equines have been slaughtered or handled in connection with slaughter at such establishment by any method not in accordance with the Humane Methods of Slaughter Act (HMSA) (72 Statute, 862; Title 7 U.S.C. 1901 to 1906) until the establishment furnishes assurances satisfactory to the Secretary that all slaughtering and handling in connection with slaughter of livestock shall be in accordance with such methods.

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 September 26, 2023, at 09:50 hours while performing HATS Task Category VIII Stunning effectiveness, IPP observed the following noncompliance. An establishment employee positioned himself to stun a beef steer, with a .22 caliber rifle, in the restrainer, the head restraint was not utilized allowing the head to move around freely. After the stun attempt, the steer remained conscious, IPP observed the steer moving its head in a controlled manner and standing and breathing rhythmically. The establishment employee immediately reloaded the same .22 caliber rifle two more times, from the loaded magazine, attempting two more stuns. After the second and third stun attempt the steer was observed standing, breathing rhythmically, and with controlled head movement. A fourth stun attempt was made with the .22 caliber rifle, by the same establishment employee, the animal dropped to sternal recumbency with a flaccid tongue and no controlled voluntary movements. This stun effectively rendered the animal unconscious.

I examined the head with the hide off and found 4 entrance wounds. All wounds are described in no particular order from the perspective of the animal.

Wound A: was 1.5 inches above a line drawn between the eyes and .25 inch to the left of the midline of the forehead.

Wound B: was 4.5 inches above a line drawn between the eyes and on midline of the forehead.

Wound C: was .75 inches above a line drawn between the eyes and 1.5 inch to the right of the midline of the forehead.

Wound D: was 1 inch below a line drawn between the eyes and 1 inch to the right of the midline of the forehead.

IPP applied a regulatory control action by rejecting the restrainer with USDA Reject tag B26499051 and further stunning was stopped. IPP informed Plant Owner, Joel Inselmann of the forthcoming noncompliance record for the failure to meet regulations 9 CFR 313.16(a)(1) and 313.16(b)(1)(iii). The district office management team was notified through supervisory channels.

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 detailed in 9 CFR 313.16(a)(1) and 313.16(b)(1)(iii) 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.

The establishment does not have a humane handling program that meets the four criteria as described in the Federal Register Notice of September 9, 2004. Based on the above findings, the Des Moines District Office has made a decision to suspend the assignment of inspectors for your slaughter operations, as per the Rules of Practice regulation 9 CFR Part 500.3(b).

The suspension of the assignment of inspectors will remain in effect until such time as you provide to this office adequate written corrective actions and preventive measures to address the noncompliance detailed in both the NOS issued on September 26, 2023 as well the additional noncompliance identified in this NOS, to assure that the handling and/or slaughter of animals will be done humanely and in accordance with the FMIA, HMSA, and the regulations promulgated therein.

You may provide this office written corrective actions and preventive measures concerning the NOS and we will determine further action, if any, based upon your response. If you choose to address this issue, your written response should include:

1. An initial assessment of the incident, including determination of the cause.
2. Immediate corrective actions taken.
3. Measures to prevent reoccurrence.
4. Any training of employees, materials used, and associated records.
5. Type of monitoring activity(s) to be conducted and associated monitoring records.

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:

Sherri N. Johnson
Executive Associate for Regulatory Operations
Office of Field Operations

Joel Inselmann, Owner
Est. M8948

Notice of Suspension Carlson Meat Shop
September 26, 2023

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 questions regarding this matter, please feel free to contact the Des Moines District Office at 515-727-8960 or District Veterinary Medical Specialists (DVMS) (b) (6) (b) (6) or (b) (6).

Sincerely,

MARK
JOHNSON
Digitally signed by
MARK JOHNSON
Date: 2023.09.26
19:42:16 -05'00' (for)

Dawn Sprouls
District Manager