



Food Safety and  
Inspection Service

September 26, 2023

Office of Field  
Operations  
Denver District Office

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**SENT VIA ELECTRONIC MAIL**

Todd Elsberry, Owner  
Chris Miller, Plant Manager  
Alaska Meat Packers Inc.,  
Establishment 20891 M/P/V  
385 E. Outer Springer Loop  
Palmer, AK 99645  
[lacy@alaskameatpackers.com](mailto:lacy@alaskameatpackers.com)

## **NOTICE OF INTENDED ENFORCEMENT (NOIE)**

Dear Mr. Elsberry,

This letter serves as official notification by the Food Safety Inspection Service (FSIS) of its intent to withhold the marks of inspection and suspend the assignment of FSIS Inspection Program Personnel (IPP) at your establishment, Alaska Meat Packers, Inc., Establishment M20891, located in Palmer, Alaska. Ms. Jenifer Monteverde, Deputy District Manager (DDM), verbally notified you of the Notice of Intended Enforcement (NOIE) on September 25, 2023. The decision to issue this notification was made in accordance with 9 CFR 500.3(b) (Rules of Practice), based on your failure to meet regulatory requirements regarding livestock humane slaughter at your establishment.

### **Background Authority**

The *Federal Meat Inspection Act* (FMIA), 21 USC Section 603(b), provides for the purpose of preventing the inhumane slaughtering of livestock. The FMIA gives FSIS the authority, as designated by the Secretary of the Department of Agriculture, to prescribe rules and regulations describing examinations and inspections of the method by which cattle, sheep, swine, goats, horses, mules, and other equines are slaughtered in the establishments inspected under the FMIA. The FMIA also provides FSIS Program personnel the authority to suspend operations at a slaughtering establishment if FSIS finds that any cattle, sheep, swine, goats, horses, mules or other equines have been slaughtered or handled in connection with slaughter at such establishments by any method not in accordance with the *Humane Methods of Slaughter Act* (HMSA) of August 27, 1958 (72 Statute 862; Title 7 USC, Sections 1901-1906), until the establishment furnishes FSIS with satisfactory assurances that all slaughtering and handling in connection with the slaughter of livestock shall be in accordance with such methods.

Under the authorities of these Acts, FSIS has prescribed rules and regulations required for the humane slaughtering of livestock, contained in Title 9 CFR Part 313. FSIS has also developed Rules of Practice regarding enforcement prescribed in 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, as well as the procedures for filing a complaint to withdraw a Grant of Federal Inspection.

### **Finding/Basis for Action**

On September 25, 2023, the FSIS inspection team documented in a Noncompliance Record (NR) the following event at Est. M20891:

At approximately 8:45 a.m. Monday, September 25, 2023, Est 20891 attempted to stun a heifer in the stun box with a hand-held captive bolt (HHCB) device. The first stun attempt was not effective, and the heifer went to her knees in the box. The heifer was still trying to upright herself while the establishment attempted another stun with a backup HHCB device. Four (4) attempts with the backup HHCB device were unsuccessful at rendering the heifer insensible. During this time, the heifer was not vocalizing but was observed blinking and attempting to right herself. The stun operator then opened the door to the stun box chute, went around to the heifers head, and placed a successful stun on the 6<sup>th</sup> try with a HHCB device. The CSI applied US Reject Tag B35449054 to the stun box after the 4<sup>th</sup> attempt at stunning.

Upon inspection of the skull, the SPHV observed that there was one stun hole way high and to the right and multiple holes were low and to the left with a single hole placed accurately.

The Denver District Management Team was contracted through supervisory channels. The establishment has been operating under a robust systematic approach to humane handling and does not have a recent history of noncompliance or enforcement regarding amenable species. Therefore, a Notice of Intended Enforcement was issued.

### **Summary**

The decision to issue a NOIE in lieu of a Notice of Suspension (NOS) is based on your establishment implementing a robust systematic approach to humane handling. However, the incident described above leaves us without assurances that animals slaughtered at your establishment will be handled and slaughtered humanely, and in accordance with 9 CFR 313 regulations.

You are required to proffer the Denver District Office a written response of your analysis of the event, corrective actions and preventative measures within three (3) working days from the receipt of this letter, no later than the close of business, September 28, 2023. Your response should include:

- A written description of the incident.
- The root cause of the incident.
- Your immediate corrective actions.
- Your specific corrective actions to prevent reoccurrence of the noncompliance.
- Any training or retraining of employees you plan to provide, including materials you're planning to use.
- Any monitoring procedures, including any documentation records.

Based on your response, FSIS will determine further action, if any, is necessary. In addition, failure to respond to this NOIE and failure to assure that you handle and slaughter animals at your

establishment humanely, in accordance with the statutory and regulatory requirements, may result in further administrative enforcement actions.

In accordance with Title 9 CFR 500.5(b)(4), you may appeal this action by contacting:

William Griffin  
Executive Associate for Regulatory Operations  
Office of Field Operations  
Food Safety and Inspection Service  
United States Department of Agriculture  
SB, Room 3164  
1400 Independence Avenue, SW  
Washington, DC 20250  
Email: [William.Griffin1@usda.gov](mailto:William.Griffin1@usda.gov)  
Phone: (202) 961-7156

If you have any questions regarding this matter, you may contact the Denver District Office at (303)236-9800.

Sincerely,

JENIFER  
MONTEVERDE

Digitally signed by JENIFER  
MONTEVERDE  
Date: 2023.09.26 08:50:16 -0600

Dr. Robert Reeder  
District Manager  
USDA FSIS OFO  
Denver District Office  
[Robert.Reeder@usda.gov](mailto:Robert.Reeder@usda.gov)

- cc: FO/QER
- W. Griffin, EARO
- R. Reeder, DM
- D. James, DDM
- J. Monteverde, DDM
- J. VanHook, DDM
- (b) (6) FLS
- (b) (6) SPHV
- (b) (6) CSI
- (b) (6) DVMS
- (b) (6) SEIAO
- S. Smith, RD/OIEA