



United States Department of Agriculture

Food Safety and  
Inspection Service

October 30, 2023

Office of Field  
Operations  
Denver District Office

**SENT VIA ELECTRONIC MAIL**

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Todd Elsberry, Owner  
Lacy Sanders, Plant Manager  
Alaska Meat Packers Inc.,  
Establishment 20891 M/P/V  
385 E. Outer Springer Loop  
Palmer, AK 99645  
**(b) (6)** [@gmail.com](mailto:_____@gmail.com)  
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Attention: Mr. Elsberry, 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 Alaska Meat Packers Inc., M20891, located at 385 E. Outer Springer Loop, Palmer, Alaska. This letter follows verbal notification of the suspension action, provided by Dr. Rober Reeder, District Manager, to Ms. Lacy Sanders, Plant Manager, at approximately 1300 MST on October 30, 2023. 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 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 Monday, October 30, 2023, FSIS Inspection Program Personnel (IPP) documented in a Noncompliance Report (NR) the following event at Est. M20891:

#### **HATS Category VIII: Ineffective Stun**

On 10/20/23, at approximately 0858am, I observed the stun operator at Alaska Meat Packers Inc. ineffectively stun a cow with a hand-held captive bolt (HHCB) device in the stun box without a head catch. After the first ineffective stun attempt, I observed the cow lying down in the stun box with its head held upright, showing signs of controlled movement and labored breathing. The stun operator attempted to immediately stun the cow a second time with the backup HHCB device, which I observed the stun operator load, but was unable to reach the cow while leaning over the stun box. After several attempts to get clear placement, the stun operator had another employee hold his legs so he could lean over into the stun box. At approximately 0902am, stun operator applied the second stun attempt which was also ineffective. After the ineffective second stun, the cow began vocalizing. A third stun attempt was applied with one of the reloaded HHCB devices at approximately 0904am. This attempt was also ineffective as the cow continued vocalizing, rhythmic heavy breathing and moving around slightly within the stun box while still holding its head up. After the third ineffective attempt, Ms. Sanders asked the FSIS inspection for advice and/or input on whether the plant should use their firearm instead; to which our inspection team stated, yes please use the firearm. At approximately 0905am, establishment management vacated the slaughter floor to retrieve a firearm (pistol) utilizing .38 special cartridges. Everyone cleared from the slaughter floor and went to a safe location into the hallway/breakroom. At approximately 0908am, the stun operator attempted to stun the cow for the fourth time with the firearm. The attempt was ineffective as the cow continued vocalizing. I continued waiting in the hall for another (fifth) attempt, then an employee came out and informed everyone that the animal was dead. When I walked back onto the slaughter floor at approximately 09:10 am, I observed the cow to already be shackled and hoisted up on the rail, with its neck slit and bleeding out. The animal no longer showed signs of being conscious. At approximately 0913am, I applied U.S. Reject tag to the stun box with U.S. Rejected Tag NO. B35943003. The establishment management was verbally informed of the forthcoming noncompliance.

Upon inspection of the dressed head, three penetrating holes were observed, which were angled into the sinuses.

The Denver District Management Team was notified through supervisory channels. This noncompliance will be associated with NR#EUM5713092526N/1 issued on 9/25/2023. The establishment is currently operating within a deferral period for a humane handling Notice of Intended Enforcement.

## 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 addressed in 9 CFR 313.15(a)(1), 313.15(b)(1)(iii), and 313.16(a)(1), 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, inclusive of written corrective action and preventative measures, by addressing 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 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 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:

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

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)

Mr. Todd Elsberry, Owner  
Alaska Meat Packers Inc., Est. M20891

Notice of Suspension  
October 30, 2023

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](mailto:AEBCorrespondence@usda.gov)

If you have any questions, you can contact the Denver District Office at (303) 236-9800, via electronic mail at [Denver.Districtmanagement@usda.gov](mailto:Denver.Districtmanagement@usda.gov), or by fax at (303) 236-9794.

Sincerely,

ROBERT  
REEDER

Digitally signed by ROBERT  
REEDER  
Date: 2023.10.30 15:32:42  
-06'00'

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

cc: W. Griffin, EARO  
R. Reeder, DM  
(b) (6), Humane Handling Enforcement Coordinator  
S. Smith, OIEA Regional Director  
J. VanHook, DDM  
D. James, DDM  
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FO/Quarterly Reports