



United States Department of Agriculture

Food Safety and
Inspection Service

January 27, 2025

Office of Field
Operations
Denver District Office

**SENT VIA
ELECTRONIC MAIL**

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Center, Bldg. 45
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Denver, CO 80225

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Big Sky Processing, LLC
Establishment M/V46090
181 Cut Above Loop
Moore, MT 59464
bigskyprocessingllc@gmail.com
(406) 220-3329

Attention: Nicole Wines, Owner

NOTICE OF INTENDED ENFORCEMENT

This letter serves as official notification by the Food Safety and Inspection Service (FSIS) of our intent to withhold the marks of inspection and suspend the assignment of inspection program personnel (IPP), with prior oral notification provided by Dr. Robert Reeder, District Manager on January 27, 2025, to Plant Manager, Kelly Richardson, at Big Sky Processing, LLC, M/V46090, located in Moore, MT. The decision to institute this enforcement action is in accordance with Title 9 Code of the Federal Regulations (CFR) Rules of Practice 500.3(b) (Rule of Practice), based on your establishment's failure to meet regulatory requirements regarding livestock humane slaughter.

Background / Authority

The Federal Meat Inspection Act (FMIA) (21 USC 603 (b)) and Poultry Products Inspection Act (PPIA) (21 USC 451 et seq.) provides for the purpose of preventing the inhumane slaughtering of livestock. The FMIA gives FSIS the authority, as designated by the Secretary 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 delegated 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 the Rules of Practice regarding enforcement (Title 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. FSIS can refuse to render inspection and indefinitely withdraw inspection from an establishment, provided the establishment is afforded the right to an administrative hearing.

Findings / Basis for Action

On January 27, 2025, the FSIS Consumer Safety Inspector (CSI) documented in a Noncompliance Record (NR) the following event at Est. M/V46090:

“On 01/27/2025 at approximately 0720 hours, I, the FSIS inspection personnel observed the following humane handling noncompliance in the driveway: Plant employees had just unloaded the sheep that had escaped out of the alleyway to the stun box and off premise. The sheep were restrained off property with a rope around the fore and hind legs. Together the plant employees carried the last sheep to the forced gate where the employees set the animal on the ground. The plant employee that carried at the head of the animal brought his foot to the sheep’s head, then kicked the animal in the ribs two times. I said, “Hey”, to the employee. The plant employee then swiftly kicked the animal in the face. I instructed the plant employee to stop. The plant employee looked at me stopping what he was doing, and I said, you cannot hit the animals. FSIS Inspection Personnel applied U.S. Rejected Tag #B-25219810 to the alleyway leading to the stun box and verbally notified the establishment management to halt slaughter operations. Denver District Office was contacted via supervisory channels.”

Prior to this incident, the establishment was determined to have a Robust Systematic Approach to humane handling.

Conclusion

In accordance with the Rules of Practice, specified in 9 CFR Part 500.3(b), FSIS is notifying you of our intent to suspend the assignment of FSIS inspectors. The employee kicking livestock event observed by FSIS is noncompliant with: *Title 9 CFR 313.2(a) Driving of livestock from the unloading ramps to the holding pens and from the holding pens to the stunning area shall be done with a minimum of excitement and discomfort to the animals. Livestock shall not be forced to move faster than a normal walking speed.*

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 and the details of the incident.

Please provide the Denver District Office with a written response concerning this NOIE within three (3) business days from the date of your receipt of this letter, no later than close of business January 30, 2025. We will determine further action, if any, based on your response. 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.

You may submit your response by fax to (303) 236-9794, or by electronic mail. In accordance with Title 9 CFR 500.5(a)(5), you may appeal this action by contacting:

Karen Hunter

Executive Associate for Regulatory Operations
Office of Field Operations
Food Safety and Inspection Service
United States Department of Agriculture
Room 3160, South Building
1400 Independence Avenue, SW
Washington, DC 20250
Email: karen.hunter@usda.gov
Phone: (202) 499-0275

If you have any questions, you can contact the Denver District Office at (303) 236-9800 or by fax at (303) 236-9794.

Sincerely,

ROBERT REEDER Digitally signed by ROBERT REEDER
Date: 2025.01.27 13:21:55 -0700

Dr. Robert Reeder
District Manager
USDA FSIS OFO
Denver District Office
Robert.Reeder@usda.gov

cc:

J. VanHook, DDM
D. James, DDM
J. Monteverde, DDM
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K. Hunter, EARO
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