



February 19, 2025

Electronically Sent on 02/19/2025

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

Attention: Nicole Wines, Owner

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 processes at Big Sky Processing, LLC, M/V46090, located in Moore, MT. This letter follows verbal notification of the suspension action, provided by Dr. Robert Reeder, District Manager to Nicole Wines, Owner, at approximately 12:00 pm on 02/19/2025.

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 M/V46090 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 February 19, 2025, the FSIS Consumer Safety Inspector (CSI) documented in a Noncompliance Record (NR) the following event at Est. M/V46090.

“At approximately 10:15 AM, I, the CSI, observed from the slaughter room door, which faces west and features a clear glass window providing an unobstructed view of the stun box, as a plant employee required five attempts to render a cow insensible. The initial attempt, utilizing a 12-gauge shotgun, was ineffective at rendering the cow unconscious. The cow remained upright, vocalizing, rhythmically breathing, and thrashing within the stun box. I observed blood on the side of the cow’s head. The employee then entered the side room to retrieve another shotgun shell (i.e., slug) for a second stun attempt, which also proved ineffective, as the cow remained standing and thrashing audibly within the stun box with more blood observed on the cow’s head. The animal tracked the employee with its gaze while the employee prepared a third stun attempt, struggling to align the same 12-gauge shotgun as the cow repeatedly struck the gate of the stun box. Despite another stun attempt being applied, the cow remained standing, vocalizing and continued breathing rhythmically. The employee retrieved a fourth shotgun shell, chasing the cow’s head movement with the shotgun. This fourth attempt also failed to render the cow insensible, although the cow eventually dropped to its knees, still vocalizing and attempting to rise. Ultimately, the fifth stun attempt with the same 12-gauge shotgun succeeded in rendering the cow insensible, at which point its eyes ceased tracking, and both breathing and movement came to a halt. I applied U.S. Reject tag B25219805 to the stun box and verbally notified the plant manager of the noncompliance.

Upon inspection of the dressed head, I verified a penetrating hole in the right jaw, a second penetrating hole in the left jaw, two penetrating holes at the top of the bridge of the nose and a fifth penetrating hole within target zone of the forehead.

The Denver District Management Team was notified through supervisory channels. This noncompliance is being associated with noncompliance record CRP5616011206 issued on January 6, 2025, for the same root cause. This establishment is currently operating within the deferral period for a humane handling Notice of Intended Enforcement (NOIE).”

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 M/V46090 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, M/V46090 handled or slaughtered livestock inhumanely, in violation of the FMIA 21 U.S.C. 603(b), HMSA 7 U.S.C. 1901 – 1902, and

- Title 9 CFR 313.16(a)(1) *The firearms shall be employed in the delivery of a bullet or projectile into the animal in accordance with this section so as to produce immediate unconsciousness in the animal by a single shot before it is shackled, hoisted, thrown, cast, or cut. The animal shall be shot in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort.,*
- Title 9 CFR 313.16(b)(1)(iii) *The provisions contained in [§ 313.15\(b\)\(1\)\(iii\)](#) with respect to the stunning area also apply to the shooting area...”, which states “(iii) The stunning area shall be so designed and constructed as to limit the free movements of animals sufficiently to allow the operator to locate the stunning blow with a high degree of accuracy.” and*
- Title 9 CFR 313.16(b)(1)(iv) *The shooting operation is an exacting procedure and requires a well-trained and experienced operator. He must be able to accurately direct the projectile to produce immediate unconsciousness. He must use the correct caliber firearm, powder charge and type of ammunition to produce the desired results.*

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 M46090, effective immediately.

How to Respond to this Letter

Please be advised that this suspension will remain in effect for the Slaughter HACCP processes at M46090 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 (303) 236-9794, or by electronic mail (Denver.Districtmanagement@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 M/V46090 or other appropriate action.

Appeal and Hearing Rights

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

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

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:

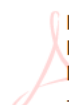
Scott C. Safian, Director
Enforcement Operations Staff (EOS)
Office of Investigation, Enforcement and Audit (OIEA)
Food Safety and Inspection Service
United States Department of Agriculture
Stop Code 3753, SB - Room 2148
1400 Independence Avenue, SW
Washington, DC 20250
Telephone: (202) 418-8872
Facsimile: (202) 245-5097
E-mail: EOSCorrespondence@usda.gov

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

Sincerely,

**ROBERT
REEDER**

Dr. Robert Reeder

 Digitally signed by ROBERT
REEDER
Date: 2025.02.19 16:11:35
-07'00'

Nicole Wines, Owner
Big Sky Processing, LLC M46090

Notice of Suspension
February 19, 2025

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

cc:

K. Hunter, EARO
S. Smith, OIEA Regional Director
J. Vanhook, DDM
D. James, DDM
J. Monteverde, DDM
(b) (6), SELAO
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FO/Quarterly Reports