



February 20, 2025

Electronically Sent on February 21, 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

REINSTATEMENT OF SUSPENSION (ROS)

This letter confirms the verbal notification provided to your establishment, Big Sky Processing, LLC., Establishment M/V46090, located in Moore, MT on Thursday, February 20, 2025, by the Food Safety Inspection Service (FSIS), Denver District, of the reinstatement of suspension (ROS) of the assignment of inspectors and the withholding of the marks of inspection at your establishment for slaughter operations. Dr. Robert Reeder, District Manager, notified Kelly Richardson, plant manager, of the suspension action at approximately 3:40 PM (MT) on 02/20/2025. This action was initiated in accordance with Title 21 of the United States Code (USC), Section 603(b) and Title 9 of the Code of Federal Regulations (CFR) Part 500.3(b) (Rules of Practice).

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 Thursday, February 20, 2025, the FSIS Consumer Safety Inspector (CSI) documented in a Noncompliance Record (NR) the following event at Est. M/V46090:

“At approximately 1430 hours, I, the CSI, was observing stunning from a safe location but with window access. A cow had been driven into the modified stun box with the metal butt bar behind the animal in an attempt to prevent the animal from backing up. The stun operator aimed the 12-gauge shotgun loaded with pellet [i.e. a pellet load vs. a slug] and made physical contact with the cow’s head. As the stun operator applied the first stun attempt, the cow’s head moved up and away from him. The cow remained standing, tracking the stun operator’s movement with its eyes with blood dripping from its nose. The stun operator retrieved another shell from his pocket, the cow was moving its head from side to side and up and down inside the stun box but not vocalizing. The stun operator waited until the cow had slowed movement of its head to apply a second stun attempt. The cow collapsed inside the stun box and the stun operator checked the cow’s eyes which did not move. After the stun operator started to leave the stunning area, I observed the animal lift its head upward and attempt to stand in a controlled manner. I observed blood dripping from the cow’s nose and the cow pulled its tongue back into its mouth while breathing rhythmically. The establishment manager noticed the cow was still alive and breathing and informed the stun operator. The stun operator returned and retrieved another shell from his pocket and reloaded the same 12-gauge shotgun and applied a third stun attempt, which rendered the cow unconscious. I applied U.S. Reject tag B25219808 to the stun box and verbally notified the plant manager of the noncompliance.

Upon inspection of the dressed head, I verified one penetrating hole on the lower left side of the bridge of nose, a second penetrating hole higher up on the left side of the bridge of the nose and a third ~6cm expunged cavernous region of the left cranium above the orbit.

The Denver District Management Team was notified through supervisory channels. This noncompliance is being associated with noncompliance record CRP221402919N/1 issued on February 19, 2025, for the same root cause. This establishment was placed into abeyance on February 19, 2025, for a humane handling Notice of Suspension (NOS).”

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.

The decision to reinstate the suspension of the assignment of inspectors at your establishment is based on your establishment's humane handling noncompliance history and the findings described above, in which, 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.”*

Big Sky Processing was operating under the abeyance period for a Notice of Suspension issued on February 19, 2025, whereby your employee needed multiple stunning attempts with a firearm to render a cow unconscious. 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 M/V46090, effective immediately.

The suspension of the assignment of inspectors will remain in effect until such time as you provide the Denver District Office adequate written corrective actions and preventative measures to ensure that livestock at your establishment are handled and slaughtered humanely, and in accordance with the FMIA, the HMSA and 9 CFR 313 regulations.

These should include:

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

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
1400 Independence Avenue, SW
Room 3160, South Building
Washington, DC 20250
Email: karen.hunter@usda.gov

Phone: (202) 499-0275

In accordance with 9 CFR Part 500.5 (d), you may request a hearing concerning this action by contacting:

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
Office: (202) 418-8872
Fax: (202) 245-5097
E-mail: EOSCorrespondence@usda.gov

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

Sincerely,

ROBERT REEDER

Digitally signed by ROBERT
REEDER
Date: 2025.02.21 09:37:54 -0700

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

cc: FO/QR
Est. File
K. Hunter, EARO
D. James, DDM
J. Monteverde, DDM
J. VanHook, DDM
(b) (6), FLS
(b) (6), SPHV
(b) (6), CSI
(b) (6), DVMS
(b) (6), DVMO
(b) (6), DVMO
(b) (6), DVMO
(b) (6), SELAO
(b) (6), SELAO
S. Smith, RD/OIEA