



United States Department of Agriculture

Food Safety and  
Inspection Service

Office of Field  
Operations  
Denver District Office

1 Denver Federal  
Center, Bldg. 45  
P.O. Box 25387  
Denver, CO 80225

Voice (303)236-9800  
Fax (303)236-9794

October 6, 2020

**SENT VIA FEDEX &  
ELECTRONIC MAIL**

(b) (6)

Northwest Premium Meats, LLC, Est. M11032  
137 N. Happy Valley Road  
Nampa, ID 83687  
[nwpremiummeats@gmail.com](mailto:nwpremiummeats@gmail.com)

### **REINSTATEMENT OF SUSPENSION (ROS)**

(b) (6)

This letter confirms the verbal notification provided to your establishment, Northwest Premium Meats, LLC, Establishment M11032, located in Nampa, ID on Tuesday, October 6, 2020, 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. 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**

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.

### **Findings/Basis for Action**

On Tuesday, October 6, 2020, the FSIS Consumer Safety Inspector (CSI) and the FSIS Supervisory Public Health Veterinarian (SPHV) documented in a noncompliance record (NR) the following event at Est. M11032:

*“At approximately 1150 on 10/6/2020 the CSI observed the stun operator stun a beef steer held in the stun box with a hand-held captive bolt (HHCB) device. The CSI observed the animal remain standing after the stunning attempt. The steer did not vocalize and stood quietly. The stun operator reloaded the same HHCB device and applied a second stun attempt. The steer remained standing, did not vocalize, and stood quietly. At this time the CSI suggested the stun operator use the back-up HHCB for the next stun attempt. The stun operator loaded the back-up HHCB device available at the front of the stun box and stunned the steer a third time. The animal dropped in the box and was rolled out onto the slaughter floor. The CSI observed the animal briefly as the operator proceeded to shackle and hoist the animal. The SPHV approached the hoisted steer and observed rhythmic breathing (in succession, at least 6 breaths). The SPHV then touched the globe of the eye and elicited a blinking, palpebral response. The steer proceeded to blink unsolicited. The SPHV instructed the stun operator to stun the animal again. The fourth stun attempt rendered the animal insensible. The head was skinned and all penetrating stun holes were observed. The first three penetrating stuns were on midline and at or slightly above the line of the eyes. The fourth penetrating stun was approximately 4 inches above the line of the eyes and angled inward toward the brain, with brain matter present on the skin and in the stun path.*

*(b) (6) was notified of the incident. USDA Reject tag #B38905602 was applied to the stun box. All slaughter of amenable species was halted until further instruction from the Denver District Management.”*

### **Summary**

The decision to reinstate the suspension of the assignment of inspectors at your establishment is based on this noncompliance with 9 CFR 313.15(a)(1) and your establishment's humane handling noncompliance history, including the noncompliance issued earlier in the day.

You were currently operating under the abeyance period for a Notice of Suspension issued on July 15, 2020, whereby your employee needed multiple stunning attempts with an electrical stunning device to render a swine unconscious. At this time, FSIS does not recognize that a robust systematic approach to humane handling is being utilized at your establishment.

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.

Your recent humane handling noncompliance history shows a systematic failure to comply with 9 CFR 313 regulations. Be advised that based on your recent history of non-compliance concerning the inhumane handling of livestock, the Denver District Office will be consulting with the Office of Investigation, Enforcement and Audit, Enforcement and Litigation Division (ELD). Further humane handling noncompliance may result in referring this matter to ELD and removal of your Grant of Inspection.

In accordance with Title 9 CFR 500.5(a)(5), you may appeal this action by contacting:

Paul Wolseley  
Executive Associate for Regulatory Operations  
Office of Field Operations  
Food Safety and Inspection Service  
United States Department of Agriculture  
1400 Independence Avenue, SW  
Room 3159, South Building  
Washington, D.C. 20250  
Tel: 207-708-9506  
[Paul.Wolseley@usda.gov](mailto:Paul.Wolseley@usda.gov)

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

Scott C. Safian  
Enforcement Operations Branch  
Office of Investigation, Enforcement and Audit  
Food Safety and Inspection Service  
United States Department of Agriculture  
Stop Code 3753, PP3, Cubicle 9-235-A  
1400 Independence Avenue, SW  
Washington, D.C. 20250  
Voice: (202) 418-8872  
Fax: (202) 245-5097

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

Sincerely,

**VALERIE  
CLAY**

Digitally signed by  
VALERIE CLAY  
Date: 2020.10.06  
15:15:45 -06'00'

Ms. Valerie Clay  
District Manager  
USDA FSIS OFO  
Denver District Office  
[Valerie.Clay@usda.gov](mailto:Valerie.Clay@usda.gov)

cc: FO/QER  
Est. File  
S. Hoffman, DDM  
R. Reeder, DDM  
J. VanHook, DDM

(b) (6)

A large black rectangular redaction box covers the names of the individuals listed in the cc field.

S. Baucher, RD/OIEA