



United States Department of Agriculture

Food Safety and
Inspection Service

Office of Field
Operations
Des Moines District
Office

Neal Smith Federal
Building
210 Walnut Street
Room 985
Des Moines, IA
50309-2123

Voice 515.727.8960
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October 18, 2019

Signed original sent via FedEx

(b) (6)

Cimpl's Inc.
1000 Cattle Drive
Yankton, South Dakota 57078

NOTICE OF SUSPENSION HELD IN ABEYANCE

Dear (b) (6)

On October 17, 2019 your establishment received verbal notification, followed by official written notification, from the Food Safety and Inspection Service (FSIS) of the suspension of assignment of FSIS inspection program personnel, for slaughter operations at Cimpl's Inc., Est. M2460, 1000 Cattle Drive, Yankton, SD, herein referred to as your establishment. This action was taken in accordance with the Rules of Practice, 9 CFR 500.3(b), which indicates that FSIS may take a withholding action or impose a suspension without providing an establishment prior notification if it is handling or slaughtering animals inhumanely such as occurred at your establishment on October 17, 2019.

On October 17, 2019 you provided FSIS, via email, written corrective actions and preventative measures in response to the regulatory noncompliance detailed in the Notice of Suspension. The response outlined actions adequate to address the noncompliance regarding humane handling of livestock requirements and to achieve compliance with the *Federal Meat Inspection Act* (FMIA) (Title 21 of the United States Code {21 U.S.C.} 603), the *Humane Methods of Slaughter Act* of 1978 (HMSA) (7 U.S.C. 1901 et seq.), and federal regulations {Title 9 of the Code of Federal Regulations (9 CFR) Part 313.15}.

The email included the following documents, detailing actions immediately implemented and further proposed:

- USDA Letter, Stunning of Bulls (2 page)
- Humane Handling Preventative Measure Verification (1 page)
- Knock Gun Training, Anatomical Placement (5 page)
- Knock Gun Training, Inspection of Coupling (1 page)
- Knock Gun Training, Malfunctioning Equipment (1 page)
- Maintenance Daily Checklist (1page)

Based on your submitted written response, you were informed via telephone on

October 17, 2019, that the suspension of the assignment of inspectors for slaughter operations at your establishment would be held in abeyance in accordance with 9 CFR Part 500.3(b).

The suspension will remain in abeyance pending verification by FSIS inspection program personnel (IPP). During the abeyance IPP will verify implementation and evaluate the effectiveness of your proposed corrective actions and confirm that livestock are handled and slaughtered humanly.

FSIS will design a verification plan to assist you in understanding the nature and importance of the Agency's verification activities. This FSIS plan is designed to verify that your establishment fully implements the corrective actions proffered in your written response, and that these revisions and corrective actions are effective in assuring ongoing regulatory compliance. You will be provided a copy of the verification plan. Only FSIS can amend the verification plan and any modifications to your submitted corrective actions and preventive measures made during the abeyance period will need to be submitted in writing to FSIS for verification of compliance prior to implementation by your establishment. FSIS will begin verification of your proposed actions before startup of your next schedule slaughter.

Please be advised that, as a federally inspected establishment, you are expected to comply with FSIS the *Federal Meat Inspection Act* (FMIA) (Title 21 of the United States Code {21 U.S.C.} 603), the *Humane Methods of Slaughter Act* of 1978 (HMSA) (7 U.S.C. 1901 et seq.), and federal regulations {Title 9 of the Code of Federal Regulations (9 CFR) Part 313} to ensure your livestock are handled and slaughtered humanly. The regulations require establishments to take appropriate corrective actions when either FSIS or establishment determines that the controls are ineffective. Your failure to comply with these requirements or to implement the measures in your action plan could result in reinstatement of the suspension of inspection personnel at your establishment or other appropriate administrative or legal action.

If you have questions regarding this matter, please feel free to contact the Des Moines District Office, at 515-727-8960 or (b) (6)

(b) (6)

Sincerely,



Dawn Sprouls, DVM
District Manager
Des Moines District
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