



United States Department of Agriculture

Food Safety and
Inspection Service

Office of Field
Operations
Des Moines District
Office

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210 Walnut Street
Room 985
Des Moines, IA
50309-2123

Voice 515.727.8960
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August 19, 2020

Signed Original sent via FedEx
Signed copy Hand Delivered

Ross Williams
Nordik Meats, Inc.
E7342 Three Chimney Road
Viroqua, WI 54665

NOTICE OF SUSPENSION

Dear Mr. Williams:

This letter confirms verbal notification given to you by the Des Moines District, Food Safety and Inspection Service (FSIS) on August 19, 2020, of our decision to suspend the assignment of FSIS Inspection Program Personnel (IPP) at Est. M47261, Nordik Meats, Inc., located at E7342 Three Chimney Road, Viroqua, WI, herein referred to as your firm. This action is 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 August 19, 2020.

Background

The *Federal Meat Inspection Act* (FMIA) (21 U.S.C. 603 *et seq*) provides for the purpose of preventing the inhumane slaughtering of livestock. This Act 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 this Act. They also provide FSIS program personnel the authority to temporarily suspend the assignments of IPP 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 Stat. 862; 7 U.S.C. 1901-1906), until the establishment furnishes assurances satisfactory to FSIS that all slaughtering and handling in connection with the slaughter of livestock shall be in accordance with such methods.

Under the authorities of the Acts, FSIS has prescribed rules and regulations required for the humane slaughtering of livestock, as contained in Regulations 9 CFR Part 313, and the HMSA of 1978. 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

At 1036 hours IPP observed non-compliance with HATS Category VIII – Stunning Effectiveness.

Specifically, while getting knives from the USDA office for post-mortem inspection, IPP heard vocalizing coming from the kill floor. IPP immediately entered the kill floor and witnessed an establishment employee stunning a conscious heifer, standing in the restrainer. The animal was bleeding from its nose and had a hole from a previous stunning attempt in the forehead. The animal was conscious, still standing and didn't go down after this first observed stun attempt with the hand-held captive bolt gun. The plant manager had reloaded the primary hand-held captive bolt gun with the .22 blank. After the second observed unsuccessful stun attempt, the animal remained conscious, vocalized and tried to buck out of the restrainer. The third and fourth observed stun attempts were also unsuccessful, however, the conscious animal was starting to sway side to side in a standing position. The fifth observed stun attempt rendered the animal unconscious. An establishment employee checked the eyes for consciousness and then shackled and hung the animal to be stuck and bled.

After the successful attempt to render the animal unconscious IPP tagged the restrainer with U.S. Reject tag number B22388114 and informed establishment manager, Mr. Ross Williams, of the observations and regulatory control action.

The following was observed on the head post-mortem, a hole roughly one inch in diameter from the multiple attempts in the center of the forehead, one wound located approximately one-fourth of an inch below the central wound, one wound was approximately half an inch above the central wound and one wound was one inch above the central wound.

Conclusion

The observations described above indicate a violation of the FMIA (21 U.S.C.) 603, Regulations 9 CFR 313.15(a) and the HSMA of 1978 occurred.

The establishment does not have a humane handling program that meets the four criteria as described in the Federal Register Notice of September 9, 2004. Based on the above findings, the Des Moines District Office has determined to suspend the assignment of inspectors for your slaughter operations, as per the Rules of Practice 9 CFR 500.3(b) and as specified in 9 CFR 313.15(a).

If you choose to respond with corrective and preventive measures please provide this office with a written response concerning the Notice of Suspension (NOS) and we will determine further action, if any, based upon your response. If you choose to address this issue your written response should include:

1. An initial assessment of incident/determine the cause.
2. Immediate corrective actions taken.
3. Preventive measures to prevent reoccurrence.
4. Any training of employees and materials used.
5. Type of monitoring activity for stunning, along with a documentation record.

You are reminded that as an operator of a federally inspected establishment, you are expected to comply with FSIS regulations, regarding the humane handling and slaughter of livestock. Please be advised that you have the right to appeal this matter. If you wish to appeal, you should contact:

**Executive Associate for Regulatory Operations
Office of Field Operations
Food Safety and Inspection Service
United States Department of Agriculture
1400 Independence Ave. S.W.
Room 3157, South Building
Washington, DC 20250-3700 Telephone
(202) 720-4614
Fax: (202) 690-3287**

In addition, you may also request a hearing regarding this determination pursuant to FSIS Rules of Practice, 9 CFR Part 500. The Rules of Practice were published in the Federal Register, Vol. 64, no 228, on November 29, 1999. As specified in Section 500.5(d), 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, contact:

**Scott C. Safian, Director
Food Safety and Inspection Service
Office of Investigation, Enforcement and Audit
Enforcement and Litigation Division
United States Department of Agriculture
Stop Code 3753, PP3, Cubicle 8-243A
1400 Independence Avenue, SW
Washington, DC 20250
Telephone No: (202) 418-8872
Fax number: (202) 245-5097**

We urge your cooperation and voluntary compliance. If you have questions regarding this matter, please feel free to contact (b) (6) or (b) (6) or the Des Moines District Office at 515-727-8960.

Sincerely,

DAWN SPROULS Digitally signed by DAWN SPROULS
Date: 2020.08.19 19:42:37 -05'00'

Dawn Sprouls, DVM
District Manager
Des Moines District Office