



United States Department of Agriculture

Food Safety and
Inspection Service

Office of Field
Operations
Des Moines District
Office

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

Voice 515.727.8960
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October 29, 2019

Signed Original sent via FedEx
Signed copy Hand Delivered

Doug Klarenbeek, Owner
Hudson Meat and Sausage, Inc.
617 4th St.
Hudson, South Dakota 57034

NOTICE OF SUSPENSION

Dear Mr. Klarenbeek:

This letter confirms verbal notification given to you by the Des Moines District, Food Safety and Inspection Service (FSIS) on October 28, 2019, of our decision to suspend the assignment of FSIS inspection program personnel (IPP) at your firm, Est. M18632, Hudson Meats and Sausage, Inc. 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 October 28, 2019.

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 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* 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 *Humane Methods of Slaughter Act* 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 753 hours the CSI observed the following non-compliance while observing HATS Category VIII – Stunning Effectiveness. A bull was held in the restrainer, ready for slaughter, and as the establishment uses firearm stunning (.22 magnum caliber rifle) the CSI stepped out of the slaughter area. The CSI heard two shots, and then briefly glanced into the room and noticed the establishment employees gathered near the restrainer, and the bull remained in an upright position near the restrainer box. The CSI closed the door and a third stunning attempt was made. At that time the establishment employee came out the back door and said they needed a larger gun. The CSI went to the cutting area of the facility and to notify the establishment owner, Brady Klarenbeek, of the situation. When the CSI got to the boning room, he was informed that Brady had left the establishment to retrieve a larger gun (.243 caliber firearm) from his residence (approximately 6 blocks away). The CSI returned to the inspection office to notify his supervisor and by the time he returned to the slaughter area, Brady had returned with the .243 firearm and another stunning attempt was made. The CSI then entered the slaughter room and confirmed the bull was unconscious. The CSI placed U.S. Reject tag # B20898460 on the restrainer. The owner, Brady Klarenbeek was notified of the noncompliance and that the Des Moines District Office would be notified for further guidance.

Upon further investigation the SPHV observed the skull of the carcass and noted five identifiable entry wounds on the forehead. Two penetrated the brain, the entry points of the two were within a ½ inch of each other. There was a clear, linear thru and thru pathway for one projectile. The other is not as clear, it appears to have entered on the right dorsal lateral cerebellar region, approximately one and a half inches caudal from the cranial margin of the brain. However, there is not a matching linear injury found on the bones, ventral to the brain. There was a bone defect on the left caudal dorsal surface of the brain case. No projectile fragments were found within the brain or inside the bony enclosure. The other three entry wounds were rostral to the brain. The establishment employees reported the first shot appeared successful (the animal dropped) and they opened the gate to let it roll out, however, it started to rise, and they fired three additional shots.

This is a violation of the Federal Meat Inspection Act (FMIA) (21 U.S.C.) 603, Regulations 9 CFR 313.16 and the Humane Methods of Slaughter Act of 1978.

Justification

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 313.16.

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:

U.S. Department of Agriculture
Food Safety and Inspection Service
Attention: Paul Wolseley, EARO
1400 Independence Avenue, SW
Room 344-E, Whitten Building
Washington, DC 20250

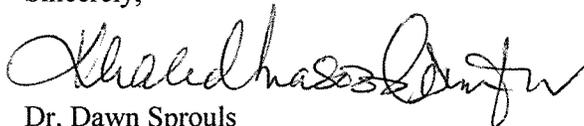
In addition, you may also request a hearing regarding this determination pursuant to FSIS Rules of Practice, 9 CFR Part 500. The Rules of Practice were published in the Federal Register, Vol.64, no 228, on November 29, 1999. As specified in Section 500.5(d), should you request a hearing, FSIS will file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

If you wish to request a hearing regarding this determination, you should 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 the Des Moines District Office, at 515-727-8960.

Sincerely,



Dr. Dawn Sprouls
District Manager
Des Moines District
FSIS, USDA