



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
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Corrected Date
May 29, 2020

**SENT VIA FEDEX &
ELECTRONIC MAIL**

Mr. Robert Strong, Owner
Twin Loups Quality Meats, M5729
805 Howard Ave
St. Paul, NE 68873
bostrong@msn.com

NOTICE OF SUSPENSION (NOS)

Mr. Strong,

This letter confirms the verbal notification provided to your establishment, Twin Loups Quality Meats, Establishment M5729, located in St. Paul, NE, on Friday, May 29, 2020, by the Food Safety Inspection Service (FSIS), Denver District, of the suspension of the assignment of inspectors and the withholding of the marks of inspection at your establishment for slaughter operations. Dr. Robert Reeder, Deputy District Manager, verbally notified you of the suspension action. 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.

Finding/Basis for Action

On Friday, May 29, 2020, the FSIS Consumer Safety Inspector (CSI) documented in a Memorandum of Interview (MOI) the following event at Est. M5729:

"At approximately 1100 hours, the CSI, while standing in a safe location as the establishment was using a 22-caliber rifle to render a heifer insensible, heard a total of six stun attempts. In-between the firearm discharging, the CSI could hear heavy breathing from the animal, but the CSI did not hear the animal vocalize. After the sixth stun attempt, the establishment stunning employee came up the stairs where the CSI was standing. The CSI asked the stunning employee what was happening, and the stunning employee told the CSI that the rounds were not penetrating the animal's skull. The stunning employee said he was going to get the 30-30 caliber rifle. As the stunning employee vacated the stunning area, the CSI looked around the corner into the stunning area and observed the animal standing upright, moving its head and breathing heavily.

The stunning employee returned with the larger caliber firearm. The CSI heard one stun attempt, and then a call from the stun employee, inviting the CSI into the stunning area. The CSI observed the animal insensible and continued to observe the animal remain insensible until sticking was complete.

The CSI contacted the Frontline Supervisor and applied US Rejected tag number B38-606376 to the restraining area."

Summary

The decision to suspend the assignment of inspectors at your establishment is based on this noncompliance with 9 CFR 313.16(a)(1). This is an inhumane noncompliance; whereby an establishment employee needed multiple stunning attempts to render an animal unconscious.

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.
- Your specific corrective actions to prevent reoccurrence of the noncompliance.
- 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:

Paul Wolseley
Acting Executive Associate for Regulatory Operations
USDA/FSIS/OFO
Room 3159 South Building
Washington, D.C. 20250
Tel: 207-708-9506
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 and Litigation Division
Office of Investigation, Enforcement and Audit
Food Safety and Inspection Service
Stop Code 3753, PP III, Cubicle 9-235A
1400 Independence Avenue, SW
Washington, D.C. 20250
Voice: (202) 418-8872
Fax: (202) 245-5097
Scott.Safian@usda.gov

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: 2020.06.03 16:21:27 -06'00'

Valerie Clay
District Manager
FSIS Denver District Office
Valerie.Clay@usda.gov

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

(b) (6)


S. Smith, RD/OIEA