



United States Department of Agriculture

Food Safety and  
Inspection Service

August 11, 2021

Digitally-signed copy hand-delivered

Office of Field  
Operations  
Des Moines District  
Office

(b) (6)

Prairie Meats, Inc.  
2505 W. Lincoln Ave  
Olivia, Minnesota 56277

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

NOTICE OF SUSPENSION

Voice 515.727.8960  
Fax 515.727.8991

Dear (b) (6) :

This letter confirms verbal notification by the Des Moines District Office, Food Safety and Inspection Service (FSIS) on August 11, 2021, of the decision to suspend the assignment of slaughter Inspection Program Personnel (IPP) at your firm, Est. M47273, Prairie Meats, Inc., herein referred to as the/your establishment. 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 11, 2021.

**Background**

The *Federal Meat Inspection Act* (FMIA) (Title 21 of the United States Code {21 U.S.C.} 603 et seq) provides that for the purpose of preventing the inhumane slaughtering of livestock, the secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of the methods by which amenable species cattle, sheep, swine, goats, horses, mules, or other equines are slaughtered and handled in connection with slaughter in the slaughtering establishments inspected under this Act. The Secretary may refuse to provide inspection to a new slaughtering establishment or may cause inspection to be temporarily suspended at a slaughtering establishment if the Secretary finds that any cattle, sheep, swine, goats, horses, mules, or other equines have been slaughtered or handled in connection with slaughter at such establishment by any method not in accordance with the *Humane Methods of Slaughter Act* (HMSA) of August 27, 1958 (72 Statute, 862; 7 U.S.C. 1901 to 1906) until the establishment furnishes assurances satisfactory to the Secretary that all slaughtering and handling in connection with slaughter of livestock shall be in accordance with such methods.

Under the authorities of the Acts, FSIS has prescribed rules and regulations for the humane slaughtering of livestock, as contained in 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 approximately 0730 hours, while verifying HATS Category VIII - Stunning Effectiveness, FSIS, IPP observed the following noncompliance: After the first stunning attempt by (b) (6), using a hand-held captive bolt device on a lamb in the head restrainer, the animal was still conscious. Bleeding was observed from the skull area where the stun device was discharged and could be seen from the nose, and mouth. The lamb moved its head, neck, and tracked objects around him. The establishment employee then used a second pre-loaded hand-held captive bolt device to attempt a second stun. After the second stun bleeding could still be observed from the wound, nose, and mouth. The lamb lost mobility of the head, the head and neck dropped, and it discontinued tracking objects with its eyes. The establishment employee took the lamb out of the restrainer and it regained consciousness, it stood up on four legs and walked around the harvest floor taking approximately six steps toward the nearby livestock pens. An establishment employee then restrained the lamb using his hands and legs while another establishment employee performed a third stunning attempt with a re-loaded hand-held captive bolt device. Bleeding continued to be observed from the stun wound, nose, and mouth. The lamb lost mobility and was dragged to the shacking area. At about the same time, an establishment employee touched the eyes and noticed the eyes twitched with hand contact. The establishment employee then reloaded the hand-held captive bolt device and performed a fourth stun, at which point the animal was verified insensible. The establishment employee then performed the sticking procedure to initiate bleed out. On post-mortem examination, two head wounds were observed. The wounds were in approximately the same location on the skull, just slightly overlapping. All wounds were approximately half-way between a line drawn between both ears and the medial canthus of the opposite eye. IPP placed U.S. Reject tag number B43041586 on the restrainer and verbally notified (b) (6) of the observations regarding the establishment's inability to render the animal unconscious after multiple stunning attempts and allowing the lamb to regain consciousness.

### **Conclusion**

The observations detailed above indicate an egregious violation of the humane handling requirements specified within the provisions of 21 U.S.C. 603, Section 3 (b) of the FMIA, and 7 U.S.C. 1901 and 1902 of the HMSA of 1978 and fail to

comply with the regulatory requirements of 9 CFR 313.15(a)(1), 313.15(a)(3), and 313.15(b)(1)(iii).

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).

You may provide this office written corrective and preventive measures concerning the NOS and we will determine further action, if any, based upon your response. Your written response should include:

1. An initial assessment of the incident, including determine of 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:

Sherri N. Johnson  
Acting Executive Associate for Regulatory Operations  
Office of Field Operations  
Food Safety and Inspection Service  
United States Department of Agriculture  
1400 Independence Avenue, SW  
SB, Room 1330A  
Washington, DC 20250  
[sherri.johnson@usda.gov](mailto:sherri.johnson@usda.gov)  
Phone number: 202-379-6196

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, Branch Chief  
Enforcement Operations Branch  
Office of Investigation, Enforcement and Audit  
Food Safety and Inspection Service  
United States Department of Agriculture  
Stop Code 3753, PP3, Cubicle 8-235-A  
1400 Independence Avenue, SW  
Washington, DC 20250  
Phone number: 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. (b) (6)  
(b) (6)

Sincerely,

**DAWN SPROULS**

Digitally signed by DAWN  
SPROULS  
Date: 2021.08.12 08:27:15 -0500

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