



United States Department of Agriculture

Food Safety and
Inspection Service

October 12, 2021

Digitally signed copy hand delivered

Office of Field
Operations
Des Moines District
Office

John Roswech, Owner
South 40 Farms, LLC
9214 Highway 21
Mott, ND 58846

Neal Smith Federal
Building
210 Walnut Street
Room 985

Des Moines, IA
50309-2123

NOTICE OF SUSPENSION HELD IN ABEYANCE

Voice 515.727.8960
Fax 515.727.8991

Dear Mr. Roswech:

On October 7, 2021, the Food Safety and Inspection Service (FSIS) initiated a suspension action, withholding the marks of inspection and suspending the assignment of slaughter inspection program personnel (IPP) for livestock slaughter at Establishment 47494, South 40 Farms, LLC., in Mott ND, herein referred to as the/your establishment. This letter confirms verbal notification provided to your establishment, by the Food Safety and Inspection Service (FSIS), of the decision to place the Notice of Suspension (NOS) into abeyance.

On October 7, 2021, you provided FSIS, in multiple emails, written corrective action and preventive measures in response to the regulatory noncompliance detailed in the NOS. The response outlined actions adequate to address the noncompliance regarding humane handling of livestock requirements, including a plan to maintain 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}.

Based on your written response, you were informed via telephone, that the suspension of the assignment of IPP, for slaughter operations, at your establishment is held in abeyance effective October 8, 2021.

The suspension will remain in abeyance pending verification by FSIS personnel that your proposed corrective actions and preventive measures have been effectively implemented and are adequate to maintain compliance. Establishment personnel should monitor operations to prevent violations of humane handling and slaughter from occurring in the future. It is also important for you to understand the responsibility of FSIS to initiate action when there is a failure to operate in accordance with 9 CFR Part 313 of the regulations.

During the abeyance period verification activities will be conducted by IPP and results will be reported to the District Office on a weekly basis. The decision to hold the suspension action in abeyance is based on the proffered actions. Any modifications to your submitted corrective actions and preventive measures made during the abeyance

period need to be submitted, in writing, to the FSIS Des Moines District Office for review prior to implementation by your establishment.

Please be advised that, as a federally inspected establishment, you are expected to comply with FSIS regulations and to take appropriate corrective action to prevent inhumane handling of livestock at your establishment. 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 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)

Sincerely,

DAWN SPROULS
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Date: 2021.10.13 12:41:01 -05'00'

Dawn Sprouls, DVM
District Manager
USDA FSIS OFO
Des Moines District Office