



United States Department of Agriculture

Food Safety and
Inspection Service

September 10, 2021

Digitally-signed copy hand-delivered

Office of Field
Operations
Des Moines District
Office

James Huettl
Huettl's Locker & Dressing Plant
1903 North Lakeshore Drive
Lake City, MN 55041

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, Mr. Huettl:

This letter confirms verbal notification by the Des Moines District Office, Food Safety and Inspection Service (FSIS) on September 10, 2021, of our decision to suspend the assignment of Inspection Program Personnel (IPP) at Establishment M7785, Huettl's Locker & Dressing Plant, in Lake City, MN, 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 September 10, 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) (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 0805 hours while conducting Humane Handling Verification Task under Stunning Effectiveness (HATS Category VIII) the IPP observed the following noncompliance: While attempting to stun the second of two scheduled steers, Plant Owner Mr. Jim Huettl did not render the steer unconscious with a single stunning attempt.

The steer was in the restrainer moving its head; no head catch is present on the restrainer box. (b) (6) aimed and fired a hand-held captive bolt gun in the poll region of the steer's head. The steer remained conscious and standing, bleeding from the wound on the back of his head. (b) (6) retrieved a 0.22 rifle from the adjoining room, approximately twenty feet from where he was standing. He loaded the rifle and returned to the stunning area. At this time, the steer was moving around in the stunning area, rapidly stepping forward and backwards. It bellowed several times. (b) (6) fired the rifle. The gunshot made contact with the head; however, the steer remained standing and conscious. (b) (6) walked back to the adjoining room where the ammunition was stored reloaded the rifle. He then walked back to the stunning area effectively rendered the animal unconscious with the second shot from the rifle. (b) (6) applied a final safety shot with the hand-held captive bolt gun. The steer was then exsanguinated uneventfully.

On post-mortem examination IPP observed four holes on the skinned skull. One hole was in the back of the head below the poll region and three separate holes were in the forehead area.

IPP notified Mr. Jim Huettl that a regulatory control action would be taken due to ineffective stunning and placed US Reject tag #B23521582 on the restrainer.

This is a violation of the FMIA (21 U.S.C.) 603, regulations 9 CFR 313.15(a)(1), 9 CFR 313.15(b)(1)(iii), 313.16(a)(1) and the HMSA of 1978.

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 the

regulatory requirements outlined in 9 CFR 313.15(a)(1), 313.15(b)(1)(iii), and 313.16(a)(1).

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).

The suspension of the assignment of IPP will remain in effect until such time as you provide to this office adequate written corrective actions and preventive measures to assure that the handling and/or slaughter of animals will be done humanely and in accordance with the FMIA, HMSA, and the regulations promulgated therein.

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 proposed corrective actions and preventive measures should include any times and/or dates for completion of these proposed activities.

Your written response should include:

1. An initial assessment of the incident, including determination 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 and conscious, 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
South Building, Room 1330A
Washington, DC 20250
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

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,

**MARK
JOHNSON**

Digitally signed by MARK
JOHNSON
Date: 2021.09.10 16:05:47
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for
Dawn Sprouls, DVM
District Manager
USDA FSIS OFO
Des Moines District