



United States Department of Agriculture

Food Safety and  
Inspection Service

November 18, 2021

Digitally-signed copy electronically-delivered

Office of Field  
Operations  
Des Moines District  
Office

Lyle Meyer, Plant Manager  
Long Prairie Packing Company, LLC  
10 Riverside Drive  
Long Prairie, MN 56347

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

**NOTICE OF SUSPENSION**

Dear, Mr. Meyer:

Voice 515.727.8960  
Fax 515.727.8991

This letter confirms verbal notification by the Des Moines District Office, Food Safety and Inspection Service (FSIS) on November 18, 2021, of our decision to suspend the assignment of inspection program personnel (IPP) at Establishment M253, Long Prairie Packing Company, LLC., 10 Riverside Drive, Long Prairie, MN 56347, herein referred to as the/your establishment. This action is taken in accordance with the Rules of Practice, 9 CFR 500.3(b), due to the observation of an egregious humane handling incident that occurred on November 18, 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 1405 hours while verifying HATS category II Truck Unloading and HATS category IX Consciousness On The Rail, In Plant Personnel (IPP) observed the following noncompliance involving euthanasia of a non-ambulatory animal on a livestock trailer. The establishments policy is to notify inspection personnel that a firearm is going to be used and utilize three stuns, verifying the animal is unconscious after the first stun. The establishment employee notified IPP that they will be euthanizing a down cow on the livestock trailer while IPP was verifying truck unloading. IPP then proceeded to perform ante-mortem inspection on a different group of cattle on the opposite end of the scale area from where the cattle are unloaded. While performing ante-mortem IPP heard multiple firearm discharges but was not in a line of site to determine the origin of the firearm discharge. After noticing the establishment employee went to denature the animal on the livestock trailer, IPP decided to verify consciousness of the euthanized animal. When IPP got onto the trailer, IPP observed a sternal recumbent dairy cow in the front-most lower-deck of the trailer adjacent but not touching the passenger side wall, with her front end facing the hitch of the trailer, with the establishment employee leaning over the cow. IPP observed the employee slash and inject denaturant in the middle of the left shoulder area of the cow, this being the last of six cuts through which denaturant was injected. The establishment employee had already made a cut to exsanguinate the animal prior to performing the denaturing process, the cut was actively bleeding. Remaining in sternal recumbency, the animal was holding its head up on its left side off the ground. IPP watched as the cow moved her head straight forward in a controlled manner holding it up off the ground, still in sternal recumbency, right after the last denaturing cut and injection was performed. At that point IPP also noticed the cow was rhythmically breathing. IPP then proceeded to investigate more closely, the conscious state of the animal. When IPP approached the left side of the cow, she moved her head from the straight, forward position back to her left side showing signs of distress with clenched teeth and eyes drawn tight at the inner corners. The cow blinked in a controlled manner twice, with labored breathing of increasing intensity, with blood running down her forehead, further confirming the animal was conscious. A different establishment employee brought a handheld captive bolt to attempt to stun the animal a fourth time. The handheld captive bolt device did not discharge at all with three attempts. After the first attempt with the handheld captive bolt device the cow moved her head out away from her body, holding it up of her own accord. The establishment employee then touched the inner corner of the cow's left eye and the cow blinked in response. The establishment employee then retrieved a firearm from the barn office and returned, administering an effective stun rendering the animal unconscious. At IPP insistence the establishment employee verified the animal was insensible by touching the inner corner of the animal's left eye, the animal did not respond to the touch. The establishment employee then administered two more security stuns with the firearm. IPP took regulatory control action, stopping all slaughter operations, by applying "U.S. Rejected" tag B41501050 to the restrainer. IPP notified (b) (6), (b) (6), and Vice President Mr. Lyle Meyer of IPP observations and the forthcoming noncompliance. IPP also informed the establishment management IPP will be contacting the District Office through supervisory channels for further guidance on a possible enforcement action.

**Conclusion:**

The establishment does have a robust systematic approach, but it was not being implemented at the time of the incident. 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 313.16(a)(1) 313.16(a)(3) and 313.15(b)(1)(i).

The suspension of the assignment of inspectors 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 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, along with a documentation record.

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

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](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 or the (b) (6)

Sincerely,

**THOMAS BECK** Digitally signed by THOMAS BECK  
Date: 2021.11.18 20:19:40 -06'00'

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