



United States Department of Agriculture

Food Safety and
Inspection Service

January 4, 2022

Digitally-signed copy email

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

Voice 515.727.8960
Fax 515.727.8991

NOTICE OF REINSTATEMENT OF SUSPENSION

Dear, Mr. Huettl:

This letter confirms verbal notification by the Des Moines District, Food Safety and Inspection Service (FSIS) on January 4, 2022, of the decision to reinstate the suspension of 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), due to the observation of an egregious humane handling incident that occurred at your establishment on January 4, 2022.

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, 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 0845 hours while observing HATS Category VIII – Stunning Effectiveness, Inspection Program Personnel (IPP) observed the following egregious humane handling noncompliance: While attempting to stun the second of four scheduled market hogs, Establishment Owner, Mr. James Huettl, did not render the hog unconscious with a single stunning attempt as required by regulation 9 CFR Part 313.15. The hog was present in the restrainer and being additionally restrained by a red plastic sorting panel by (b) (6) (b) (6). The additional restraint limited the hogs body movement, but the hog retained some head movement. Mr. James Huettl aimed and fired a hand-held captive bolt gun (HHCB) in an initial attempt to render the animal unconscious. The hog remained conscious, standing, and the IPP observed a bleeding wound on its head. The hog remained conscious, continuously vocalized, was standing, moving its head around in a controlled manner, and tracking people in the room with its eyes. Mr. James Huettl reloaded the same HHCB gun and fired again, missing the animal completely on the second attempt. Mr. James Huettl reloaded the same HHCB gun a third time and fired, contacting the animal. The hog remained conscious, vocalized once and remained partially standing, and was still breathing. Mr. James Huettl reloaded the same HHCB gun and fired a fourth time. After the fourth attempt, the hog went down completely and lost all muscle tone, did not vocalize and the IPP could observe no additional breathing. The IPP verified the hog was unconscious.

On post-mortem examination, the IPP observed three holes on the skull. Two holes were on the midline between the eyes and one hole was on the midline closer to the snout. When the skull was split, the IPP could see that two of the holes did not penetrate the skull into the brain and one hole penetrated the brain.

The IPP notified Mr. James Huettl that they were taking a regulatory control action due to the egregious ineffective stunning noncompliance, and would be contacting their supervisor, the DVMS, and the District Office management team for further guidance. The IPP placed a U.S. Reject tag number B23521579 on the restrainer.

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

Justification

Currently, your slaughter process is operating under the terms of a Notice of Suspension Held in Abeyance (NOSA) as a result of an egregious inhumane handling incident on September 10, 2021. This NROS is being issued for the failure to effectively stun a hog with a HHCB as described above, which indicates a failure to follow or adequately implement your systematic approach.

The suspension of the assignment of IPP will remain in effect until such time that 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 actions and preventive measures concerning the NROS and we will determine further action, if any, based upon your response. If you choose to address this issue, 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.

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:

Attention: 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
Room 1330A, South Building
Washington, DC 20250
Office number: 202-379-6196
sherri.johnson@usda.gov

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 (b) (6) at (b) (6).

Sincerely,



Digitally signed by Todd C. Gerwig
Date: 2022.01.04 14:18:51 -06'00'

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