



United States Department of Agriculture

Food Safety and  
Inspection Service

April 6, 2022

Digitally-signed copy hand-delivered

Office of Field  
Operations  
Des Moines District  
Office

(b) (6)  
Vallia Foods, LLC  
3705 Highway 89  
Jefferson, WI 53549

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 April 6, 2022, of our decision to suspend the assignment of inspection program personnel (IPP) at Establishment M44183, Vallia Foods, LLC., located at 3705 Highway 89, Jefferson, Wisconsin, herein referred to as the/your establishment. This action is taken in accordance with the Rules of Practice regulation 9 Part Code of Federal Regulations (CFR) Part 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. FSIS is taking action due to an egregious inhumane handling incident that occurred at your establishment on April 6, 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; Title 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 regulations 9 CFR Part 313, and the HMSA of 1978. FSIS has also developed Rules of Practice regarding enforcement prescribed in regulations 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**

On April 6, 2022, at approximately 0815, while performing HATS category VIII - Stunning Effectiveness IPP observed the following egregious humane handling noncompliance; an establishment employee fired a hand-held captive bolt (HHCB) into the head of a beef cow when she was in the restrainer. The cow began to vocalize with her tongue extended, and track movement with her eyes. The establishment employee immediately fired a second shot with the back-up HHCB. The second stun attempt failed to render the animal unconscious, it continued to vocalize with her tongue extended, and track movement with her eyes. (b) (6) (b) (6) took control of the first HHCB, immediately reloaded it and quickly made a third stunning attempt, which successfully rendered that animal unconscious. After the animal was removed from the restrainer, IPP inspected the head of the beef cow and found two holes. One hole was noticeably larger than the other hole. The larger hole was on the midline of the head, at the level of the medial canthus of the eyes. The smaller hole was located on the midline of the head several inches dorsal to the larger hole.

IPP placed US Reject Tag #B15262912 on the restrainer then notified (b) (6) of the noncompliance, that a noncompliance report will be issued and that the district office would be contacted for further guidance.

This is a violation of the FMIA (21 U.S.C.) 603, regulations 9 CFR 313.15(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 Title 7 U.S.C. 1901 and 1902 of the HMSA of 1978, and the regulatory requirements outlined in 9 CFR 313.15(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 regulation 9 CFR Part 500.3(b).

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.

As you are aware, on September 27, 2021 and October 1, 2021, your establishment was also suspended for egregious human handling noncompliance with 313.15(a)(1) due to ineffective stunning with a HHCB. Repetitive noncompliance leaves the agency without assurance that your corrective actions previously implemented are effective in preventing recurrence.

You may provide this office written corrective actions and preventive measures concerning the NOS 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 effectiveness, 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  
South Building, Room 1330A  
Washington, DC 20250  
Office number: 202-379-6196  
[sherri.johnson@usda.gov](mailto:sherri.johnson@usda.gov)

In addition, you may also request a hearing regarding this determination pursuant to FSIS Rules of Practice, regulation 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:

Attention: Scott C. Safian, Director  
Enforcement Operations Staff  
Office of Investigation, Enforcement and Audit  
Food Safety and Inspection Service  
United States Department of Agriculture  
Stop Code 3753, PP3, Cubicle 9-235-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)

Sincerely,

JEFFERY  
JACOBSEN

Digitally signed by JEFFERY  
JACOBSEN  
Date: 2022.04.06 14:30:05  
-05'00'

for

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