



United States Department of Agriculture

Food Safety and
Inspection Service

June 9, 2022

Office of Field
Operations
Denver District Office

**SENT VIA FEDEX &
ELECTRONIC MAIL**

1 Denver Federal
Center, Bldg. 45
P.O. Box 25387
Denver, CO 80225

Nancy Hibbing, President
North Cascades Meat Producers Cooperative, Est. 46010
7229 300th St. NW
Stanwood, WA 98292
NorthCascadesMeatProducersCooperative@hotmail.com

Voice (303) 236-9800
Fax (303) 236-9794

NOTICE OF SUSPENSION

Dear Ms. Hibbing,

This letter confirms the verbal notification provided to your establishment, North Cascades Meat Producers Cooperative, Est. M46010, located in Stanwood, WA, on Thursday, June 9, 2022, by the Food Safety Inspection Service (FSIS), Denver District, of the suspension of the assignment of inspectors and the withholding of the marks of inspection at your establishment for slaughter operations. Dr. Robert Reeder, District Manager, verbally notified you of the suspension. This action was initiated in accordance with Title 21 of the United States Code (USC), Section 603(b) and Title 9 of the Code of Federal Regulations (CFR) Part 500.3(b) (Rules of Practice).

Background Authority

The Federal Meat Inspection Act (FMIA), 21 USC Section 603(b), provides for the purpose of preventing the inhumane slaughtering of livestock. The FMIA gives FSIS the authority, as designated by the Secretary of the Department of Agriculture, to prescribe rules and regulations describing examinations and inspections of the method by which cattle, sheep, swine, goats, horses, mules, and other equines are slaughtered in the establishments inspected under the FMIA. The FMIA also provides FSIS Program personnel the authority to suspend operations at a slaughtering establishment if FSIS finds that any cattle, sheep, swine, goats, horses, mules or other equines have been slaughtered or handled in connection with slaughter at such establishments by any method not in accordance with the Humane Methods of Slaughter Act (HMSA) of August 27, 1958 (72 Statute 862; Title 7 USC, Sections 1901-1906), until the establishment furnishes FSIS with satisfactory assurances that all slaughtering and handling in connection with the slaughter of livestock shall be in accordance with such methods.

Under the authorities of these Acts, FSIS has prescribed rules and regulations required for the humane slaughtering of livestock, contained in Title 9 CFR Part 313. 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.

Finding/Basis for Action

On Thursday, June 9, 2022, the FSIS Consumer Safety Inspector (CSI) documented in a Noncompliance Record (NR) the following event at Est. M46010:

“At approximately 1:35pm at Est. M42010 located at the 27444 Burmaster Road Sedro Wooley site, the fourth animal to be slaughter[ed], a market hog, was moved into an approximately 10ftx10ft pen. The animal was not restrained. A mobile slaughter unit employee went to stun the animal with a hand-held captive bolt device (HHCBD). The first stun attempt with the HHCBD did not render the hog unconscious. The CSI observed the hog to remain standing, vocalized and proceeded to move around the pen. Another employee readily grabbed the backup captive bolt device, located approximately 5 yards away on the other side of the wall and handed the device to the stun operator. The hog continued to run around the pen in which the stun operator attempted to move it into a corner of the pen. Once the animal became stationary, the stun operator applied a second captive bolt stun, which was which was also ineffective. I visualized two holes located approximately 1 inch above the eyes in the center of the head. At this time the stun operator asked USDA personnel what to do, and left the pen to reload the HHCB. The hog escaped the pen while the stun operator was trying to leave the pen. At this time, the pig was moving quickly in a circle in a stressed manner in the driveway adjacent to the pen. Establishment President and USDA personnel offered an alternative stunning method of the .22 rifle, to which the stun operator declined. The stun operator reloaded the HHCBD. The stun operator then moved the pig back into the pen and applied a third stunning attempt, which did not render the hog unconscious. The hog vocalized, remained stationary and urinated. The Establishment President handed the stun operator the .22 rifle. The stun operator then attempted a 4th stun attempt in which the rifle was not loaded. Another employee grabbed ammunition, located approximately 5 yards away from the pen, and handed it to the stun operator. The stun operator loaded the rifle and placed it within inches of the head of the hog, and applied a 4th stun attempt, which rendered the animal unconscious. I, the CSI, verified that the animal was rendered unconscious and then immediately called my SPHV supervisor. Regulatory control was taken by applying US Reject Tag B39028462 to the stunning box at 1:42pm.

The Denver District Management Team was contacted via supervisory channels. There have been no noncompliance records issued for the same root cause within the past 90 days.”

Summary

The decision to suspend the assignment of inspectors at your establishment is based on noncompliance with 9 CFR 313.15(a)(1), 313.15(b)(1)(iii), 313.15(b)(1)(iv) and 313.16(b)(1)(iii). This is an inhumane noncompliance, whereby multiple stunning attempts were required to render a market age swine unconscious.

The suspension of the assignment of inspectors will remain in effect until such time as you provide the Denver District Office adequate written corrective actions and preventative measures to ensure that livestock at your establishment are handled and slaughtered humanely, and in accordance with the FMIA, the HMSA, and 9 CFR 313 regulations.

These should include:

- A written description of the incident.
- The root cause of the incident
- Your immediate corrective actions.
- Your specific corrective actions to prevent reoccurrence of the noncompliance.
- Any training or retraining of employees you plan to provide, including materials you’re planning to use.
- Any monitoring procedures, including any documentation records.

In accordance with Title 9 CFR 500.5(a)(5), you may appeal this action by contacting:

Paul Wolseley
Executive Associate for Regulatory Operations
Office of Field Operations
Food Safety and Inspection Service
United States Department of Agriculture
1400 Independence Avenue, SW
Room 1329, South Building
Washington, D.C. 20250
Tel: 202-708-9506
Paul.Wolseley@usda.gov

In accordance with 9 CFR Part 500.5 (d), you may request a hearing concerning this action by contacting:

Scott C. Safian
Enforcement and Litigation Division
Office of Investigation, Enforcement and Audit
Food Safety and Inspection Service
Stop Code 3753, PP3, Cubicle 9-235-A
1400 Independence Avenue, SW
Washington, D.C. 20250
Voice: (202) 418-8872
Fax: (202) 245-5097

If you have any questions regarding this matter, you may contact the Denver District Office at (303)236-9800.

Sincerely,

ROBERT
REEDER

Digitally signed by
ROBERT REEDER
Date: 2022.06.09 17:03:11
-06'00'

Dr. Robert Reeder
District Manager
USDA FSIS OFO
Denver District Office
Robert.Reeder@usda.gov

cc: FO/QER
Est. File
D. James, DDM
J. Monteverde, DDM
J. VanHook, DDM

(b) (6)

S. Baucher, RD/OIEA