



United States Department of Agriculture

Food Safety and
Inspection Service

June 28, 2022

Office of Field
Operations
Des Moines District
Office

Digitally-signed copy hand-delivered

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

(b) (6)
Prairie Meats, Inc.
2505 W. Lincoln Ave
Olivia, Minnesota 56277

NOTICE OF REINSTATEMENT 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 June 28, 2022, of the decision to reinstate the suspension of the assignment of slaughter Inspection Program Personnel (IPP) at your firm, Est. M47273, Prairie Meats, Inc., 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 June 28, 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 1000 hours, while verifying HATS Category VIII - Stunning Effectiveness, IPP, observed the following noncompliance: A beef steer walked to the restrainer but would not place its head through the head restrainer. (b) (6) (b) (6), performed the first stunning attempt using a hand-held captive bolt device (HHCB) while the animal's head was out of the restrainer, looking up to the ceiling. The first stun attempt failed to render the animal unconscious, it was standing and bleeding was observed from the nose and skull area where the stun device was discharged. The establishment employee then used a second pre-loaded HHCB device to attempt a second stun, with the head of the animal inside the head restrainer. The second stun attempt also failed to render the animal unconscious, the animal was observed tracking the people around the restrainer with its eyes, the animal was still standing, and more bleeding was observed from the nose and skull area. The establishment employee then reloaded the hand-held captive bolt device and performed a third stun, the animal fully dropped to the floor, at which point it was verified insensible. (b) (6) then performed the sticking procedure to initiate bleed out.

On post-mortem examination, three head wounds were observed. One hole was observed in the middle of the head right between the eyes. The second and third holes were in approximately the same location on the skull, one being 4 inches below the top of the poll and half an inch higher than the other one.

I placed U.S. Reject tag number B40213046 on the restrainer and temporarily stopped slaughter operation. Also (b) (6) was verbally informed of my observations regarding the establishment's inability to render the animal unconscious with the first and second stunning attempt. The establishment failed to meet the regulatory requirements of 9 CFR 313.15(a)(1) and 313.15(a)(3). I notified establishment management that I would be contacting the Des Moines District Office through supervisory channels for further guidance regarding possible enforcement action.

Conclusion

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 August 11, 2021. This NROS is being issued for the failure to effectively stun a beef with a HHCb as described above, which indicates a failure to follow or adequately implement your humane handling program.

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)

(b) (6)

Sincerely,

**MARK
JOHNSON**

Digitally signed by MARK
JOHNSON
Date: 2022.06.29 09:08:09
-05'00'

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