



United States Department of Agriculture

Food Safety and
Inspection Service

August 26, 2022

Digitally signed copy sent electronically

Office of Field
Operations
Des Moines District
Office

John Roswech, Owner
South 40 Farms, LLC
9214 Highway 21
Mott, ND 58846

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

NOTICE OF REINSTATEMENT OF SUSPENSION HELD IN ABEYANCE

Dear Mr. Roswech:

Voice 515.727.8960
Fax 515.727.8991

This letter confirms verbal notification provided by the Des Moines District Office, Food Safety and Inspection Service (FSIS) to establishment M47494, South 40 Farms, LLC, located at 9214 Highway 21, Mott, ND, herein referred to as your/the establishment, of the decision to place the Notice of Reinstatement of Suspension (NROS), initiated on August 19, 2022, due to observation by inspection program personnel (IPP) of an egregious humane handling incident, into abeyance (NROSA).

On August 19 and 26, you provided FSIS, via emails, written corrective actions and preventive measures, in response to the regulatory noncompliance detailed in the NROS. The response outlined actions adequate to address the noncompliance regarding humane handling of livestock requirements, including a plan to maintain compliance with the *Federal Meat Inspection Act* (FMIA) Title 21 of the United States Code (21 U.S.C. 603), the *Humane Methods of Slaughter Act* of 1978 (HMSA) (7 U.S.C. 1901 *et seq*), and federal regulations {Title 9 of the Code of Federal Regulations (9 CFR) Part 313.16}. The following documents were included, detailing actions immediately implemented and further proposed at your establishment:

Specifically:

- Mis-stun 8-19 (12 pages)
- South 40 Beef Humane Handling Plan 6-15-22 (14 pages)
- Handwritten 2022-08-26 111723 (1 page)

Based on your written response, you were informed via telephone, that the suspension of the assignment of IPP, for swine slaughter operations, at your establishment is held in abeyance effective August 26, 2022.

The suspension will remain in abeyance pending verification by FSIS personnel that your proposed corrective actions and preventive measures have been effectively implemented and are adequate to maintain compliance. Establishment personnel should monitor operations to prevent violations of humane handling and slaughter from occurring in the future. It is also important for you to understand the responsibility of FSIS to initiate action when there is a failure to operate in accordance with 9 CFR Part 313 of the regulations.

During the abeyance period verification activities will be conducted by IPP and results will be reported to the Des Moines District Office on a weekly basis. The decision to hold the suspension action in abeyance is based on the proffered actions. Any modifications to your submitted corrective actions and preventive measures made during the abeyance period need to be submitted, in writing, to the Des Moines District Office for review prior to implementation by your establishment.

Please be advised that, as a federally inspected establishment, you are expected to comply with FSIS regulations and to take appropriate corrective action to prevent inhumane handling of livestock at your establishment. Your failure to comply with these requirements or to implement the measures in your action plan could result in reinstatement of the suspension of inspection at your establishment or other appropriate administrative or legal action.

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) or (b) (6).

Sincerely,

RANDALL KUMPOST Digitally signed by RANDALL KUMPOST for Dr. Sprouls
Date: 2022.08.29 16:21:07 -0500

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