



Field  
Operations

Des Moines District  
Neal Smith Federal Building  
210 Walnut, Room 985  
Des Moines, IA 50309-2133

April 24, 2013

Signed Copy sent electronically  
Signed Original sent via UPS Priority

(b) (6) General Manager  
Triple J Family Farms, LLC  
Establishment 17466  
53050 US Highway 212  
Buffalo Lake, Minnesota 55314

### Notice of Suspension Held in Abeyance

Dear Mr. (b) (6)

On April 23, 2013 a "Notice of Suspension" was issued to Triple J Family Farms, LLC, Establishment 17466 located at 53050 US Highway 212, Buffalo Lake, Minnesota. This action was based on your failure to handle animals humanely. This letter confirms the verbal notification you were given on April 24, 2013, by the Food Safety and Inspection Service (FSIS), Des Moines District Office, that the suspension of the assignment of inspectors for slaughter operations at Triple J Family Farms, LLC, Establishment M17466, is now held in abeyance, pending verification by FSIS personnel.

#### **Background/Authority**

The Federal Meat Inspection Act (FMIA) (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 method by which 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 sections 1901 to 1906 of Title 7.

The Humane Methods of Slaughter Act of 1978 (7 U.S.C 1901 *et seq.*) provides that the Congress finds that the use of humane methods in the slaughter of livestock prevents needless suffering; results in safer and better working conditions for persons engaged in the slaughtering industry; brings about improvement of products and economies in slaughtering operations; and produces other benefits for producers, processors, and consumers which tend to expedite an orderly flow of livestock and livestock products in interstate and foreign commerce. It is therefore declared to be the policy of the United States that the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods.

### **Findings/Basis for Suspension**

On Tuesday, April 23, 2013 at approximately 0845, the following events were observed: While preparing to do a sampling task, the SPHV/IIC, heard excessive amounts of bellowing coming from the area of the knock box. She subsequently went to the knock box/bleed rail to observe the goings on. A FSIS CSI was already present on the floor near the cradle for approximately 7 minutes, and had also gone to observe due to excessive bellowing. Observation from the floor adjacent to the knock box did not shed light as to what was transpiring, however the SPHV/IIC was able to see the "Barn Manager" using both a cattle prod and rattle paddle a significant number of times. The excessive amount of bellowing also continued. Upon hearing even more vocalization, the CSI went up to the stand near the knock box to better ascertain the situation. After approximately 2 minutes, he gestured to the SPHV/IIC to indicate that there were 2 animals within the knock box. As the bellowing continued, she decided that it would be prudent for her to investigate the knock box and the situation more closely herself.

Upon climbing the stairs to the stand immediately adjacent to the knock box, the SPHV/IIC observed that the first animal was fully within the box, with its head in the chin lift, but was not restrained. She was immediately able to see that there was a bloody injury to the back of the second animal which was approximately 90% into the knock box. The animal's back/lumbar spinal area was seen to be hitting the lift gate, which was not completely open. It was clear that the animal would physically not be able to walk underneath the gate such as it was. The "Barn Manager" continued to use the rattle paddle and cattle prod in an attempt to get the animal to back out of the knock box. The Slaughter Supervisor was attempting to get the animals prior to the knock box to back up, using a rattle paddle. The SPHV/IIC indicated that the second animal in the box was not able to fit underneath the lift gate, and demonstrated that as she could already see a wound on the back of the animal as a result of its repeated attempts to do so against the fixed piece of metal. The SPHV/IIC moved around to the back side of the knock box, behind the lift gate and was able to visualize part of the injury to the animal's back, which appeared to be approximately 12 inches long by 5 inches wide at the widest point. The hide had been peeled back in the area of the injury, and there was blood and hair throughout the wound, as well as blood and hair on the lift gate. The injury was deep to varying degrees, in some areas so much so that the fascia beneath was visible. In addition, the head of the animal behind the one that was injured was wedged between the knock box wall and the right hind quarter of the injured animal. This observation was pointed out to the "Barn Manager and to the "Slaughter Supervisor".

The Slaughter QA Supervisor was there also observing the events, and trying to ascertain what was going on as well, and the SPHV/IIC explained the situation to her, and demonstrated the wound to her as well. The Slaughter QA Supervisor was noted to be holding an establishment QA tag which she had indicated she was simply holding, and was not attempting to take control of the box. It was at this time when repeated attempts to get the animal to back up despite this being physically impossibility continued, that the SPHV/IIC placed a USDA Reject Tag immediately prior to the knock box and said the box was tagged, and that no more animals were to enter. The Slaughter QA Supervisor had placed her QA Hold tag down as well; however the SPHV/IIC indicated that the box was in USDA control. The SPHV/IIC informed the "Barn Manager" that something needed to be done immediately to prevent further injury to any animal, and it was at that time that both animals were successfully knocked using a hand held captive bolt gun. (Approximately 15 minutes had transpired from when the CSI first arrived at the knock box, and the animals were already stuck upon his arrival). When the injured animal was knocked, however, it was observed that her body landed upon the head of the animal that was behind it, causing it to be also trapped. The SPHV/IIC then pointed out to both the "Barn Manager and the Slaughter Supervisor that now there was a dead animal lying on top of the head of a live one, which was then laboring to breathe. After approximately 2 minutes, the animal which had been knocked began to experience reflexive muscular and nervous twitching, which allowed for the trapped animal's head to become freed. Several minutes passed before she appeared to regain a more regular breathing pattern.

Examination of the injured animal after being knocked demonstrated the following injuries, as described by CSI (approximate estimates in size): an 18" by 5" long injury to the dorsum along midline, wherein the hide had been forcefully ripped off, varying in depth but in some regions was down to the fascia beneath and was bloody throughout. Two 5" by 3" lacerations within the injury were bloody and down to tissue beneath. One 8" by 4" laceration was just cranial to the large laceration, with multiple lacerations embedded and adjacent to it. There was additionally an approximately 12" by 3" laceration on the left hip area, which had also penetrated the hide to the fascia beneath. (It is possible that this last injury was due to removal of the carcass from the knock box).

The CSI on the "Final rail" indicated as well that the final animal going past the USDA final rail (which was the animal which was injured) had 4 freshly broken ribs, with evidence of blood in the meat, and bruising.

This is a violation of the Federal Meat Inspection Act (FMIC) (21 U.S.C.) 603), Regulations 9 CFR Part 313, and the Humane Methods of Slaughter Act of 1978.

On April 23 and 24, 2013, your establishment provided to FSIS, Des Moines District Office, adequate written assurances, which included corrective actions and further planned preventive measures to assure that livestock at your establishment are slaughtered humanely.

**Specifically:**

You have identified the cause as follows: On April 23, 2013, the chin lift broke creating a need to back the cattle out; the chute had 7 cattle in that needed to be backed prior to backing the one head out of the box. The employee using the rattle paddle and then switching to the electrical prod was prodding the animal with the back against the wall which made the cattle aggressive and one additional squirted in, as employees were trying to back out the cows, causing the 2<sup>nd</sup> cow to scrape its hide on the bottom of the entry door to the knock box and causing injury to the cow. The first two cows were stunned and the other cattle in the chute were backed out.

The entry door to the knock box contributed to the difficulty in backing the cattle out, as the entry door malfunctioned due to employee error. The knock box operator will ensure the door is in the full up position prior to backing the cattle out. In addition Plant management has adjusted the height of the door to ensure cattle can't pass underneath or get their head caught.

QA and management present were slow to react to the situation. The management and QA have been instructed to tag the area to ensure the USDA is aware we have control of the situation in a timely manner. In addition operations will promptly knock the cattle if they see an indication of greater than normal distress which would include a situation to where the animal would cause injury or harm to itself or others.

Animals should not be electronically stimulated except as a last resort. Barn manager will retain and restrict controls of prods to ensure appropriate use. In the event of use, prods are never to be used in sensitive area such as face, genitals, or anus.

**Your stated Preventive Measures are:**

- 1) That you have added a steel smooth pipe to the bottom of the door to prevent any other cattle scraping their hide on the door.
  
- 2) That you have added a lock to top butt gate to help minimize the cattle that will be allowed in the chute, which will be verified by PHV prior to start of operations.

- 3) That you will be installing door to be able to stop the cattle from pushing further therefore allowing the employees maintain control of how many cattle can move forward to the cradle knock box. This door will be installed no later than Tuesday April 29, 2013, providing parts are available, and until the door is installed will only be running 1-3 cattle up the chute at the time to maintain control of the cattle going into the chute and cradle to prevent any cattle going through discomfort or of any cattle getting injured. The intent of the new guillotine gate is to allow one large animal to move comfortably. This will ensure only one get into the box.
- 4) That you have review and update the animal welfare program.
- 5) QA management will be doing a weekly verification on the daily audit in drive in and box area and also verify that auditor is auditing correctly. In addition QA will monitor inside of the knock box area and barn manager will monitor drive chute area. QA or designate will perform a daily audit of the knock box and drive chute area for the next 30 production days, auditing a total of 16 head during 2 audit periods. After 30 days we will reassess the frequency and duration of the audits.
- 6) QA personnel will re-train employees at each of the following position:
  - 1) 2 Cattle drivers,
  - 2) 1 top chute
  - 3) 1 bottom chute
  - 4) 1 Knock box door opener
  - 5) 1 Knock box operator
  - 6) 1 Neck washer/knocker

All training will include the Temple Grandin video, the training package on humane handling and USDA training document on the efficacy of observations of stunning placement in cattle, and when to use an electric prod or rattle stick. This will include a test for retention.

- 7) Operations Manager will re-train QA and Management personnel which will include:
  - 1). 2-QA Supervisors
  - 2.) 1-Barn Manager
  - 3.) 2-Slaughter Floor Supervisor and Foreman

All training will be on proper reaction if a similar situation occurs. This training will encompass how to react if a similar situation occurs. These will test of retention. You have requested space at the next PACCO meeting in October 2013.

- 8) Training will be completed prior to starting Wednesday 4/24/13.

Documentation has been reviewed and training of employees has been conducted. The IIC in addition has reviewed the training material and completion of training documentation. At this time we find your response acceptable. You are reminded that, as an operator of a federally inspected plant, you are expected to comply with FSIS regulations and to take appropriate corrective actions to prevent inhumane handling of livestock at your establishment. Please be advised that your failure to respond

adequately to these issues may result in our reinstatement of the suspension of inspection at Establishment M17466 or other appropriate administrative or legal action.

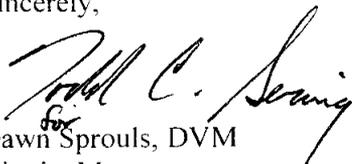
A copy of FSIS' Verification Plan will follow this notification. This Verification Plan is to assist you in understanding the nature and importance of the Agency's verification activities. This FSIS Verification Plan is designed to verify that your establishment fully implements your proffered corrective and preventive actions in your April 23, 2013 proposal, and that these revisions and actions are effective in assuring ongoing regulatory compliance.

Please also be advised that you have the right to appeal this matter. In accordance with 9 CFR 500.5(a)(5), you may appeal this action by contacting the:

**Dr. Armia Tawadrous**  
**Executive Associate for Regulatory Operations**  
**1400 Independence Avenue, SW**  
**Room 3157-So. Bldg.**  
**Washington, DC 20250**  
**Phone: 202-720-3697**  
**Fax: 202-205-0281**

If you have any questions, please contact the USDA FSIS OFO DO Des Moines District Office at 515-727-8960 or District Veterinary Medical Specialist, Dr. (b) (7)(C) at 515-727-(b) (7)(C) or Dr. (b) (7)(C) (b) (7)(C) District Veterinary Medical Specialist, at 612-270-(b) (7)(C). We urge your cooperation and voluntary compliance.

Sincerely,



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