



United States Food Safety
Department of and Inspection
Agriculture Service

Washington, D.C.
20250

[REDACTED] DVM
Des Moines District, DVMS
Federal Building; Room 995
210 Walnut Street
Des Moines, IA 50309

[REDACTED]
Des Moines District Manager
Federal Building; Room 985
210 Walnut Street
Des Moines, IA 50309

Dear [REDACTED]


I am writing this letter to advise you of the follow up that has been performed in response to the Humane Handling Verification visit at Establishment 4653G, Local Pride, Gordon, Nebraska, May 30, 2007. Subsequent to that visit, the group, People for the Ethical Treatment of Animals (PETA), has released a video alleging violations of the Humane Slaughter Act of 1978. The following is an accounting of actions taken and clarifications received since that visit.

- I raised concerns about the use of a node hook used by a plant employee to separate tissue allowing for an additional cut to facilitate bleeding. When I brought this concern to the attention of plant management, the use of this hook was immediately ceased. In the exit meeting with plant officials and the rabbi in charge, I indicated that I would seek further clarification on the regulatory acceptability regarding this practice. I related my concern to you and Deputy District Managers, [REDACTED] and [REDACTED] regarding the possibility this violates requirements set forth in FSIS Directive 6900.2 Revision 1 Part V (B)(3). On June 12, 2007, [REDACTED] received an e-mail from [REDACTED] Staff Officer, USDA FSIS OPPED-TSC, indicating that the use of the hook was not in violation of the Humane Slaughter Act of 1978 in that it falls within the protection afforded by Section 1902.(b) and Section 1906, Exemption of ritual slaughter. In his decision, he refers to FSIS Directive 6900.2 and writes, "an additional cut to facilitate bleeding is acceptable as part of the ritual procedure. Likewise, if the rabbi chooses, the use of a hook is acceptable. Such a procedure performed by the rabbi is covered by the exemption or "bubble"....." On June 26, 2007, I contacted [REDACTED] IIC, Establishment 4653G, to determine the status of node hook use. He advised, since my visit, the plant has refrained from the use of the hook. He discussed the clarification received from [REDACTED] with plant officials and head rabbi. It was the decision of the rabbi and plant management to continue to refrain from the use of a hook at this time. (Use was discontinued immediately when I expressed concern during my visit May 30, 2007.) If its use is employed again, management agreed to notify FSIS plant personnel in writing.
- On June 28, 2007, [REDACTED] Front Line Supervisor, and [REDACTED] Deputy District Manager, visited Establishment 4653G. [REDACTED] reported that after observing the entire kill floor with IIC, [REDACTED] "for a considerable amount of time", he did not witness any violations of applicable Humane Slaughter regulatory requirements.
- Continued monitoring of HAT Activities in eADRS, shows FSIS personnel continuing to monitor the nine categories regularly.
- I will continue to monitor the plant activities through telephone correlations with [REDACTED]
- I am planning a follow up visit to the establishment, within approximately ninety days from the time of my May 30, 2007 visit.

b6,7c

Should you have any further questions, concerns, or if I can be of any further assistance, do not hesitate to contact me. Thank you.

Respectfully,

 DVM
DVMMS, Des Moines District
USDA/FSIS/OFO

bg TL

00009

[REDACTED]

From: [REDACTED]
Sent: Tuesday, June 12, 2007 12:45 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Use of a hook to facilitate bleeding

We have already discussed with [REDACTED] and he is working with [REDACTED] to determine if this is within the bubble of the ritual process. [REDACTED] and I discussed this last week. We will get something from either the IIC from a verbal confirmation with the rabbi or a written confirmation from the rabbi. Will then provide to [REDACTED] for his report.

-----Original Message-----

From: [REDACTED]
Sent: Tuesday, June 12, 2007 12:42 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Fw: Use of a hook to facilitate bleeding

Fyi

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: [REDACTED]@fsis.usda.gov>
To: [REDACTED]@fsis.usda.gov>; [REDACTED]@fsis.usda.gov>; [REDACTED]@fsis.usda.gov>
CC: [REDACTED]@fsis.usda.gov>; [REDACTED]@fsis.usda.gov>
Sent: Tue Jun 12 13:40:18 2007
Subject: Use of a hook to facilitate bleeding

FYI,

To follow-up on the conference call regarding ritual slaughter, there was question regarding use of a hook to facilitate bleeding.

Per FSIS Directive 6900.2, an "additional cut to facilitate bleeding" is acceptable as part of the ritual procedure. Likewise, if the rabbi chooses, the use a hook is acceptable. Such a procedure performed by the rabbi is covered by the exemption or "bubble". Once the animal is rendered to a state of complete and continuous unconsciousness, plant processing of a ritually slaughtered animal may begin.

Please contact me if there are any more questions.

Regards,

[REDACTED]

[REDACTED]

Staff Officer
USDA FSIS OPPED-TSC
Landmark Bldg. Suite 300
1299 Farnam St.
Omaha, NE 68102
Ph. [REDACTED]
Fax. 402-344-5007

bb, TC

00010



United States
Department of
Agriculture

Food Safety
and Inspection
Service

Washington, D.C.
20250

[REDACTED] DVMS
Des Moines District
Federal Building
210 Walnut Street
Des Moines, IA

[REDACTED]
Des Moines District Manager
Federal Building, Suite 985
210 Walnut Street
Des Moines, IA 50309

Dear [REDACTED]

On May 30, 2007, at 1030 hours, I met with [REDACTED] IIC, at Establishment 4653G, Local Pride, LLC, to investigate the plant's humane handling practices. My investigation included a review of FSIS personnel Humane Activity Tracking records, an interview with [REDACTED] regarding his verification of humane handling practices at this establishment, a tour of the plant and direct observation of the performance of humane handling procedures.

[REDACTED] and plant representative [REDACTED] Kill Floor Foreman accompanied me. I observed the ritual cut of [REDACTED] animals, about [REDACTED] minutes total. The animals were moved into the restrainer with little excitement. Once restrained, a flat metal platform under the chest area was then raised lifting the rear limbs off the ground, a brace under the mandibles was then used to raise the head and a bar over the top of the skull was lowered to hold the head in place. There was vocalization during this procedure by 9 of the animals I observed. The ventral neck is washed with a curry comb and water from a hose prior to the ritual cut. A rabbi then performs the ritual cut (taking four to six strokes to perform the cut) and a plant employee then uses a node hook to hold and separate tissue while making additional cuts to facilitate bleeding. One animal struggled violently while bleeding out. The head restraint apparatus was released after the ritual cut and while the bleeding process proceeds, if a plastic ear tag is present, the tag itself was cut and removed (there was no cutting of the animal's tissue during this process). After the animal lost consciousness from anoxia, any metal ear tag present was removed through an incision in the ear, the right rear leg is then shackled, the animal released from the restrainer and hoisted. Of the [REDACTED] animals observed, I saw no (zero) animals incur additional dressing cuts, be released, shackled or hoisted while conscious.

We then proceeded to an area that allowed us to observe the shackling and hoisting process directly as well as observe for conscious animals on the rail. At this location [REDACTED] animals were observed (about [REDACTED] minutes). There were no (zero) animals seen during this observation period showing any signs of consciousness. [REDACTED] animals showed signs of terminal anoxia, gasping, muscle contractions and jerking movement after hoisting on the rail, although unconscious.

After observation of the ritual preparation, cut and rail unconsciousness, we proceeded to the holding pen area where I was able verify that all animals had access to water. All animals I observed, approximately [redacted] were being moved with a minimum of excitement. Although there was one electric prod available for use in the single file chute, I did not observe the use of prods anywhere within the plant during my verification tour. I noted a sign in the unloading area cautioning drivers on the use of electric prods.

While observing the movement of cattle, I did not witness any animals slip or fall. The cement floors are grooved, with the exception of one pen. However, the grooves of 3 of the pens are beginning to wear smooth creating a potential for slips and falls. [redacted] indicated to me that he has already discussed this with plant management and [redacted] advised me the plant has scheduled the equipment to regroove the floors this weekend. I also inspected the pens and holding areas and found them to be in good repair, so as not to contribute to injury of animals in the plant's care.

The records of humane tracking activities show that our in plant FSIS inspection team are monitoring humane handling through tracking activities, performing verification of conscious on the rail activities every day of production. All other activities are performed routinely. During my interview with [redacted] he was knowledgeable of the signs exhibited by a conscious animal.

Based upon these results, at the time of this investigation it is my determination Establishment 4653G, Local Pride, LLC, Nebraska is in compliance with 9 CFR 313.1, 313.2, 313.15, and 313.50 for a ritual slaughter facility.

Should you have any questions or if I can be of any further service in this matter do not hesitate to contact me. Thank you.

Respectfully,

[redacted] DVMS
USDA/FSIS/FO
Des Moines District

b4, b6, 7C

00007

ADDENDUM TO HUMANE HANDLING REPORT, EST. 4653G

CLARIFICATION OF THE USE OF A NODE HOOK

On June 12, 2007, I received an e-mail from [REDACTED] Staff Officer, of the Technical Service Center, Omaha, Nebraska. In this e-mail [REDACTED] clarified the position of the agency as to the use of a node hook by a plant employee immediately after the ritual cut. The agency policy on this issue; if the rabbi chooses to use a hook in the process of making an additional cut to facilitate bleeding, it is acceptable. This act is included in the religious exemption. As of June 26, 2007, after being advised of the acceptability of using the node hook, the rabbinical team has thus far voluntarily chosen to refrain from using the hook to facilitate the bleeding process. Should they decide to use the node hook in the future for this purpose they will advise FSIS personnel of this intention in writing.

Respectfully submitted,

[REDACTED] DVM
DVMS, Des Moines District Office
USDA/FSIS/OFO

b6,7C

00005

**Humane Handling Assessment of an Establishment's Handling of Live Animals
As Specified by THE HUMANE HANDLING METHODS OF SLAUGHTER ACT**

ESTABLISHMENT: Local Pride, LLC

DATE: May 30, 2007

Establishment: 4653G

DVMS: [REDACTED] DVM

DISTRICT: 2500

CIRCUIT: 2520

PLANT SIZE: Small

SPECIES: Bovine

VOLUME: [REDACTED] per day

Reason for Visit: Humane Handling Verification Visit

Recommendation: No further Action

HUMANE HANDLING ASSESMENT:

INTRODUCTION

On May 30, 2007, at approximately 1030 hours, [REDACTED] DVMS for the Des Moines District visited Establishment 4653G M to perform a humane handling verification visit. An initial meeting was held with IIC, [REDACTED] explaining the purpose of my visit. At this time, I asked [REDACTED] if he had any humane handling concerns at this establishment to which he responded that he did not. The plant was then advised of our arrival and I met [REDACTED] Kill Floor Supervisor, explaining the purpose of my visit and the procedures I would be observing. The plant humane handling verification was then started. I was accompanied by plant representative, [REDACTED] Kill Floor Foreman, and [REDACTED]

STUNNING EFFICACY

This plant performs ritual slaughter, Glatt Kosher, and therefore there is no stunning performed.

VERIFICATION OF INSENSIBILITY (UNCONSCIOUSNESS)

I observed the ritual cut of [REDACTED] animals, about [REDACTED] minutes total. The animals were moved into the restrainer with little excitement. Once restrained, a flat metal platform under the chest area was then raised lifting the rear limbs off the ground, a brace under the mandibles was then used to raise the head and a bar over the top of the skull was lowered

(b)(7), (b)(6), 7C

00001

to hold the head in place. There was vocalization during this procedure by 9 of the animals I observed. The ventral neck is washed with a curry comb and water from a hose prior to the ritual cut. A rabbi then performs the ritual cut (taking four to six strokes to perform the cut). This procedure is interpreted by this inspector to be acceptable as the first stroke severs the carotids and the remaining strokes deepen the ritual cut to open the wound, thereby facilitating the bleeding process. This is allowed in ritual slaughter (see FSIS Directive 6900.2 Revision 1, Part V). A plant employee then uses a node hook to hold and separate tissue while making additional cuts to facilitate bleeding. One animal struggled violently while bleeding out. The head restraint apparatus was released after the ritual cut and while the bleeding process proceeded. If a plastic ear tag is present, the tag itself was cut and removed (there was no cutting of the animal's tissue during this process). After the animal lost consciousness from anoxia, any metal ear tag present was removed through an incision in the ear. The right rear leg is then shackled, the animal released from the restrainer and hoisted. Of the 33 animals observed, I saw no (zero) animals incur additional dressing cuts, be released, shackled or hoisted while conscious.

VERIFICATION OF PROD/ALTERNATIVE OBJECT USE: STUNNING AREA

I observed approximately 16 animals moved into the single file chute and the restrainer. Although there was an electric prod available for use, I did not see any use of an electric prod during my observation period.

VERIFICATION OF PROD/ALTERNATIVE OBJECT USE: OTHER AREAS

During my observations, the animal handler did not use any object to encourage movement, but used principles of animal behavior to move the animals at a natural pace and with little excitement. I noted no electric prod use anywhere within the facility during my visit. It was noted that there is a sign posted in the unloading area cautioning drivers advising that the use of electric prods kept to a minimum or avoided completely.

EVALUATION OF SLIPS AND FALLS

While observing the movement of cattle, I did not witness any animals slip or fall. The cement floors are grooved, with the exception of one pen. However, the grooves of 3 of the pens are beginning to wear smooth creating a potential for slips and falls. [REDACTED] indicated to me that he has already discussed this with plant management and [REDACTED] advised me the plant has scheduled the equipment to regroove the floors this weekend. I also inspected the pens and holding areas and found them to be in good repair, so as not to contribute to injury of animals in the plant's care.

EVALUATION OF VOCALIZATION

Vocalization was noted in 9 of 33 animals observed during the ritual cut preparation. This vocalization seemed to be related to being restrained. The vocalization in this area is exempted from the provisions of the Humane Slaughter Act of 1978 under Section 1902(b), which provides for ritual slaughter of a religious faith. Section 1906 of the same

b6, 7c

00002

Act provides for the protection of religious freedom stating, "Nothing in this chapter shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person or group. Notwithstanding any other provision of this chapter, in order to protect freedom of religion, ritual slaughter and the *handling or other preparation of livestock for ritual slaughter is exempted from the terms of this chapter.*" There was no vocalization noted during the ritual cut, or during animal handling in any other areas of the plant.

EVALUATION OF HOLDING PENS AND SUSPECT PEN

I inspected the pens and holding areas and found them to be in good repair, so as not to contribute to injury of animals maintained in these areas. I was able to verify that all animals had water available. The suspect pen provides cover from the weather. Water is provided in portable containers when animals are housed here. The suspect pen is one of the areas where the floor grooves are wearing smooth, however, [REDACTED] advised me this is an area scheduled to be grooved this weekend.

EVALUATION OF TRUCK UNLOADING

I was able to observe the unloading of one truck. The ramp was in good repair and provided adequate footing. The animals were unloaded with a minimum of excitement and driven to the holding pens at a natural pace. There was no use of an electric prod noted in this process during my observation period.

NON COMPLIANCE RECORD REVIEW

A review of Humane Handling Non Compliance Records since production began at this establishment, July, 2005, reveals six non compliance records have been written. In September, 2005, NR# 0009-2005-9114 was written related to the release and shackling of a conscious animal. Corrective actions and preventative measures were implemented. On November 15, 2005, NR# 0017-2005-9114 was written related to slips and falls in the drive alleys due to icy conditions. Corrective actions and preventative measures were implemented. On December 20, 2005, NR# 0033-2005-9114 was written related to icy conditions in the drive alley. Again, corrective actions and preventative measures were implemented. This NR was NOT linked to NR#0017-2005-9114. On February 16, 2006 NR# 0014-2006-9114 was written related to water availability. Corrective actions were taken. On December 5, 2006, NR# 0056-2006-9114 was written concerning availability of water. Corrective actions were immediately implemented. On February 21, 2007, NR# 0013-2007-9114 was written concerning overcrowding and water availability was written. Immediate corrective actions and preventative measures were implemented by the establishment.

The 2 NRs related to slips and falls as well as 3 NRs related to water availability bring into question the effectiveness of the plant's preventative measures. The two NRs for slips and falls and the December, 2006 and the February, 2007, NRs for water availability are within the time frame which would dictate the linking of these two NRs as well. I

b6, 7c

correlated with [REDACTED] on the linking of NRs and the verification of effective preventative measures.

EXIT MEETING

On May 31, 2007, at 0950 hours, an exit meeting was held to discuss my humane handling observations at Est. 4653G. In attendance were, [REDACTED] Kill Floor Supervisor, David Blake, Plant Manager, and Rabbi [REDACTED]. [REDACTED] advised them that I found Establishment 4653G in compliance with Humane Handling Regulations at the time of my visit. I expressed some concern about the use of a node hook, by the plant employee to hold tissues while making the cut(s) necessary to facilitate bleeding, and informed them that I would be asking for clarification from the District Office on the acceptability of this practice. I expressed concern about the fact that FSIS personnel do not have a safe or reasonable place to observe animals on the rail in the area where they are initially placed on the rail. I requested that they look into the possibility of providing the in plant team a safe and reasonable place to observe this process and evaluate animals for consciousness. I pointed out that I noted several pens in the yards were wearing smooth and that I had been advised they were to be grooved again this weekend. I commended them on their attention to this matter and encouraged them to be sure to follow through with the project. I then opened the meeting for questions from anyone; we discussed the use of the node hook and alternative instruments. I advised them that I would get back to them through IIC, [REDACTED]. I thanked all plant personnel and Rabbi for their time and hospitality, shook hands with everyone, left my business card with plant manager, David Blake, and adjourned the meeting.

CORRELATION WITH IIC

After the exit meeting had concluded, [REDACTED] and I returned to the USDA office. Once in the office, we had an opportunity to correlate on HAT recording in eADRS, inclement weather HAT (when to perform this activity), NR writing and linking of NRs, as well as correlating on the use of the node hook and that I would be getting back to him as soon as possible regarding any necessary follow up on this issue. I then thanked [REDACTED] for his hospitality and assistance in the performance of this evaluation and departed the establishment.

Respectfully submitted,
[REDACTED] DVM
DVMS, Des Moines District Office
USDA/FSIS/OFO

bb, TL

00004