

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF MEEKER

EIGHTH JUDICIAL DISTRICT

Case Type: Cruelty Complaint

ANIMAL PARTISAN and

File No:

ANIMAL LEGAL DEFENSE FUND,

Complainants,

**Application Under Minn.  
Stat. § 343.22 for Warrant  
and Investigation of Cruelty  
Complaint**

vs.

JENNIE-O TURKEY STORE, INC.; JENNIE-O  
TURKEY STORE INTERNATIONAL, INC.; and  
JENNIE-O TURKEY STORE, LCC.

Respondents.

NOW COMES Complainants, Animal Partisan, and the Animal Legal Defense Fund, for an application under Minnesota's investigation of cruelty complaints statute, Minn. Stat. § 343.22, Subdivision 1, for a warrant and investigation against Respondents, Jennie-O Turkey Store, Inc., Jennie-O Turkey Store International, Inc., and Jennie-O Turkey Store, LLC, stated as follows:

## **I. OVERVIEW**

1. Complainants bring this application for a warrant to address conduct by which Respondents have violated Minnesota's animal cruelty law, Minn. Stat. § 343.21, Subdivision 3, which requires persons to provide a change of air for enclosed animals.

2. Government records obtained by Complainants reveal that Respondents' turkey farm located at 68651 315<sup>th</sup> Street, Litchfield, Minnesota 55355,<sup>1</sup> in Meeker County, used a method known as "ventilation shutdown plus heat" or "VSD+" to kill thousands of turkeys on October 9, 2023.<sup>2</sup> VSD+ involves purposefully sealing off airflow to barns containing large numbers of animals and concurrently pumping in heat and/or carbon dioxide, thus forcing the animals' deaths by suffocation and heat stress.<sup>3</sup> This conduct by Respondents violates Minnesota's animal cruelty law, as discussed herein.<sup>4</sup>

3. Minn. Stat. § 343.22, Subdivision 1, provides, in relevant part, as follows:

Any person who has reason to believe that a violation of this chapter has taken place or is taking place may apply to any court having jurisdiction over actions alleging violation of that section for a warrant and for investigation.

Complainants have reason to believe that such violations have occurred. Government records obtained by Complainants through state and federal public records laws reveal that VSD+ was used on a commercial turkey farm owned by Respondents in Meeker County, Minnesota on October 9, 2023.

4. This Court has jurisdiction over this action because Meeker County, Minnesota is located within Minnesota's Eighth Judicial District.

5. Minn. Stat. § 343.22, Subdivision 1, also establishes the procedure to be followed upon the submission of an application for warrant and investigation:

---

<sup>1</sup> Appendix A – Initial Epidemiological Interview Form, p.1.

<sup>2</sup> Appendix E – HPAI Monitoring Depopulation Report, p.10-18.

<sup>3</sup> *HPAI Response: Ventilation Shutdown Plus (+) Policy*, U.S. DEP'T OF AGRIC. ANIMAL & PLANT HEALTH INSPECTION SERV, p.2, [https://www.aphis.usda.gov/animal\\_health/emergency\\_management/downloads/hpai/ventilationshutdownpolicy.pdf](https://www.aphis.usda.gov/animal_health/emergency_management/downloads/hpai/ventilationshutdownpolicy.pdf); A. Baysinger, *A case study of ventilation shutdown with the addition of high temperature and humidity for depopulation of pigs*, J. AM. VET. MED. ASS'N, <https://avmajournals.avma.org/view/journals/javma/259/4/javma.259.4.415.xml>.

<sup>4</sup> Minn. Stat. § 343.21 (Sub. 3).

The court shall examine under oath the person so applying and any witnesses the applicant produces and the court shall take their affidavits in writing. The affidavits must set forth facts tending to establish the grounds for believing a violation of this chapter has occurred or is occurring, or probable cause to believe that a violation exists. If the court is satisfied of the existence of the grounds of the application, or that there is probable cause to believe a violation exists, it shall issue a signed search warrant and order for investigation to a peace officer in the county. The order shall command the officer to proceed promptly to the location of the alleged violation. The order may command that a doctor of veterinary medicine accompany the officer.

Complainants respectfully urge the Court, upon its examination of the following application alleging a violation of Minn. Stat. § 343.21, Subdivision 3, to issue a signed search warrant and order for investigation to a peace officer in the county. The scope of such search warrant should include items and records demonstrating that Respondents utilized VSD+ to kill turkeys in October 2023, including (1) written records of preparations, procedures, and outcome for event, (2) financial receipts for items purchased or rented to facilitate the use of VSD+, (3) records of indemnities paid by the United States Department of Agriculture in relation to the killing of the turkeys, (4) communications with the Minnesota Board of Animal Health, the Minnesota Department of Agriculture, and/or the United States Department of Agriculture in anticipation of and following the event, (5) photographs and/or video recordings taken in association with the event, and (6) materials used in the actual depopulation, including heaters, tarps, sealant, temperature gauges, and similar equipment.

6. Minn. Stat. § 343.22, Subdivision 2 provides the protocol for the police investigation subsequent to the issuance of the warrant. In relevant part, it states:

The peace officer shall search the place designated in the warrant and, together with the veterinary doctor, shall conduct an investigation of the facts surrounding the alleged violation. The peace officer may retain in custody, subject to the order of

the court, any property or things which are specified in the warrant, including any animal if the warrant so specifies.<sup>5</sup>

Complainants respectfully request that the Court's order for investigation to a peace officer includes an accompanying veterinarian as allowed by Minn. Stat. § 343.22, Subdivision 1, and that such veterinarian is neutral and unaffiliated with local agriculture interests.<sup>6</sup>

7. Along with this application, Complainants submit the government records obtained via public records requests that demonstrate Respondents committed the acts alleged herein:

- Appendix A – Initial Epidemiological Interview Form obtained from the USDA's Animal and Plant Health Inspection Service ("APHIS") via the Freedom of Information Act ("FOIA")
- Appendix B – Internal APHIS Emails (Set 1) obtained from APHIS via FOIA;
- Appendix C – Internal APHIS Emails (Set 2) obtained from APHIS via FOIA;
- Appendix D – Appraisal and Indemnity Request obtained from the Minnesota Board of Animal Health ("MBOH") via the Minnesota Government Data Practices Act ("MGDPA").
- Appendix E – HPAI Monitoring Depopulation Report obtained from MBOH via MGDPA.

8. In addition, Complainants submit photographs and video recordings of poultry being killed by VSD+ during experiments conducted by North Carolina State University ("NCSU") as representative of the methods used by Respondents in violation of Minn. Stat. § 343.21, Subdivision 3. Although these materials do not depict the specific events at question in this application, they are included to illustrate fairly and accurately the method at issue in this

---

<sup>5</sup> Minn. Stat. § 343.22 (Sub. 2).

<sup>6</sup> Complainants suggest that such veterinarian (a) is skilled and experienced in the treatment and care of turkeys, (b) is not and has never been employed by a large commercial turkey operation in the state of Minnesota, and (c) does not reside in Meeker County.

application and to avoid any suggestion by Respondents that Complainants are exaggerating or misrepresenting the treatment and deaths to which its turkeys have been subjected.

9. Respondents' violation of Minn. Stat. § 343.21, Subdivision 3 is memorialized in official government records. This application is not premised on uncorroborated statements subject to challenge on the basis of credibility or bias; the facts are expressly documented in the enclosed records.

## II. THE PARTIES

10. Animal Partisan is a nonprofit, legal advocacy organization whose mission is to end the suffering of animals in slaughterhouses, farms, and laboratories.<sup>7</sup>

11. The Animal Legal Defense Fund is a nonprofit organization whose mission is to protect the lives and advance the interests of animals through the legal system.<sup>8</sup>

12. Respondents are active, registered corporations with the Minnesota Secretary of State, with a collective registered office located at 1010 Dale St. N, St. Paul, Minnesota 55117–5603.<sup>9</sup> While Respondents are registered with the Minnesota Secretary of State under three different business entities (Jennie-O Turkey Store, Inc., Jennie-O Turkey Store International, Inc., and Jennie-O Turkey Store, LLC), Hormel Foods Corporation (“Hormel”) appears to own all three entities.<sup>10</sup> Accordingly, the three entities appear to operate under the single Jennie-O brand beneath the Hormel parent organization.

---

<sup>7</sup> Home, Animal Partisan, <https://www.animalpartisan.org>.

<sup>8</sup> About Us, Animal Legal Defense Fund, <https://www.aldf.org>.

<sup>9</sup> Business Record Search, MINN. SEC’Y OF STATE, <https://mbisportal.sos.state.mn.us/Business/BusinessSearch?BusinessName=jennie-o&IncludePriorNames=False&Status=Active&Type=BeginsWith>.

<sup>10</sup> Our Family of Companies/Jennie-O-Turkey Store, HORMEL FOODS, <https://www.hormelfoods.com/about/our-family/jennie-o-turkey-store/>; Hormel transformation of Jennie-O on track, FOOD BUS. NEWS, <https://www.foodbusinessnews.net/articles/20846-hormel-transformation-of-jennie-o-on-track>.

### III. MINNESOTA’S ANTI-CRUELTY STATUTE

13. Minnesota’s anti-cruelty statute, specifically Minn. Stat. § 343.21, Subdivision 3, prohibits a person from “keep[ing] any cow or other animal in any enclosure without providing wholesome exercise *and change of air*.”<sup>11</sup> Violation of this statute is a misdemeanor, Minn. Stat. § 343.21, Subdivision 9(a), for which a complaint may be filed “within three years after the commission of the offense.” Minn. Stat. § 628.26(k).

14. Unlike many other states and other chapters of Minnesota law, e.g. Minn. Stat. Ch 346.43, Minnesota’s anti-cruelty statute includes no exemption for standard farming practices. As such, the act of sealing ventilation to a barn to prevent airflow to animals commonly used for agricultural purposes is punishable under Minn. Stat. § 343.21, Subdivision 3.

### IV. STATEMENT OF FACTS

#### **A. Respondents operate factory farms that densely confine animals and render them susceptible to outbreaks of avian influenza.**

15. Respondents are one of the largest producers and marketers of turkey products in the United States.<sup>12</sup> The corporation is comprised of 194 farms, seven processing plants, eight feed mills, and three hatcheries spanning Minnesota and Wisconsin.<sup>13</sup>

16. Respondents operate heavily in Minnesota and Wisconsin.<sup>14</sup> Respondents turn over 1.2 billion pounds of live turkeys into purchasable meat each year at their processing facilities.<sup>15</sup>

---

<sup>11</sup> Minn. Stat. § 343.21.3 (emphasis added).

<sup>12</sup> *Top 10 turkey companies in the United States*, WATTPOULTRY, <https://www.wattagnet.com/broilers-turkeys/processing-slaughter/article/15531132/top-10-turkey-companies-in-the-united-states-wattagnet#:~:text=A%20subsidiary%20of%20Hormel%20Foods,plants%20and%20seven%20processing%20plants.>

<sup>13</sup> *Look at Turkey Now*, MIDWEST POULTRY CONSORTIUM, <http://www.mwpoultry.org/Jennie-O.pdf>.

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*

17. Respondents operate a turkey farm in Meeker County located at 68651 315th St., Litchfield, Minnesota 55355. The facility appears to contain 8 separate barns totaling over 466,000 square feet.<sup>16</sup> Each barn can house between 12,000 and 17,000 turkeys.<sup>17</sup>

18. Large commercial facilities that industrially farm and raise birds, such as Respondents', are susceptible to avian influenza outbreaks. Avian influenza is caused by a pathogen that is primarily found in wild birds.<sup>18</sup> Birds can be infected by nearly all subtypes of this pathogen.<sup>19</sup> Among the virus strains is highly pathogenic avian influenza ("HPAI"), which is extremely contagious and compromises great numbers of poultry.<sup>20</sup> In Minnesota, HPAI outbreaks most commonly occur during the seasonal migrations of wild birds.<sup>21</sup> These outbreaks have been a recurring issue. Over 58 million birds in commercial and backyard flocks were infected or culled as a result of HPAI in 2022.<sup>22</sup>

**B. Government records reveal that Respondents caused over 50,000 turkeys to die of heatstroke at a Litchfield, Minnesota farm in October 2023.**

19. Using state and federal public records laws, Complainants obtained dozens of pages of documents revealing Respondents' use of VSD+ to kill thousands of turkeys in October

<sup>16</sup> Appendix D –Appraisal and Indemnity Request, p.1-2.

<sup>17</sup> *Ibid.*

<sup>18</sup> *Types of Influenza Viruses*, CENTERS FOR DISEASE CONTROL & PREVENTION, <https://www.cdc.gov/flu/about/viruses/types.htm>.

<sup>19</sup> *Avian Influenza Type A Virus*, CENTERS FOR DISEASE CONTROL & PREVENTION, [https://www.cdc.gov/bird-flu/about/?CDC\\_AAref\\_Val=https://www.cdc.gov/flu/avianflu/influenza-a-virus-subtypes.htm](https://www.cdc.gov/bird-flu/about/?CDC_AAref_Val=https://www.cdc.gov/flu/avianflu/influenza-a-virus-subtypes.htm).

<sup>20</sup> *Highly Pathogenic Avian Influenza (HPAI)*, U.S. DEP'T OF AGRIC. ANIMAL & PLANT HEALTH INSPECTION SERV., <https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-disease-information/avian/avian-influenza/hpai-home/hpai>.

<sup>21</sup> Brooks Johnson, *Bird flu hits Minnesota turkey farm, 140,000 birds affected*, STAR TRIBUNE, <https://www.startribune.com/bird-flu-hits-minnesota-meeker-county-turkey-farm-140000-birds-affected-avian-influenza-outbreak/600311391/?refresh=true>.

<sup>22</sup> Brooks Johnson & Christopher Vondracek, *New bird flu cases are confirmed in Minnesota flock*, STAR TRIBUNE, <https://www.startribune.com/new-bird-flu-cases-are-confirmed-in-le-sueur-county-minnesota-flock/600264446>.

2023. These records are appended to this application as individual appendices. The relevant contents of these records are explained below:

- a. Appendix A - Initial Epidemiological Interview Form is a form completed by APHIS. The form identifies Respondents' Meeker County farm located at 68651 315<sup>th</sup> St., Litchfield, Minnesota 55355 ("the Meeker Farm") with Premises Identification Number (PIN) "00LE3HP."<sup>23</sup> The form further notes that "clinical signs" of sickness first appeared in the birds on October 7, 2023 and the premises were quarantined on October 8, 2023.<sup>24</sup>
- b. Appendix B – Internal APHIS emails (Set 1) is a series of emails within APHIS. The emails reflect that a commercial turkey breeder with the same PIN assigned to the Meeker Farm (00LE3HP) reported sick birds and requested to use VSD+.<sup>25</sup>
- c. Appendix C – Internal APHIS emails (Set 2) reflects email correspondence between the Minnesota Board of Animal Health and APHIS. The emails reflect that Respondents requested to use VSD+ at the Meeker Farm as designated as PIN 00LE3HP, also known as "Meeker 09."<sup>26</sup> On October 8, 2023, APHIS approved the use of VSD+ at the farm per Respondents' representations that it lacked the appropriate amounts of foam, water, or CO2 to kill the larger turkeys using other methods.<sup>27</sup>
- d. Appendix D – Appraisal and Indemnity Request is a report detailing compensation requested by Respondents' for killing the turkeys at issue in this matter. The report reflects the number of birds present at the farm identified as "Meeker 09", the age of the birds, the reported value of each bird, the size of each barn, and the amount of reimbursement requested.<sup>28</sup>
- e. Appendix E – HPAI Monitoring Depopulation Report is a comprehensive report detailing the measures Respondent took to kill the birds at issue here. As indicated in the header of each page, the report is specific to "Meeker 09", the Meeker Farm.<sup>29</sup> As discussed in greater detail below, the report indicates the specific methods used by Respondents to kill the birds on October 9, 2023 along with the number of birds killed in each barn.<sup>30</sup>

---

<sup>23</sup> Appendix A – Initial Epidemiological Interview Form, p.1.

<sup>24</sup> *Ibid.*

<sup>25</sup> Appendix B – Internal APHIS Emails (Set 1).

<sup>26</sup> Appendix C – Internal APHIS Emails (Set 2).

<sup>27</sup> *Ibid.*

<sup>28</sup> Appendix D – Appraisal and Indemnity Request

<sup>29</sup> Appendix E – HPAI Monitoring Depopulation Report

<sup>30</sup> *Ibid.*

20. In sum, these records demonstrate that Respondents own the Meeker Farm, a turkey farm located at 68651 315<sup>th</sup> St., Litchfield, Minnesota 55355, which is known by PIN “00LE3HP” and also known as “Meeker 09”. The records further demonstrate that on October 9, 2023, Respondents used VSD+ to kill over 50,000 turkeys at this farm by overheating and suffocating them after shutting off the flow of air to the barns.

**C. VSD+ involves preventing the flow of air to barns in order to kill large numbers of birds via suffocation and heatstroke.**

21. The American Veterinary Medical Association (“AVMA”) defines ventilation shutdown (“VSD”) as a depopulation method that involves “closing up the house, shutting inlets, and turning off the fans.”<sup>31</sup> Through this method, the body heat of the thousands of trapped animals increases the temperature in the house until the animals ultimately die from hyperthermia.<sup>32</sup> Both the AVMA and USDA state that VSD, by itself, is a last resort depopulation method and is not recommended under any circumstances for any type of poultry.<sup>33</sup>

22. VSD plus (“VSD+”) is a variation of VSD that incorporates “CO2 and/or an increase in the heat” within the barn to achieve “100% mortality rate in as short of time as possible”<sup>34</sup> alongside the traditional VSD practice of sealing off the barn. The standard protocol involves raising the temperature of the poultry house to a minimum of 104°F or higher within 30

---

<sup>31</sup> Steven Leary et al., AVMA Guidelines for the Depopulation of Animals: 2019 Edition, American Veterinary Medical Association, 45, 61 (2019).

<sup>32</sup> *Ibid.*

<sup>33</sup> *Ibid.*; See also p.56-61 (The AVMA endorses several alternatives to VSD+, including water-based foam, gassing, and various physical methods).

<sup>34</sup> *HPAI Response: Ventilation Shutdown Plus (+) Policy*, U.S. DEP’T OF AGRIC. ANIMAL & PLANT HEALTH INSPECTION SERV., p.2, [https://www.aphis.usda.gov/animal\\_health/emergency\\_management/downloads/hpai/ventilationshutdownpolicy.pdf](https://www.aphis.usda.gov/animal_health/emergency_management/downloads/hpai/ventilationshutdownpolicy.pdf).

minutes, then maintaining a temperature between 104°F and 110°F for a minimum of three hours.<sup>35</sup>

23. As heaters, steam, and/or gas are turned on in the poultry barn, the barn entrance itself is closed, all air inlets and ventilation are sealed, and fans are turned off.<sup>36</sup> The added heat, combined with body heat from the animals, raises the overall temperature of the barn until the poultry die from heatstroke over the course of several hours.<sup>37</sup> Federal regulations permit VSD+ only for cage-housed<sup>38</sup> and floor-reared poultry<sup>39</sup> under “constrained circumstances,” which include the following six requirements:

1. Other methods are not available or will not be available in a timely manner;
2. The amplification of the virus on the premises poses a significant threat for further transmission and ongoing spread of HPAI;
3. The questions in the USDA’s VSD+ policy document have been reviewed and discussed by APHIS officials, State or tribal officials, and the incident management team;
4. Incident management team approval;
5. State officials’ approval; and
6. National Incident Coordinator approval.”<sup>40</sup>

---

<sup>35</sup> *Ibid.*

<sup>36</sup> M. Larkin, *HOD recommends depopulation policy sent to expert panel for further consideration*, AM. VET. MED. ASS’N, <https://www.avma.org/javma-news/2021-09-15/hod-recommends-depopulation-policy-sent-expert-panel-further-consideration>.

<sup>37</sup> M. Bolotnikova, *Bird flu is surging again on poultry farms. The US is normalizing the cruelest mass killing method to stop it*, VOX, <https://www.vox.com/future-perfect/23963820/bird-flu-surge-us-ventilation-shutdown-veterinarians>.

<sup>38</sup> The AVMA defines cage-housed poultry as poultry living in cage houses, which hold several rows of cage batteries running the length of the house and several levels of cages stacked on top of one another. Most of the poultry housed in these cages are egg-laying hens. These cages vary in size and may contain anywhere from ten to several dozens of birds. See Steven Leary et al., *AVMA Guidelines for the Depopulation of Animals: 2019 Edition*, Am. Vet. Med. Ass’n, 53-54 (2019).

<sup>39</sup> The AVMA defines floor-reared poultry as poultry raised for meat and egg production that are primarily housed in barns (though confined in the barn, poultry will typically have the freedom to roam within the barn) and the ground (as opposed to cages). See *id.* at 52.

<sup>40</sup> *HPAI Response: Ventilation Shutdown Plus (+) Policy*, U.S. Dep’t of Agric. Animal & Plant Health Inspection Serv., p.2-3, [https://www.aphis.usda.gov/animal\\_health/emergency\\_management/downloads/hpai/ventilationshutdownpolicy.pdf](https://www.aphis.usda.gov/animal_health/emergency_management/downloads/hpai/ventilationshutdownpolicy.pdf).

Despite these constrained circumstances, VSD+ has become a favored choice for large factory farms because it allows for the mass slaughter of animals via a single event.

**D. Birds killed by VSD+ suffer immensely for prolonged periods of time.**

24. Both VSD and VSD+ are controversial methods of killing large numbers of farmed animals at once. While AVMA guidelines specify that 100% mortality in “as short a time as possible” is the “obvious goal” of VSD+,<sup>41</sup> in practice, VSD+ may be carried out for over eight hours without achieving 100% mortality,<sup>42</sup> resulting in tremendous suffering. In fact, research on the use of VSD+ on commercial poultry reveals that it requires 4.5 hours for chickens, specifically egg-laying hens, to no longer be observed standing.<sup>43</sup> Similar research conducted on turkeys indicates that *it takes 50% longer for turkeys to die of VSD+* than egg-laying hens.<sup>44</sup>

25. The controversies behind VSD and VSD+ are not limited to the inconsistent timespans required to achieve 100% mortality. This depopulation method is a torturous practice in and of itself, wherein the animals endure prolonged suffering in extreme heat as barns are sealed and airflow is cut off.<sup>45</sup> In these windowless and airless sheds, temperature quickly begins to rise.<sup>46</sup> Carbon dioxide and/or additional heat are then pumped into the shed to aid in this mass killing of the animals. With nowhere to go for fresh air, it becomes increasingly hard for these

---

<sup>41</sup> Steven Leary et al., AVMA Guidelines for the Depopulation of Animals: 2019 Edition, Am. Vet. Med. Ass’n at 62 (2019).

<sup>42</sup> Gwendolen Reyes-Illg, et al, *The Rise of Heatstroke as a Method of Depopulating Pigs and Poultry: Implications for the US Veterinary Profession*, 4 (Dec. 29, 2022), [https://www.mdpi.com/2076-2615/13/1/140?tk=public\\_post\\_comment-text](https://www.mdpi.com/2076-2615/13/1/140?tk=public_post_comment-text).

<sup>43</sup> *Ibid.*

<sup>44</sup> *Ibid.*

<sup>45</sup> *Newly Uncovered Footage Reveals Cruel Truth About Ventilation Shutdown*, ANIMAL OUTLOOK, <https://animaloutlook.org/investigations/newly-uncovered-footage-reveals-cruel-truth-about-ventilation-shutdown/>.

<sup>46</sup> *What is ventilation shutdown plus, and is it humane?*, THE HUMANE LEAGUE, <https://thehumaneleague.org/article/what-is-ventilation-shutdown-plus>.

entrapped animals to breathe. The animals ultimately die from hyperthermia, suffocation, and heat stroke—a slow and agonizing process wherein animals are “essentially baked alive.”<sup>47</sup> In the accompanying affidavit, veterinarian Dr. Crystal Heath attests that poultry killed by VSD+ suffer greatly, including vomiting, organ failure, internal bleeding and other painful conditions.<sup>48</sup>

26. Photographs and video footage<sup>49</sup> taken at NCSU as part of VSD and VSD+ experiments reveal the suffering endured by birds subjected to this method.<sup>50</sup> In these videos, NCSU researchers used various combinations of cutting off airflow, pumping in carbon dioxide, and increasing heat in the clear boxes to test different methods of killing. The following figures taken from these experiments capture the slow and agonizing process of death by suffocation and overheating.

27. As evidenced in Figures 1 and 2 below, the chicken heaves with their entire body and gasps for air while being subjected to VSD+.

---

<sup>47</sup> *Ibid.*

<sup>48</sup> Heath Aff., ¶¶ 12-16.

<sup>49</sup> All video footage documenting the VSD and VSD+ experiments conducted by NCSU researchers are available online at: <https://drive.google.com/drive/folders/1Ocvpj6kcc1w-oHEw6yQUHs2DkK-WbzT7?usp=sharing>.

<sup>50</sup> *Newly Uncovered Footage Reveals Cruel Truth About Ventilation Shutdown*, ANIMAL OUTLOOK, <https://animaloutlook.org/investigations/newly-uncovered-footage-reveals-cruel-truth-about-ventilation-shutdown/>.



*Figure 1*



*Figure 2*

28. Figures 3 and 4 show the chicken falling over as they run out of breathable air and succumb to suffocation and unnatural heat.



*Figure 3*



*Figure 4*

29. The chicken takes their final breath in Figures 5, 6, and 7 having died by both hyperthermia and suffocation. The following figures also show fluids spilling out from the dying chicken's beak.



Figure 5



Figure 6



Figure 7

**E. Respondents used VSD+ to deprive thousands of turkeys of a “change of air” on October 9, 2023.**

30. As depicted on pages 10-18 of Appendix E - HPAI Monitoring Depopulation Report, Respondents used VSD+ to prevent airflow and kill four barns of turkeys in Meeker County, Minnesota on October 9, 2023, in response to HPAI detection.<sup>51</sup> A small number of turkeys unable to move or who survived VSD+ were killed using a captive bolt gun.<sup>52</sup> The captive bolt gun is a physical method of killing that is applied to an individual animal, rather than an entire flock.<sup>53</sup> Captive bolt guns are devices that use concussive force to cause the animal's

---

<sup>51</sup> Appendix A – HPAI Monitoring Depopulation Report, p.10-18.

<sup>52</sup> *Id.* at 10, 12, 14, and 16.

<sup>53</sup> Steven Leary et al., *AVMA Guidelines for the Depopulation of Animals: 2019 Edition*, Am. Vet. Med. Ass'n, 61 (2019).

immediate loss of consciousness and death.<sup>54</sup> In total, Respondents killed 54,108 turkeys across these four barns with VSD+ being the primary method of killing.

31. For each of the four barns in which VSD+ was the primary depopulation method, Respondent set-up and prepared for the mass-killing as follows (and described in Appendix E - HPAI Monitoring Depopulation Report):

Emptied feed pans and raised water and feed lines in barn. Two flocks in the barns. Both flocks penned to the east end of the barn. *Any holes or gaps in the curtained sealed with plastic. Plastic to seal middle divider of barn.*<sup>55</sup>

As stated in Dr. Heath's affidavit, these steps were taken to prevent airflow, increase body heat of the animals, and prevent the escape of heat and/or CO2.<sup>56</sup>

32. The first barn underwent VSD+ beginning at 9:28 am on October 9, 2023.<sup>57</sup> After over 90 minutes of being subjected to a deprivation of air and increase in heat which rose to 104 degrees in 15 minutes, only half of the turkeys in the barn had been killed<sup>58</sup> while the remaining 7,000 birds continued to suffer.<sup>59</sup> Alongside the heaters already in the barns, additional heaters were brought in to rapidly increase the barn temperature as airflow dwindled.<sup>60</sup> With nowhere to go, the flocks of turkeys succumbed to a slow death by hyperthermia and suffocation. At 12:45pm, with some birds deprived of air and subjected to temperatures that remained at 104 degrees for over three hours, VSD+ was discontinued.<sup>61</sup> In the end, a total of 14,007 turkeys had been killed.

---

<sup>54</sup> *Ibid.*

<sup>55</sup> Appendix E – HPAI Monitoring Depopulation Report at p. 10, 12, 14, and 16.

<sup>56</sup> Heath Aff. ¶¶ 9, 11.

<sup>57</sup> *Id.* at 10.

<sup>58</sup> *Ibid.*

<sup>59</sup> *Id.* at 18.

<sup>60</sup> *Id.* at 10.

<sup>61</sup> *Id.* at 14.

33. VSD+ began on the second barn at 11:08 am.<sup>62</sup> Additional heaters were brought in as with the first barn, however, the second barn took longer to heat and reached 104 degrees in 50 minutes.<sup>63</sup> The extended time to increase heat in the barn was attributed to the smaller size of the heaters and the fact that “a door blew open,” highlighting an unexpected disruption in Respondents’ plain intent to deprive the turkeys of a change in air.<sup>64</sup> After being deprived of air and subjected to extreme heat for nearly two and a half hours, only half the birds had succumbed<sup>65</sup> and the remaining 6,900 continued to suffer.<sup>66</sup> VSD+ ceased at 3:00 pm, after Respondent had subjected some birds to suffocating and overheating for nearly four hours.<sup>67</sup> The total number of birds killed in this barn was 13,854.<sup>68</sup>

34. Respondents began VSD+ on the third barn at 3:18 pm.<sup>69</sup> Over two hours later, only half of the turkeys had succumbed to suffocating and/or overheating.<sup>70</sup> Respondent continued to heat the barn and deprive the remaining 6,000 birds of airflow.<sup>71</sup> At 6:40pm, over three hours after the ordeal began, Respondent ceased pumping heat into the barn and killed any remaining birds by hand.<sup>72</sup> In the end, over 12,000 birds were killed in this barn, the vast majority through suffocation and/or overheating.<sup>73</sup>

---

<sup>62</sup> *Id.* at 16.

<sup>63</sup> *Ibid.*

<sup>64</sup> *Id.* at 16.

<sup>65</sup> *Ibid.*

<sup>66</sup> *Id.* at 18.

<sup>67</sup> *Ibid.*

<sup>68</sup> *Id.* at 20.

<sup>69</sup> *Id.* at 12.

<sup>70</sup> *Ibid.*

<sup>71</sup> *Id.* at 20.

<sup>72</sup> *Id.* at 12.

<sup>73</sup> *Id.* at 20.

35. Respondents began VSD+ on the fourth and final barn of turkeys at 5:21 pm on October 9, 2023.<sup>74</sup> As with the other barns, Respondents sealed off airflow to the barn and increased temperatures to 104 degrees.<sup>75</sup> At 8:50 pm, after over three hours of high heat and suffocation, Respondents ceased VSD+ and killed any surviving birds by hand.<sup>76</sup> In sum, Respondent killed 14,097 birds in this barn, largely by suffocating and/or overheating.<sup>77</sup>

## V. LEGAL ANALYSIS

### A. Minnesota law expressly allows for corporations such as Respondents to be held criminally liable.

36. As discussed above, Respondents are registered under three different business names with the Minnesota Secretary of State, as follows:

- a. Jennie-O Turkey Store, Inc.;
- b. Jennie-O Turkey Store International, Inc.; and
- c. Jennie-O Turkey Store, LLC.<sup>78</sup>

The first two business entities are registered as domestic business corporations, whereas the last business entity is registered as a domestic limited liability company.<sup>79</sup> All three of Respondents' business entities are "active" businesses recognized by the Minnesota Secretary of State.

---

<sup>74</sup> *Id.* at 14.

<sup>75</sup> *Ibid.*

<sup>76</sup> *Ibid.*

<sup>77</sup> *Id.* at 20.

<sup>78</sup> Business Record Search – "Jennie-O", OFFICE OF THE MINNESOTA SECRETARY OF STATE, <https://mblsportal.sos.state.mn.us/Business/BusinessSearch?BusinessName=jennie-o&IncludePriorNames=False&Status=Active&Type=BeginsWith>

<sup>79</sup> Of the three of Respondents' entities registered with the Minnesota Secretary of State, one is registered as an LLC. However, Minnesota case law has held that recognizing the three entities as distinct rather than a monolithic corporation would be an "absurd result." The definition of "person" under Minn. Stat. § 645.44 only includes corporations, but there is enough overlap in the criminal liability of corporations and LLCs to conclude that there would be no "absurd result" in extending this definition of personhood to LLCs. Additionally, the Jennie-O LLC is not treated any differently by the Hormel parent organization in terms of metrics analyses such as profit and activity reports, as per the shareholder report. *Dayton Hudson Corp. v. Johnson*, 528 N.W.2d 260, 262 (Minn. Ct. App. 1995).

37. Corporations may be held criminally liable in Minnesota for violation of Minn. Stat. § 343.21, Subdivision 3, which prohibits a “person” from withholding a change of air. Under Minn. Stat. § 645.44, Subdivision 7, the definition of “person” as it appears in all Minnesota Statutes applies to “bodies politic and corporate, and to partnerships and other unincorporated associations.” Thus, the term “person” as it appears in Minn. Stat. § 343.21, Subdivision 3 includes corporations such as Respondents. Had the legislature **not** intended for this subdivision to apply to corporations such as Respondents, it could have used the term “individual” which has widely been regarded in other contexts as meaning a “natural person.”<sup>80</sup>

38. In addition to its intentional use of the term “person” to include corporations in Minn. Stat. § 343.21, Subdivision 3, Minnesota law allows corporations to be criminally liable in at least one other context. For example, Minn. Stat. § 609.284, Subdivision 3 imposes additional criminal penalties on corporations convicted of labor and sex trafficking.<sup>81</sup> In fact, this statute notably imposes extra penalties on corporations, such as dissolution, in addition to criminal penalties and remedies already described in other sections of the law.<sup>82</sup> Thus, the Minnesota Legislature has determined that corporations can be convicted of extremely serious offenses and face extremely serious penalties. Corporations in Minnesota have also been prosecuted for misdemeanors.<sup>83</sup> This clearly indicates that corporations may also be held criminally liable for less severe crimes that yield lower penalties, such as the fines available if convicted of violating Minn. Stat. § 343.21, Subdivision 3.

---

<sup>80</sup> *IBEW, Local No. 292 v. City of St. Cloud*, 765 N.W.2d 64, 65 (Minn. 2009); *Energy Pol’y Advocates v. Ellison*, 980 N.W.2d 146, 157 (Minn. 2022).

<sup>81</sup> Minn. Stat. § 609.284.3.

<sup>82</sup> *Id.*

<sup>83</sup> *Enbridge admits it breached aquifer in Line 3 construction, will pay fine and perform environmental restoration*, OFFICE OF THE MINNESOTA ATTORNEY GENERAL (Oct. 17, 2022), [https://www.ag.state.mn.us/Office/Communications/2022/10/17\\_Enbridge.asp](https://www.ag.state.mn.us/Office/Communications/2022/10/17_Enbridge.asp)

39. Minnesota case law further provides examples of instances whereby corporations were convicted of criminal offenses. For instance, in *State v. Christy Pontiac-GMC, Inc.*, defendant-appellant Christy Pontiac-GMC, Inc. was a Minnesota corporation convicted of theft by swindle and aggravated forgery under Minn. Stat. § 609.352, Subdivision 2 and Minn. Stat. § 609.625, Subdivision 1, respectively.<sup>84</sup> The statutes at issue broadly referred to the wrongdoer by the term “whoever.”<sup>85</sup> Christy Pontiac conceded that “whoever” referred to persons, and may also have included corporations as defined by Minn. Stat. § 645.44, Subdivision 7.<sup>86</sup> Referencing Minn. Stat. § 609.01, Subdivision 1 (“The Criminal Code is to ‘be construed according to the fair import of its terms, to promote justice, and to effect its purposes’”), the court concluded that “[t]he legislature has not expressly excluded corporations from criminal liability” and as such, corporations are considered persons absent “any clear indication to the contrary.”<sup>87</sup>

40. Under these standards, Respondents, in their corporate capacity, may be held criminally liable for their violation of Minn. Stat. § 343.21, Subdivision 3.

**B. By sealing barns and preventing airflow to thousands of turkeys, Respondents have violated Minn. Stat. § 343.21’s requirement that animals be provided a “change of air.”**

41. Respondents’ conduct on October 9, 2023 violates each element of Minn. Stat. § 343.21, Subdivision 3, as discussed below.

42. **Respondents are “Persons”:** Respondents, in their corporate form, qualify as “persons” under Minn. Stat. § 343.21, Subdivision 3.<sup>88</sup> As discussed in the preceding section,

---

<sup>84</sup> *State v. Christy Pontiac-GMC, Inc.*, 354 N.W.2d 17 (Minn. 1984).

<sup>85</sup> *Id.* at 19.

<sup>86</sup> *Ibid.*

<sup>87</sup> *Ibid.*

<sup>88</sup> Minn. Stat. § 343.21.3.

both Minnesota statutory and case law recognize that corporations 1) are “persons”,<sup>89</sup> and 2) may be held criminally liable.<sup>90</sup>

43. **The turkeys killed by Respondents are “animals”:** The turkeys owned and overheated by Respondents are considered “animal[s],” and are therefore subject to the protections of Minn. Stat. § 343.21, Subdivision 3. Minn. Stat. § 343.20, Subdivision 2 defines “animal” as “every living creature except members of the human race.”<sup>91</sup> This definition applies to Minn. Stat. §§ 343.20 – 343.36.<sup>92</sup> Therefore, the term “animal” appearing in Minn. Stat. § 343.21, Subdivision 3 includes turkeys as they are plainly “living creatures” and not “members of the human race.”

44. **Minn. Stat. § 343.21, Subd. 3 is a strict liability crime:** The Minnesota Legislature has recognized that where criminal intent is an element of a crime, that intent is identifiable by the following catch-all terms: “‘intentionally,’ the phrase ‘with intent to,’ the phrase ‘with intent that,’ or some form of the verbs ‘know’ or ‘believe.’”<sup>93</sup> Thus, absent the aforementioned catch-all terms in the definition of the offense, the implication of Minn. Stat. § 343.21, Subdivision 3 is that criminal intent is not an element of the offense.<sup>94</sup> The legislature

---

<sup>89</sup> The definition of “person” includes corporations. *See* Minn. Stat. § 645.44.7.

<sup>90</sup> *See* Minn. Stat. § 609.284.3 (imposing additional criminal penalties on corporations when convicted of labor and sex trafficking, such as dissolution); *See also State v. Christy Pontiac-GMC, Inc.*, 354 N.W.2d 17, 19 (Minn. 1984) (holding that the term “persons” applies to corporations, absent legislative intent indicating the contrary).

<sup>91</sup> Minn. Stat. § 343.20 (Sub. 2).

<sup>92</sup> Minn. Stat. § 343.20 (Sub. 1).

<sup>93</sup> Minn. Stat. § 609.02.9.

<sup>94</sup> Ted Sampsell-Jones, *Mens Rea in Minnesota and the Model Penal Code*, Mitchell Hamline School of Law (2013) (“Section 609.02 suggests that ‘intent’ and ‘knowledge’ are the only mens rea options available. The choice between that and strict liability is an all-or-nothing choice. But it makes sense in at least some circumstances to base criminal liability on intermediate levels of culpability, such as negligence or recklessness. Yet recklessness is essentially absent from the Minnesota code. And in the cases where the legislature has tried to create a negligence standard, it has generally done so using a formulation such as ‘knew or should have known’ or ‘knowing or having reason to know.’”).

has the “exclusive province to define by statute what acts constitute a crime.”<sup>95</sup> The fact that there are fewer elements in a statute, including the absence of criminal intent, does not pose a due process violation because “the legislature has the power to define narrowly criminal offenses in order to necessitate proving fewer elements.”<sup>96</sup> In other words, where criminal intent is not explicitly required of a criminal offense, Minnesota adopts a default rule of strict liability.<sup>97</sup>

45. Moreover, “[w]hen the words of a law in their application to an existing situation are clear and free from all ambiguity, the letter of the law shall not be disregarded under the pretext of pursuing the spirit.”<sup>98</sup> The letter of the law as written in Minn. Stat. § 343.21, Subdivision 3 is free from ambiguity and the Court need not make any effort to find a mens rea when one does not exist. The crime is punishable as a strict liability offense.

46. Minnesota courts have consistently applied the rules of statutory construction to hold unambiguous criminal statutes as strict liability crimes. In *State v. Wetsch*, the Minnesota Court of Appeals refused to read a criminal intent requirement into Minn. Stat. §169.791, Subdivision 2 “under the guise of statutory construction” because the elements of the offense (i.e., failure to provide proof of insurance) were defined unambiguously.<sup>99</sup> The court also went on to hold that the court is not required to read criminal intent into the offense simply because it is possible for it to be an element of the crime.<sup>100</sup> Similarly, in *State v. Mayard*, the Minnesota Court of Appeals referred to the “legislature’s intent as expressed in the plain statute of the

---

<sup>95</sup> *State v. Merrill*, 450 N.W.2d 318, 321 (Minn. 1990).

<sup>96</sup> *State v. Wetsch*, 511 N.W.2d 490 (Minn. 1994).

<sup>97</sup> *Merrill*, 450 N.W.2d at 321.

<sup>98</sup> Minn. Stat. § 645.16 (emphasis added).

<sup>99</sup> *Wetsch*, 511 N.W.2d at 493.

<sup>100</sup> *Id.*

language” to hold that Minn. Stat. §169.797, Subdivision 2 was a strict liability crime.<sup>101</sup> The *Mayard* court adopted the *Wetsch* court’s standards for statutory construction, reasoning that 1) the court will not use the rules of statutory construction to add a criminal intent requirement to the Minn. Stat. §169.791, Subdivision 2 offense given the clear language of the statute, and 2) the legislature had the authority to define Minn. Stat. §169.791, Subdivision 2 in this manner if they so desired.<sup>102</sup>

47. Accordingly, Complainants need not demonstrate any specific mens rea, only that Respondents committed the act at issue as described in the section that follows. However, even if this Court found that Complainants must demonstrate a mens rea, it is evident from the records that Respondents deprived these animals of a “change of air” intentionally. As depicted in Appendix A - HPAI Monitoring Depopulation Reports, Respondents penned thousands of turkeys to specific areas of each barn, then “sealed” “any holes or gaps” with plastic to restrict airflow.<sup>103</sup> There is no reasonable argument that this conduct resulted from accident or mistake. In fact, such intentional conduct is the very essence of the practice of VSD+.

48. **Respondents’ conduct meets the actus reus requirements of the statute:** First, Respondents meet the actus reus requirements of “keep” pursuant to Minn. Stat. § 343.21, Subdivision 3. The term “keep” is defined by Merriam-Webster as “retain[ing] in one’s possession or power,” as well as “hav[ing] in control.”<sup>104</sup> Respondents plainly had control, possession, and power over the turkeys killed on October 9, 2023 as raising, housing, and

---

<sup>101</sup> *State v. Mayard*, 573 N.W.2d 707, 710 (Minn. Ct. App. 1998) (citing *Wetsch*, 511 N.W.2d at 493).

<sup>102</sup> *Wetsch*, 511 N.W.2d at 493.

<sup>103</sup> Appendix E – HPAI Monitoring Depopulation Report, p.10, 12, 14, and 16.

<sup>104</sup> *Keep Definition*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/keep>.

exerting dominion over these animals is fundamental to their business operations. Moreover, the records make clear that the barns in which the turkeys were killed belong to Respondents.

49. Second, Respondents meet the actus requirement for “enclosure” under Minn. Stat. § 343.21, Subdivision 3. The term “enclosure” is defined by Merriam-Webster as the quality or state of being enclosed,<sup>105</sup> wherein “enclosed” is defined as being closed in or fenced off.<sup>106</sup> Appendix E – HPAI Monitoring Depopulation Report refers to the turkeys being maintained in “barns” throughout the document.<sup>107</sup> By keeping these turkeys in barns, Respondents “enclosed” them. This point is further bolstered by the fact that in preparation for VSD+, Respondents “penned” the thousands of turkeys to one specific end of the barns.<sup>108</sup>

50. The Minnesota Legislature defines “enclosure” differently depending on the context. For example, Minn. Stat. § 347.50 defines “proper enclosure” as “securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the dog.”<sup>109</sup> However, this is limited to Minn. Stat. §§ 347.50 – 347.56, which sets forth regulations for dangerous dogs. This chapter’s definition supports Complainants’ argument here because it highlights several relevant characteristics of enclosures: it is secure, confined, prevents escape, protects from the elements, and, where suitable, indoors.<sup>110</sup> All of these characteristics are present here and describe the barns in which the turkeys were held and ultimately killed.

---

<sup>105</sup> *Enclosure Definition*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/enclosure#:~:text=1,%3A%20something%20that%20encloses>.

<sup>106</sup> *Enclosed Definition*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/enclosed>.

<sup>107</sup> Appendix E – HPAI Monitoring Depopulation Report, p.10-18.

<sup>108</sup> Appendix E – HPAI Monitoring Depopulation Report, p.10, 12, 14, and 16.

<sup>109</sup> Minn. Stat. § 347.50.4 (2023).

<sup>110</sup> Other states also provide similar definitions of “enclosure” as applicable to animal confinement. Rhode Island defines “enclosure” as “any cage, crate, or other structure used to confine a covered animal or animals.” 4 R.I. Gen. Laws § 1.1-1-4 (2018). The statute explicitly includes “what is commonly described as a ‘gestation crate’ or ‘stall’

51. Third, Respondents meet the actus reus requirement for failing to provide a “change of air.”<sup>111</sup> In fact, Respondents intentionally deprived the turkeys of a “change of air” by nature of the very method used in the killings on October 9, 2023. The set-up and preparation process behind the use of VSD+ entailed sealing the middle divider of the barn and all holes or gaps in the curtains with plastic.<sup>112</sup> These acts were completed in order to ensure that airflow into the barn was cut off and that the turkeys would not be provided any fresh air. In her affidavit, Dr. Heath describes these steps as “essential component[s] of VSD+.”<sup>113</sup> That Respondents intended to prevent a “change of air” for the turkeys is evidenced by the fact that when a door blew open at one of the barns—an event that would have provided some minimal “change of air”—it was “corrected”, meaning the door was closed so no fresh air could enter the barn.<sup>114</sup>

52. Given Respondents’ failure to provide its turkeys with a “change of air,” Respondents violated Minn. Stat. § 343.21, Subdivision 3 regardless of whether they also provided “wholesome exercise” to its turkeys.<sup>115</sup> The subdivision provides that Respondents must also provide its animals with wholesome exercise in its enclosure, *in addition to* a change of air (“No person shall keep any cow or other animal in any enclosure without providing wholesome exercise *and* change of air.”)<sup>116</sup> Thus, a failure to provide a “change of air” on its own is sufficient to violate the statute as occurred here.

---

for sows during gestation, a ‘veal crate’ for calves raised for veal, and a ‘battery cage, enriched cage, or colony cage’ for egg-laying hens” as examples of enclosures for animals in animal husbandry. *Id.* Additionally, Vermont defines “enclosure” as “any structure, fence, device, or other barrier used to restrict an animal or animals to a limited amount of space” under its animal cruelty subchapter of crimes. Vt. Stat. Ann. tit. 13, § 351-19 (2023).

<sup>111</sup> Minn. Stat. § 343.21.3 (2023).

<sup>112</sup> Appendix E – HPAI Monitoring Depopulation Report, p.10, 12, 14, and 16.

<sup>113</sup> Heath Aff. ¶ 9.

<sup>114</sup> *Id.* at 16.

<sup>115</sup> Minn. Stat. § 343.21.3.

<sup>116</sup> *Ibid.*

**C. Minnesota’s animal cruelty laws do not exempt “common” or “customary” agricultural practices and as such, it is irrelevant how VSD+ is viewed within the agriculture industry.**

53. As discussed earlier, Minnesota has no statutory exemptions for standard farming practices in its animal cruelty chapter. This statutory silence is contrasted with other chapters of Minnesota Statutes, as well as many other states, which have codified exemptions for farming practices covering animal cruelty. For example, Virginia’s animal cruelty statute explicitly sets forth exemptions for wildlife, fishing, and farming activities:

This section shall not prohibit authorized wildlife management activities or hunting, fishing or trapping as regulated under other titles of the Code of Virginia, including Title 29.1, *or to farming activities* as provided under this title or regulations adopted hereunder.<sup>117</sup>

Similarly, the Pennsylvania Legislature codified a statutory exemption for standard farming practices, providing as follows:

Sections 5532 (relating to neglect of animal), 5533 (relating to cruelty to animal), 5534 (relating to aggravated cruelty to animal), 5536 (relating to tethering of unattended dog) and 5543 (relating to animal fighting) *shall not apply to activity undertaken in a normal agricultural operation*.<sup>118</sup>

54. And Minnesota’s own Pet and Companion Animal Welfare Act contains an exemption for farmed animals. Minn. Stat. §§ 346.35-44. The Minnesota Legislature is capable of distinguishing between farmed animals and other living beings when it chooses to do so, and for the purposes of defining animal cruelty it opted not to make such a distinction.

55. Given the existence of comparable farming exceptions in other states and other Minnesota Statutes, the Minnesota Legislature very well could have drafted similar exemptions that cover animal agriculture and cruelty, if it had so intended. In the absence of any such

---

<sup>117</sup> Va. Code Ann. § 3.2-6570(D) (emphasis added).

<sup>118</sup> 18 Pa. C.S. § 5560 (emphasis added).

exemption, Minnesota's anti-cruelty law extends to industrially farmed animals, making Respondents' use of VSD+ on multiple barns filled with turkeys a violation of law.

56. In similar contexts, the agriculture industry has even acknowledged the risk of criminal prosecution for conducting VSD+. As depicted in the image below taken from public records obtained via the USDA, the National Pork Producers Council ("NPPC"), warned its members to "study" state animal cruelty laws to ensure that the use of VSD does not violate such statutes, indicating knowledge of the risk of criminal liability.

**From:** Liz Wagstrom <wagstromL@nppc.org>  
**Sent:** Wednesday, April 15, 2020 3:44 PM  
**To:** Dr Abbey Canon <canon@aasv.org>  
**Cc:** Patrick Webb <PWebb@pork.org>; Harry Snelson <snelson@aasv.org>; Sherrie Webb <webb@aasv.org>; Sara Crawford <scrawford@pork.org>; Lisa Becton <lbecton@pork.org>; Dave Pyburn <dpyburn@pork.org>; Paul Sundberg <psundberg@swinehealth.org>  
**Subject:** Re: depop

I did suggest our state execs study the animal cruelty laws in their states to determine if there would be liability to prosecution if they practice VSD or even mass euthanasia. I've been staying away worrying about this too.

Liz Wagstrom, DVM  
 Sent from my iPad

*Figure 8: Email from National Pork Producers Council Leadership to its Members.*

**D. The Minnesota Department of Agriculture and Minnesota Board of Animal Health have no authority to supersede Minnesota's animal cruelty laws.**

57. In addition to the notable absence of statutory exemptions for standard farming practices under the Minnesota animal anti-cruelty law, the Minnesota Legislature expressly limited the scope of authority vested in the Minnesota Department of Agriculture and the Minnesota Board of Animal Health. Accordingly, these agencies have no authority to supersede or override Minnesota's animal cruelty statute and no ability to sanction conduct that would otherwise violate the law.

58. Minn. Stat. § 29.021 provides the Commissioner of the Department of Agriculture with authority as follows:

The commissioner is authorized and directed to formulate and adopt plans whereby owners of poultry flocks and poultry breeding flocks may, upon application, have their flocks culled, inspected, and supervised, to the end that these flocks may be accredited and certified for standard type and egg quality and production; and likewise, poultry hatcheries and dealers may be accredited and certified as hatching and selling products produced only from accredited and certified flocks. The commissioner is authorized to make, publish, and enforce rules to these ends, *not inconsistent with law*, and to define, prescribe, and authorize the use of uniform terminology to apply to varying degrees of accreditation and certification.<sup>119</sup>

Thus, the Commissioner cannot accomplish such goals by any means necessary. As stated in the statute, the means must “not [be] inconsistent with law” which means that they must be compliant with Minn. Stat. § 343.21, Subdivision 3. Similarly, the Minnesota Board of Animal Health, must also cooperate with the Minnesota Department of Agriculture “in all ways *consistent with the law*” under Minn. Stat. § 29.051. As discussed herein, Respondents conduct was not consistent with the law and accordingly, it is irrelevant whether the Minnesota Department of Agriculture or the Minnesota Board of Animal Health authorized, participated in, advised in, or engaged in any manner with the criminal conduct that occurred at Respondents’ farm on October 9, 2023.

59. As discussed in this section, Respondents’ conduct satisfies all the elements necessary to demonstrate a violation of Minn. Stat. § 343.21, Subdivision 3.

## VI. CONCLUSION

60. Complainants have met their burden from both an evidentiary and legal standpoint to establish that Respondents violated Minn. Stat. § 343.21, Subdivision 3 by penning

---

<sup>119</sup> Minn. Stat. § 29.021 (emphasis added).

thousands of turkeys in barns, sealing off any possible opening that might allow airflow, and adding heat and/or CO2 to the barns over the course of several, agonizing hours while the birds inside writhed, gasped, and suffered until they eventually died from suffocation and/or overheating. The government records provide concrete evidence that Respondents' deprived these turkeys of a "change of air" in violation of Minnesota law. By this application, Complainants respectfully ask this Court to find that a violation of law has occurred, to issue a warrant, and to order an investigation pursuant to Minn. Stat. § 343.22, Subdivisions 1 and 2.

Sincerely,

Dated: March 19, 2025

/s/ Karmen McQuitty

Karmen McQuitty, Esq  
Attorney ID 0388358  
People's Law Center  
1400 Van Buren St. NE  
Suite 200 #25  
Minneapolis, MN 55413  
612-799-1639  
karmen@peopleslawmn.com

/s/ Kira Kelley

Kira Kelley, Esq  
Attorney ID 0402932  
Climate Defense Project  
P.O. Box 7040  
Minneapolis, MN 55407  
t. (802) 683-4086  
kira@climatedefenseproject.org

## **APPENDIX A**



# Animal and Plant Health Inspection Service

U.S. DEPARTMENT OF AGRICULTURE

## HPAI Response

### Initial Epidemiological (Epi) Interview

November 16, 2022

#### 1. Premises Information

Premises Identification Number 00LE3HP

Name of Premises Jennie-O Turkey Store - Johnson Grow

Owner of Premises Jennie-O Turkey Store

Address of Premises 68651 315th St Litchfield, MN 55355

County of Premises Meeker

Premises Owner Phone 320-333-8980

Premises Owner Email (b) (6)

Premises Entrance Latitude 45.20019

Premises Entrance Longitude -94.38436

#### 2. Owner Information

Owner of Animals Jennie-O Turkey Store

Address of Animal Owner 2505 Wilmar Ave SW Wilmar, MN 56201

Animal Owner Phone 320-333-8980

Animal Owner Email (b) (6) (b) (6)

#### 3. Interview Contact Information

Name of person administering questionnaire (b) (6)

Name of person answering questionnaire

Phone

Position (e.g., owner, manager, veterinarian, etc.)

Date of interview 10/11/2023

**4. Flock Information**Clinical signs (*brief* description) Increased mortality in 12 week old birds in barn 4 observed Saturday morning

Baseline daily mortality rate 0.3%

(insert rate from farm records)

Daily mortality rate Barn 4 - 1.2% (170 birds died on day of initial sampling)

(# of dead birds/bird population on date of initial sampling)

Date first clinical signs were noted 10/07/2023

Date initial samples were collected 10/07/2023

Laboratory to which initial samples were submitted Minnesota Poultry Testing Lab

Results of any AI tests in past 28 days 21 day pre-movement serology on 21 week old turkeys done mid Sept, drinker swabs weekly starting at 12 weeks of age (MCROC) mortality testing once weekly prior to pickup, 36 hour pre-move drinker swab on 21 week olds (10/7/23) POSITIVE  
(indicate type of test and date samples were collected)

Date premises quarantine or hold order was issued 10/08/2023

| House ID | Type of Birds                  | Number of Birds Today | Number of Birds Placed | Age of Birds | House Dimensions | Ceiling Height | Ventilation Type | Date of Onset of Clinical Signs | Location in house where clinical signs were first observed (e.g., back/middle/front of house, top/lower cages, near ventilation inlets, etc.) |
|----------|--------------------------------|-----------------------|------------------------|--------------|------------------|----------------|------------------|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| 1        | Commercial Meat Turkeys - Toms | 16372                 | 18688                  | 86 days      | 64 x 912 ft      |                | curtain / fans   |                                 |                                                                                                                                               |
| 2        | Commercial Meat Turkeys - Toms | 16254                 | 19192                  | 86 days      | 64 x 912 ft      |                | curtain / fans   |                                 |                                                                                                                                               |
| 3        | Commercial Meat Turkeys - Toms | 14096                 | 18498                  | 86 days      | 64 x 912 ft      |                | curtain / fans   | 10/08/2023                      | middle of house                                                                                                                               |
| 4        | Commercial Meat Turkeys - Toms | 14086                 | 18494                  | 86 days      | 64 x 912 ft      |                | curtain / fans   | 10/07/2023                      | west side                                                                                                                                     |
| 5+6      | Commercial Meat Turkeys - Toms | 26187                 | 35505                  | 139 days     | 64 x 912 ft      |                | curtain / fans   |                                 |                                                                                                                                               |
| 7+8      | Commercial Meat Turkeys - Toms | 27986                 | 35509                  | 139 days     | 64 x 912 ft      |                | curtain / fans   |                                 |                                                                                                                                               |

Please estimate the total number of eggs present on the premises today: 0 dozen eggs

Please estimate the number of eggs laid onsite in the last week: 0 dozen eggs

Does this premises produce any eggs for research or vaccine production? ☐ Yes ☒ NoDo you have a veterinarian who regularly advises you on disease prevention? ☒ Yes ☐ No

If yes, name of veterinarian: (b) (6)

Do you have a pre-arranged depopulation plan for this flock? ☒ Yes ☐ No

If yes, briefly describe the pre-arranged depopulation method:

Foam or VSD+heat

Have you exercised or used this method previously? ☒ Yes ☐ No

## 5. Trace-in and Trace-Out Questionnaire

1. How are daily mortalities disposed of on this farm (please check one or more disposal methods that may have been used within the last 28 days)?

a. Composting: ☐ Onsite (distance to nearest barn: \_\_\_\_\_ yards) ☐ Offsite ☒ NA

1. Date last composted:

2. If offsite, company name and location of composting site:

3. Company name of transporter:

b. Burial: ☐ Onsite (distance to nearest barn: \_\_\_\_\_ yards) ☐ Offsite ☒ NA

1. Date last buried:

2. If offsite, company name and location of burial site:

3. Company name of transporter:

c. Incineration: ☐ Onsite (distance to nearest barn: \_\_\_\_\_ yards) ☐ Offsite ☒ NA

1. Date last performed:

2. If offsite, company name and location of incinerator:

3. Company name of transporter:

d. Rendering: ☒ Offsite ☐ NA

1. Date last transported: 10/06/2023

2. Company name and location of renderer: Central Bi-Products Redwood Falls, MN

3. Company name of transporter: same

e. Landfill: ☐ Offsite ☒ NA

1. Date last transported:

2. Company name and location of landfill:

3. Company name of transporter:

f. Other (specify): See addendum for details

2. Is there is a carcass bin? ☒ Yes ☐ No

If yes: Is it kept covered? ☒ Yes ☐ No

a. What is the distance between the carcass bin and the nearest barn? 200 yards

b. Is the bin shared with another premises? ☐ Yes ☒ No

3. How are accidentally broken eggs dealt with? Please describe:

NA

4. How does this premises dispose of wash water? Please describe:

NA

5. List any locations that **accepted manure/litter** from this premises during the last 28 days:

| Company name and location (company name) | Date (mm/dd/yy) | Intended use | Type                                                                                                                                                                                                                                                                                                                                                       |
|------------------------------------------|-----------------|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Local farmers                            |                 | fertilizer   | <input checked="" type="checkbox"/> Fresh<br><input type="checkbox"/> Composted<br><input type="checkbox"/> Heat-treated<br><input type="checkbox"/> Fresh<br><input type="checkbox"/> Composted<br><input type="checkbox"/> Heat-treated<br><input type="checkbox"/> Fresh<br><input type="checkbox"/> Composted<br><input type="checkbox"/> Heat-treated |

6. What is the minimum distance from the on-site litter storage area to the nearest barn? <sup>NA</sup> yards

7. **Prior to use, is the litter accessible to:**

a. Wild birds? ☒ Yes ☐ No

b. Wild animals (e.g., raccoons, opossum, coyotes, foxes)? ☒ Yes ☐ No

8. Was manure or animal material (dead birds, eggshells, bad eggs, etc.) from another premises brought onto this premises during the last 28 days? ☐ Yes ☒ No

If yes:

| Product | Source | Date (mm/dd/yy) |
|---------|--------|-----------------|
|---------|--------|-----------------|

9. Have you or any of your employees (including any contractors or volunteers) visited any other premises with poultry or any processors of eggs or poultry products during the last 28 days (e.g., farm, slaughter, processing, market, residence with poultry)? ☒ Yes ☐ No

If yes:

| Premises/processor name | Person/title | Date<br>(mm/dd/yy) |
|-------------------------|--------------|--------------------|
|-------------------------|--------------|--------------------|

JOTS Supervisor

(b) (6)

BVS Wilmar

10. Are any farm workers from this premises in a community living situation where they interact with workers from other poultry facilities? ☐ Yes ☒ No

If yes, describe:

11. Did any crews (e.g., catch crews, load-out, vaccination, insemination) enter the premises during the last 28 days? ☐ Yes ☒ No

If yes:

| Date (mm/dd/yy) | Crew type | Name/company |
|-----------------|-----------|--------------|
|-----------------|-----------|--------------|

12. Did any of the following visit the premises during the last 28 days?

If yes, give date(s), name/company information, and indicate if the visitor type entered the poultry barn.

| Visitor type | Date(s)<br>of visit | Name/company/ contact<br>information | Did this visitor<br>enter the<br>poultry barn? |
|--------------|---------------------|--------------------------------------|------------------------------------------------|
|--------------|---------------------|--------------------------------------|------------------------------------------------|

Federal/State veterinary or animal health  
worker

Extension agent or university veterinarian

Private or company veterinarian

Company service person

(b) (6)

Yes

Nutritionist or feed company consultant

| Visitor type                                                         | Date(s) of visit | Name/company/ contact information | Did this visitor enter the poultry barn? |
|----------------------------------------------------------------------|------------------|-----------------------------------|------------------------------------------|
| Inspector (e.g., FDA, NOP, biosecurity auditor, etc.)                |                  |                                   |                                          |
| Feed delivery                                                        | 10/05/2023       | Atwater Feed Mill                 | No                                       |
| Egg truck                                                            |                  |                                   |                                          |
| Litter/bedding delivery                                              |                  |                                   |                                          |
| Litter removal                                                       |                  |                                   |                                          |
| Renderer/dead bird pick up                                           |                  |                                   |                                          |
| Pest/rodent control                                                  |                  |                                   |                                          |
| Manure truck                                                         |                  |                                   |                                          |
| Trash pick up                                                        | 09/25/2023       | West Central Sanitation           | No                                       |
| Occasional worker (e.g., family member, part-time help over holiday) |                  |                                   |                                          |
| Wholesaler, buyer, or dealer                                         |                  |                                   |                                          |
| Customer/consumer (private individual)                               |                  |                                   |                                          |
| Other                                                                |                  |                                   |                                          |

13. Specify if any equipment was shared with another premises during the last 28 days, whether you received or loaned the equipment, and the location and name of the companies or premises the equipment was shared with:

| Vehicle            | Received/loaned | Specify (name, company, location) | Date last on site |
|--------------------|-----------------|-----------------------------------|-------------------|
| ATV/4-wheeler      |                 |                                   |                   |
| Tractor            |                 |                                   |                   |
| Gates/panels       |                 |                                   |                   |
| Skid-steer loaders |                 |                                   |                   |
| Egg flats          |                 |                                   |                   |
| Egg racks          |                 |                                   |                   |
| Pallets            |                 |                                   |                   |

| Vehicle                           | Received/loaned | Specify (name, company, location) | Date last on site |
|-----------------------------------|-----------------|-----------------------------------|-------------------|
| Dead bird containers              |                 |                                   |                   |
| Manure/litter handling equipment  |                 |                                   |                   |
| Pressure sprayers/washers/foamers |                 |                                   |                   |
| Other cleaning equipment          |                 |                                   |                   |
| Vaccination equipment             |                 |                                   |                   |
| Bird catching equipment           |                 |                                   |                   |
| Live haul loader                  |                 |                                   |                   |
| Other                             |                 |                                   |                   |
| (specify: )                       |                 |                                   |                   |

14. Were any birds introduced onto the premises during the last 28 days? ☐ Yes ☒ No

If yes:

| Date<br>(mm/dd/yy) | Bird type (e.g., chicks, poults,<br>spiking roosters, layers,<br>breeders, etc.) | Source | Transported by |
|--------------------|----------------------------------------------------------------------------------|--------|----------------|
|--------------------|----------------------------------------------------------------------------------|--------|----------------|

15. Have any birds moved off the premises during the last 28 days? ☐ Yes ☒ No

If yes:

| Date<br>(mm/dd/yy) | Bird type<br>(e.g., chicks, poults, spiking<br>roosters, layers, breeders, etc.) | Destination | Transported by |
|--------------------|----------------------------------------------------------------------------------|-------------|----------------|
|--------------------|----------------------------------------------------------------------------------|-------------|----------------|

16. Were any birds moved within the premises during the last 28 days? (e.g., from one barn to another on the same premises) ☐ Yes ☒ No

If yes,

a. Was a contract crew? ☐ Yes ☐ No

If yes, specify company/crew name:

b. Was farm specific equipment used? ☐ Yes ☐ No

If no, describe:

17. Were any eggs moved onto the premises during the last 28 days? ☐ Yes ☒ No

If yes,

a. List source (name and location) for eggs **coming onto** this premises during the last 28 days, the dates eggs were received, and whether the eggs were intended for hatching, nest run, or cleaned and sanitized.

| Source name and location<br>(company name) | Date (mm/dd/yy) | Description of eggs |
|--------------------------------------------|-----------------|---------------------|
|--------------------------------------------|-----------------|---------------------|

☐ Intended for hatching ☐ Nest run ☐ Cleaned and sanitized

☐ Intended for hatching ☐ Nest run ☐ Cleaned and sanitized

☐ Intended for hatching ☐ Nest run ☐ Cleaned and sanitized

18. Were any **egg products** moved onto the premises during the last 28 days? ☐ Yes ☐ No

If yes,

a. List source (name and location) for egg products **coming onto** this premises during the last 28 days, the dates egg products arrived, and whether the egg products were pasteurized or not pasteurized.

Source name and location  
company name)

Date (mm/dd/yy)

Description of egg products

☐ Pasteurized ☐ Not pasteurized

☐ Pasteurized ☐ Not pasteurized

☐ Pasteurized ☐ Not pasteurized

19. Were any eggs moved off the premises during the last 28 days? ☐ Yes ☐ No

If yes,

a. List source (name and location) for eggs **moving off** this premises during the last 28 days, the dates eggs left, and whether the eggs were intended for hatching, nest run, or cleaned and sanitized.

Destination name and location  
(company name) Date  
(mm/dd/yy)

### Description of eggs

☐ Intended for hatching ☐ Nest run ☐ Cleaned and sanitized  
☐ Intended for hatching ☐ Nest run ☐ Cleaned and sanitized  
☐ Intended for hatching ☐ Nest run ☐ Cleaned and sanitized

20. Were egg products moved off the premises during the last 28 days? ☐ Yes ☒ No

If yes,

- a. list source/destination (name and location) for egg products **moving off** this premises during the last 28 days, the dates egg products left, and whether the egg products were pasteurized or not pasteurized.

Destination name and location  
company name)

Date (mm/dd/yy)

Description of egg products

☐ Pasteurized ☐ Not pasteurized  
☐ Pasteurized ☐ Not pasteurized  
☐ Pasteurized ☐ Not pasteurized

## 7. Wild Birds and the Environment

1. Do any domestic birds on the farm have access to the outdoors? ☐ Yes ☒ No
2. Are there any water bodies (e.g., pond, lake, stream, wetland, wastewater lagoon) within 350 yards of the farm? ☒ Yes ☐ No
3. If there are water bodies within 350 yards of the farm, did any have open, unfrozen water during the last 28 days? ☒ Yes ☐ No
4. For those unfrozen water bodies within 350 yards of the farm, approximately how many of the following types of waterfowl were seen on the water at some time during the last 28 days?
  - i. Ducks..... ☐ None ☒ Tens ☐ Hundreds ☐ Thousands ☐ Don't Know
  - ii. Geese..... ☐ None ☒ Tens ☐ Hundreds ☐ Thousands ☐ Don't Know
  - iii. Shorebirds (e.g., wading birds, gulls) ... ☒ None ☐ Tens ☐ Hundreds ☐ Thousands ☐ Don't Know
  - iv. Other (specify: turkeys, sparrow, swallows) ☐ None ☒ Tens ☐ Hundreds ☐ Thousands ☐ Don't Know
5. What is the approximate distance (in yards) to the closest field where crops or hay are harvested?  
50 yards?
6. Was this field tilled last fall? ☒ Yes ☐ No ☐ Don't Know

7. Was this field actively worked during the last 28 days? ☒ Yes ☐ No ☐ Don't Know
8. For the closest field, approximately how many of the following types of waterfowl were seen during the last 28 days?
- i. Ducks..... ☒ None ☐ Tens ☐ Hundreds ☐ Thousands ☐ Don't Know
  - ii. Geese..... ☐ None ☒ Tens ☐ Hundreds ☐ Thousands ☐ Don't Know
  - iii. Shorebirds (e.g., wading birds, gulls) ... ☒ None ☐ Tens ☐ Hundreds ☐ Thousands ☐ Don't Know
  - iv. Other (specify: turkeys ) ☐ None ☒ Tens ☐ Hundreds ☐ Thousands ☐ Don't Know
9. Did any non-poultry livestock on the farm, or located within 350 yards of the farm, receive supplemental feed (e.g., hay, grain) during the last 28-days?
- ☐ Yes ☐ No ☒ NA ☐ Don't Know

10. How frequently were the following types of wild birds seen on the farm but outside of the barns (within 100 yards), during the last 28 days?

| <u>Bird type</u> |                                                            | <u>Often</u>                        | <u>Sometimes</u>                    | <u>Never</u>                        |
|------------------|------------------------------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a.               | Waterfowl (e.g., ducks, geese)                             | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b.               | Gulls                                                      | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c.               | Other water birds (e.g., egrets, cormorants)               | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d.               | Small perching birds (e.g., sparrows, starlings, swallows) | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| e.               | Blackbirds and crows                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| f.               | Wild turkeys, pheasants, quail                             | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |
| g.               | Raptors (e.g., eagles, hawks, owls)                        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| h.               | Pigeons and doves                                          | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| i.               | Other (specify: )                                          | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

11. Were wild mammals, such as raccoons, opossums, coyotes, or foxes (or evidence of their presence) seen in or around poultry barns during the last 28 days ? ☒ Yes ☐ No ☐ Don't Know
12. Does this premises have a wildlife management plan? ☒ Yes ☐ No ☐ Don't Know
13. Were any wild birds or wild mammals observed around the dead bird collection area (i.e., burial, compost pile, rendering bin, etc.) during the last 28 days?
- i. Wild birds: ☒ Yes ☐ No
  - ii. Wild mammals: ☒ Yes ☐ No
14. Is there any additional or important information that we need to know currently regarding the disease on your farm, including thoughts on how you may have become infected? ☐ Yes ☒ No  
If yes, describe:

15. Please attach feed, water, mortality, and visitor records for the past 28 days up to and including the day of depopulation.

## **APPENDIX B**

**From:** [APHIS-Avian Indemnity](#)  
**To:** [Sevilla, Leonardo](#) - MRP-APHIS; [Hirst, Heather](#) - MRP-APHIS  
**Subject:** FW: NON-NEG: Meeker 09 (00LE3HP)  
**Date:** Sunday, October 8, 2023 1:00:38 PM  
**Attachments:** [M23-028877 JOTS Johnson Grow PDR DETAIL.pdf](#)  
[M23-028877 Johnson Grow submission.pdf](#)

**From:** Corcoran, Robyn - MRP-APHIS <[robyn.corcoran-flaherty@usda.gov](mailto:robyn.corcoran-flaherty@usda.gov)>  
**Sent:** Sunday, October 8, 2023 10:59:33 AM (UTC-07:00) Mountain Time (US & Canada)  
**To:** Wire, Stephanie - MRP-APHIS <[Stephanie.Wire@usda.gov](mailto:Stephanie.Wire@usda.gov)>; APHIS-VS SP NPIC All <[VS.SP.NPIC.All@usda.gov](mailto:VS.SP.NPIC.All@usda.gov)>; APHIS-Avian Indemnity <[AvianIndemnity@usda.gov](mailto:AvianIndemnity@usda.gov)>; APHIS-VS SP ASEP Poultry VMOs <[VS.SP.ASEP.Poultry.VMOs@usda.gov](mailto:VS.SP.ASEP.Poultry.VMOs@usda.gov)>  
**Cc:** Halstead, Steven - MRP-APHIS <[steven.l.halstead@usda.gov](mailto:steven.l.halstead@usda.gov)>; Schaeffbauer, Stephan - MRP-APHIS <[stephan.l.schaeffbauer@usda.gov](mailto:stephan.l.schaeffbauer@usda.gov)>  
**Subject:** NON-NEG: Meeker 09 (00LE3HP)

Results for Prem 00LE3HP from MN Poultry Testing Lab are non-negative, report attached. The company would like to start depopulation today and will be requesting VSD+, they're in the process of putting together the justification. The 1H is nearing completion for submission. No resources requests from my end at this time.

~ Robyn



**Robyn Corcoran DVM**  
 Area Veterinarian in Charge – Minnesota (Acting)  
 US Department of Agriculture  
 Animal and Plant Health Inspection Service  
 Veterinary Services  
 Field Operations | District 2  
 Cottage Grove, MN  
 Phone: 612-246-9190  
[robyn.corcoran-flaherty@usda.gov](mailto:robyn.corcoran-flaherty@usda.gov)

**From:** Wire, Stephanie - MRP-APHIS <[Stephanie.Wire@usda.gov](mailto:Stephanie.Wire@usda.gov)>  
**Sent:** Sunday, October 8, 2023 8:34 AM  
**To:** Corcoran, Robyn - MRP-APHIS <[robyn.corcoran-flaherty@usda.gov](mailto:robyn.corcoran-flaherty@usda.gov)>; APHIS-VS SP NPIC All <[VS.SP.NPIC.All@usda.gov](mailto:VS.SP.NPIC.All@usda.gov)>; APHIS-Avian Indemnity <[AvianIndemnity@usda.gov](mailto:AvianIndemnity@usda.gov)>; APHIS-VS SP ASEP Poultry VMOs <[VS.SP.ASEP.Poultry.VMOs@usda.gov](mailto:VS.SP.ASEP.Poultry.VMOs@usda.gov)>  
**Cc:** Halstead, Steven - MRP-APHIS <[steven.l.halstead@usda.gov](mailto:steven.l.halstead@usda.gov)>; Schaeffbauer, Stephan - MRP-APHIS <[stephan.l.schaeffbauer@usda.gov](mailto:stephan.l.schaeffbauer@usda.gov)>  
**Subject:** Re: Sick birds and positive AI/H5 drinker swabs in Meeker County commercial turkey premises

Good morning,

Thank you for the update. If non-negative, please let us know if any resources are likely to be requested. Thanks!

**Stephanie Wire, DVM, MPH, DACVPM**

*Current detail: National Incident Coordinator HPAI 2022*

Aquatic Animal Health

Staff Veterinary Medical Officer

Epidemiologist

Strategy & Policy: Aquaculture, Swine, Equine and Poultry Health Center

USDA APHIS Veterinary Services

Cary, NC 27511

Cell: 2 (b) (6)

[Stephanie.wire@usda.gov](mailto:Stephanie.wire@usda.gov)

---

**From:** Corcoran, Robyn - MRP-APHIS <[robyn.corcoran-flaherty@usda.gov](mailto:robyn.corcoran-flaherty@usda.gov)>

**Sent:** Saturday, October 7, 2023 11:09:50 PM

**To:** Wire, Stephanie - MRP-APHIS <[Stephanie.Wire@usda.gov](mailto:Stephanie.Wire@usda.gov)>; APHIS-VS SP NPIC All <[VS.SP.NPIC.All@usda.gov](mailto:VS.SP.NPIC.All@usda.gov)>; APHIS-Avian Indemnity <[AvianIndemnity@usda.gov](mailto:AvianIndemnity@usda.gov)>; APHIS-VS SP ASEP Poultry VMOs <[VS.SP.ASEP.Poultry.VMOs@usda.gov](mailto:VS.SP.ASEP.Poultry.VMOs@usda.gov)>

**Cc:** Halstead, Steven - MRP-APHIS <[steven.l.halstead@usda.gov](mailto:steven.l.halstead@usda.gov)>; Schaeffbauer, Stephan - MRP-APHIS <[stephan.l.schaeffbauer@usda.gov](mailto:stephan.l.schaeffbauer@usda.gov)>

**Subject:** FYA: Sick birds and positive AI/H5 drinker swabs in Meeker County commercial turkey premises

Hi,

FYA: Report from the MN Board of Animal Health of a commercial turkey premises in Meeker County with signs consistent with AI:

The company veterinarian called this morning to report sick birds and mortality increase this afternoon. Necropsy signs are not 100% consistent with what they saw with HPAI 2022, but the birds are definitely ill. The sick flock is 12 week old toms and there are also 20 week old, market ready toms present on this site. Approx. 140,000 birds total. Drinker swab tests report avian influenza/H5 positive. Samples have been collected and will be delivered to the NAHLN lab at 8:00am tomorrow. Results should be available around noon. The company is planning to do foam depopulation tomorrow should the results come back non-neg.

Thanks,

~ Robyn



**Robyn Corcoran DVM**  
Area Veterinarian in Charge - Minnesota (Acting)  
US Department of Agriculture  
Animal and Plant Health Inspection Service  
Veterinary Services  
Field Operations | District 2  
Cottage Grove, MN

## **APPENDIX C**

**From:** [APHIS-Avian Indemnity](#)  
**To:** [Sevilla, Leonardo - MRP-APHIS](#); [Hirst, Heather - MRP-APHIS](#)  
**Subject:** FW: ACTION REQUESTED: VSD+ request for MN commercial meat turkey premises 00LE3HP (Meeker 09)  
**Date:** Sunday, October 8, 2023 5:04:18 PM  
**Attachments:** [image001.png](#)  
**Importance:** High

---

**From:** Wire, Stephanie - MRP-APHIS <[Stephanie.Wire@usda.gov](mailto:Stephanie.Wire@usda.gov)>  
**Sent:** Sunday, October 8, 2023 3:04:12 PM (UTC-07:00) Mountain Time (US & Canada)  
**To:** Schaeffbauer, Stephan - MRP-APHIS <[stephan.l.schaeffbauer@usda.gov](mailto:stephan.l.schaeffbauer@usda.gov)>; [brian.hoefs@state.mn.us](mailto:brian.hoefs@state.mn.us)  
 <[brian.hoefs@state.mn.us](mailto:brian.hoefs@state.mn.us)>  
**Cc:** APHIS-Avian Indemnity <[AvianIndemnity@usda.gov](mailto:AvianIndemnity@usda.gov)>  
**Subject:** FW: ACTION REQUESTED: VSD+ request for MN commercial meat turkey premises 00LE3HP (Meeker 09)

Good afternoon,

Please see concurrence on the requested VSD+ use for clinical and market age turkeys at 00LE3HP (Meeker 09).

Thank you very much,

Very respectfully,

**Stephanie Wire, DVM, MPH, DACVPM**

*Current detail: National Incident Coordinator HPAI 2022*

AQUATIC ANIMAL HEALTH

STATE VETERINARY MEDICAL OFFICER

EPIDEMIOLOGIST

STRATEGY & POLICY AQUACULTURE, SWINE, EQUINE AND POULTRY HEALTH CENTER

USDA APHIS VETERINARY SERVICES

CARY, NC 27511

(b) (6)

[Stephanie.Wire@usda.gov](mailto:Stephanie.Wire@usda.gov)

---

**From:** Sifford, Rosemary - MRP-APHIS <[rosemary.sifford@usda.gov](mailto:rosemary.sifford@usda.gov)>  
**Sent:** Sunday, October 8, 2023 5:00 PM  
**To:** Wire, Stephanie - MRP-APHIS <[Stephanie.Wire@usda.gov](mailto:Stephanie.Wire@usda.gov)>; Naugle, Alecia - MRP-APHIS  
 <[alecia.l.naugle@usda.gov](mailto:alecia.l.naugle@usda.gov)>; APHIS-VS DA COS <[VS.DA.COS@usda.gov](mailto:VS.DA.COS@usda.gov)>  
**Subject:** Re: ACTION REQUESTED: VSD+ request for MN commercial meat turkey premises 00LE3HP (Meeker 09)

USDA APHIS has reviewed this request for the use of VSD+ in older and affected birds at the Meeker 09 site. The constrained circumstances are described in the request. The SAHO and producer have concurred. USDA APHIS has determined that indemnity can be made available for this flock with VSD + used as described in the plan.

Get [Outlook for iOS](#)

---

**From:** Wire, Stephanie - MRP-APHIS <[Stephanie.Wire@usda.gov](mailto:Stephanie.Wire@usda.gov)>

**Sent:** Sunday, October 8, 2023 4:40:48 PM

**To:** Sifford, Rosemary - MRP-APHIS <[rosemary.sifford@usda.gov](mailto:rosemary.sifford@usda.gov)>; Naugle, Alecia - MRP-APHIS <[alecia.l.naugle@usda.gov](mailto:alecia.l.naugle@usda.gov)>; APHIS-VS DA COS <[VS.DA.COS@usda.gov](mailto:VS.DA.COS@usda.gov)>

**Subject:** ACTION REQUESTED: VSD+ request for MN commercial meat turkey premises 00LE3HP (Meeker 09)

Good afternoon,

Please see attached request from the MN SAHO for use of VSD+ as depopulation method for the clinically affected barn and the market age birds at the **commercial meat turkey premises JOTS-Johnson 00LE3HP (Meeker 09)**. The barns with the younger birds will be depopulated using foam. Please let me know if there are any questions.  
Thank you very much.

**Stephanie Wire, DVM, MPH, DACVPM**

*Current detail: National Incident Coordinator HPAI 2022*

Aquatic Animal Health

Staff Veterinary Medical Officer

Epidemiologist

Strategy & Policy: Aquaculture, Swine, Equine and Poultry Health Center

USDA APHIS Veterinary Services

[Cary, NC 27511](#)

(b) (6)

[Stephanie.wire@usda.gov](mailto:Stephanie.wire@usda.gov)

---

**From:** Schaeffbauer, Stephan - MRP-APHIS <[stephan.l.schaeffbauer@usda.gov](mailto:stephan.l.schaeffbauer@usda.gov)>

**Sent:** Sunday, October 8, 2023 3:14 PM

**To:** Wire, Stephanie - MRP-APHIS <[Stephanie.Wire@usda.gov](mailto:Stephanie.Wire@usda.gov)>

**Subject:** VSD+ document Meeker 09

Dr. Wire,

Please see attached request for consideration of VSD+ in the impacted barn for Meeker 09

The company wants to depopulate this flock today

Thank you

+++++

Some of the answers were cutoff

Here are the answers

8 . We would need a lot of foam and water to foam 19 week old turkeys and no equipment for CO2 is available

10. Not for the large turkeys on site. We are using foam/water to depop the smaller birds but not for the market age birds

15. More people "dirty" increase our risk of spreading the virus to other parts of our company. Along with more equipment/trucks coming and going from the farm.

Stephan L. Schaeftbauer, DVM, MPH (she/her)  
Area Veterinarian in Charge— Minnesota  
Field Operations - District 2  
USDA-APHIS VS  
Office – 651-234-5684

(b) (6)

[Stephan.L.Schaeftbauer@usda.gov](mailto:Stephan.L.Schaeftbauer@usda.gov)

---

**From:** Hoefs, Brian (BAH) <[brian.hoefs@state.mn.us](mailto:brian.hoefs@state.mn.us)>

**Sent:** Sunday, October 8, 2023 2:56 PM

**To:** Schaeftbauer, Stephan - MRP-APHIS <[stephan.l.schaeftbauer@usda.gov](mailto:stephan.l.schaeftbauer@usda.gov)>

**Subject:** VSD+ document

Dr. Schaeftbauer,

Please review and sign attached form if approved.

Brian

**Brian Hoefs, DVM**  
**State Veterinarian/Executive Director**  
**Minnesota Board of Animal Health**  
625 Robert St. N  
St Paul, MN 55155  
Office: 651-201-6825

(b) (6)

[www.mn.gov/bah](http://www.mn.gov/bah)

## **APPENDIX D**



# HPAI Response

## Appraisal and Indemnity Request

May 15, 2023

### APPENDIX 1H—INDEMNITY AND COMPENSATION REQUEST FOR HPAI

Note: For use in WDAH Poultry or Non-Poultry flocks with greater than 500 birds or estimated total indemnity and compensation costs over \$10,000. This form is only an estimate of payment; actual payment is based on verified inventory and activities performed and approved on the premises.

1. Premises ID #: [REDACTED]
2. State abbreviation, county, and site #: MN Meeker, Meeker 09
3. Reason for testing (routine, clinical signs, etc.): Clinical signs
4. Clinical signs present, date of onset, and populations involved (number of barns affected, number of total barns present):

Onset 10/07/2023, increased mortality

5. Please list all the current test results available for this premises (include date and location of testing). For PCR, please list the Ct values:

Avian influenza A H5 (USDA) real-time PCR:  
POSITIVE 17.70 Ct40  
POSITIVE 16.52 Ct40  
POSITIVE 17.33 Ct40

6. Please list the number of domestic poultry on the farm, as well as the sexes, ages, types, and prices/bird:

|                |         |      |                                                                  |       |          |       |                 |             |         |
|----------------|---------|------|------------------------------------------------------------------|-------|----------|-------|-----------------|-------------|---------|
| Barn #         | # Birds | Sex: | <input checked="" type="checkbox"/> M <input type="checkbox"/> F | Ages: | 86 days  | Type: | Commercial-meat | Price/Bird: | \$36.39 |
| Barn #         | # Birds | Sex: | <input checked="" type="checkbox"/> M <input type="checkbox"/> F | Ages: | 86 days  | Type: | Commercial-meat | Price/Bird: | \$36.39 |
| Barn #         | # Birds | Sex: | <input checked="" type="checkbox"/> M <input type="checkbox"/> F | Ages: | 86 days  | Type: | Commercial-meat | Price/Bird: | \$36.39 |
| Barn #         | # Birds | Sex: | <input checked="" type="checkbox"/> M <input type="checkbox"/> F | Ages: | 86 days  | Type: | Commercial-meat | Price/Bird: | \$36.39 |
| Barn #         | # Birds | Sex: | <input checked="" type="checkbox"/> M <input type="checkbox"/> F | Ages: | 139 days | Type: | Commercial-meat | Price/Bird: | \$36.39 |
| Barn #         | # Birds | Sex: | <input checked="" type="checkbox"/> M <input type="checkbox"/> F | Ages: | 139 days | Type: | Commercial-meat | Price/Bird: | \$36.39 |
| Barn #         | # Birds | Sex: | <input checked="" type="checkbox"/> M <input type="checkbox"/> F | Ages: | 139 days | Type: | Commercial-meat | Price/Bird: | \$36.39 |
| Barn #         | # Birds | Sex: | <input checked="" type="checkbox"/> M <input type="checkbox"/> F | Ages: | 139 days | Type: | Commercial-meat | Price/Bird: | \$36.39 |
| Barn #         | # Birds | Sex: | <input type="checkbox"/> M <input type="checkbox"/> F            | Ages: |          | Type: |                 | Price/Bird: |         |
| Barn #         | # Birds | Sex: | <input type="checkbox"/> M <input type="checkbox"/> F            | Ages: |          | Type: |                 | Price/Bird: |         |
| Barn #         | # Birds | Sex: | <input type="checkbox"/> M <input type="checkbox"/> F            | Ages: |          | Type: |                 | Price/Bird: |         |
| Total: 117,459 |         |      |                                                                  |       |          |       |                 |             |         |

7. List the number of commercial premises in the following zones surrounding the infected premises:

- Within 1km (Neighboring): \_\_\_\_\_
- Within 3km (Infected Zone): \_\_\_\_\_
- Within 10km (Buffer Zone): \_\_\_\_\_

## Appendix 1H – Indemnity and Compensation Request for HPAI

8. \*\*\*If known: List the number of **backyard premises** in the following zones surrounding the infected premises:
- Within 1km (Neighboring): \_\_\_\_\_
  - Within 3km (Infected Zone): \_\_\_\_\_
  - Within 10km (Buffer Zone): \_\_\_\_\_

9. What are the estimated number of additional **At-Risk Premises**, not included in the numbers above (this would include premises closely related by the network, business processes, or those identified by trace-in/trace-out):

10. Please indicate the **number of barns/houses on the premises, as well as their dimensions** (length x width for floor raised birds, length x width x height for caged birds):

|        |       |                                                           |
|--------|-------|-----------------------------------------------------------|
| Barn # | Size: | 64 ft x 912 ft                                            |
| Barn # | Size: | 64 ft x 912 ft                                            |
| Barn # | Size: | 64 ft x 912 ft                                            |
| Barn # | Size: | 64 ft x 912 ft                                            |
| Barn # | Size: | 64 ft x 912 ft                                            |
| Barn # | Size: | 64 ft x 912 ft                                            |
| Barn # | Size: | 64 ft x 912 ft                                            |
| Barn # | Size: | 64 ft x 912 ft                                            |
| Barn # | Size: | TOTAL: 468,044 SQ FT x \$0.76 VE FLAT RATE = \$354,877.44 |
| Barn # | Size: |                                                           |
| Barn # | Size: |                                                           |

11. **Response Methods and Timelines:** Please Indicate the State and/or Industry recommendation for the management for this flock (include depopulation & disposal method and timeline for both). Please indicate your reasoning for this recommendation:

Depopulation method: Foam for 86 day old birds, VSD+ for 139 day birds

Timeline: 10/08/2023

Disposal method: Compost (inbarn)

Timeline: 28 days

Will NVS Equipment be requested? If so, please give a detailed estimate of what might be needed.

For Depopulation: No

For Disposal: No

12. Please indicate the **approximate indemnity and compensation** being requested for this flock (for Owner and/or Grower):

- Indemnity (supplied by ICE Team with number and age of birds): \$ 4,274,333.01
- Depopulation and Disposal: \$ 30,000 per barn = \$240,000
- Virus Elimination: \$ 364,877.44

(\*\*\*A Field Reimbursement Specialist or Avian Indemnity Team member can assist with estimates)

HPAI Response

## Appendix 1H—Indemnity and Compensation Request for HPAI

Signature(s) and title(s) of Official making the above recommendation. (State and Industry can submit separate forms or a joint form).

## State Animal Health Official:

Brian Hoefs

Print Name

Brian L. Hoefs, DVM

Signature

Digitally signed by Brian L. Hoefs,  
DVM  
Date: 2023.10.08 14:04:20 -0500

10/08/2023

Date

## Area Veterinarian in Charge:

Stephan Schaeffbauer

Print Name

STEPHAN  
SCHAEFFBAUER

Signature

Digitally signed by STEPHAN  
SCHAEFFBAUER  
Date: 2023.10.08 14:18:28 -0500

10/8/2023

Date

## USDA APHIS VS Determination:

- ☒ Approve on-site depopulation as recommended above.
- ☐ USDA/APHIS VS is **NOT** in agreement with the recommendation above.
- ☒ Federal Indemnification is authorized for the depopulation methods referenced above.

## Reason for difference in agreement:

- ☐ More information is needed.
- ☐ A decision will be made within 12 hours once the information requested below is provided (enter information needed here:)

## USDA APHIS VS ICG Official:

Stephanie Wire

Print Name

STEPHANIE WIRE

Signature

Digitally signed by STEPHANIE  
WIRE  
Date: 2023.10.08 17:06:22 -0400

10/8/2023

Date

Point of Contact/Comments:



10/8/2023

## **APPENDIX E**

**HPAI Monitoring Depopulation Report****Special ID: MN Meeker 09/** Premises ID [REDACTED]

Goal: 100% mortality of birds in as short a time as possible with no injuries to responders

Table 1: Selected Methods of Depopulation

| Preferred methods of depopulation <sup>1</sup>                 |                           |                                                                                       |
|----------------------------------------------------------------|---------------------------|---------------------------------------------------------------------------------------|
| Method                                                         | Type of Poultry           | Standard                                                                              |
| Whole house gassing                                            | Caged and floor-reared    | CO <sub>2</sub> >40% and O <sub>2</sub> <10% within the house for 10 minutes          |
| Container gassing                                              | Caged and backyard        | Cessation of movement within 2 minutes at 50% CO <sub>2</sub>                         |
| Water-based foaming                                            | Floor-reared              | Cessation of movement within 10 minutes                                               |
| Cervical dislocation +/- mechanically assisted                 | Floor-reared and backyard | One application                                                                       |
| Captive bolt gun                                               | Floor-reared              | One application                                                                       |
| Permitted methods under constrained circumstances <sup>1</sup> |                           |                                                                                       |
| Method                                                         | Type of Poultry           | Standard                                                                              |
| Ventilation shutdown plus head                                 | Caged and floor-reared    | Minimum temperature of 104° F to 110°F within 30 minutes for a minimum of three hours |
| Not recommended <sup>1</sup>                                   |                           |                                                                                       |
| Method                                                         | Type of Poultry           | Standard                                                                              |
| Ventilation shutdown only                                      | Any                       | None                                                                                  |

Official veterinarian and their delegates in overseeing depopulation should:

- Balance animal welfare concerns with rapid and aggressive response to the animal health emergency.
- Consider the immediate risk of the depopulation activities to the health and safety of responders
- Verify that the Incident Commander's intent for selected depopulation method(s) is carried out.
- Stop activities that endanger responders, fail to meet standards for achieving depopulation goals, or are resulting in unacceptable stress to the birds. If the observer is unable to stop the activity, immediately notify the chain of command about the problem.
- Ensure a secondary method of depopulation is available and applied if the primary method fails to achieve depopulation goal.

Collect contact numbers prior to arrival at site:

| Contact                               | Name                                                                   | Phone Number                     |
|---------------------------------------|------------------------------------------------------------------------|----------------------------------|
| Incident Commander                    | Shauna Voss                                                            | 320-441-4055                     |
| National Incident Commander           | Click or tap here to enter text.                                       | Click or tap here to enter text. |
| Safety Officer                        | Click or tap here to enter text.                                       | Click or tap here to enter text. |
| Site Point of Contact                 | <span style="background-color: black; color: black;">[REDACTED]</span> |                                  |
| Total number of houses/barns on site: | 8 Barns                                                                |                                  |
| Total number of birds on site:        | 114,981                                                                |                                  |

**HPAI Monitoring Depopulation Report****Special ID: MN Meeker 09/** Premises ID: [REDACTED]*Prepare a separate report for each house*

|                   |                                                                             |
|-------------------|-----------------------------------------------------------------------------|
| House Name/Number | Barn <span style="background-color: black; color: black;">[REDACTED]</span> |
|-------------------|-----------------------------------------------------------------------------|

|                                                                                                                                                           |                     |                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|----------------------|
| <b>Set up and Preparation Activities (Examples: penning, sealing building, setting up containers):</b>                                                    |                     |                      |
| Description:<br>Emptied feed pans and raised water and feed lines in barn. Two flocks in the barns. Both flocks penned to the middle divider of the barn. |                     |                      |
| Date: 10/9/2023                                                                                                                                           | Start time: 5:00 pm | Finish time: 6:00 pm |

|                                                                       |
|-----------------------------------------------------------------------|
| <b>Weather Considerations (Examples temp, wind, rain, ice, snow):</b> |
| Description:<br>Fall weather, temps in the 50's with moderate wind.   |

|                                                         |         |                                    |         |
|---------------------------------------------------------|---------|------------------------------------|---------|
| <b>Primary Depopulation Method: Water-based Foaming</b> |         |                                    |         |
| Comments:<br>Click or tap here to enter text.           |         |                                    |         |
| Start Time                                              | 6:15 pm | Approximate time at 50% mortality: | 6:35 pm |
| Time at 100% mortality or cessation of primary method:  |         | 7:00 pm                            |         |
| Was standard achieved?                                  | Yes     |                                    |         |

|                                                        |         |
|--------------------------------------------------------|---------|
| <b>Secondary Depopulation Method: Captive Bolt Gun</b> |         |
| Comments:<br>Click or tap here to enter text.          |         |
| Was secondary method required?                         | Yes     |
| Number of birds requiring secondary method:            | 6       |
| Finish time (100% mortality):                          | 7:00 pm |
| Was standard achieved?                                 | Yes     |

|                                           |        |
|-------------------------------------------|--------|
| Total # of Birds Depopulated in the House | 16,357 |
|-------------------------------------------|--------|

|                                                                                                    |
|----------------------------------------------------------------------------------------------------|
| Notes:<br>About 15 mortalities since presumptive positive, 16,372 turkeys at presumptive positive. |
|----------------------------------------------------------------------------------------------------|

Name/Title of personnel completing this form: Sue Chapman, DVM Case Manager MN Board of Animal Health

**HPAI Monitoring Depopulation Report****Special ID: MN Meeker 09/** Premises ID: [REDACTED]

Goal: 100% mortality of birds in as short a time as possible with no injuries to responders

Table 1: Selected Methods of Depopulation

| Preferred methods of depopulation <sup>1</sup>                 |                           |                                                                                       |
|----------------------------------------------------------------|---------------------------|---------------------------------------------------------------------------------------|
| Method                                                         | Type of Poultry           | Standard                                                                              |
| Whole house gassing                                            | Caged and floor-reared    | CO <sub>2</sub> >40% and O <sub>2</sub> <10% within the house for 10 minutes          |
| Container gassing                                              | Caged and backyard        | Cessation of movement within 2 minutes at 50% CO <sub>2</sub>                         |
| Water-based foaming                                            | Floor-reared              | Cessation of movement within 10 minutes                                               |
| Cervical dislocation +/- mechanically assisted                 | Floor-reared and backyard | One application                                                                       |
| Captive bolt gun                                               | Floor-reared              | One application                                                                       |
| Permitted methods under constrained circumstances <sup>1</sup> |                           |                                                                                       |
| Method                                                         | Type of Poultry           | Standard                                                                              |
| Ventilation shutdown plus head                                 | Caged and floor-reared    | Minimum temperature of 104° F to 110°F within 30 minutes for a minimum of three hours |
| Not recommended <sup>1</sup>                                   |                           |                                                                                       |
| Method                                                         | Type of Poultry           | Standard                                                                              |
| Ventilation shutdown only                                      | Any                       | None                                                                                  |

Official veterinarian and their delegates in overseeing depopulation should:

- Balance animal welfare concerns with rapid and aggressive response to the animal health emergency.
- Consider the immediate risk of the depopulation activities to the health and safety of responders
- Verify that the Incident Commander's intent for selected depopulation method(s) is carried out.
- Stop activities that endanger responders, fail to meet standards for achieving depopulation goals, or are resulting in unacceptable stress to the birds. If the observer is unable to stop the activity, immediately notify the chain of command about the problem.
- Ensure a secondary method of depopulation is available and applied if the primary method fails to achieve depopulation goal.

Collect contact numbers prior to arrival at site:

| Contact                               | Name                             | Phone Number                     |
|---------------------------------------|----------------------------------|----------------------------------|
| Incident Commander                    | Shauna Voss                      | 320-441-4055                     |
| National Incident Commander           | Click or tap here to enter text. | Click or tap here to enter text. |
| Safety Officer                        | Click or tap here to enter text. | Click or tap here to enter text. |
| Site Point of Contact                 | [REDACTED]                       |                                  |
| Total number of houses/barns on site: | 8 Barns                          |                                  |
| Total number of birds on site:        | 114,981                          |                                  |

**HPAI Monitoring Depopulation Report****Special ID: MN Meeker 09/** Premises ID [REDACTED]*Prepare a separate report for each house*

|                   |                                                                             |
|-------------------|-----------------------------------------------------------------------------|
| House Name/Number | Barn <span style="background-color: black; color: black;">[REDACTED]</span> |
|-------------------|-----------------------------------------------------------------------------|

|                                                                                                                                                           |                      |                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|----------------------|
| <b>Set up and Preparation Activities (Examples: penning, sealing building, setting up containers):</b>                                                    |                      |                      |
| Description:<br>Emptied feed pans and raised water and feed lines in barn. Two flocks in the barns. Both flocks penned to the middle divider of the barn. |                      |                      |
| Date: 10/9/2023                                                                                                                                           | Start time: 12:00 pm | Finish time: 1:00 pm |

|                                                                       |
|-----------------------------------------------------------------------|
| <b>Weather Considerations (Examples temp, wind, rain, ice, snow):</b> |
| Description:<br>Fall weather, temps in the 50's with moderate wind.   |

|                                                         |         |                                    |         |
|---------------------------------------------------------|---------|------------------------------------|---------|
| <b>Primary Depopulation Method: Water-based Foaming</b> |         |                                    |         |
| Comments:<br>Click or tap here to enter text.           |         |                                    |         |
| Start Time                                              | 1:00 pm | Approximate time at 50% mortality: | 1:30 pm |
| Time at 100% mortality or cessation of primary method:  |         | 2:00 pm                            |         |
| Was standard achieved?                                  | Yes     |                                    |         |

|                                                        |         |
|--------------------------------------------------------|---------|
| <b>Secondary Depopulation Method: Captive Bolt Gun</b> |         |
| Comments:<br>Click or tap here to enter text.          |         |
| Was secondary method required?                         | Yes     |
| Number of birds requiring secondary method:            | 20      |
| Finish time (100% mortality):                          | 2:00 pm |
| Was standard achieved?                                 | Yes     |

|                                                  |        |
|--------------------------------------------------|--------|
| <b>Total # of Birds Depopulated in the House</b> | 16,219 |
|--------------------------------------------------|--------|

|                                                                                                    |
|----------------------------------------------------------------------------------------------------|
| Notes:<br>About 35 mortalities since presumptive positive, 16,254 turkeys at presumptive positive. |
|----------------------------------------------------------------------------------------------------|

Name/Title of personnel completing this form: Sue Chapman, DVM Case Manager MN Board of Animal Health

**HPAI Monitoring Depopulation Report****Special ID: Meeker 09/** Premises ID [REDACTED]

Goal: 100% mortality of birds in as short a time as possible with no injuries to responders

Table 1: Selected Methods of Depopulation

| Preferred methods of depopulation <sup>1</sup>                 |                           |                                                                                       |
|----------------------------------------------------------------|---------------------------|---------------------------------------------------------------------------------------|
| Method                                                         | Type of Poultry           | Standard                                                                              |
| Whole house gassing                                            | Caged and floor-reared    | CO <sub>2</sub> >40% and O <sub>2</sub> <10% within the house for 10 minutes          |
| Container gassing                                              | Caged and backyard        | Cessation of movement within 2 minutes at 50% CO <sub>2</sub>                         |
| Water-based foaming                                            | Floor-reared              | Cessation of movement within 10 minutes                                               |
| Cervical dislocation +/- mechanically assisted                 | Floor-reared and backyard | One application                                                                       |
| Captive bolt gun                                               | Floor-reared              | One application                                                                       |
| Permitted methods under constrained circumstances <sup>1</sup> |                           |                                                                                       |
| Method                                                         | Type of Poultry           | Standard                                                                              |
| Ventilation shutdown plus head                                 | Caged and floor-reared    | Minimum temperature of 104° F to 110°F within 30 minutes for a minimum of three hours |
| Not recommended <sup>1</sup>                                   |                           |                                                                                       |
| Method                                                         | Type of Poultry           | Standard                                                                              |
| Ventilation shutdown only                                      | Any                       | None                                                                                  |

Official veterinarian and their delegates in overseeing depopulation should:

- Balance animal welfare concerns with rapid and aggressive response to the animal health emergency.
- Consider the immediate risk of the depopulation activities to the health and safety of responders
- Verify that the Incident Commander's intent for selected depopulation method(s) is carried out.
- Stop activities that endanger responders, fail to meet standards for achieving depopulation goals, or are resulting in unacceptable stress to the birds. If the observer is unable to stop the activity, immediately notify the chain of command about the problem.
- Ensure a secondary method of depopulation is available and applied if the primary method fails to achieve depopulation goal.

Collect contact numbers prior to arrival at site:

| Contact                               | Name                             | Phone Number                     |
|---------------------------------------|----------------------------------|----------------------------------|
| Incident Commander                    | Shauna Voss                      | 320-441-4055                     |
| National Incident Commander           | Click or tap here to enter text. | Click or tap here to enter text. |
| Safety Officer                        | Click or tap here to enter text. | Click or tap here to enter text. |
| Site Point of Contact                 | [REDACTED]                       |                                  |
| Total number of houses/barns on site: | 8 Barns                          |                                  |
| Total number of birds on site:        | 114,981                          |                                  |

**HPAI Monitoring Depopulation Report****Special ID: Meeker 09/** Premises ID: [REDACTED]*Prepare a separate report for each house*

|                   |                                                                                    |
|-------------------|------------------------------------------------------------------------------------|
| House Name/Number | <u>Barn</u> <span style="background-color: black; color: black;">[REDACTED]</span> |
|-------------------|------------------------------------------------------------------------------------|

|                                                                                                                                                           |                     |                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|----------------------|
| <b>Set up and Preparation Activities (Examples: penning, sealing building, setting up containers):</b>                                                    |                     |                      |
| Description:<br>Emptied feed pans and raised water and feed lines in barn. Two flocks in the barns. Both flocks penned to the middle divider of the barn. |                     |                      |
| Date: 10/8/2023                                                                                                                                           | Start time: 6:00 pm | Finish time: 7:00 pm |

|                                                                       |
|-----------------------------------------------------------------------|
| <b>Weather Considerations (Examples temp, wind, rain, ice, snow):</b> |
| Description:<br>Fall weather, temps in the 50's with moderate wind.   |

|                                                         |         |                                    |         |
|---------------------------------------------------------|---------|------------------------------------|---------|
| <b>Primary Depopulation Method: Water-based Foaming</b> |         |                                    |         |
| Comments:<br>Click or tap here to enter text.           |         |                                    |         |
| Start Time                                              | 7:15 pm | Approximate time at 50% mortality: | 7:25 pm |
| Time at 100% mortality or cessation of primary method:  |         | 8:00 pm                            |         |
| Was standard achieved?                                  | Yes     |                                    |         |

|                                             |              |
|---------------------------------------------|--------------|
| <b>Secondary Depopulation Method:</b>       |              |
| Comments:<br>None needed.                   |              |
| Was secondary method required?              | No           |
| Number of birds requiring secondary method: |              |
| Finish time (100% mortality):               |              |
| Was standard achieved?                      | Not measured |

|                                                  |        |
|--------------------------------------------------|--------|
| <b>Total # of Birds Depopulated in the House</b> | 14,076 |
|--------------------------------------------------|--------|

**Notes:**

|                                                                                          |
|------------------------------------------------------------------------------------------|
| About 20 mortalities since presumptive positive, 14,096 turkeys at presumptive positive. |
|------------------------------------------------------------------------------------------|

Name/Title of personnel completing this form: Sue Chapman, DVM Case Manager MN Board of Animal Health

**HPAI Monitoring Depopulation Report****Special ID: Meeker 09/** Premises ID: [REDACTED]

Goal: 100% mortality of birds in as short a time as possible with no injuries to responders

Table 1: Selected Methods of Depopulation

| Preferred methods of depopulation <sup>1</sup>                 |                           |                                                                                       |
|----------------------------------------------------------------|---------------------------|---------------------------------------------------------------------------------------|
| Method                                                         | Type of Poultry           | Standard                                                                              |
| Whole house gassing                                            | Caged and floor-reared    | CO <sub>2</sub> >40% and O <sub>2</sub> <10% within the house for 10 minutes          |
| Container gassing                                              | Caged and backyard        | Cessation of movement within 2 minutes at 50% CO <sub>2</sub>                         |
| Water-based foaming                                            | Floor-reared              | Cessation of movement within 10 minutes                                               |
| Cervical dislocation +/- mechanically assisted                 | Floor-reared and backyard | One application                                                                       |
| Captive bolt gun                                               | Floor-reared              | One application                                                                       |
| Permitted methods under constrained circumstances <sup>1</sup> |                           |                                                                                       |
| Method                                                         | Type of Poultry           | Standard                                                                              |
| Ventilation shutdown plus head                                 | Caged and floor-reared    | Minimum temperature of 104° F to 110°F within 30 minutes for a minimum of three hours |
| Not recommended <sup>1</sup>                                   |                           |                                                                                       |
| Method                                                         | Type of Poultry           | Standard                                                                              |
| Ventilation shutdown only                                      | Any                       | None                                                                                  |

Official veterinarian and their delegates in overseeing depopulation should:

- Balance animal welfare concerns with rapid and aggressive response to the animal health emergency.
- Consider the immediate risk of the depopulation activities to the health and safety of responders
- Verify that the Incident Commander's intent for selected depopulation method(s) is carried out.
- Stop activities that endanger responders, fail to meet standards for achieving depopulation goals, or are resulting in unacceptable stress to the birds. If the observer is unable to stop the activity, immediately notify the chain of command about the problem.
- Ensure a secondary method of depopulation is available and applied if the primary method fails to achieve depopulation goal.

Collect contact numbers prior to arrival at site:

| Contact                               | Name                                                                   | Phone Number                     |
|---------------------------------------|------------------------------------------------------------------------|----------------------------------|
| Incident Commander                    | Shauna Voss                                                            | 320-441-4055                     |
| National Incident Commander           | Click or tap here to enter text.                                       | Click or tap here to enter text. |
| Safety Officer                        | Click or tap here to enter text.                                       | Click or tap here to enter text. |
| Site Point of Contact                 | <span style="background-color: black; color: black;">[REDACTED]</span> |                                  |
| Total number of houses/barns on site: | 8 Barns                                                                |                                  |
| Total number of birds on site:        | 114,981                                                                |                                  |

**HPAI Monitoring Depopulation Report****Special ID: Meeker 09/** Premises ID [REDACTED]*Prepare a separate report for each house*

|                   |                                                                                    |
|-------------------|------------------------------------------------------------------------------------|
| House Name/Number | <u>Barn</u> <span style="background-color: black; color: black;">[REDACTED]</span> |
|-------------------|------------------------------------------------------------------------------------|

|                                                                                                                                                           |                     |                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|----------------------|
| <b>Set up and Preparation Activities (Examples: penning, sealing building, setting up containers):</b>                                                    |                     |                      |
| Description:<br>Emptied feed pans and raised water and feed lines in barn. Two flocks in the barns. Both flocks penned at the middle divider of the barn. |                     |                      |
| Date: 10/8/2023                                                                                                                                           | Start time: 3:30 pm | Finish time: 5:00 pm |

|                                                                       |
|-----------------------------------------------------------------------|
| <b>Weather Considerations (Examples temp, wind, rain, ice, snow):</b> |
| Description:<br>Fall weather, temps in the 50's with moderate wind.   |

|                                                         |         |                                    |         |
|---------------------------------------------------------|---------|------------------------------------|---------|
| <b>Primary Depopulation Method: Water-based Foaming</b> |         |                                    |         |
| Comments:<br><i>Click or tap here to enter text.</i>    |         |                                    |         |
| Start Time                                              | 5:30 pm | Approximate time at 50% mortality: | 6:00 pm |
| Time at 100% mortality or cessation of primary method:  |         | 6:30 pm                            |         |
| Was standard achieved?                                  | Yes     |                                    |         |

|                                                        |         |
|--------------------------------------------------------|---------|
| <b>Secondary Depopulation Method: Captive Bolt Gun</b> |         |
| Comments:<br><i>Click or tap here to enter text.</i>   |         |
| Was secondary method required?                         | Yes     |
| Number of birds requiring secondary method:            | 50      |
| Finish time (100% mortality):                          | 5:30 pm |
| Was standard achieved?                                 | Yes     |

|                                                  |        |
|--------------------------------------------------|--------|
| <b>Total # of Birds Depopulated in the House</b> | 13,736 |
|--------------------------------------------------|--------|

**Notes:**

|                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| This is the HPAI positive barn. Majority of mortality on the grow end which is the west end of the barn. About 350 mortalities since presumptive positive, 14,086 turkeys at presumptive positive. |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Name/Title of personnel completing this form: Sue Chapman, DVM Case Manager MN Board of Animal Health

**HPAI Monitoring Depopulation Report****Special ID: MN Meeker 09/** Premises ID: [REDACTED]

Goal: 100% mortality of birds in as short a time as possible with no injuries to responders

Table 1: Selected Methods of Depopulation

| Preferred methods of depopulation <sup>1</sup>                 |                           |                                                                                       |
|----------------------------------------------------------------|---------------------------|---------------------------------------------------------------------------------------|
| Method                                                         | Type of Poultry           | Standard                                                                              |
| Whole house gassing                                            | Caged and floor-reared    | CO <sub>2</sub> >40% and O <sub>2</sub> <10% within the house for 10 minutes          |
| Container gassing                                              | Caged and backyard        | Cessation of movement within 2 minutes at 50% CO <sub>2</sub>                         |
| Water-based foaming                                            | Floor-reared              | Cessation of movement within 10 minutes                                               |
| Cervical dislocation +/- mechanically assisted                 | Floor-reared and backyard | One application                                                                       |
| Captive bolt gun                                               | Floor-reared              | One application                                                                       |
| Permitted methods under constrained circumstances <sup>1</sup> |                           |                                                                                       |
| Method                                                         | Type of Poultry           | Standard                                                                              |
| Ventilation shutdown plus head                                 | Caged and floor-reared    | Minimum temperature of 104° F to 110°F within 30 minutes for a minimum of three hours |
| Not recommended <sup>1</sup>                                   |                           |                                                                                       |
| Method                                                         | Type of Poultry           | Standard                                                                              |
| Ventilation shutdown only                                      | Any                       | None                                                                                  |

Official veterinarian and their delegates in overseeing depopulation should:

- Balance animal welfare concerns with rapid and aggressive response to the animal health emergency.
- Consider the immediate risk of the depopulation activities to the health and safety of responders
- Verify that the Incident Commander's intent for selected depopulation method(s) is carried out.
- Stop activities that endanger responders, fail to meet standards for achieving depopulation goals, or are resulting in unacceptable stress to the birds. If the observer is unable to stop the activity, immediately notify the chain of command about the problem.
- Ensure a secondary method of depopulation is available and applied if the primary method fails to achieve depopulation goal.

Collect contact numbers prior to arrival at site:

| Contact                               | Name                                                                   | Phone Number                     |
|---------------------------------------|------------------------------------------------------------------------|----------------------------------|
| Incident Commander                    | Shauna Voss                                                            | 320-441-4055                     |
| National Incident Commander           | Click or tap here to enter text.                                       | Click or tap here to enter text. |
| Safety Officer                        | Click or tap here to enter text.                                       | Click or tap here to enter text. |
| Site Point of Contact                 | <span style="background-color: black; color: black;">[REDACTED]</span> |                                  |
| Total number of houses/barns on site: | 8 Barns                                                                |                                  |
| Total number of birds on site:        | 114,981                                                                |                                  |

**HPAI Monitoring Depopulation Report****Special ID: MN Meeker 09/** Premises ID: [REDACTED]*Prepare a separate report for each house*

|                   |                                                                                    |
|-------------------|------------------------------------------------------------------------------------|
| House Name/Number | <u>Barn</u> <span style="background-color: black; color: black;">[REDACTED]</span> |
|-------------------|------------------------------------------------------------------------------------|

**Set up and Preparation Activities (Examples: penning, sealing building, setting up containers):**

## Description:

Emptied feed pans and raised water and feed lines in barn. Two flocks in the barns. Both flocks penned to the east end of the barn. Any holes or gaps in the curtains sealed with plastic. Plastic to seal middle divider of barn.

Date: 10/9/2023

Start time: 7:30 am

Finish time: 9:00 am

**Weather Considerations (Examples temp, wind, rain, ice, snow):**

## Description:

Fall weather, temps in the 50's with moderate wind.

**Primary Depopulation Method: Ventilation Shutdown + heat**

## Comments:

*Click or tap here to enter text.*

Start Time: 9:28 am

Approximate time at  
50% mortality:

11:00 am

Time at 100% mortality or cessation of primary  
method:

12:45 pm

Was standard achieved?

Yes

**Secondary Depopulation Method: Captive Bolt Gun**

## Comments:

Turkeys that were unable to move to be penned to the east end. Most leg injuries.

Was secondary method required?

Yes

Number of birds requiring secondary method:

15

Finish time (100% mortality):

9:00 am

Was standard achieved?

Yes

Total # of Birds Depopulated in the House

14,007

**Notes:**

Additional Heaters used to rapidly increase temps along with the heaters in the barns. Barn achieved 104 degrees within 15 minutes. Temperature maintained above 104 degrees for 3 hours plus. About 20 mortalities since presumptive positive, 14,027 turkeys at presumptive positive.

Name/Title of personnel completing this form: Sue Chapman, DVM Case Manager MN Board of Animal Health

**HPAI Monitoring Depopulation Report****Special ID: MN Meeker 09/** Premises ID: [REDACTED]

Goal: 100% mortality of birds in as short a time as possible with no injuries to responders

Table 1: Selected Methods of Depopulation

| Preferred methods of depopulation <sup>1</sup>                 |                           |                                                                                       |
|----------------------------------------------------------------|---------------------------|---------------------------------------------------------------------------------------|
| Method                                                         | Type of Poultry           | Standard                                                                              |
| Whole house gassing                                            | Caged and floor-reared    | CO <sub>2</sub> >40% and O <sub>2</sub> <10% within the house for 10 minutes          |
| Container gassing                                              | Caged and backyard        | Cessation of movement within 2 minutes at 50% CO <sub>2</sub>                         |
| Water-based foaming                                            | Floor-reared              | Cessation of movement within 10 minutes                                               |
| Cervical dislocation +/- mechanically assisted                 | Floor-reared and backyard | One application                                                                       |
| Captive bolt gun                                               | Floor-reared              | One application                                                                       |
| Permitted methods under constrained circumstances <sup>1</sup> |                           |                                                                                       |
| Method                                                         | Type of Poultry           | Standard                                                                              |
| Ventilation shutdown plus head                                 | Caged and floor-reared    | Minimum temperature of 104° F to 110°F within 30 minutes for a minimum of three hours |
| Not recommended <sup>1</sup>                                   |                           |                                                                                       |
| Method                                                         | Type of Poultry           | Standard                                                                              |
| Ventilation shutdown only                                      | Any                       | None                                                                                  |

Official veterinarian and their delegates in overseeing depopulation should:

- Balance animal welfare concerns with rapid and aggressive response to the animal health emergency.
- Consider the immediate risk of the depopulation activities to the health and safety of responders
- Verify that the Incident Commander's intent for selected depopulation method(s) is carried out.
- Stop activities that endanger responders, fail to meet standards for achieving depopulation goals, or are resulting in unacceptable stress to the birds. If the observer is unable to stop the activity, immediately notify the chain of command about the problem.
- Ensure a secondary method of depopulation is available and applied if the primary method fails to achieve depopulation goal.

Collect contact numbers prior to arrival at site:

| Contact                               | Name                             | Phone Number                     |
|---------------------------------------|----------------------------------|----------------------------------|
| Incident Commander                    | Shauna Voss                      | 320-441-4055                     |
| National Incident Commander           | Click or tap here to enter text. | Click or tap here to enter text. |
| Safety Officer                        | Click or tap here to enter text. | Click or tap here to enter text. |
| Site Point of Contact                 | [REDACTED]                       |                                  |
| Total number of houses/barns on site: | 8 Barns                          |                                  |
| Total number of birds on site:        | 114,981                          |                                  |

**HPAI Monitoring Depopulation Report****Special ID: MN Meeker 09/** Premises ID [REDACTED]*Prepare a separate report for each house*

|                   |                                                                                    |
|-------------------|------------------------------------------------------------------------------------|
| House Name/Number | <u>Barn</u> <span style="background-color: black; color: black;">[REDACTED]</span> |
|-------------------|------------------------------------------------------------------------------------|

**Set up and Preparation Activities (Examples: penning, sealing building, setting up containers):**

## Description:

Emptied feed pans and raised water and feed lines in barn. Two flocks in the barns. Both flocks penned to the east end of the barn. Any holes or gaps in the curtains sealed with plastic. Plastic to seal middle divider of barn.

Date: 10/9/2023

Start time: 1:30 pm

Finish time: 3:00 pm

**Weather Considerations (Examples temp, wind, rain, ice, snow):**

## Description:

Fall weather, temps in the 50's with moderate wind.

**Primary Depopulation Method: Ventilation Shutdown + heat**

## Comments:

*Click or tap here to enter text.*

|                                                        |         |                                    |         |
|--------------------------------------------------------|---------|------------------------------------|---------|
| Start Time                                             | 3:18 pm | Approximate time at 50% mortality: | 5:20 pm |
| Time at 100% mortality or cessation of primary method: |         | 6:40 pm                            |         |
| Was standard achieved?                                 | Yes     |                                    |         |

**Secondary Depopulation Method: Captive Bolt Gun**

## Comments:

Turkeys that were unable to move to be penned to the east end. Most leg injuries.

|                                             |         |
|---------------------------------------------|---------|
| Was secondary method required?              | Yes     |
| Number of birds requiring secondary method: | 15      |
| Finish time (100% mortality):               | 3:00 pm |
| Was standard achieved?                      | Yes     |

|                                           |        |
|-------------------------------------------|--------|
| Total # of Birds Depopulated in the House | 12,150 |
|-------------------------------------------|--------|

**Notes:**

Additional Heaters used to rapidly increase temps along with the heaters in the barns. Barn achieved 104 degrees within 22 minutes. Temperature maintained above 104 degrees for 3 hours plus. About 10 mortalities since presumptive positive, 12,160 turkeys at presumptive positive.

Name/Title of personnel completing this form: Sue Chapman, DVM Case Manager MN Board of Animal Health

**HPAI Monitoring Depopulation Report****Special ID: MN Meeker 09/** Premises ID: [REDACTED]

Goal: 100% mortality of birds in as short a time as possible with no injuries to responders

Table 1: Selected Methods of Depopulation

| Preferred methods of depopulation <sup>1</sup>                 |                           |                                                                                       |
|----------------------------------------------------------------|---------------------------|---------------------------------------------------------------------------------------|
| Method                                                         | Type of Poultry           | Standard                                                                              |
| Whole house gassing                                            | Caged and floor-reared    | CO <sub>2</sub> >40% and O <sub>2</sub> <10% within the house for 10 minutes          |
| Container gassing                                              | Caged and backyard        | Cessation of movement within 2 minutes at 50% CO <sub>2</sub>                         |
| Water-based foaming                                            | Floor-reared              | Cessation of movement within 10 minutes                                               |
| Cervical dislocation +/- mechanically assisted                 | Floor-reared and backyard | One application                                                                       |
| Captive bolt gun                                               | Floor-reared              | One application                                                                       |
| Permitted methods under constrained circumstances <sup>1</sup> |                           |                                                                                       |
| Method                                                         | Type of Poultry           | Standard                                                                              |
| Ventilation shutdown plus head                                 | Caged and floor-reared    | Minimum temperature of 104° F to 110°F within 30 minutes for a minimum of three hours |
| Not recommended <sup>1</sup>                                   |                           |                                                                                       |
| Method                                                         | Type of Poultry           | Standard                                                                              |
| Ventilation shutdown only                                      | Any                       | None                                                                                  |

Official veterinarian and their delegates in overseeing depopulation should:

- Balance animal welfare concerns with rapid and aggressive response to the animal health emergency.
- Consider the immediate risk of the depopulation activities to the health and safety of responders
- Verify that the Incident Commander's intent for selected depopulation method(s) is carried out.
- Stop activities that endanger responders, fail to meet standards for achieving depopulation goals, or are resulting in unacceptable stress to the birds. If the observer is unable to stop the activity, immediately notify the chain of command about the problem.
- Ensure a secondary method of depopulation is available and applied if the primary method fails to achieve depopulation goal.

Collect contact numbers prior to arrival at site:

| Contact                               | Name                                                                   | Phone Number                     |
|---------------------------------------|------------------------------------------------------------------------|----------------------------------|
| Incident Commander                    | Shauna Voss                                                            | 320-441-4055                     |
| National Incident Commander           | Click or tap here to enter text.                                       | Click or tap here to enter text. |
| Safety Officer                        | Click or tap here to enter text.                                       | Click or tap here to enter text. |
| Site Point of Contact                 | <span style="background-color: black; color: black;">[REDACTED]</span> |                                  |
| Total number of houses/barns on site: | 8 Barns                                                                |                                  |
| Total number of birds on site:        | 114,981                                                                |                                  |

**HPAI Monitoring Depopulation Report****Special ID: MN Meeker 09/** Premises ID: [REDACTED]*Prepare a separate report for each house*

|                   |                                                                                    |
|-------------------|------------------------------------------------------------------------------------|
| House Name/Number | <u>Barn</u> <span style="background-color: black; color: black;">[REDACTED]</span> |
|-------------------|------------------------------------------------------------------------------------|

**Set up and Preparation Activities (Examples: penning, sealing building, setting up containers):**

Description:

Emptied feed pans and raised water and feed lines in barn. Two flocks in the barns. Both flocks penned to the east end of the barn. Any holes or gaps in the curtains sealed with plastic. Plastic to seal middle divider of barn.

Date: 10/9/2023

Start time: 3:30 pm

Finish time: 5:00 pm

**Weather Considerations (Examples temp, wind, rain, ice, snow):**

Description:

Fall weather, temps in the 50's with moderate wind.

**Primary Depopulation Method: Ventilation Shutdown + heat**

Comments:

*Click or tap here to enter text.*

|                                                        |         |                                    |         |
|--------------------------------------------------------|---------|------------------------------------|---------|
| Start Time                                             | 5:21 pm | Approximate time at 50% mortality: | 7:00 pm |
| Time at 100% mortality or cessation of primary method: |         | 8:50 pm                            |         |
| Was standard achieved?                                 | Yes     |                                    |         |

**Secondary Depopulation Method: Captive Bolt Gun**

Comments:

Turkeys that were unable to move to be penned to the east end. Most leg injuries.

|                                             |         |
|---------------------------------------------|---------|
| Was secondary method required?              | Yes     |
| Number of birds requiring secondary method: | 15      |
| Finish time (100% mortality):               | 5:00 pm |
| Was standard achieved?                      | Yes     |

|                                           |        |
|-------------------------------------------|--------|
| Total # of Birds Depopulated in the House | 14,097 |
|-------------------------------------------|--------|

Notes:

Additional Heaters used to rapidly increase temps along with the heaters in the barns. Barn achieved 104 degrees within 23 minutes. Temperature maintained above 104 degrees for 3 hours plus. About 20 mortalities since presumptive positive, 14,117 turkeys at presumptive positive.

Name/Title of personnel completing this form: Sue Chapman, DVM Case Manager MN Board of Animal Health

**HPAI Monitoring Depopulation Report****Special ID: MN Meeker 09/** Premises ID: [REDACTED]

Goal: 100% mortality of birds in as short a time as possible with no injuries to responders

Table 1: Selected Methods of Depopulation

| Preferred methods of depopulation <sup>1</sup>                 |                           |                                                                                       |
|----------------------------------------------------------------|---------------------------|---------------------------------------------------------------------------------------|
| Method                                                         | Type of Poultry           | Standard                                                                              |
| Whole house gassing                                            | Caged and floor-reared    | CO <sub>2</sub> >40% and O <sub>2</sub> <10% within the house for 10 minutes          |
| Container gassing                                              | Caged and backyard        | Cessation of movement within 2 minutes at 50% CO <sub>2</sub>                         |
| Water-based foaming                                            | Floor-reared              | Cessation of movement within 10 minutes                                               |
| Cervical dislocation +/- mechanically assisted                 | Floor-reared and backyard | One application                                                                       |
| Captive bolt gun                                               | Floor-reared              | One application                                                                       |
| Permitted methods under constrained circumstances <sup>1</sup> |                           |                                                                                       |
| Method                                                         | Type of Poultry           | Standard                                                                              |
| Ventilation shutdown plus head                                 | Caged and floor-reared    | Minimum temperature of 104° F to 110°F within 30 minutes for a minimum of three hours |
| Not recommended <sup>1</sup>                                   |                           |                                                                                       |
| Method                                                         | Type of Poultry           | Standard                                                                              |
| Ventilation shutdown only                                      | Any                       | None                                                                                  |

Official veterinarian and their delegates in overseeing depopulation should:

- Balance animal welfare concerns with rapid and aggressive response to the animal health emergency.
- Consider the immediate risk of the depopulation activities to the health and safety of responders
- Verify that the Incident Commander's intent for selected depopulation method(s) is carried out.
- Stop activities that endanger responders, fail to meet standards for achieving depopulation goals, or are resulting in unacceptable stress to the birds. If the observer is unable to stop the activity, immediately notify the chain of command about the problem.
- Ensure a secondary method of depopulation is available and applied if the primary method fails to achieve depopulation goal.

Collect contact numbers prior to arrival at site:

| Contact                               | Name                                                                   | Phone Number                     |
|---------------------------------------|------------------------------------------------------------------------|----------------------------------|
| Incident Commander                    | Shauna Voss                                                            | 320-441-4055                     |
| National Incident Commander           | Click or tap here to enter text.                                       | Click or tap here to enter text. |
| Safety Officer                        | Click or tap here to enter text.                                       | Click or tap here to enter text. |
| Site Point of Contact                 | <span style="background-color: black; color: black;">[REDACTED]</span> |                                  |
| Total number of houses/barns on site: | 8 Barns                                                                |                                  |
| Total number of birds on site:        | 114,981                                                                |                                  |

**HPAI Monitoring Depopulation Report****Special ID: MN Meeker 09/** Premises ID: [REDACTED]*Prepare a separate report for each house*

|                   |                 |
|-------------------|-----------------|
| House Name/Number | Barn [REDACTED] |
|-------------------|-----------------|

**Set up and Preparation Activities (Examples: penning, sealing building, setting up containers):**

## Description:

Emptied feed pans and raised water and feed lines in barn. Two flocks in the barns. Both flocks penned to the east end of the barn. Any holes or gaps in the curtains sealed with plastic. Plastic to seal middle divider of barn.

Date: 10/9/2023

Start time: 9:00 am

Finish time: 10:30 am

**Weather Considerations (Examples temp, wind, rain, ice, snow):**

## Description:

Fall weather, temps in the 50's with moderate wind.

**Primary Depopulation Method: Ventilation Shutdown + heat**

## Comments:

*Click or tap here to enter text.*

Start Time 11:08 am

Approximate time at  
50% mortality:

1:30 pm

Time at 100% mortality or cessation of primary  
method:

3:00 pm

Was standard achieved?

Yes

**Secondary Depopulation Method: Captive Bolt Gun**

## Comments:

Turkeys that were unable to move to be penned to the east end. Most leg injuries.

Was secondary method required?

Yes

Number of birds requiring secondary method:

20

Finish time (100% mortality):

10:30 am

Was standard achieved?

Yes

Total # of Birds Depopulated in the House

13,854

**Notes:**

Additional Heaters used to rapidly increase temps along with the heaters in the barns. Barn achieved 104 degrees within 50 minutes. Temperature maintained above 104 degrees for 3 hours plus. One of the additional heaters was half the size, and a door blew open at the bottom once corrected temps rose faster and reached 104 within 50 minutes. About 15 mortalities since presumptive positive, 13,869 turkeys at presumptive positive.

# HPAI Monitoring Depopulation Report

**Special ID: MN Meeker 09/** Premises ID: [REDACTED]

The logo for EMRS (Emergency Management Resource System) is displayed in a bold, sans-serif font.

Name/Title of personnel completing this form: Sue Chapman, DVM Case Manager MN Board of Animal Health

**Euthanasia Inspection Report  
HPAI 2022****Fed/State Assigned Contact:****Euthanasia Party**

Sue Chapman, DVM MN Board of Animal Health

| House/Barn/Pen                                  | Date Euthanasia Started     | Date Euthanasia Completed   | Total # Birds | Completed By    | Euthanasia Method    |
|-------------------------------------------------|-----------------------------|-----------------------------|---------------|-----------------|----------------------|
| Barn                                            | 10/8/2023                   | 10/8/2023                   | 13,736        |                 | Foam                 |
| Barn                                            | 10/8/2023                   | 10/8/2023                   | 14,076        |                 | Foam                 |
| Barn                                            | 10/9/2023                   | 10/9/2023                   | 16,357        |                 | Foam                 |
| Barn                                            | 10/9/2023                   | 10/9/2023                   | 16,219        |                 | Foam                 |
| Barn                                            | 10/9/2023                   | 10/9/2023                   | 14,007        |                 | Ventilation Shutdown |
| Barn                                            | 10/9/2023                   | 10/9/2023                   | 12,150        |                 | Ventilation Shutdown |
| Barn                                            | 10/9/2023                   | 10/9/2023                   | 14,097        |                 | Ventilation Shutdown |
| Barn                                            | 10/9/2023                   | 10/9/2023                   | 13,854        |                 | Ventilation Shutdown |
| Click here to enter text.                       | Click here to enter a date. |                             |               | Choose an item. | Choose an item.      |
| Click here to enter text.                       | Click here to enter a date. | Click here to enter a date. |               | Choose an item. | Choose an item.      |
| Click here to enter text.                       | Click here to enter a date. | Click here to enter a date. |               | Choose an item. | Choose an item.      |
| Click here to enter text.                       | Click here to enter a date. | Click here to enter a date. |               | Choose an item. | Choose an item.      |
| Total Number of Animals on Premises Depopulated |                             |                             | 114,496       |                 |                      |

**Final Inspection Date:** 10/9/2023**Comments:**[Click here to enter text.](#)

**X** Susan L  
Chapman, DVM

Digitally signed by Susan L.  
Chapman, DVM  
Date: 2023.10.11 19:50:22  
-0500

Inspector's Signature