United State Department of Agriculture
Food Safety and Inspection Service
Office of Field Operations
Chicago District Office
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July 27, 2022

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Mr. Cody Schneider, Owner
Trenton Processing Center, Inc.
Est. M31578
120 West Broadway
Trenton, IL 62293

NOTICE OF SUSPENSION HELD IN ABEYANCE

Dear Mr. Schneider:

This letter confirms verbal notification provided to you by Dr. Donald Fickey, District Manager, on July 27, 2022, of the Food Safety and Inspection Service's (FSIS) decision to place the Notice of Suspension (NOS) issued to your establishment on July 20, 2022, into abeyance. This action is based on the review, analysis, and acceptance of your proposed corrective actions and preventive measures submitted to the FSIS Chicago District Office on July 20, 22, 25 and 26, 2022.

Background

On July 20, 2022, you were notified of the FSIS decision to withhold the marks of inspection and suspend the assignment of inspection program personnel (IPP) from your slaughter process at Trenton Processing Center, Inc., establishment M31578, located at 120 West Broadway in Trenton, Illinois. This action was based on your establishment's failure to effectively implement humane methods of slaughtering and handling animals in a manner that complies with the requirements prescribed by the Federal Meat Inspection Act (FMIA) and the Humane Methods of Slaughter Act of 1978 (HMSA). Your establishment was in violation of Title 9 of the Code of Federal Regulations (9 CFR), Sections 313.15(a)(1) and 313.15(b)(1)(iii). The Rules of Practice, 9 CFR 500.3(b), specify that FSIS may issue a suspension without providing prior notification if an establishment is observed to be handling or slaughtering animals inhumanely. You were provided a written copy of the NOS.

Within the NOS, the FSIS Chicago District Office requested that you submit a written response with corrective actions and preventive measures to address the following:

1. Identify the specific reason(s) why the events described occurred.
2. Describe the specific action(s) that will be implemented to eliminate the cause of the incident and prevent future recurrences.
3. Describe the specific future monitoring activity or activities that your establishment will employ to ensure the actions implemented are effective.
4. Provide any supporting documentation and records maintained and associated with your proposed corrective actions and preventive measures.

Corrective Actions

On July 20, 2022, you submitted a written response with the proposed corrective actions intended to restore and maintain regulatory compliance as required. Upon receipt of these corrective actions, the FSIS Chicago District completed a review and analysis. On July 21, 2022, the District Veterinary Medical Specialist (DVMS) initiated a call with you. The DVMS identified that the corrective actions provided were incomplete in addressing the regulatory issues specified within the NOS and would not serve to restore and maintain regulatory compliance as required. Additional information and clarification to the proposed corrective actions was requested at that time. On July 22 and 25, 2022, you provided additional information and revisions. After review and analysis, you were issued an inadequate response dated July 26, 2022, specifying the requirement for additional details. On July 26, 2022, you provided the additional information as requested. Specifically, you proposed the following:

1. You identified the cause as the employee performing stunning failed to follow the HACCP plan guidelines regarding ineffective stunning. The HACCP plan requires that in the event of an ineffective stun, the employee should retrieve the loaded and ready firearm backup device located in the immediate area of the knock box and administer the corrective action stun. In this case, the employee descended the knock box, retrieved ammunition for the handheld captive bolt device, reloaded the device, returned to his position on the knock box, and waited for the animal to stop moving before he could administer the effective corrective action stun.
2. You required the employees to complete training and review the HACCP plan guidelines for humane handling. The training material was identified as *Animal Welfare and Humane Slaughter* by Dr. Temple Grandin and Gary C. Smith, Department of Animal Sciences, Colorado State University. The training included the topics of "unloading, moving the animals, and the stunning procedure and any abnormal event that could occur." You provided a written description of the HACCP plan humane handling requirements and the signed copies of the employee training acknowledgement for review.
3. You completed the installation of a head catch gate to limit the free movement of livestock within the knock box and provided pictures of the completed construction.
4. You will perform verification monitoring at a frequency of 100% for all cattle during the first week to include stunning effectivity and the function of the headgate. If there are no issues, the following week, every 3rd head of cattle will be monitored for the remainder of the 90-day "probationary" period. If there are no issues after this 90-day period, verification monitoring will be reduced to every 5th head of cattle for a period of 6 months. After 6 months, verification monitoring will be conducted for 2 random head of cattle for an additional 6-month period. You provided a copy of the form that will be used to document monitoring.
5. If there is a failure with the headgate, such as it does not restrain the cattle's head as it should, you will get an additional bracing for the gate. You provided a picture of this device. If you struggle to move the cattle into the headgate, you will get a gate behind them installed that will not allow them to back up and provided a picture of this backstop device. If there would be a malfunction in the headgate, you will immediately resort to using the backup .22 magnum caliber rifle and state that you have a .38 caliber pistol that you would use as backup to the .22 magnum caliber rifle.
6. You provided the associated references and supporting documentation as requested.

The FSIS Chicago District Office has concluded that these activities as described, provided they are successfully implemented, will serve to adequately address the regulatory issues identified within the NOS.

Summary and Conclusion

This letter serves as written notification that FSIS is placing the suspension of the assignment of IPP at your establishment into abeyance. The abeyance will remain in effect until your proposed corrective actions have been verified to be successfully implemented on a consistent and continuous basis. The corrective actions you proposed will be subject to verification by FSIS IPP. These verification activities will serve to assess the implementation of the corrective actions and the requirement to maintain compliance with the FMIA, HMSA, and all applicable FSIS regulations.

FSIS is committed to monitoring establishments' operations to verify compliance with the regulatory requirements. To assist in those verification activities as a contingency of abeyance, FSIS has developed a Verification Plan Report (VPR) based on your corrective actions. The VPR will be completed by FSIS IPP as a means to document the implementation of the corrective actions throughout the abeyance period. The VPR identifies specific elements of your corrective actions and the associated regulatory requirements. These will be subject to verification until FSIS has made the determination that your establishment has effectively implemented these corrective actions. Additionally, during the abeyance period, humane handling verification visits (HHVV) will be conducted at 30-day intervals to assess your progress in implementing the corrective actions. FSIS verification includes the expectation that you meet any time associated commitments identified within your proposal. Should your establishment fail to operate in accordance with these commitments or fail to comply with the regulatory requirements, FSIS will take immediate and appropriate regulatory control actions.

You are reminded that as an operator of a federally inspected facility, you are expected to fully comply with all FSIS regulations and to take appropriate corrective actions to prevent the inhumane treatment and slaughter of livestock. The HMSA, Sections 1901, 1902, and 1906, state that the slaughtering and handling of livestock are to be carried out only by humane methods. 9 CFR 313 contains the FSIS regulatory requirements that were promulgated based on the HMSA and the FMIA. It is fully expected that you comply with the HMSA, FMIA, and the regulatory requirements of Part 313, and that you carry out each of the corrective and preventive actions you proposed in response to the egregious incident. Failure to comply could result in the reinstatement of suspension at your facility or other appropriate administrative or legal actions. We urge your cooperation and voluntary compliance.

If you have questions regarding this matter, you may contact (b) (6) [redacted], (b) (6) [redacted] or this office at (630) 620-7474 or by fax at (630) 620-7599.

Sincerely,

DONAL FICKEY
Digitally signed by DONALD FICKEY
Date 2022.07.27 06 20 46 -0500'

Dr. Donald B. Fickey
District Manager
FSIS Chicago District