



United State
Department of
Agriculture

Food Safety
and Inspection
Service

Office of
Field Operations

Chicago District Office
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January 7, 2020

**ELECTRONIC COPY PROVIDED
AND DELIVERED BY COURIER**

Mr. Tom Dewig, Owner
Dewig Bros. Packing Co.
Establishment M17419
100 Maple Street
Haubstadt, IN 47639

NOTICE OF SUSPENSION HELD IN ABEYANCE

Dear Mr. Dewig:

This letter confirms verbal notification provided to you by Dr. Karnail Mudahar, Deputy District Manager, on January 7, 2020, of the Food Safety and Inspection Service's (FSIS) decision to place the Notice of Suspension (NOS) dated January 7, 2020, 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 January 7, 2020.

Background

On January 7, 2020, you were notified of the FSIS decision to withhold the marks of inspection and suspend the assignment of inspection program personnel from your slaughter process at Dewig Bros. Packing Co., establishment number M17419, located at 100 Maple Street, in Haubstadt, Indiana. 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 (HMSA). Your establishment was in violation of Title 9 of the Code of Federal Regulations (9 CFR), Section 313.15(a)(1). 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 that, at a minimum, 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 January 7, 2020, the FSIS Chicago District Office received your written response dated that same day. You identified the reason that the event described in the NOS occurred as improper angle of the captive bolt gun and provided photographs of the skull. Specifically, you proposed the following as a means to restore and maintain regulatory compliance as required:

1. All employees involved with the procedure for stunning have been retrained. The training was documented, and the employees signed and dated the training attendance sheet. You provided the reference to the training material and a copy of the training attendance sheet.
2. Monitoring will be conducted for at least 50% of the total cattle slaughtered each day for 60 days and then at least 25% of the total cattle slaughtered each day for the next 30 days. The monitor will verify accurate placement of the stunning device, verification of unconsciousness before shackling and hoisting, accurate placement of the security knock, and corrective actions, if necessary. Monitoring will be documented on the ROBUST HUMANE HANDLING AUDIT INTENSIFIED CATTLE SLAUGHTER form by any of the following (b) (6)
(b) (6) You provided a copy of the audit form.
3. If deviations or noncompliance occurs during the verification period, immediate corrective actions will be implemented, the process will be reevaluated, any additional measures deemed necessary will be implemented in order to restore compliance, the incident will be documented on Corrective Actions Sheet – Form #1016, and verification monitoring will restart to at least 50% of all cattle slaughtered daily for 60 days and then at least 25% of all cattle slaughtered daily for 30 days. You provided a copy of the corrective action form.

After a review and analysis of your proposed corrective actions, the FSIS Chicago District Office has concluded that these activities, 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 at your establishment into abeyance. The abeyance will remain in effect until such time as you have demonstrated successful and effective implementation of the proposed corrective actions. The implementation of the corrective actions will be subject to verification by FSIS inspection program personnel (IPP) to ensure no repetition of noncompliance related to your responsibilities regarding the applicable statutes and regulations.

FSIS is committed to monitoring establishments' operations to verify that they are fully complying with all regulatory requirements. To assist in those verification activities during the abeyance period, FSIS has developed a Verification Plan Report (VPR) based on your proposed corrective actions. The VPR will be completed by FSIS IPP as a means to verify and document regulatory compliance in conjunction with the conditions of this abeyance. The VPR identifies specific elements of your corrective actions and the associated regulatory requirements. These will be subject to verification until FSIS has concluded that your establishment has successfully implemented these corrective actions as proposed. FSIS verification includes the expectation that you meet any time associated commitments identified within your corrective actions. Should your establishment fail to operate in accordance with these commitments or fail to comply with the regulatory requirements, FSIS will take appropriate and immediate 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 Humane Methods of Slaughter Act of 1978 (Section 1901, 1902, and 1906)

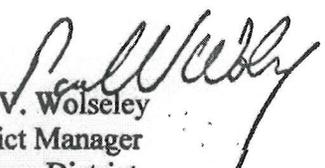
states that the slaughtering and handling of livestock are to be carried out only by humane methods. 9 CFR 313 contains the FSIS regulatory requirements that were promulgated based on the HMSA and the FMIA. It is fully expected that you comply with the HMSA, FMIA, and the regulatory requirements of Part 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 company's cooperation and voluntary compliance.

If you have questions regarding this matter, you may contact (b) (6)

(b) (6) or you may

contact this office at (630) 620-7474 or by fax at (630) 620-7599.

Sincerely,


Paul V. Wolseley
District Manager
Chicago District