



March 31, 2020

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Mr. Steve Sytsma, Owner
Steve & Laura, LLC
Est. M46184
1011 144th Avenue
Wayland, MI 49348

NOTICE OF REINSTATEMENT OF SUSPENSION HELD IN ABEYANCE

Dear Mr. Sytsma:

This letter confirms verbal notification provided to you on March 30, 2020, by Dr. Tamara Davis, Deputy District Manager, of the Food Safety and Inspection Service's (FSIS) decision to place the Notice of Reinstatement of Suspension (NROS) dated March 26, 2020, into abeyance. This action is based on the review, analysis, and acceptance of your collective proposed corrective actions and preventive measures submitted to the FSIS Chicago District Office on March 30, 2020.

Background

On March 26, 2020, you were notified of FSIS' decision to withhold the marks of inspection and suspend the assignment of inspectors from your slaughter process at Steve & Laura, LLC, Establishment M46184, located at 1011 144th Avenue in Wayland, Michigan, for 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), Humane Methods of Slaughter Act (HMSA), and Title 9 of the Code of Federal Regulations (9 CFR) section 313.16(a)(1) and 313.16(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 handling or slaughtering animals inhumanely. Because you were operating within the abeyance period of a previous Notice of Suspension (NOS) dated December 12, 2019 and placed into abeyance on January 16, 2020, the suspension was reinstated.

You were provided a written copy of the NROS requesting that you submit a written response with corrective actions and preventive measures that, at a minimum, specifically 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 March 30, 2020, you provided a written response identifying the cause of the incident as an ineffective initial stun due to improper shot placement and further discussions of the incident identified that animal movement delayed the implementation of the effective second stun. To restore and maintain regulatory compliance, you proposed the following:

As immediate corrective actions:

- The facilities stunning operator immediately initiated corrective actions without hesitation and without being instructed by FSIS personnel to effectively render the animal insensible with a second shot. The operator's firearm contained additional ammunition alleviating the need to use additional time to reload, although an additional stunning employee was ready with a backup firearm if it were to be needed.
- The stunning process was stopped immediately following the event.
- Management removed the stunning operator from the position and conducted an investigation.
- After a thorough investigation was conducted, a meeting was held on March 30, 2020 with the stunner employee and facility management to discuss numerous topics to including proper stunning placement and restraint.

As a continuing improvement corrective actions:

- All personnel that operate stunning equipment will be required to complete retraining on proper stunning procedures, knock hole placement, and identifying insensibility through a review of the "Stunning and Slaughter SOP" (Attachment A). After completion of the training the employees will be required to take and pass an exam administered. The completed training documents will be available for FSIS review prior to resuming stunning.
- All employees will receive annual retraining on the Stunning and Slaughter SOP noted.
- Further restricting the animal's mobility would create a more robust method to prevent potential delays for future stunning events by allowing the operator to administer the stunning blow with a high degree of accuracy as required by 9 CFR 313.1 6(b)(1)(iii). In order to limit the free movement of animals, the facility has revised the farm qualifications to include a requirement for further containment (Attachment B).
- Due to the unique structure of each individual farm, there is a high degree of variability in options for restricting movement across the various locations. The facility recognizes that a single approach for restraint cannot be applied at each individual location uniformly. In light of this variability, we have created parameters that must be met at each farm in order to be approved for slaughter. These parameters are as follows:
 - Farms will be required to provide a stunning location designed in a manner that restricts the animal sufficiently for the stunning operator to immediately locate the stunning area and administer a blow with a high degree of accuracy. Restrictions will include measures to prevent the stunning location on the animal from moving out of the operator's field of view and allow the firearm projectile to safely access the desired location. This requirement would provide a sufficiently narrow area to prevent the animal from turning around. This requirement would also result in the target area remaining in the forward-facing position for the operator.
 - Each individual farm will be inspected to ensure the area meets the facilities requirements prior to approving the location.
 - Approval for slaughter will be granted pending the successful completion of the inspection. Results of the inspection will be documented on the farm qualifications paperwork (Attachment B).
 - A facility employee will verify the continued adequacy of the containment area prior to stunning each slaughter production day for that farm. This verification will be documented on the facilities "Humane Handling Audit" (Attachment C). If a farm is found to be non-compliant with the containment requirements, slaughter will not occur until effective corrective actions have been taken.

To verify the effectiveness of corrective actions:

- Daily operational knocking efficiency audit conducted will be increased to 100% of all animals knocked per production day for the next consecutive eight scheduled slaughter days. This accounts for approximately two months of knocking for the establishment. These increased audits will be performed by a trained designee.
- Audit scores will be documented on the facilities current audit titled "Humane Handling Audit" (Attachment C) and will be provided to the stunner operator(s) for the duration of the observations.

- If at any time during these audits an animal is not rendered insensible, immediate corrective actions would be taken according to our Humane Handling and Slaughter Program and will initiate an additional knocking efficiency audit.
- If at any time during these audits an individual employee is observed to not follow procedures, that employee will be removed from stunning until they can be evaluated and necessary remedial actions can be implemented for that employee.

You also provided the referenced Attachments A, B, and C for review.

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 adequately address the regulatory issues identified within the NROS.

Summary and Conclusion

This letter serves as written notification that FSIS is placing the suspension of the assignment of inspection program personnel (IPP) at your establishment into abeyance. The abeyance will remain in effect until your corrective actions have been verified to be successfully implemented on a consistent and continuous basis.

FSIS is committed to monitoring establishments' operations to verify compliance with the 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.

In addition to FSIS IPP verification activities, a DVMS will conduct Humane Handling Verification Visits (HHVV) at approximate 30-day intervals throughout the abeyance period. 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 immediate and appropriate regulatory control actions.

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,
**TAMARA
DAVIS**

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/ For

Paul V. Wolseley
District Manager
Chicago District