



December 12, 2019

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Mr. Terry Bittner, Owner  
Est. M20855  
Chenoa Locker, Inc.  
8 North Veto Street  
Chenoa, IL 61726

### **NOTICE OF SUSPENSION HELD IN ABEYANCE**

Dear Mr. Bittner:

This letter confirms verbal notification provided to you by Dr. Karnail Mudahar, Deputy District Manager, on December 12, 2019, of the Food Safety and Inspection Service's (FSIS) decision to place the Notice of Suspension (NOS) dated December 11, 2019, 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 December 11, 2019.

#### **Background**

On December 10, 2019, you were notified of the FSIS decision to withhold the marks of inspection and suspend the assignment of inspectors from your slaughter process at Establishment M20855, Chenoa Locker, Inc., located at 8 North Veto Street, in Chenoa, 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 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 December 11, 2019, you submitted a written response describing the corrective actions proposed as a means to restore and maintain regulatory compliance as required. The District Veterinary Medical Specialist (DVMS) initiated a telephone call with you to request a few additional details. You provided those clarifications in an additional electronic mail submission.

Specifically, your response identified that the cause of the incident was a captive bolt device malfunction. You provided post mortem images identifying both shot placement in the poll, with one hole appearing to penetrate further into the skull than the other. To restore and maintain regulatory compliance, you proposed the following:

1. You have installed a head catch gate to be used on all cattle with the provision that long-horn type cattle will still be stunned within the knock box but may not be able to fit within the head catch gate. The employees responsible for cattle stunning have been instructed on the use of the newly installed head catch gate.
2. You cleaned and serviced the captive bolt devices and have purchased an additional captive bolt device. Captive bolt device maintenance will follow the manufacturers recommendations for service, and the service record will be available for review. Captive bolt guns will be sent out once a month to authorized specialists for maintenance, not to exceed 300 fires between maintenance. The captive bolt device will be test fired each day before slaughter begins, and the results will be documented on the zero tolerance log. You provided the manufacturers maintenance documentation and zero tolerance log for review.
3. Ammunition will be stored in a dry storage box in the office. On slaughter days, additional ammunition will be stored in a newly installed tray next to the knock box. That installation will be completed within one week. Until the tray is installed, the employee performing stunning will have additional ammunition in his pocket. You will verify the additional ammunition is on the kill floor and immediately available each cattle slaughter day. You provided a photo image of the dry storage box.
4. Verification monitoring will begin at 25% of cattle slaughtered each day for a period of 30 days. If no issues occur, the frequency of verification monitoring will be reduced to 15% of cattle slaughtered each day for a period of 30 days. If no issues occur, the verification monitoring frequency will be reduced to 10% for a period of 30 days. If any issues occur, the verification monitoring frequency will restart. Verification monitoring will include the results of observations for device placement, stunning effectivity, head catch gate use, and if the first shot is not effective, an immediate corrective action stun will be placed. You provided the verification monitoring form 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 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 inspection program personnel (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.

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. 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.

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

Sincerely,

*Samara M. Davis, DVM*

Paul V. Wolseley  
District Manager  
Chicago District

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