



February 14, 2020

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

NOTICE OF REINSTATEMENT OF SUSPENSION HELD IN ABEYANCE

Dear Mr. Bittner:

This letter confirms verbal notification provided to you by Dr. Karnail Mudahar, Deputy District Manager, on February 14, 2020, of the Food Safety and Inspection Service's (FSIS) decision to place the Notice of Reinstatement of Suspension (NROS) dated February 13, 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 February 13, and February 14, 2020.

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 Notice of Suspension (NOS).

Within the NOS, the FSIS Chicago District Office requested that you submit a written response with corrective actions and preventive measures that, if implemented accordingly, would serve to restore and maintain compliance with the regulatory requirements. Additionally, the NOS identified that should you fail to comply with these specific requirements, FSIS would take immediate and appropriate actions.

On January 14, 2020, and twice on February 13, 2020, ineffective captive bolt stunning attempts on cattle were observed resulting in noncompliance records issued for each. This trend occurring within a 30-day period during the abeyance was sufficient to conclude that the corrective actions implemented were insufficient in restoring and maintaining compliance as required.

On February 13, 2020, you were notified of the reinstatement of the NOS dated December 10, 2019. You were provided a written copy of the Notice of Reinstatement of Suspension (NROS) requesting that you provide written corrective actions 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 association with your proposed corrective actions and preventive measures.

Corrective Actions

On February 13 and February 14, 2020, you submitted a written response describing the corrective actions proposed as a means to restore and maintain regulatory compliance as required. Specifically, your response identified that the cause of the incident was inaccurate placement of the captive bolt device. Dissection of the head post mortem revealed inaccurate placement of the device resulted in the ineffective stunning. To restore and maintain regulatory compliance, you proposed the following:

1. Retrain employees using Temple Grandin's ***Recommended Captive Bolt Stunning Techniques for Cattle*** (<https://www.grandin.com/humane/cap.bolt.tips.html>).
2. The employee training will be documented, and you provided the document record sheet for review.
3. Verification monitoring will be conducted at a frequency of 50% of beef slaughtered each day for 30 days. If there are no problems during this time, the frequency will be reduced to 25% of beef slaughtered for 30 days. If no problems occur during this period, the frequency will be reduced to 10% for all beef slaughtered for 30 days.
4. If any problem should occur, you will take immediate effective corrective actions and restart the monitoring schedule.
5. Verification monitoring will be documented on a log sheet. You provided the sheet for review.
6. The verification log sheet will document monitoring of accurate placement, the first shot renders the animal unconscious, and if the first shot is not effective, the immediate corrective action shot will be documented and stated on the log.
7. The log will also document monitoring to ensure the effectiveness of the new training and if it does not work as intended, modifications will be made as necessary.

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 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 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,



Paul V. Wolseley
District Manager
Chicago District