



United State
Department of
Agriculture

Food Safety
and Inspection
Service

Office of
Field Operations

Chicago District Office
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September 17, 2019

**ELECTRONIC COPY PROVIDED
AND DELIVERED BY COURIER**

Mr. Paul Otten, Owner
Wenneman Meat Company, Inc.
Est. M27499
7419 State Route 15
St. Libory, IL 62282

LETTER OF DEFERRAL

Dear Mr. Otten:

This letter serves as official notification of the Food Safety and Inspection Service's (FSIS) decision to place the Notice of Intended Enforcement (NOIE), dated September 12, 2019, into deferral. 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 September 16 and 17, 2019.

Background

On September 12, 2019, the FSIS Chicago District Office notified you of the intent to withhold the marks of inspection and suspend the assignment of inspectors from your slaughter process at Wenneman Meat Company, Inc., located at 7419 State Route 15 in St. Libory, 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 (HMSA). Your establishment was in violation of Title 9 of the Code of Federal Regulations (9 CFR), Sections 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 it is determined that an establishment is handling or slaughtering animals inhumanely.

Because your establishment maintains a written systematic approach for the humane handling of livestock consistent with the guidelines for robustness and you had previously implemented this program successfully, the decision was to issue an NOIE in lieu of a suspension.

Within the NOIE, the FSIS Chicago District Office requested that you submit a written response to this office within three (3) working days from the date of your receipt of the written NOIE. The NOIE requested that the corrective actions in your response 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 September 16, 2019, the FSIS Chicago District Office received your written response dated that same day. You identified the cause of the incident as the extreme angle the stunning operator used when firing the 12-gauge shotgun, which caused the projectile to miss the bull's brain.

After a review of your proposed corrective actions, the FSIS Chicago District Office concluded that your response was inadequate and did not sufficiently provide for how you will ensure regulatory compliance is reestablished and maintained. You were issued a letter specifying additional information requested.

On September 17, 2019 you submitted an additional response to include the requested details and information. Your response to the NOIE included the following:

1. Slaughter floor employees will be retrained on the proper placement and proper angle to hold the gun to ensure penetration and achieve immediate unconsciousness. The training will consist of viewing the video "Humane Handling of Livestock and Poultry" by Dr. Temple Grandin, as well as demonstrations of gun placement angle for proper penetration. A completed employee training sign-off sheet was provided.
2. You will suspend the slaughter of bulls pending the engineering and construction necessary to install a head restraint. This will eliminate the use of the 12-gauge shotgun during this time. You are working with a company to design a head restraint system that will be compatible with your current kill floor design and proposed a 45-day window for the design and installation of the new head restraint system. A schematic and picture of the head restraint system you ordered were provided.
3. Once the head restraint system is installed, you would like to resume slaughter of bulls, which will require the use of the 12-gauge shotgun.
4. The head restraint will be used for all cattle once installed.
5. Upon resumption of livestock slaughter, a member of Wenneman's management will monitor 50% of the slaughter for the first 2 beef slaughters, then for the next 30 days, a member of Wenneman's management will monitor 25% of the slaughter. The monitor will verify correct use of the restraint, proper shot placement, proper angle of the shot, and stunning effectiveness. A copy of the monitoring form was provided.
6. Upon resumption of the slaughtering of bulls, a member of management will monitor 100% of bulls knocked with the 12-gauge shotgun (the only firearm used to stun bulls) for the first 30 days.
7. Deviations will be documented on the correction action form provided, and the involved employee will be retrained as necessary. If deviations occur, you will extend the monitoring period an additional 30 days.

After a review and analysis of your proposed corrective actions, the FSIS Chicago District Office has concluded that these proposed measures, provided they are successfully implemented, will serve to adequately address the regulatory issues identified within the NOIE.

Summary and Conclusion

This letter serves as written notification that FSIS is deferring the decision to suspend the assignment of inspectors from the slaughter process at your establishment. The deferral of this decision will remain in effect until your proposed corrective actions are demonstrated to have been successfully implemented on a consistent and continuous basis. The corrective actions you proposed will be subject to verification by FSIS inspection program personnel (IPP). This is to ensure no repetition of events related to your establishment's obligation for 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, 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 deferral. 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. 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 appropriate and immediate regulatory control actions.

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

Sincerely,


/For

Paul V. Wolseley
District Manager
Chicago District