



March 29, 2022

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Mr. John Beasley, Plant Manager
JBS Plainwell, Inc.
Est. M562M
11 11th Street
Plainwell, MI 49080

NOTICE OF SUSPENSION HELD IN ABEYANCE

Dear Mr. Beasley:

This letter confirms verbal notification provided to you by Dr. Donald Fickey, District Manager, on March 29, 2022, of the Food Safety and Inspection Service's (FSIS) decision to place the Notice of Suspension (NOS) issued to your establishment on March 29, 2022, 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 March 29, 2022.

Background

On March 29, 2022, you were notified of the FSIS decision to withhold the marks of inspection and suspend the assignment of inspection program personnel (IPP) from your slaughter process at JBS Plainwell, Inc., establishment M562M, located at 11 11th Street in Plainwell, Michigan. 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 313.1(a)(1) and 313.2(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 to 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 29, 2022, you submitted a written response with the proposed corrective actions intended to restore and maintain regulatory compliance as required. The FSIS Chicago District Office initiated a call with you requesting additional details and clarifications. You provided the following information in a revised response.

You determined the cause to be the result of a secondary employee assisting in the driving of cattle to the restrainer entrance that created a situation where animals were closely bunched up together by the entrance to the restrainer and the cattle coming from behind at a fast rate of speed colliding with the bunched-up cattle at the entrance. This allowed for an animal to be turned in the incorrect position and contorted as described in the NOS.

The immediate corrective actions were to remove the cattle from the lead up area by backing them out past the wall where the metal gate could be closed. The dead animal was removed from the lead up area. The secondary employee that was driving the cattle in the lead up area was suspended pending an investigation of the events. Additionally:

1. All employees that are part of live animal welfare activities, to include Harvest Management, Quality Assurance, and hourly team members, were brought into the office to review the situation, the actions of the employee that created the situation, what should have been done, and provided the company's animal welfare training modules for retraining purposes.
2. A structural review of the area was conducted, and it was determined that the animals in the lead up area from the wall to the entrance to the restrainer can "look over" to the right and see what is going on. In an effort to curtail that action, a solid metal partition was installed on the right side of the lead up area as a means to block the peripheral view of the animal, limiting the view of the animal to the front.

To prevent recurrence, you proposed:

1. All employees that handle live animals will have weekly follow up meetings with management to discuss any situation(s) that have occurred for that work week. This meeting will begin on Monday, April 4, 2022, prior to the start of slaughter operations and will continue each week on Monday prior to shift for 30 days. After the 30 days, an assessment will be conducted to determine the efficacy of this meeting and at what continued frequency this will occur. Attendance will be documented.
2. You will perform a comprehensive review of your animal welfare areas and design. This review will include facility management, corporate officials, and animal welfare specialists (Dr. Temple Grandin) within 60 days of this response. You will document a list of items discussed during this review and assess the actions you will take to further improve your areas.
3. You have updated your Cattle Driving Standard Operating Procedure (SOP) to delineate acceptable use of cattle driving tools. You have enhanced the statement that "When the animals are moving, they should not be prodded with anything. That includes electric prods, air prods, paddles, or other handling tools. An animal should never be prodded when they have no opportunity to move forward, nor should an animal be prodded to try to force the animal ahead of it to move" in bold font. This was done to ensure that the cattle drivers know what is considered acceptable behavior.

You proposed the following verification monitoring:

1. For the remaining days of the current week, March 30 through April 2, 2022, a trained animal welfare quality assurance individual will be placed in the lead up to the restrainer area, 100% of the time, to verify that the retraining of the employees that are handling live animals was effective. Any actions that would result in a deviation will require the situation to be immediately reviewed by the General Manager and Technical Services Director and will be documented on the Animal Handling Observations Form available for review.
2. For the next 30 calendar days beginning March 30, 2022, there will be a trained operation's team member present in the lead up and restrainer area to observe daily operations once each period during

each of the three periods daily, to ensure compliance to the Cattle Driving Standard Operating Procedure.

3. A trained animal welfare quality assurance technician or designee will verify compliance to the SOP "Cattle Driving". The audits of compliance will be conducted on a per period basis and will have a minimum of 100 head reviewed. These will be documented on the Cattle Driving Audit Form. These will be in addition to the current daily audits performed. This audit will begin March 30, 2022, and at the end of 30 calendar days, you will evaluate the documentation created during this time and determine if the operations personnel and QA are still necessary in this area. The documentation will be available for review.
4. For the next 60 days beginning March 30, 2022, Operations Management will perform audits once per period that will be documented on the Cattle Driving Audit Form. Any actions that would result in a deviation will require the situation to be immediately reviewed by the General Manager and Technical Services Director and will be documented.

You provided the referenced documents for review.

The FSIS Chicago District Office has concluded that these activities as described, 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 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. The corrective actions you proposed will be subject to verification by FSIS IPP. These verification activities will serve to assess the implementation of the corrective actions and the requirement to maintain 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 as a contingency of abeyance, FSIS has developed a Verification Plan Report (VPR) based on your corrective actions. The VPR will be completed by FSIS IPP as a means to document the implementation of the corrective actions throughout the abeyance period. 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. Additionally, during the abeyance period, humane handling verification visits (HHVV) will be conducted at 30-day intervals to assess your progress in implementing the 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 immediate and appropriate 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 HMSA, Sections 1901, 1902, and 1906, state 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 cooperation and voluntary compliance.

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

Sincerely,

DONALD Digitally signed by
DONALD FICKEY
FICKEY Date: 2022.03.29
20:30:28 -0500

Dr. Donald B. Fickey
District Manager
FSIS Chicago District