



May 3, 2023

Hand Delivered on May 3, 2023
Electronically Submitted on May 3, 2023
FedEx Tracking: [772030803631](#)

West Michigan Beef Co. LLC
Est. M1816
3007 Van Buren Street
Hudsonville, MI 49426
don@westmichiganbeef.com
(616) 669-1212

LETTER OF DEFERRAL

Attention: Mr. Don Vander Boon, Owner/Manager

On April 27, 2023, 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 West Michigan Beef Co. LLC, Establishment M1816, located at 3007 Van Buren Street in Hudsonville, 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 Federal Meat Inspection Act (FMIA) and Humane Methods of Slaughter Act (HMSA). Your establishment was in violation of Title 9 of the Code of Federal Regulations (9 CFR) section 313.15(a)(1) regarding the humane slaughter of livestock. 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.

The FSIS Chicago District Office exercised regulatory discretion in consideration of your robust systematic approach, and you were issued a Notice of Intended Enforcement (NOIE) deferring the decision to withhold the marks of inspection and suspend the assignment of inspectors from your slaughter process. Within the NOIE, the FSIS Chicago District Office requested that you submit a written response within three (3) working days. Specifically, the corrective actions were to address the following:

- Evaluate and identify the nature, and cause of the incident.
- Describe the specific actions taken to eliminate the cause of the incident and prevent future recurrences.
- Describe specific monitoring activities planned to ensure future compliance.
- Provide any supporting documentation and records maintained and/or associated with the proposed corrective actions and preventive measures.

On May 1, 2023, the FSIS Chicago District Office received your response. After a review and analysis, the Chicago District Office telephoned you on May 2, 2023, to discuss that additional

details and clarifications were requested. You provided a revised response to include the additional details requested later that same day.

You identified the cause as anatomic abnormalities of the skull and subsequent location of the brain because the steer was hydrocephalic. Postmortem examination revealed the hydrocephalic condition resulted in the brain at a location lower and deeper in the skull than anatomically typical. Although poll stunning was a consideration, the employees weighed the risk of not using the head restraint to administer the poll stun or maintain the restraint and attempt to stun from the front and placing the shot on the forehead. After some discussion, the employee elected to use restraint and attempt the shot from the front as is standard procedure. This resulted in multiple ineffective attempts until the head restraint was disengaged and an effective poll stun was placed. To restore and maintain regulatory compliance, you proposed the following:

- Establishment management will be notified before stunning of hydrocephalic animals or animals in a similar condition.
- All hydrocephalic cattle or similar type cattle will be stunned using a bull type captive bolt device placed onto the poll area. A firearm will be used as backup to the bull stunner and will be kept next to the knock box while the stun is being performed.
- Employees performing cattle stunning will be trained in this new procedure and the results documented.
- Verification monitoring for stunning effectivity of hydrocephalic cattle or similar type cattle will be conducted by the Humane Handling Coordinator or designee at a frequency of 100% for a period of at least 90 days.
- The results of verification monitoring for the stunning of hydrocephalic cattle will be documented on the Daily Humane Handling Observation log with a notation indicating that it was a hydrocephalic animal and indicate if corrective actions were necessary. Corrective actions will be recorded on the company's CAPA form.
- If corrective actions are required for stunning hydrocephalic cattle, these procedures will be reevaluated and changes to these will be made as necessary. These changes will be documented in the corrective action.

You provided copies of the referenced documentation for review.

After a review and analysis of your proposed corrective actions and preventive measures, your response was found to adequately address the regulatory issues described within the NOIE.

This letter serves as written notification that FSIS is deferring the decision to suspend slaughter inspection at your facility. The deferral of this decision will remain in effect until such time as your establishment has demonstrated effective implementation of its proposed corrective actions and preventive measures, subject to verification by FSIS to ensure no repetition of noncompliance related to your facility's responsibilities for the Federal Meat Inspection Act, the Humane Methods of Slaughter Act, 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 to be completed by FSIS in-plant inspection personnel. Enclosed is a


Mr. Don Vander Boon, Owner
West Michigan Beef Co. LLC, Est. M1816

Letter of Deferral
May 3, 2023

copy of the Verification Plan FSIS in-plant inspection personnel will use to verify regulatory compliance in conjunction with the conditions of this Notice of Deferral. This specific Verification Plan is designed to verify that your establishment fully implements corrective measures proposed in your response, and that these actions are effective in ensuring ongoing regulatory compliance. It identifies specific elements of your corrective measures and the relevant regulatory requirements subject to verification until such time as FSIS determines that your establishment has effectively implemented your proposed corrective measures. FSIS verification includes the expectation that you meet any timeframe commitments identified within your proposed corrective measures. 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.

Should you have questions regarding this matter, you may contact (b) (6), District Veterinary Medical Specialist (DVMS), at (b) (6) (b) (6), DVMS, at (b) (6) (b) (6); or you may contact this office at (630) 620-7474 or by fax at (630) 620-7599.

Sincerely,

 Digitally signed by
WILLIAM CRANFORD For/
Date: 2023.05.03
09:34:36 -0500

Dr. Donald B. Fickey
District Manager
FSIS Chicago District