



November 15, 2024

Stutzman Brothers Meats LLC
Est. M45535
31320 E. US 12
Sturgis, MI 49091
sales@stutzmanmeats.com
(269) 651-6036

HAND DELIVERED on 11/15/2024
ELECTRONIC MAIL on 11/15/2024
FEDEX TRACKING #7799 8833 8420

Attention: Mr. Timothy Hall, Owner

NOTICE OF SUSPENSION HELD IN ABEYANCE

This letter confirms verbal notification provided to you, Mr. Timothy Hall, Owner, by Mr. William Cranford, Deputy District Manager, on November 15, 2024, of the Food Safety and Inspection Service's (FSIS) decision to place the Notice of Suspension (NOS) issued to your establishment on November 12, 2024, 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 November 13, 14, and 15, 2024.

Background

On November 12, 2024, your establishment was 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 Stutzman Brothers Meats LLC, establishment M45535, located at 31320 E. US 12 in Sturgis, MI. 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), Section 313.15(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:

- 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.

Corrective Actions

On November 13, 2024, your establishment submitted a written response describing the corrective actions proposed as a means to restore and maintain regulatory compliance as required. The response identified

that the cause of the incident was due to the employee letting go of the head restraint before the second shot was administered, and in an additional response, included stunning as well. Your establishment submitted an initial response for review, and after a review and analysis of your proposed corrective actions, the FSIS Chicago District concluded the response lacked sufficient detail and requested additional information. You were provided an inadequate response letter specifying the additional information. Your establishment submitted a revised response for review, and the District Veterinary Medical Specialist (DVMS) initiated a follow up phone call to discuss additional details and clarifications for those corrective actions. Your establishment revised and submitted another response in which you proposed the following corrective actions to restore and maintain regulatory compliance as required:

1. "All kill floor employees now understand that restraint should be maintained until the animal is rendered insensible. Employee Two holds the restraint bar down and verbally confirms that the brake is locked into place to Employee One. Employee One quickly administers the stun so as not to raise excitement. After the first stun by Employee One, both employees look for signs of unconsciousness, such as collapse, no eye tracking, and floppy ears. After the animal is rendered insensible, no other action is taken. Then the employee will release the restraint and shackle the animal. If the animal is still conscious after the first stun, the stunning operator will immediately apply corrective actions."
2. "Employees who work the kill floor were trained on the establishment's robust humane handling program and FSIS' Consciousness and Stunning training. You provided a copy of each of those documents. In this training session, you stated that you also showed the employees how the handbrake works, and each employee practiced using the handbrake." A copy of the form used to document completed training was provided.
3. "(b) (4)" representative visited the establishment on 11/12/2024 and ascertained that there was slight wear on the hold down arm rod that the brake grabs to keep the hold down arm in place. He re-grinded the rod to give the brake a rougher surface and grooves to grab. This will make it easier for the employee to hold the restraint in place. Our maintenance person will monitor the rod surface weekly for maintaining a proper functioning knock box." You provided the Knock Box Maintenance Log monitoring form.
4. "Supervisor will be checking each day that the equipment is clean and in good working order (monthly) at the end of each day. After two months, we will review records. If there are no issues, we will move to once per week." You provided a copy of the form "Humane Handling Monitoring Record."
5. "On our kill days, the Supervisor will be looking for each employee to follow proper humane handling as per our robust handling program. Including but not limited to, proper handling of livestock and no injuries prior to stun, beef is restrained and stunned with minimal excitement and discomfort, stunning equipment works properly and is placed in the correct area on each beef, and that all beef remain insensible to pain after application of stunner and throughout shackling, etc. After the two months of supervision, there will be an ongoing review 1 day per month. Currently we slaughter (b) (4) cattle per week. After the two months, we expect supervision on (b) (4) out of (b) (4) kills." You provided a copy of the form titled "Humane Handling Monitoring Record."

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 requirements 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), DVMS, at (b) (6) or you may contact this office at (630) 317-1293.

Sincerely,

(b) (6) Digitally signed
by WILLIAM
CRANFORD DDM For/
Date: 2024.11.15
13:10:33 -0600

Dr. Donald B. Fickey
District Manager
FSIS Chicago District