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August 13, 2024

Meat Processing Career Center  
Est. M45705  
11446 State Route 762  
Orient, OH 43146  
(b) (6) [@drc.ohio.gov](mailto:(b) (6)@drc.ohio.gov)  
(614) 877-4362

HAND DELIVERED on 08/13/2024  
ELECTRONIC MAIL on 08/13/2024  
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Attention: Mr. Robert Caplinger, Plant Manager

## LETTER OF DEFERRAL

On August 6, 2024, 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 Meat Processing Career Center, Establishment M45705, located at 11446 State Route 762 in Orient, OH. 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 the 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)(3) 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 August 8, 2024, the FSIS Chicago District Office received your initial written response as requested. After a review and analysis, the District Veterinary Medical Specialist (DVMS) notified your establishment on August 8, 2024, via e-mail, that additional details and clarifications were requested. On August 12, 2024, you provided a revised response to include the additional details requested.

You identified that the cause of the incident was due to the inadequately placed stuns, one being off center and the other penetrating at an angle towards the ear, indicating the brain may not have been properly penetrated to maintain complete unconsciousness. You stated that the animal would not settle down and continually moved its head back and forth/side to side, making it difficult to apply the stun in the perfect location on the forehead.

You proposed the following corrective actions and preventive measures as a means to restore and maintain regulatory compliance as required:

- The OPI MPCC modified the knock box head restraint to greatly reduce the animal's ability to move its head back and forth/side to side, and thus greatly improving the employee's ability to more precisely apply the stun to the forehead accomplishing unconsciousness. You provided before and after pictures of the modified knock box head restraint when it was "tacked" on. It has since been welded on and is ready for use at this time.
- All offender personnel responsible for stunning will be retrained and re-evaluated for compliance with industry/regulatory standards. They will be trained on proper stunning procedures using skulls saved from previous harvests to practice applying the pneumatic stunner to the forehead. Training will be completed by September 1, 2024. You provided copies of the forms that will be used to document completion of the training and the training materials from Dr. Temple Grandin and FSIS to be used.
- Until offender personnel have been trained and can demonstrate competency, the MPCC supervisor responsible for managing and training of the harvest floor offender employees will perform the stunning. Incarcerated adults will remain in the knock area for training and guidance purposes.
- Supervisory staff will continue to be present during stunning procedures to oversee offender employees and observe all stunning. They are also responsible for emergency stunning with a handheld captive bolt unit if necessary. Offender employees are not permitted to use the handheld device, as this goes against DRC security policies. Also, should the pneumatic device be inoperable, the handheld captive bolt is employed as your backup and may only be used by supervisory staff.
- Every animal is monitored by employees for insensibility (nose pinch, eye touch, no vocalization, no rhythmic breathing, etc.) prior to dropping out of the knock box. After dropping from the knock box, employees continue to monitor for other signs of sensibility (rhythmic breathing, righting actions, tongue hanging loose from the mouth, etc. per the guidelines). You provided a revised version of your monitoring form where you have added "Operator accurately directs the bolt to produce unconsciousness" under the pneumatic and captive bolt stunner sections. A checkmark in the "true" column indicates that the supervisor witnessed *all* animals were insensible. If any one animal is not insensible, the "false" column will be marked, harvest will halt, and details/corrective actions will be documented.
- For the next 8 beef harvests, roughly 2 months, a supervisor will monitor the skulls of every animal at the head inspection station to evaluate the consistency of the placement of the stun on the skull. This will be documented on the new form created for that purpose. This information will be used to help evaluate employees' continued compliance with their training. (It is assumed that all animals will have been rendered unconscious, otherwise the facility will be shut down. With this in mind, you will note if any knocks are "off-

center” to help you understand the effectiveness of off-center hits.) After 8 weeks, should the data reveal compliance is being met, monitoring will be performed thereafter on 3 skulls per harvest to assist supervisors’ evaluation of continued compliance. You provided a copy of the monitoring form to be used.

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 NOIE.

This letter serves as written notification that FSIS is deferring the decision for further enforcement action 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 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.

If you have any questions, please contact (b) (6), DVMS, at (b) (6) or electronic mail at (b) (6)@usda.gov. Additionally, you may contact the Chicago District Office at (630) 317-1293.

Sincerely,

**KELSEY** Digitally signed  
by KELSEY TRAVIS  
**TRAVIS** Date: 2024.08.13  
11:16:49 -0500

Dr. Donald B. Fickey  
District Manager  
FSIS Chicago District