



January 22, 2020

**ELECTRONIC COPY PROVIDED  
AND DELIVERED BY COURIER**

Mr. Steve Sytsma, Owner  
Steve & Laura, LLC  
Est. M46184  
1011 144<sup>th</sup> Avenue  
Wayland, MI 49348

### **NOTICE OF SUSPENSION HELD IN ABEYANCE**

Dear Mr. Sytsma:

This letter confirms verbal notification provided to you on January 16, 2020, by Mr. Michael Watts, Executive Associate for Regulatory Operations, of the Food Safety and Inspection Service's (FSIS) decision to place the Notice of Suspension (NOS) dated December 12, 2019, into abeyance. This action is based on the review, analysis, and acceptance of your collective proposed corrective actions and preventive measures submitted to the FSIS Chicago District Office.

#### **Background**

On December 12, 2019, you were notified of FSIS' decision to withhold the marks of inspection and suspend the assignment of inspectors from your slaughter process at Steve & Laura, LLC, Establishment M46184, located at 1011 144<sup>th</sup> Avenue in Wayland, Michigan, for 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), Humane Methods of Slaughter Act (HMSA), and Title 9 of the Code of Federal Regulations (9 CFR) section 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 an establishment is handling or slaughtering animals inhumanely. You were provided a written copy of the NOS. The NOS described three attempts to stun a steer standing in a holding pen. The steer was confined to the pen with nothing in place to limit free movement. The steer was able to freely move its head and body in any direction. The first two shots were ineffective, striking the steer in the head, with the movement of the steer causing inaccurate placement of both shots. The third attempt effectively stunned the steer. Additionally, the second and third shots could not be immediately attempted due to the free movement of the steer.

Within the NOS, the FSIS Chicago District Office requested that you submit a written response with corrective actions and preventive measures that, at a minimum, 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 association with your proposed corrective actions and preventive measures.

### **Corrective Actions**

To restore and maintain regulatory compliance, you proposed the following:

1. Employees were trained on identifying and addressing people and other environmental factors that could result in a distraction to the animal. Training materials and completion certificates were provided.
2. Employees were retrained on proper knocking procedures including placement, to include differences between beef and dairy breeds. Training materials and completion certificates were provided.
3. All employees will receive annual retraining on the Stunning and Slaughter SOP noted.
4. "Humane Animal Handling and Stunning Training" provided by Michigan State University will be implemented as part of your establishment's new stunner training program and has been added to your revised animal handling plan.
5. The daily operational knocking efficiency audit conducted will be increased to 100% of all animals knocked per production day for the next consecutive eight scheduled slaughter days. This accounts for approximately two months of knocking for the establishment. These increased audits will be performed by a trained designee. Audit scores will be documented and provided to the stunner operator(s) for the duration of the observations.
6. If at any time during these audits an animal is not rendered insensible, immediate corrective actions would be taken according to our Humane Handling and Slaughter Program, the event will be documented on the monitoring form, and an additional knocking efficiency audit will be initiated, wherein the next 15 consecutive head are monitored. This additional audit may occur over multiple slaughter days.
7. If at any time during these audits an individual employee is observed to not follow procedures, that employee will be removed from stunning until they can be evaluated, and necessary remedial actions can be implemented for that employee.
8. A third-party audit will be conducted on the Mobile Slaughter Unit by a certified PAACO auditor on the first day of operations after reinstatement. This will be scheduled with owners but unannounced to operational personnel.

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 issues identified within the NOS.

### **Summary and Conclusion**

This letter serves as written notification that FSIS is placing the suspension of the assignment of inspection program personnel (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 regulatory requirements of 9 CFR 313.16(b)(1)(iii) require, "*The stunning area shall be so designed and constructed as to limit the free movements of animals sufficiently to allow the operator to locate the stunning blow with a high degree of accuracy.*" Please note that the regulatory requirements of 9 CFR 313.16(b)(1)(iii) are specific to the design of the facilities used to stun livestock with a firearm. The absence of measures implemented that effectively limit animal movement and cause the attempted shot(s) to be inaccurately placed remain a vulnerability and result in an increased risk for failure to comply with this regulatory requirement. The failure to comply with this and all applicable humane handling requirements will result in immediate and appropriate regulatory control actions.

FSIS is committed to monitoring establishments' operations to verify compliance with the regulatory requirements. To assist in those verification activities during the abeyance period, 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 abeyance. The VPR identifies specific elements of your corrective actions and the associated regulatory requirements. These will be subject to verification until FSIS has concluded that your establishment has successfully implemented these corrective actions as proposed. In addition to FSIS IPP verification activities, a DVMS will conduct Humane Handling Verification Visits (HHVV) at approximate 30-day intervals throughout the abeyance. FSIS verification includes the expectation that you meet any time associated commitments identified within your corrective actions.

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

Sincerely,

  
Paul V. Wolseley  
District Manager  
Chicago District