



February 21, 2020

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(b) (6)

C. Roy, Inc.
Est. M10114
444 Roy Drive
Yale, MI 48097

NOTICE OF SUSPENSION HELD IN ABEYANCE

Dear (b) (6)

This letter confirms verbal notification provided to Ms. Jennifer Roy, Plant Manager, by Mr. William Cranford, Deputy District Manager (DDM), on February 20, 2020, of the Food Safety and Inspection Service's (FSIS) decision to place the Notice of Suspension (NOS) dated February 20, 2020, 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 February 20, 2020.

Background

On February 20, 2020, you were notified of the FSIS decision to withhold the marks of inspection and suspend the assignment of inspection program personnel from your slaughter process at C. Roy, Inc., establishment M10114, located at 444 Roy Drive, in Yale, 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 (HMSA). Your establishment was in violation of Title 9 of the Code of Federal Regulations (9 CFR), Section 313.30(a)(4). 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 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 associated with your proposed corrective actions and preventive measures.

Corrective Actions

On February 20, 2020, the FSIS Chicago District Office received your written response. You identified the reason that the incident described in the NOS occurred was the result of an employee failing to recognize the signs of regaining consciousness in an animal that had been previously stunned and stuck to initiate exsanguination.

You proposed corrective actions as a means to restore and maintain compliance as required. Specifically, you proposed the following:

1. Retrain employees on recognizing the signs of regaining consciousness, conducted by Michigan State University Extension Service. The training will include Temple Grandin video: Use of proper livestock handling tools and moving livestock calmly, showing examples of electric stunning (provided video link) and Discussing Current, voltage and resistance (provided video link).
2. Employees will confirm training, sign and date in acknowledgement, and take a test to confirm training results. You provided the training material references, signed and dated training form, and the test results for review.
3. Reassess the written robust plan to include weekly verification that employees are monitoring for signs of animals regaining consciousness.
4. A PAACO certified auditor will conduct a documented stunning assessment on the first day hog slaughter resumes operation. The results will be available for review.
5. Increased verification monitoring will be conducted at a frequency of two hogs each slaughter day for a period of 30 days. The verification monitoring will be signed and dated by the monitor and will be for stunning effectivity and also specify the signs of regaining consciousness and the results of each documented on the form "Signs of Sensibility Monitoring Log." You provided the document for review.
6. If any issues with regaining consciousness are identified during the increased verification monitoring period, immediate corrective actions will be implemented and the increased verification monitoring will resume for 30 days.
7. If there are no issues identified during the 30-day increased verification monitoring period, the verification monitoring for regaining consciousness will return to once weekly as specified within the written robust plan.

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 at your establishment into abeyance. The abeyance will remain in effect until such time as you have demonstrated successful and effective implementation of the proposed corrective actions. The implementation of the corrective actions will be subject to verification by FSIS inspection program personnel (IPP) to ensure no repetition of noncompliance related to your responsibilities regarding the applicable statutes and regulations.

FSIS is committed to monitoring establishments' operations to verify that they are fully complying with all 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. Additionally, a District Veterinary Medical Specialist (DVMS) will

conduct humane handling verification visits (HHVV) at approximate 30-day intervals to evaluate your progress in implementing these corrective actions. These verification activities will continue until FSIS has concluded that your establishment has successfully implemented these corrective actions on a continued and consistent basis. FSIS verification includes the expectation that you meet any time associated commitments identified within your corrective actions. 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 Humane Methods of Slaughter Act of 1978 (Section 1901, 1902, and 1906) states 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)

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Sincerely,

William Crawford ^{DDM FOR}
 Paul V. Wolseley
 District Manager
 Chicago District