



September 2, 2020

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Mr. Larry Slenk, President/GM
Fillmore Beef Company, Inc.
M10036
5812 142nd Avenue
Holland, MI 49423

LETTER OF DEFERRAL

Dear Mr. Slenk:

This letter serves as official notification of the Food Safety and Inspection Service's (FSIS) decision to place the Notice of Intended Enforcement (NOIE), dated August 28, 2020, into deferral. 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 September 1 and September 2, 2020.

Background

On August 28, 2020, Deputy District Manager Dr. Tamara Davis verbally notified Vice President of Operations, Mr. Bill Snow, of the Food Safety and Inspection Service's (FSIS) intent to withhold the marks of inspection and suspend the assignment of inspectors from your slaughter process at Fillmore Beef Company, Inc., Establishment M10036, located at 5812 142nd Avenue in Holland, 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 regulatory requirements prescribed by the Federal Meat Inspection Act (FMIA) and the Humane Methods of Slaughter Act (HMSA). Your establishment was observed to be 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 it an establishment is handling or slaughtering animals inhumanely.

Because your establishment maintains a written systematic approach for the humane handling of livestock consistent with the guidelines for robustness and you were implementing the program as written, regulatory discretion was exercised and the decision was to issue an NOIE in lieu of a suspension.

Within the NOIE, the FSIS Chicago District Office requested that you submit a written response to this office within three (3) working days from the date of your receipt of the NOIE with corrective actions to address the following:

1. Identify the reason(s) why the incident occurred.
2. Describe the action(s) that will be implemented to eliminate the cause of the incident and prevent future recurrences.
3. Describe the future monitoring activity or activities that your establishment will employ to ensure the actions implemented are effective.
4. Provide any supporting documentation and records associated with your proposed corrective actions.

Corrective Actions

On September 1, 2020, the FSIS Chicago District Office received your written response. You conducted an investigation and discovered the root cause for this incident was inadequate verification of the cleaning and maintenance of the captive bolt devices. Upon inspection, the primary device was found to have a faulty firing pin spring. The backup device was found to have a faulty trigger spring. It was also noted that the storage of the cartridges allowed a build-up of moisture which can cause the device to be ineffective. Although you did not specify a cause for the initial ineffective stun, you provided corrective actions for inaccurate placement of the device. A DVMS initiated a call with you on September 2, 2020 to request additional information and confirm the details of your proposed corrective actions. You provided the information requested.

To restore and maintain regulatory compliance with 9 CFR 313.15(a)(1) as required, you proposed the following :

- All employees performing captive bolt stunning procedures will be trained using the document Iowa State University Procedures for Humane Euthanasia. Employees will be required to sign an acknowledgement sheet to confirm the training.
- Verification monitoring for stunning effectivity will be increased from the regular frequency of one animal per day to 10% for a period of 30 days. If no issues are observed, the verification monitoring frequency will be reduced to 5% for a period of 30 days. If no issues are observed, the verification monitoring frequency will return to one animal each slaughter day. If any issues are observed, immediate corrective actions will be implemented and the frequency will restart at the next highest level for 30 days and then decrease the same way until returning to the regular frequency. Results will be documented on the current monitoring form.
- The humane handling procedures for Fillmore Beef Company are updated to increase the frequency of stunner maintenance from every 100 shots/weekly to before each slaughter day. A new monitoring checklist with direct observation of detailed maintenance procedures will be used and verification monitoring will be conducted each time. Any equipment faults found during maintenance will be recorded and corrected. Each of the two captive bolt devices, designated KS and KR, will be tested before use.
- Employee's performing maintenance on the captive bolt devices are required to be familiar with all manufacturer requirements to properly maintain stunning equipment and the manufacturer troubleshooting procedures. They will be required to review the document and sign an acknowledgment form to confirm they understand these written procedures in the manufacturer's manual.
- Cartridges for the captive bolt devices will be stored in sawdust to reduce moisture and a towel will be used to dry the operator's hands. The proper storage and handling of stunner cartridges will also be recorded on the captive bolt form.

You provided each of the referenced documents for review.

After a review and analysis of your proposed corrective actions, the FSIS Chicago District Office has concluded these proposed measures, provided they are successfully implemented, will serve to adequately address the regulatory issues identified within the NOIE

Summary and Conclusion

This letter serves as written notification that FSIS is deferring the decision to suspend the assignment of inspectors from the slaughter process at your establishment. The deferral of this decision will remain in

effect until your proposed corrective actions are demonstrated to have been successfully implemented on a consistent and continuous basis. The corrective actions you proposed will be subject to verification by FSIS inspection program personnel (IPP) to ensure the implementation is effective and no recurrence of events related to your establishment's obligation for 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, FSIS has developed a Verification Plan Report (VPR) based on your proposed corrective actions. The VPR will be completed by FSIS IPP during the deferral period as a means to document the implementation of your corrective actions in conjunction with the conditions of this deferral. The VPR identifies specific elements of your corrective actions and the associated regulatory requirements. These will be subject to verification until FSIS has concluded your establishment has effectively implemented these corrective actions. Additionally, during the deferral period, Humane Handling Verification Visits (HHVV) will be conducted at 30-day intervals to assess your progress implementing the corrective actions as proposed. 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.

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

Sincerely,
TAMARA
DAVIS
Dr. Tamara Davis
Deputy District Manager
FSIS Chicago District

Digitally signed by
TAMARA DAVIS
Date: 2020.09.02
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