



November 30, 2021

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Mr. Terry Bittner, Owner  
Chenoa Locker, Inc.  
Est. M20855  
North Veto Street, P.O. Box 31  
Chenoa, IL 61726

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

Dear Mr. Bittner:

This letter confirms verbal notification provided to you by Dr. Donald B. Fickey, District Manager, on November 30, 2021, of the Food Safety and Inspection Service's (FSIS) decision to place the Notice of Suspension (NOS) dated November 29, 2021, 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 29, 2021.

### **Background**

On November 29, 2021, 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 Chenoa Locker, Inc., establishment M20855, located at North Veto Street in Chenoa, Illinois. 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 313.30(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 November 29, 2021, the FSIS Chicago District Office received your written response. You identified the reason that the egregious incident occurred was an individual that had not been trained in stunning cattle and another that had not stunned in years and was out of practice started stunning operations when the employees that are usually responsible for this had not arrived at the establishment.

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

1. Current primary stunning employees have already made transportation arrangements to arrive earlier at the plant.
2. You and the initial stunning operator will undergo training using Temple Grandin's research on how to properly stun livestock within two weeks.
3. No untrained employees will be allowed to stun livestock.
4. A list of employees trained for stunning will be maintained in the inspector's office and plant office. Slaughter operations will not be permitted to start until one of these employees is on-site to stun the livestock.
5. Plant management will monitor beef slaughter three times per day for the next 90 days to ensure stunning operations are carried out correctly. Monitoring will be recorded on a separate sheet. Monitored carcasses will be marked 1, 2, and 3 on the carcass trim rail log. The person monitoring will sign their name on the sheet each day and check off the 1, 2, and 3 columns indicating stunning was carried out successfully. Should any problem occur, a F will be noted instead of a check mark along with corrective actions on the reverse side of the sheet. The name of the stunning operator will be documented on the stunning monitoring form. You provided a copy of the form.

After a review and analysis of your proposed corrective actions and preventive measures, 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 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 approximately 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 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) or you may contact this office at (630) 620-7474 or by fax at (630) 620-7599.

Sincerely,

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FICKEY** Digitally signed by  
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Dr. Donald B. Fickey  
District Manager  
Chicago District