



March 30, 2022

**ELECTRONIC COPY PROVIDED
AND DELIVERED BY COURIER**

Mr. Paul Monahan, Plant Manager
BEF Foods, Inc.
Establishment M952
200 North Wolcott Street
Hillsdale, MI 49242

LETTER OF DEFERRAL

Dear Mr. Monahan:

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 March 25, 2022, 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 March 29, 2022.

Background

On March 25, 2022, the FSIS Supervisory Public Health Veterinarian (SPHV) observed a BEF Foods, Inc. employee using a handheld captive bolt device attempt to euthanize a sow laying in a down position between the side of a holding pen and a swing gate. The employee placed and discharged the captive bolt device onto the head of the sow three consecutive times, reloading the device between each attempt. The sow was observed to remain conscious after each stunning attempt. A second BEF Foods, Inc. employee proceeded from the holding pen area to the electrical stunning area to retrieve another handheld captive bolt device. The second employee returned with the device and administered a fourth stun, which was effective and rendered the animal unconscious at that time. The SPHV notified BEF Foods, Inc. management that the slaughter process was under regulatory control and US Rejected Tag No. B45284992 was applied to the knock box.

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 and defer the decision to suspend the assignment of FSIS inspection program personnel (IPP) at your establishment.

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

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

Corrective Actions

On March 29, 2022, the FSIS Chicago District Office received your written response. Your response identified the following:

1. Dissection of the head resulted in a conclusion that the bolt deployed less than 3 inches into the head. There was a single bolt track extending approximately 3 inches that penetrated to the depth of the brain, the other three were measured at approximately ½ to one inch less and did not reach the brain. The manufacturer's (Jarvis) representative was contacted to confirm the particular model of device should extend the bolt not less than three inches to a range of 3-¾ inches when properly deployed. The conclusion is that the first bolt gun used did not deploy the bolt sufficiently to penetrate the brain for each of the three ineffective stuns.
2. Corrective actions include:
 - For pen stunning, two captive bolt guns will be loaded and ready for use and additional ammunition will be available in the immediate area prior to using the captive bolt device.
 - As part of weekly captive bolt maintenance procedures, a test will be done to verify bolt penetration depth on the captive bolt devices to be used. If the bolt does not extend to at least the 3 inches, the captive bolt gun will be pulled for maintenance and not be used to stun until it reaches 3" or it will be replaced.
3. Monitoring proposed:
 - A clay mold was purchased to measure how far the bolt extends from the gun to ensure that the bolt extends to at least 3 inches for the captive bolt devices used in the pens. The frequency of this check will be weekly for 30 days, then biweekly for an additional 30 days, then monthly. If another incident occurs, an additional verification will be done weekly for 30 more days from that date.
 - Verification monitoring for captive bolt stunning effectivity will be conducted by a member of Management at a frequency of 100% for 30 days. Management will verify that the requirements for the captive bolt device use procedure are met before the device is used. The results will be documented on the captive bolt usage form. If there are no issues within the first 30 days, the verification monitoring frequency will be reduced to every other sow for 60 days.
4. The following documentation was provided for review:
 - Reassessment of Robust and Humane Handling. Added 2nd stun gun availability to Animal Handling Policy in section 5.2, 7.0. Additionally stun gun maintenance test was added to section 5.4.

- AVMA Guidelines for the Euthanasia of Animals: 2020 Edition (Attached)
- Captive-Bolt Stunning of Livestock (attached)
- Captive Bolt usage Form Stunner bolt extension test

After a review and analysis, the FSIS Chicago District Office has concluded these proposed corrective actions and preventive 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 of the FSIS decision to defer the suspension of the assignment of IPP from the slaughter process at your establishment. The deferral will remain in effect until these corrective actions are verified to be successfully implemented on a consistent and continuous basis. The corrective actions you proposed will be subject to verification by FSIS IPP to ensure the implementation is effective in restoring compliance and preventing recurrence of this or similar humane handling incidents regarding the requirements of 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 and as a contingency of the deferral, FSIS has developed a Verification Plan Report (VPR) based on your corrective actions. The VPR will be completed by FSIS IPP as a means to document the implementation of the corrective actions throughout the deferral period. The VPR identifies specific elements of your corrective actions and the associated regulatory requirements. These will be subject to verification until FSIS has made the determination that 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 in implementing the corrective actions. 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)
(b) (6); (b) (6)
(b) (6), or this office at (630) 620-7474 or fax at (630) 620-7599.

Sincerely,

DONAL Digitally signed by
FICKEY DONALD FICKEY
Date: 2022.03.30
07:15:34 -0500

Dr. Donald B. Fickey
District Manager
FSIS Chicago District