



October 25, 2022

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AND DELIVERED BY COURIER**

Mr. Bill Snow, Owner  
Fillmore Beef Co.  
Est. M10036  
5812 142<sup>nd</sup> Avenue  
Holland, MI 49423

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

Dear Mr. Snow:

This letter confirms verbal notification provided to you by Mr. William Cranford, Deputy District Manager, on October 25, 2022, of the Food Safety and Inspection Service's (FSIS) decision to place the Notice of Suspension (NOS) dated October 25, 2022, 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 October 25, 2022.

### **Background**

On October 25, 2022, the Consumer Safety Inspector (CSI) observed a shackled and hoisted steer regain consciousness while attempts to initiate exsanguination were made. The steer was observed to vocalize and react in response to each of the three attempts. There were no attempts made to effectively stun the steer before proceeding with the attempts to initiate exsanguination. In the absence of any device immediately available to effectively stun the animal, the employee tried to sever the spinal cord, but when he was unsuccessful, another employee approached and cut into the spinal cord through the neck, immobilizing the animal and allowing it to exsanguinate. Although you maintained a written robust plan, you did not follow it. You did not effectively stun the steer before sticking to initiate exsanguination. As such, regulatory discretion was not offered, and an NOS was issued.

Within the NOS, the FSIS Chicago District Office requested that you submit a written response with corrective actions to 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 October 25, 2022, the FSIS Chicago District Office received your written response. You identified the cause of the incident as the following:

The postmortem inspection of the shot placement indicates that the shot was too low to be effective. Although the animal was initially unconscious it may not have been brain dead. Further, the employee was not paying attention to signs of recovery that would indicate the animal had regained consciousness. Additionally, corrective actions in the written program for proper stunning were not followed.

You proposed the following corrective actions to restore and maintain regulatory compliance:

1. All employees that perform stunning will be retrained according to the 2016 Animal Handling, stunning, and determining insensibility 2<sup>nd</sup> Edition Temple Grandin. A training verification sign in sheet will be used to record confirmation of training. A diagram showing the proper entry point of the stunner will be placed in the knock box area as a reference for proper shot placement.
2. All employees will understand the signs of unconsciousness and know the signs of an animal that may be regaining consciousness, according to the 2016 Animal Handling, stunning, and determining insensibility 2<sup>nd</sup> Edition Temple Grandin.
3. Employees will follow the humane handling guidelines for Fillmore Beef Co. and immediately direct an effective stun to prevent recovery any time an animal is suspected of regaining consciousness.
4. As part of the written humane handling program, 10% verification monitoring will be conducted each slaughter day by management or designee going forward and the written plan will be revised to reflect the change. The results will be documented on the stunning checklist form.
5. The written humane handling program will also identify designated stunning device locations. One of those locations will be the bleed area.

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 of the assignment of 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 corrective actions you proposed will be subject to verification by FSIS IPP. These verification activities will serve to assess the implementation of the corrective actions and the requirement to maintain 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 as a contingency of abeyance, 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 abeyance 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 abeyance 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.

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) (b) (6) (b) (6); or you may contact this office at (630) 620-7474 or by fax at (630) 620-7599.

Sincerely,

**GARY WELCHER** Digitally signed by GARY WELCHER  
Date: 2022.10.26 12:34:50 -05'00'

for

Dr. Donald B. Fickey  
District Manager  
FSIS Chicago District Office