



Field  
Operations

Des Moines District  
Neal Smith Federal Building  
210 Walnut, Room 985  
Des Moines, IA 50309-2133

February 13, 2013

Signed Original sent via UPS Priority  
Signed copy sent electronically

JBS Green Bay  
Establishment M562  
Attn: (b)(6)(b)(7)(C) General Manager  
1330 Kiln Rd  
Green Bay, WI 54302

### **NOTICE OF DEFERRAL**

On January 29, 2013, the Food Safety and Inspection Service (FSIS) issued to your Establishment M562, JBS Green Bay, a "Notice of Intended Enforcement." This action was taken by FSIS in accordance with FSIS Rules of Practice Title 9 of the Code of Federal Regulations (9 CFR) 500.3 (b), which indicates that FSIS can take a regulatory control action, the program employee will immediately notify the establishment orally or in writing of the action and the basis for the action, if it is handling or slaughtering animals inhumanely such as, that which occurred at your establishment on January 29, 2013.

#### **Specifically:**

At establishment 562 at approximately 11:20 am, January 29, 2013, the following non-compliance was observed. The Public Health Veterinarian (PHV) was performing verification for consciousness on the bleed rail. From his position he was also able to observe the stunning of animals coming off the restrainer. The PHV looked up to the restrainer and observed an establishment employee mis-stun a Holstein cow with the Jarvis air stunner. The bolt penetrated the cow's skull but to the left. The cow looked startled and picked up its head. The employee then grabbed a handheld stunner and attempted to re-stun the animal. The employee mis-stunned the animal on the second try, again penetrating the skull but off to the left. The cow was still conscious. The employee then picked up the second back up handheld stunner and successfully rendered the animal insensible with the third shot. The PHV would estimate that all three shot were within a 10 second window.

The PHV then informed the Supervisory Consumer Safety Inspector (SCSI) who was observing the stunning process to take a regulatory control action. The SCSI then informed the "knocker" to stop production. The "Harvest Superintendent", was also informed of the situation at this time. The PHV allowed the establishment to stun the three remaining cows in the restrainer and then the company went to lunch break. The head of the thrice stunned animal was skinned and he confirmed the number and placement of the penetrations.

The inaccurate placement of the first two stunning attempts caused this animal unnecessary pain and suffering. The establishment is in non-compliance of the regulations cited above.

This is a violation of the Federal Meat Inspection Act (FMIC) (21 U.S.C.) 603), Regulations 9 CFR Part 313, and the Humane Methods of Slaughter Act of 1978.

On February 1 and 7, 2013, your firm provided written assurances of corrective and preventive actions. After careful review of your response, FSIS has decided to defer a decision regarding enforcement action pending verification by FSIS inspection personnel that your proposed actions have been effectively implemented. Assigned inspection personnel will continue to monitor your operations and provide your establishment an opportunity to demonstrate that regulatory compliance has been achieved.

**Specifically:**

As a continuing improvement a corrective action, on January 30, 2013 all qualified knocking personnel were retrained on proper knock hole placement including review and sign of the qualified stunner test. Each stunner operator completed the re-training and tests before they are asked to resume duties stunning animals.

You have advised that you have revised your Stunner SOP to include additional explanation regarding re-stunning with Jarvis and back-up captive bolt guns. The new language in the SOP states:

- If it is determined that there are mechanical issues with the stunning gun and /or physical limitations preventing use (i.e. the animal is not within the range of the balancer supporting the pneumatic knocker), then a back up stunning device needs to be immediately available and used to provide an adequate knock to render the animal insensible.

All qualified knocking personnel will be retrained on proper knock hole placement with the clarification on re-stunning. Each stunner operator will complete retraining prior to being asked to resume duties stunning animals.

To verify the effectiveness of your action, your daily operational knock hole monitoring audit, conducted after the bleed rail terminal, will be increased by 10 head per production period to evaluate placement accuracy of the stunner operator. These increased audits will be performed by the Barn Supervisor and Food Safety Superintendent, or their designee, simultaneously for period of 4 weeks. You further state that:

- The daily knock hole placement audit conducted after the bleed rail terminal consists of 30 heads evaluated for proper knock hole placement once per production period which is defined as start up to first break, first break to lunch break, and lunch break to the end of shift. Knock hole placement is scored using a audit form.
- To verify your corrective actions, your knock hole placement audit will be increased from 30 animals per production period to 40 animals per production period and your Barn Supervisor and Food Safety Superintendent or designee will perform the audit simultaneously in order to correlate. The increase in auditing and the correlation will be effective for a period of 4 weeks.
- The additional 10 Head knock hole placement audit will be conducted for the next 30 working days. At the end of the 30 working day period, management will have a meeting and evaluate the audit data. During the management evaluation attendees will consider the knock hole placement scores, the number of out of target deficiencies, the number of double knocks recorded and the change in these parameters over time (i.e. improvements in values). The group will evaluate if the 30 working day audit period was successful in determining the various qualified knocker proficiencies or if the period needs to be extended. This discussion will be summarized and documented.

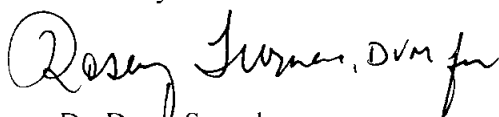
- If a deficiency is noted on the 10 animal record results for each diagram, a knocking efficiency audit of 50 head will be conducted by the Barn Supervisor and Food Safety Superintendent, or designee, to ensure the knocker is performing at an acceptable level.
  - If at any time during these audits an animal is not rendered insensible, immediate corrective actions would be taken according to your Humane Handling and Slaughter Program.
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- You will be providing feedback of the audit scores to the stunner operators via recording the information on a dry erase board consisting of 4 bull's eyes for the next 4 weeks. Qualified stunners are aware that a perfect score is 40 and is the target. The board will be displayed at the restrainer area. You have also stated that if a deficiency (knock hole out of target) is found during the 40 head knock hole placement audit, the head will be tagged and saved. In addition to conducting the 50 head knocking efficiency audit (in which the employee is actually observed conducting their knocking activities), the knocker will be shown the head so that he can see the deficiency and the Barn Supervisor and the Food Safety Superintendent or designee can reinforce proper knock hole placement. The occurrence of any knock hole deficiency found on a knock hole placement audit will be documented on a Corrective Action form. These forms will become part of the documentation review. This procedure will be followed for 30 working days.
- If at any time during the audits and individual employee is observed to have repeated failures that employee will be removed from stunning until that employee can be evaluated and necessary remedial actions can be implemented for that employee.

A copy of FSIS' Verification Plan will be provided for your review. This verification plan will assist you in understanding the nature and importance of the Agency's verification activities. This FSIS Verification Plan is designed to verify that your establishment fully implements your corrective actions proffered on February 1 and 7, 2013 proposals, and that these revisions and actions are effective in assuring ongoing regulatory compliance. Part of this activity is designed to verify that your establishment fully implements any revisions to your humane handling program and all other corrective actions proffered on February 1 and 7, 2013 and that these revisions and actions are effective in assuring ongoing regulatory compliance. Our verification also includes the expectation that you meet any timeframe commitments you have identified in your proposed corrective actions.

Please be advised that, as a federally inspected establishment, you are expected to comply with 9 CFR Part 313 of the regulations and all other requirements concerning the preparation, sale and transportation of meat and poultry products. Failure to comply with these requirements or to ineffectively implement the measures addressed in your February 1 and 7, 2013 response could lead to the withholding or suspension of inspection or other appropriate action.

If you have any questions regarding this matter, please contact Dr. (b)(6)(b)(7)(C) DVMS at 515-727-(b)(6)(b)(7)(C) or Dr. (b)(6)(b)(7)(C) DVMS at 612-270-(b)(6)(b)(7)(C).

Sincerely



Dr. Dawn Sprouls  
District Manager  
USDA FSIS OFO DO  
Des Moines, IA