



May 1, 2018

Roberta Wagner
Assistant Administrator, Office of Policy and Program Development
Food Safety and Inspection Service
Patriots Plaza 3, 1400 Independence Avenue SW
Washington, DC 20250-3700

RE: Docket No. FSIS – 2016 - 0017, Modernization of Swine Slaughter Inspection

Dear Ms. Wagner,

On behalf of the American Society for the Prevention of Cruelty to Animals (ASPCA) and Compassion Over Killing (COK)¹ and their over one million members, this comment urges the U.S. Department of Agriculture's (USDA) Food Safety and Inspection Service (FSIS) not to adopt the proposed Modernization of Swine Slaughter Inspection rule, 83 Fed. Reg. 4780-4823 (Feb. 1, 2018). The proposed rule creates a New Swine Slaughter Inspection System (NSIS), which would allow pig slaughterhouses to run at unlimited speeds and transfer key inspection duties to plant employees without adequate training. If the agency adopts the proposed rule, it would have enormous negative effects on animal welfare and would violate the Administrative Procedure Act (APA), the Humane Methods of Slaughter Act (HMSA), and the Federal Meat Inspection Act (FMIA).

I. COK's Undercover Investigation, Whistleblower Accounts, and FSIS's Own Records Demonstrate Significant Problems with High-Speed Slaughter

If FSIS adopts the proposed rule, maximum line speeds at pig slaughterhouses will be revoked. Establishments will be able to “determine their own line speeds based on their ability to maintain process control for preventing fecal contamination and meeting microbial performance measures during the slaughter operation.”² Effectively, the proposed rule expands the agency's HACCP-Based Inspection Models Project (HIMP) program nationwide. But such an expansion would only lead to decreased animal welfare and systematic noncompliance with the HMSA. Compassion Over Killing's investigation at Quality Pork Processors (QPP) – one of the five plants operating under HIMP – revealed egregious treatment of pigs because of the pressure to keep up with the line speeds. FOIA'd records and whistleblower accounts confirm that fast line speeds result in repeated HMSA violations. The one plant that has received a waiver in 2017 to operate under NSIS had to reduce speed two weeks after implementing the program.

¹ ASPCA and COK are national 501(c)(3) animal protection organizations that work, among other things, to prevent abuse of animals in agriculture.

² Modernization of Swine Slaughter Inspection, 83 Fed. Reg. 4780, 4781 (Feb. 1, 2018), <https://www.gpo.gov/fdsys/pkg/FR-2018-02-01/pdf/2018-01256.pdf>.

A 2015 COK investigation into QPP, one of the five high-speed plants in the HIMP program, identified significant animal welfare concerns.³ QPP, located in Austin, Minnesota, slaughters about 19,000 pigs per day and operates its lines at around 1,300 pigs per hour. COK's investigation showed that at this high-speed facility, pigs being moved through the facility on their way to the slaughter lines were routinely beaten and electrically prodded to move in order to keep up with the slaughter line speed. Non-ambulatory ("downer") pigs were driven by excessive force, including through use of electric prods and forceful contact. All of these actions are clear violations of HMSA. COK's investigator documented over 150 humane handling violations for which FSIS, according to its own regulations and directives, should have issued enforcement actions. Yet despite these egregious actions, the line was never stopped. Two years after the investigation, these problems persisted. A 2017 Memorandum of Interview (MOI) issued by the agency shows a FSIS inspector noting that inhumane handling of animals driven too fast is a recurrent issue at QPP.⁴

Reports from whistleblowers, both workers and FSIS inspectors, have confirmed that the non-compliant process seen at QPP is the norm across HIMP plants. For example, one whistleblower noted that "In the beginning stages of HIMP, the agency said that every time the line sped up they would reevaluate the program entirely. ... The number of hogs processed per shift has gone up by 200. During this time, the plant never increased the number of process control employees (those plant workers who took over many of the duties of USDA inspectors) on the lines. ... The only way this plant could possibly be meeting these standards is by manipulating plant employees, USDA inspectors, and their own records and processes. I have personally witnessed all three."⁵ Another FSIS inspector stated that "plant inspectors don't actually want to shut off the line to deal with problems they spot on the job. ... Unlike USDA personnel, I don't feel that they truly have the authority to shut off the line. Obviously their employer will terminate them if they do it too many times. This alone is reason enough to show that HIMP is a bad idea."⁶

Despite these significant problems with HIMP, however, FSIS recently granted one slaughterhouse regulatory waivers to begin operating under the new NSIS model.⁷ A Clemens Food Group plant in Michigan shifted to the high-speed slaughter model in December 2017. Just two weeks later, FSIS reported that the plant had been slaughtering pigs at "a speed where they were not able to maintain process control ... and the company opted to reduce speed."⁸ It is clear

³ Compassion Over Killing, Hormel Investigation (2015), available at <http://cok.net/inv/hormel/>.

⁴ Food Safety and Inspection Service, Memorandum of Interview, Quality Pork Processors QMO4114-103616G (Oct. 16, 2017) (hereafter, "QPP MOI").

⁵ Affidavit -- FSIS Inspector 3, Government Accountability Project Food Integrity Campaign, https://www.foodwhistleblower.org/wp-content/uploads/2015/01/Affidavit-3-Redacted_1.pdf at 2 (hereafter, "Affidavit 3").

⁶ Affidavit -- FSIS Inspector 1, Government Accountability Project Food Integrity Campaign, https://www.foodwhistleblower.org/wp-content/uploads/2014/10/Affidavit-1-Redacted_.pdf at 2-3 (hereafter, "Affidavit 1").

⁷ "Proposed Rules Would Allow Meatpackers to Slaughter Hogs Faster," *Wall Street Journal*, (Feb. 20, 2018), available at <https://www.wsj.com/articles/hog-processors-would-get-bigger-food-safety-role-under-new-rules-1519122600>.

⁸ Email from Paul Wolesley to William Smith, "FW: Clemens week 1 verification plan" (Dec. 19, 2017).

that fast slaughter speeds are a serious issue that has persisted for many years under HIMP without remediation. Implementing NSIS would only spread and exacerbate the problems shown at QPP and Clemens, and would endanger the welfare of millions of pigs each year.

II. FSIS Does Not Provide Evidence that NSIS Would Improve Animal Welfare

Despite the QPP investigation and whistleblower accounts to the contrary, FSIS states in its proposed rule that part of the impetus for NSIS is to “improve compliance with the HMSA.”⁹ FSIS notes that “the new system should improve animal welfare and compliance with [HMSA] because more FSIS resources will be available to verify humane handling as an offline activity.”¹⁰ Under NSIS, ante-mortem sorting activities and post-mortem online activities will be largely transferred to plant employees, thereby freeing up inspectors to spend more time on offline activities. The offline inspection tasks would include HACCP verification, sanitation SOP, and “other prerequisite program verification procedures,”¹¹ including Humane Activities Tracking System (HATS) tasks. As part of these HATS duties to ensure compliance with HMSA, FSIS inspectors verify humane handling of livestock, including disabled livestock, along with proper stunning and slaughter.¹² FSIS cites its 2014 Hog HIMP Report, stating that it found that at HIMP plants inspectors performed 1.4 times more offline verification inspection procedures than at non-HIMP establishments.¹³

The agency’s conclusion that HMSA compliance will increase under NSIS, however, is based on a number of faulty assumptions. First, NSIS allows plants to increase line speed as long as they maintain “process control,” but fails to define precisely what this involves. Rather, it is up to the plants to determine what process control means. This creates a perverse incentive for the plants to define “process control” in a way that would allow for as little interruption with line speeds as possible in order to maximize the number of pigs slaughtered. In fact, the FSIS whistleblower noted in the previous section states this exact scenario at the HIMP plant.¹⁴ It is also clear from the agency’s language in the proposed rule that process control is tied to the plant’s ability to “prevent[] fecal contamination and meet[] microbial performance measures during the slaughter operation”¹⁵ and not at all to its ability to prevent inhumane handling and other HMSA violations. Given this signaling and new incentive structure, it is evident that humane handling would likely worsen under NSIS.

⁹ 83 Fed. Reg. 4780.

¹⁰ *Id.* at 4781.

¹¹ *Id.* at p. 4795.

¹² *Id.* at 4790.

¹³ *Id.* at 4789.

¹⁴ Affidavit 1, *supra* note 6 (“[P]lant inspectors don’t actually want to shut off the line to deal with problems they spot on the job.”)

¹⁵ 83 Fed. Reg. 4780, 4781.

Second, no FSIS inspectors are permanently stationed in live animal areas, and while FSIS duties do include humane handling inspection, these happen on a relatively “limited basis,”¹⁶ as compared to food safety inspections. And specifically for HATS, inspectors split their time among nine different tasks. They spend time “verifying whether (1) establishments adapt their facilities to inclement weather; (2) humanely handle livestock during truck unloading; (3) provide water and feed to livestock in holding pens; (4) humanely handle livestock during ante-mortem inspection; (5) humanely handle “U.S. Suspect” and disabled livestock; (6) move livestock without excessive prodding or the use of sharp objects after ante-mortem inspection; (7) prevent livestock from slipping and falling; (8) effectively administer stunning methods that produce unconsciousness in the animals; and (9) ensure that animals do not regain consciousness throughout the shackling, sticking, and bleeding process.”¹⁷

Whatever the suspected increase would be in offline inspector activities, it is clearly not proportional to how much time inspectors would need to spend observing the handling of live animals if the line speeds increased. As such, if a plant were to raise their line speed from 1,000 to 1,300 or 1,500 pigs per hour (a 30% or 50% increase), a 25% increase in offline duties split among HACCP, sanitation, nine HATS duties, and all other prerequisite program verification procedures is not sufficient to ensure that hurried plant workers are not violating HMSA.

Third, FSIS relies on the data from its 2014 Hog HIMP Report to show that inspectors at HIMP plants conducted more offline verification inspection than those at non-HIMP plants, yet the Report never addressed compliance with HMSA.¹⁸ To make up for this shortcoming, FSIS notes that it compared the HATS task data in its Public Health Information System (PHIS) database, as well as the non-compliance records (NRs) issued in HIMP and non-HIMP establishments. From this comparison, the agency states that “FSIS inspectors documented fewer humane handling NRs in HIMP market hog establishments” and spent more time verifying specific humane handling and slaughter requirements.¹⁹ Looking at the PHIS database and NRs, however, is not a substitute for conducting a comprehensive analysis: there are many conceivable reasons for fewer NRs being issued, not all of which are based on a lower incidence of humane handling violations.

FSIS’s reliance on this limited PHIS and NR data is also faulty – of the more than 150 HMSA violations documented on video by COK at the HIMP-operating QPP facility, none resulted in NRs. Upon review, USDA’s Office of Investigation, Enforcement, and Audit (OIEA) stated that the “evidence collected illustrated that the establishment was not in compliance with the regulations” and that had “these actions been observed by FSIS inspectors, they would have

¹⁶ See U.S. DEP’T OF AGRIC., OFFICE OF INSPECTOR GENERAL, FOOD SAFETY AND INSPECTION SERVICE – INSPECTION AND ENFORCEMENT ACTIVITIES AT SWINE SLAUGHTER PLANTS (May 2013), *available at* <http://www.usda.gov/oig/webdocs/24601-0001-41.pdf> (“Unlike post-mortem food safety inspections, humane handling inspections are only performed on a limited basis.”).

¹⁷ 83 Fed. Reg. 4780, 4790.

¹⁸ *Id.*

¹⁹ *Id.*

resulted in immediate regulatory action against the plant.”²⁰ Yet, FSIS inspectors were clearly not present to enforce HMSA. QPP continued to operate in this noncompliant fashion day in and day out without line speed interruptions or FSIS intervention. Furthermore, as noted above, there are numerous reasons why HIMP plants may have fewer NRs. One possibility could be that FSIS inspectors are not actually performing more humane handling verification as reported.

In fact, a FSIS whistleblower stated that the possibility is actually a reality: “[HIMP plant] owners want to make sure that no negative data (specifically noncompliance reports or “NRs”) about their operations are released. ... The company [] threatens and retaliates against USDA inspectors who actually make efforts to do their jobs to the best of their abilities. I know this because it has happened to me. In fact, the company has made it extremely difficult for me to do my job each and every day.”²¹ Furthermore, only 11 human handling NRs were issued from January 2013 through September 2015 in five HIMP plans and 117 NRs at 21 non-HIMP plants. This sample size is far too small to draw any conclusion, much less the conclusion that “HIMP establishments have higher compliance with humane handling regulations.”²² Since the 2013 OIG report, no follow up external audits have been completed to evaluate HMSA compliance at HIMP facilities and the effect of line speed on humane handling and slaughter. Therefore, there is no concrete evidence on which to base the assumption that the increase in line speeds will not detrimentally affect pigs.

Finally, FSIS notes that “none of the 11 NRs recorded in the HIMP establishments documented market hogs being forced to move faster than normal walking speeds to keep up with faster evisceration line speeds.”²³ But FOIA records reveal the opposite. These issues were present and were simply not included in the NRs. A Memorandum of Interview (MOI) issued on October 16, 2017 to Quality Pork Processors – the same HIMP plant investigated just two years prior by COK – states that “on various occasions, [an FSIS inspector] noticed that different hog handlers are driving animals too faster [sic] and with more excitement than necessary.”²⁴ These actions are in violation of 9 C.F.R. § 313.2, which prohibits forcing livestock to move “faster than a normal walking speed.”²⁵ The inspector goes on to state that “[t]his concern has been mentioned at *various* Weekly Establishment Meetings, most recently on 8/24/17 and 6/29/17”²⁶ (emphasis added). If adopted, NSIS would expand a high-speed slaughter program that has not been thoroughly examined for animal welfare and compliance with HMSA and federal regulations since a 2013 audit by the USDA’s Office of Inspector General (“OIG”) uncovered severe issues.²⁷ COK’s undercover investigation, whistleblower accounts, and the agency’s own

²⁰ Carl A. Mayes, Assistant Administrator, USDA Office of Investigation, Enforcement, and Audit, to Lisa Winebarger, Counsel, Compassion Over Killing, February 2, 2016.

²¹ Affidavit 3, *supra* note 5 at 3.

²² 83 Fed. Reg. 4780, 4791.

²³ *Id.* at 4790-91.

²⁴ QPP MOI, *supra* note 4.

²⁵ 9 C.F.R. 313.2.

²⁶ QPP MOI, *supra* note 4.

²⁷ “Food Safety and Inspection Service—Inspection and Enforcement at Swine Slaughter Plants,” USDA Office of Inspector General, Audit Report 24601-0001-41, (May 2013), *available at*

documents show that egregious humane handling violations continue on a regular basis at HIMP plants.

III. Office of Inspector General Audit in 2013 Found Significant Problems with HIMP; No Other External Audit Has Been Done Since to Re-Evaluate the Program

In 2013, OIG outlined numerous problems with HIMP despite the fact that the program had been in operation since 1997. Part of OIG's objective was to evaluate FSIS's control over humane handling at pig plants, including at HIMP plants.²⁸ OIG noted that past audits identified weaknesses in the enforcement of HMSA, and that during OIG's slaughter plant visits, inspectors "did not take appropriate enforcement actions at 8 of the 30 swine slaughter plants.... Specifically, the inspectors did not suspend plants after identifying 10 egregious humane handling violations and did not issue NRs at 2 plants after identifying 2 nonegregious violations."²⁹ In one case, a pig entered the scalding tank alive, but the plant was not suspended.³⁰ All these violations occurred during the short, 30-minute observations of the stunning process at each plant. Given that these HMSA violations happened at non-HIMP plants already running at high speeds, increasing the line speed would only exacerbate these problems.

The OIG report also found that inspector training was not effective in improving inspectors' ability to identify HMSA violations.³¹ Since the OIG's report, FSIS has implemented supplemental training and established a humane handling enforcement coordinator.³² However, as noted above, no external reviews and assessments of HMSA enforcement in HIMP plants have been conducted since the OIG identified numerous problems in 2013. No rigorous study has been done to see how animals have been and would be impacted by unlimited line speeds. Given the amount of investigative and whistleblower evidence, FSIS should not adopt NSIS nationwide without first conducting such a study and undergoing another OIG or external audit.

IV. FSIS Should Not Revoke Maximum Line Speeds Because It Would Increase Incidents of Inhumane Handling, Improper Stunning, and Improper Slaughter

The overwhelming evidence from previous audits, COK's investigation, and whistleblower reports shows that revoking all maximum line speeds would not aid FSIS's goal of improving compliance with HMSA. It is understandable that FSIS wants to remove unnecessary obstacles for innovation. But line speed is not and should not be one of them. Part of FSIS's mandate is to ensure that federal slaughter laws and regulations are not violated. Removing line speed limits and allowing plants to set their own speeds and standards will decrease HMSA compliance and lead to inhumane handling, improper stunning, and improper slaughter.

<https://www.usda.gov/oig/webdocs/24601-0001-41.pdf> (hereafter, "OIG Report").

²⁸ OIG Report, *supra* note 16, at ii.

²⁹ OIG Report, *supra* note 16, at 2.

³⁰ OIG Report, *supra* note 16, at 24.

³¹ OIG Report, *supra* note 16, at 26.

³² "FSIS Issues New Guidance on Humane Handling," Food Safety and Inspection Service, Congressional and Public Affairs (Oct. 23, 2013), *available at* <https://www.fsis.usda.gov/wps/portal/fsis/newsroom/news-releases-statements-and-transcripts/news-release-archives-by-year/archive/2013/nr-102313-01>.

A. Revoking Maximum Line Speeds Will Adversely Impact Animal Welfare and Lead to Inhumane Handling

If FSIS adopts this proposal, millions more pigs will be slaughtered at extremely high speeds each year to the severe detriment of animal welfare. Because workers will be operating under pressure to keep up with fast line speeds, inhumane handling would be more likely to occur at every stage of live animal interaction. Furthermore, under NSIS, ante-mortem sorting duties are transferred from FSIS inspectors to plant workers, and FSIS will only observe 5-10% of those animals deemed by the establishment to be healthy in motion, instead of all animals. This reduced oversight, coupled with the high pace and low incentive for plant employees to stop the line, will undoubtedly lead employees to take inhumane shortcuts to force the pigs to move faster and to force non-ambulatory (“downer”) pigs to the slaughter line by unacceptable means.

COK documented that such violations were ubiquitous at QPP, a HIMP facility. COK’s 2015 investigation showed plant employees, under pressure to keep up with the facility’s high operating speeds, dragging, kicking, beating, and excessively shocking pigs. These unambiguous noncompliances with HMSA and humane handling regulations were performed in direct view of QPP management or by QPP supervisors themselves.

On numerous occasions, the investigator documented egregious treatment of downer pigs. Frequently, downer pigs were dragged without being properly stunned or euthanized, as required by federal regulations. In one instance, a downer pig was left out of the pen during an employee break and was then dragged off by a worker by *a metal hook tool in the pig’s mouth while the animal was conscious*.³³ The pig was documented struggling during this process and was subsequently stunned. In another instance, a worker hit a downer pig in the face with a paddle multiple times, electrically prodded the pig twice in the head, and then used a captive bolt stunner.³⁴ The worker then dragged the pig with a metal hook. The animal, however, was obviously still conscious because about 40 seconds later, the worker re-stunned the pig. By FSIS’s own definitions, dragging conscious pigs is a form of “egregious inhumane treatment”³⁵ and federal regulations explicitly prohibit such conduct.³⁶

The investigation also showed QPP’s excessive use of electric prodders – particularly on downers. Workers routinely over-utilized electric prodders to drive animals faster in order to keep up with the line speeds. Under this pressure, workers resorted to many inhumane practices, such as shocking pigs’ more sensitive areas – faces and genitalia. COK’s investigator documented at least three occasions of workers electrically prodding downer animals who were unable to move. In one such instance, a pig was repeatedly shocked at least ten times.³⁷ Again,

³³ “Incident Statement Re Animal Cruelty at Quality Pork Processors, Inc.,” Compassion Over Killing to Food Safety and Inspection Service at 7 (Oct. 27, 2015) (hereafter, “Incident Statement”).

³⁴ *Id.*

³⁵ U.S. DEP’T OF AGRIC., FOOD SAFETY AND INSPECTION SERVICE, FSIS DIRECTIVE 6900.2, REV. 2: HUMANE HANDLING AND SLAUGHTER OF LIVESTOCK 3 (Aug. 15, 2011).

³⁶ 9. C.F.R. § 313.2(d)(2) (“The dragging of disabled animals and other animals unable to move, while conscious, is prohibited. Stunned animals may, however, be dragged.”).

³⁷ Incident Statement, *supra* note 33.

electrically prodding downer animals is classified as “egregious inhumane treatment” in FSIS’s Humane Handling Directive³⁸ and is described as an inhumane way to get a recumbent animal to stand.³⁹

COK’s investigation also revealed other types of excessive force used to quickly drive animals to slaughter in order to keep up with the high pace of line speeds. On numerous occasions, the investigator documented plant employees forcefully hitting pigs with “rattle paddles,” including on the face and heads, and swinging gates quickly to force the animals to move at an unjustifiably fast pace. Fifty documented incidents show workers engaging in these improper handling acts, including trying to move the animals by lifting them by their back legs, tails, ears, and pushing or shoving animals out of pens. Again, all of these actions are considered a form of “egregious inhumane treatment”⁴⁰ by the agency. However, this process was openly ratified by QPP managers. One supervisor acknowledged that plant employees were supposed to use “sleds” to move disabled animals but that they “don’t have time for that.”⁴¹

Pigs were also frequently improperly handled, including being left out of pens during staff breaks, being driven in a manner that caused them to climb on top of one another or to stumble, and being jammed together in narrow corridors. All of these actions were not only violations of agency guidelines but also regulatory violations. Regulations promulgated under HMSA and FMIA mandate that driving animals to the stunning area must “be done with a minimum of excitement and discomfort to the animals,” that “livestock shall not be forced to move faster than a normal walking speed,”⁴² that electric prods are used “as little as possible” at the “lowest effective voltage,”⁴³ and that disabled livestock be moved only by suitable equipment, and never by dragging while they are conscious.⁴⁴

Despite the “increased offline verification” supposed under HIMP and NSIS, none of these HMSA and regulatory violations were noted by FSIS inspectors, the line was never stopped, and QPP faced no regulatory enforcement actions. Instead, this was QPP’s process, and the facility proceeded in this noncompliant manner as a matter of course.

Inspection records obtained through a FOIA request show that clearly no significant changes have taken place since COK’s investigation. As mentioned above, in a MOI from October 2017, an FSIS inspector notes repeated inhumane handling of animals driven too fast – an issue that appears to have been brought up repeatedly because the FSIS inspector notes that the concern

³⁸ U.S. DEP’T OF AGRIC., FOOD SAFETY AND INSPECTION SERVICE, FSIS DIRECTIVE 6900.2, REV. 2: HUMANE HANDLING AND SLAUGHTER OF LIVESTOCK 3 (Aug. 15, 2011) at 3.

³⁹ U.S. DEP’T OF AGRIC., FOOD SAFETY AND INSPECTION SERVICE, FSIS DIRECTIVE 6100.1, REV. 2: ANTE-MORTEM LIVESTOCK INSPECTION 9 (July 24, 2014) (“The establishment must treat the animal humanely when attempting to have it rise or ambulate. FSIS does not consider forcing an animal to stand or ambulate by kicking or prodding (e.g., electrical prodding) to be humane.”).

⁴⁰ U.S. DEP’T OF AGRIC., FOOD SAFETY AND INSPECTION SERVICE, FSIS DIRECTIVE 6900.2, REV. 2: HUMANE HANDLING AND SLAUGHTER OF LIVESTOCK 3 (Aug. 15, 2011) at 3.

⁴¹ Incident Statement, *supra* note 33, at 5.

⁴² C.F.R. § 313.2(a).

⁴³ C.F.R. § 313.2(b).

⁴⁴ C.F.R. § 313.2(d).

about driving animals too fast was mentioned at multiple weekly establishment meetings.⁴⁵ In addition, QPP FOIA records from 2013 show USDA inspectors stating that in one instance “animals on the east side were being moved faster than a normal walking speed. The hogs were exiting the circle pen at a run, and all were being prodded with a plastic paddle to maintain this speed.”⁴⁶ In another instance in 2015, a worker hit a pig in the face with a rattle paddle and then electrically prodded the animal in the head.⁴⁷ On a third occasion, an employee was seen “repeatedly slapping pigs in the crowd pen with a plastic paddle using excessive force.”⁴⁸

It is evident that QPP is facing the same humane handling problems now as it did in 2015, despite the continuous presence of and supposed increased time spent on offline verification by FSIS inspectors. Clearly, workers are taking violent shortcuts and forcing animals to move quickly to the slaughter line in order to keep up with the high processing speeds. These problems would become ubiquitous under NSIS. FSIS should not implement NSIS because expanding HIMP nationwide would not actually improve HMSA compliance, but conversely do the opposite.

B. Increased Line Speeds Will Result in Improper Stunning

Non-HIMP pig slaughter plants already operate at maximum line speeds of 1,106 pigs per hour and face improper stunning issues.⁴⁹ If FSIS were to adopt NSIS, these problems would only be exacerbated. HMSA requires for animals to be “rendered insensible to pain by a single blow or gunshot or an electrical... means” prior to slaughter,⁵⁰ and FSIS regulations mandate that animals are stunned by an approved method “effectively”⁵¹ by a well-trained and experienced operator⁵² prior to being “shackled, hoisted, thrown, cast, or cut.”⁵³ Because line speeds would be increased under the proposed rule, workers will have to work much quicker, possibly shortening the length of the stun used to render pigs insensible. This would be true both for

⁴⁵ QPP MOI, *supra* note 4.

⁴⁶ “Animal Welfare Groups Warn USDA Pig Slaughter Rule Will Risk Animal Welfare,” Animal Society for the Prevention of Cruelty to Animals (Jul. 25, 2017), *available at* <https://www.asPCA.org/about-us/press-releases/animal-welfare-groups-warn-usda-pig-slaughter-rule-will-risk-animal-welfare>.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ See, e.g., Food Safety and Inspection Service, Notice of Suspension, Est. M44785, Alleghany Highlands Agricultural Center, LLC (Sep. 15, 2017), *available at* <https://www.fsis.usda.gov/wps/wcm/connect/e3d338cf-95c9-49b1-bcf3-c009ad491e48/M44785-Suspension-091517.pdf?MOD=AJPERES>; Food Safety and Inspection Service, Notice of Intended Enforcement, Est. 8609, New Wilmington Slaughterhouse (Feb. 15, 2018), *available at* <https://www.fsis.usda.gov/wps/wcm/connect/d0eae3b8-976d-46a1-8ff8-9dfa41fab418/8609-NOIE-021518.pdf?MOD=AJPERES>.

⁵⁰ 7 USC § 1902.

⁵¹ 9 C.F.R. § 313.30(a)(1). See also, 9 C.F.R. § 313.15(a)(ii).

⁵² 9 C.F.R. § 313.15(b)(iv) (“The stunning operation is an exacting procedure and requires a well-trained and experienced operator. He must be able to accurately place the stunning instrument to produce immediate unconsciousness. He must use the correct detonating charge with regard to kind, breed, size, age, and sex of the animal to produce the desired results.”); 9 C.F.R. § 313.30(b)(1) (“It is necessary that the operator of electric current application equipment be skilled, attentive, and aware of his or her responsibility”).

⁵³ 9 C.F.R. § 313.15(a)(i); 9 C.F.R. § 313.30(a)(1).

electric and gas stunning methods, and in both cases, a shorter exposure time would increase the likelihood of pigs regaining consciousness prior to sticking. Any regaining of consciousness is considered “improper stunning” and a violation of HMSA.

During COK’s 2015 investigation at QPP, such scenarios were common. On at least 28 occasions, COK’s investigator documented pigs being improperly stunned or stunned more than once because workers had to keep up with the fast line speeds. Moreover, a QPP supervisor who was supposed to be overseeing the stunning process was documented sleeping on the job. COK documented numerous incidents where animals were mis-stunned or appeared to regain sensibility after electrical stunning.⁵⁴ Pigs were documented opening their mouths, moving their heads, and exhibiting righting reflex – all signs of improper stunning.⁵⁵

Workers at QPP corroborated this tendency for stunned pigs to regain consciousness. One worker stated that “It’s gonna happen, no doubt about it.” Another commented that “It’s gonna happen when you’re training. Hell, I still get them,” noting that “if USDA is around, they could shut us down.”⁵⁶ All these instances of improper stunning were violations of HMSA, yet QPP faced no repercussions and the line was never stopped.

FOIA evidence also shows improper stunning at other HIMP plants. For example, a FSIS inspector at an Illinois HIMP plant noted that the facility was forced to slow the carbon dioxide stunning cycle “to allow more time for animals to be exposed to the gas” after every third or fourth animal shackled on the line showed signs of sensibility. Based on these repeated violations at HIMP plants, it is clear that increasing line speeds would cause improper stunning and have a significant negative impact on animal welfare in violation of HMSA.

C. Increased Line Speeds Will Result in Improper Slaughter

Not only will increasing line speeds lead to more inhumane handling and improper stunning, it will also result in improper slaughter. Increased line speeds under NSIS will prevent plant workers and FSIS inspectors from being able to identify and address pigs who have not been properly stunned. Under NSIS, facilities will slaughter a greater number of animals at faster speeds, making it more difficult for plant employees and inspectors to stop the process and re-stun the animals. Such improper slaughter would allow pigs to proceed to the sticking portion of slaughter while conscious or even ending up being scalded alive – both egregious HMSA violations.

COK’s investigation at QPP documented numerous occasions of improper slaughter. In general, QPP’s daily process included long delays between stunning and slaughter, thereby allowing some animals to regain sensibility prior to sticking.⁵⁷ This process was never corrected by FSIS inspectors. On one occasion, a pig had to be re-stunned with a captive bolt pistol after electrical

⁵⁴ Incident Statement, *supra* note 33.

⁵⁵ Temple Grandin, “How to Determine Insensibility (Unconsciousness) in Cattle, Pigs, and Sheep in Slaughter Plants” (Jun. 2017), *available at* <http://www.grandin.com/humane/insensibility.html>.

⁵⁶ *Id.* at 4.

⁵⁷ Incident Statement, *supra* note 33.

stunning, sticking, and shackling. QPP's Animal Welfare Supervisor acknowledged this problem, stating that sometimes pigs came "back, like zombies" and that workers would wait up to seven minutes after stunning before sticking⁵⁸ – much longer than the recommended sixty seconds.⁵⁹ Because of these long delays and inability of plant personnel to catch all sensible animals on the fast-moving line, several pigs were documented continuing to show signs of sensibility after sticking, including thrashing and exhibiting righting reflex while being conveyed to the scalding tank.⁶⁰

During its March 22, 2018 webinar on NSIS, FSIS stated that pigs going into the scalding tank live is unheard of and that such an incident would be an egregious violation.⁶¹ However, COK's investigator documented numerous post-mortem carcasses red in appearance – a hallmark sign⁶² of pigs going into the scalding tank alive and dying of scalding or asphyxia (drowning). Despite these apparent violations, QPP's line was never stopped and FSIS never issued any enforcement. As such, FSIS should not implement NSIS because the increased line speeds will lead to many more pigs being stuck while conscious and scalded alive.

V. Replacing Essential FSIS Inspectors with Untrained Slaughterhouse Employees Will Lead to Unchecked Inhumane Slaughter Practices

Reducing the number of FSIS inspectors on-site and reassigning current inspector responsibilities to employees of the slaughter plant risks animals being slaughtered inhumanely, in violation of HMSA, and disincentivizes the proper inspection of meat and meat products in the NSIS-adopting facilities. NSIS proposes that employees of the pig slaughter facilities be required to (1) sort and remove unfit animals before ante-mortem inspection by FSIS inspector and to trim and identify defects on carcasses and parts before post-mortem inspection by the FSIS; (2) identify animals or carcasses that facility employees have sorted and removed for disposal before FSIS inspection with a unique tag, tattoo, or similar device and immediately denature all major portions of the carcass on-site, maintain records to document the total number of animals and carcasses sorted and removed per day; and (3) immediately notify FSIS inspectors if they suspect an animal or carcass with a reportable or foreign animal disease while conducting sorting activities. As discussed above, under the proposal, FSIS resources are shifted to conducting more offline inspection activities, while other post-mortem responsibilities are transferred to employees of the facility who have received no mandatory training.⁶³ In addition to the transfer of responsibilities, the proposed rule does not provide education requirements for plant employees who will be performing tasks currently performed by FSIS trained inspectors. Such

⁵⁸ *Id.* at 11.

⁵⁹ TEMPLE GRANDIN, RECOMMENDED ANIMAL HANDLING GUIDELINES & AUDIT GUIDE: A SYSTEMATIC APPROACH TO ANIMAL WELFARE 28 (July 2013) (stating pigs should be bled within 60 seconds of electrical stunning).

⁶⁰ Incident Statement, *supra* note 33.

⁶¹ Food Safety and Inspection Service, Swine Modernization Webinar at 20 (Mar. 22, 2018).

⁶² U.S. DEP'T OF AGRIC., FOOD SAFETY AND INSPECTION SERVICE, ANIMAL DISPOSITION/FOOD SAFETY: POSTMORTEM INSPECTION 16 (Jan. 27, 2012) ("Suffocation (Asphyxia) - a scarlet red appearance of the carcass and organs that are engorged with blood; must be retained for veterinary disposition.").

⁶³ 83 Fed. Reg. 4780, 4781.

educational requirements should be, at a minimum, equivalent to the training requirements of current FSIS inspectors. Even with proper training, the combination of the increased line speeds and decreased unbiased oversight by FSIS inspectors will inevitably lead to an unchecked increase in violations of the HMSA.

A. Replacing FSIS Inspectors with Plant Employees Disincentivizes the Ante-mortem Identification of Sick, Injured, and Diseased Animals Prior to Slaughter

Under NSIS, online inspectors will be reduced from up to seven per shift per plant to a maximum of three inspectors to conduct online inspections depending on the line configuration and needs of the plant. As a result, as few as one online FSIS inspector would be allowed for plants where FSIS believed the inspector was “able to conduct all online post-mortem inspection activities.”⁶⁴ In the current system FSIS inspectors move animals that appear sick or disabled prior to slaughter to a separate area for federal veterinarians to inspect the animal for diseases.⁶⁵ NSIS transfers the responsibility of initially identifying sick and disabled animals prior to slaughter to plant employees, essentially transferring a veterinary determination to individuals with no required veterinary training. Only later will FSIS inspectors and public health veterinarians (PHVs) review the remaining animals for final disposition. To ensure that all animals are accounted for during the slaughter process and that the facility employees are not removing animals without accounting for their removal, at the very least FSIS should require establishments to report to APHIS the reason that any animal is removed from slaughter. Preferably, the agency should keep all ante-mortem animal sorting tasks firmly within FSIS’ duties, ensuring that FSIS inspectors perform initial animal inspections and sorting, as is currently the practice.

FSIS claims that slaughter plant employees conducting ante-mortem sorting ensures USDA inspectors will be presented with healthier animals and carcasses that have fewer defects to inspect, allowing for sick animals to be handled and sorted before FSIS inspectors and veterinarians have a chance to see the animals.⁶⁶ The rationale provided by the USDA for the reduction of online inspections, however, does not align with the assertions of permitting increased line speeds. As set out above, increased line speeds have led to improper stunning, in part because the plant employees cannot keep up with the higher speeds. By increasing the line speeds and the responsibilities of the untrained plant employees, there is inevitably a decrease in the humane treatment of animals, with little to no oversight by FSIS inspectors. As described in Section IV in regard to increased line speeds, this lack of oversight not only increases the likelihood of inhumane slaughter of animals in violation of HMSA, but is also in direct violation of the responsibilities given to FSIS and USDA by HMSA and FMIA.

In addition to the greater burden placed on plant employees by the increased line speeds, plant employees responsible for inspecting animals for slaughter, without any outside oversight, are

⁶⁴ 83 Fed. Reg. 4780, 4794.

⁶⁵ 9 C.F.R. 307.2(g).

⁶⁶ 83 Fed. Reg. 4780, 4792.

necessarily seeking to keep costs down for their employers and to perform their job as quickly as possible. The proposed rule requires the plant employees to trim dressing defects and contamination, identifying localized pathological defects for removal under FSIS supervision.⁶⁷ FSIS inspectors will only observe 5-10% of the animals deemed by plant employees to be healthy in motion, a significant reduction from the current requirement that FSIS inspectors perform a review of all animals in motion. As one whistleblower stated “[T]he company management is more production-oriented so they do not focus much on food safety and removing adulterated product. Actually, employees are discouraged from removing adulterated products from the line. Of course, plant process control workers are going to do what their bosses tell them to since they do not have a lot of job security.”⁶⁸ Inherent incentives for employees to keep the cost of production down and the documented discouragement by plants to listen to employees concerns, are in direct conflict with the goals of HMSA and FMIA.

B. NSIS Requires No Specific Training for Plant Employees Assuming the Role of FSIS Inspectors

The proposed rule also transfers current responsibilities of FSIS inspectors to employees of the slaughterhouse facility without requiring or providing for minimum education requirements. FSIS inspectors are required to complete several weeks of classroom training, pass tests, and “complete enhanced, situation-based training that presents inspection program personnel with realistic scenarios that they may encounter when verifying humane handling activities.”⁶⁹ The USDA provides and requires this training to ensure consistent and effective inspections. There is no similar requirement for the slaughterhouse employees who would assume ante-mortem sorting roles in place of inspectors.

During a public teleconference conducted by USDA on March 22, 2018, the agency specifically requested input into education requirements for plant employees. In a follow up public teleconference, USDA provided a draft “Compliance Guideline for Training Establishment Employees under the New Swine Slaughter Inspection System.”⁷⁰ This draft guideline proposes that the plants provide the training and testing, including both classroom and wet lab experience, equivalent to what is currently provided to FSIS inspectors. While training similar to current standards is appropriate, there is no recommended or enforceable standard to ensure compliance with the training, requirements for passing the training, or continued monitoring to ensure that facility employees remain up-to-date on their skills. Even with identical training, as noted by one

⁶⁷ 83 Fed. Reg. 4780, 4793.

⁶⁸ Affidavit -- FSIS Inspector 2, Government Accountability Project Food Integrity Campaign, https://www.foodwhistleblower.org/wp-content/uploads/2015/01/Affidavit-2-Redacted_.pdf at 2 (hereafter, “Affidavit 2”).

⁶⁹ “Key Facts: Humane Slaughter,” Food Safety and Inspection Service, (retrieved Apr. 28, 2018), *available at* <https://www.fsis.usda.gov/wps/portal/fsis/topics/food-safety-education/get-answers/food-safety-fact-sheets/production-and-inspection/key-facts-humane-slaughter/key-facts-humane-slaughter>.

⁷⁰ Food Safety and Inspection Service, “Draft Compliance Guideline for Training Establishment Employees under the New Swine Slaughter Inspection System,” *available at* <https://www.fsis.usda.gov/wps/wcm/connect/a641cf2c-880c-46ce-911e-996a01b4382c/compliance-guide-training-NSIS.pdf?MOD=AJPERES>.

whistleblower who had been a FSIS inspector at one of the HIMP plants since the plant adopted HIMP, this industry has a “historical inability to keep trained employees on staff.”⁷¹

A system requiring slaughterhouses to implement a training program for each facility that adopts NSIS will lead to varied training and compliance standards. While the material provided in the draft guidelines can be used as a basis for training, instead of permitting slaughterhouse facilities to approve their own standards of comprehension of the material, a standardized test should be issued by USDA with set passage scores. Additionally, a continuing education requirement or a regular reexamination should be required to ensure that the plant employees are maintaining the skill set required to effectively identify diseases and illnesses, and are being trained on new conditions, diseases, and illnesses possibly impacting slaughterhouse populations.

C. Fewer FSIS Inspectors Leads to Unchecked Inhumane Slaughter Practices

Inhumane slaughter practices as those found in plants that adopted HIMP, as set out in Section I above, will only be exacerbated by the decreased number of inspectors as outlined in NSIS. FSIS suggests that NSIS’s system of allowing FSIS inspectors to spend more time on offline activities will improve animal welfare and compliance, yet evidence that shows activities of inhumane treatment at HIMP facilities going unchecked. Currently if “an inspector observes an incident of inhumane slaughter or handling in connection with slaughter,” and the operator fails to take appropriate action to remedy the situation, the inspector may attach a “U.S. Rejected” tag to equipment, alleyways, or the stunning area. Yet COK’s investigation of the QPP plant, as well as documents discovered through FOIA requests capture over 150 humane handling violations that qualified for enforcement actions by FSIS. Many of these were clear violations of HMSA. The combination of increased line speeds and decreased oversight by independent FSIS inspectors will only increase the number of incidences of inhumane slaughter that will go unchecked.

VI. Adopting This Rule Would Violate the Administrative Procedure Act, the Humane Methods of Slaughter Act, and the Federal Meat Inspection Act

A. Implementing NSIS Would Be Arbitrary and Capricious

If FSIS implements the proposed rule, it would be arbitrary and capricious. An agency rule is deemed arbitrary and capricious under the APA “if the agency has relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.”⁷² The evidence presented by FSIS in the proposed rule to support the claim that animal welfare would likely improve is both inadequate and inconclusive. The 2014 Hog HIMP Report failed to look at HMSA compliance at HIMP plants. The PHIS and NR data cited is too limited to draw any inferences and also not comprehensive, as COK’s QPP investigation and whistleblower accounts show that far from all inhumane handling is cited.

⁷¹ Affidavit 3, *supra* note 5.

⁷² *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983).

On the contrary, there is vast evidence in front of the agency that NSIS would be extremely detrimental to animal welfare and would result in ubiquitous noncompliance with HMSA. In 2013, the Government Accountability Office (GAO) and OIG released audit reports highlighting major deficiencies in the HIMP program.⁷³ Since then, COK released its QPP investigation that documented over 150 humane handling violations. Yet, QPP did not receive a single NR for these violations. A 2017 MOI shows that inhumane handling related to QPP's fast slaughter speed continues to be a serious concern. Whistleblower accounts and the recent loss of "process control" at Clemens Food Group's Michigan plant also demonstrate that HIMP and NSIS programs have serious issues across the board stemming from high slaughter speeds, reduced inspector oversight, outsourcing of agency duties, and inadequate plant employee training. Furthermore, no other external audit has been done since 2013 to evaluate HIMP. Therefore, FSIS's explanation for the proposed rule and the reliance on its inadequate data fails "to consider an important aspect of the problem, ... runs counter to the evidence before the agency," and is implausible. As such, the adoption of the proposed rule would be "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law."⁷⁴

B. Implementing NSIS Would Violate the Humane Methods of Slaughter Act

NSIS is contrary to the policy of HMSA because by permitting increased line speeds, the number of pigs slaughtered inhumanely will increase with every plant that adopts HIMP. HMSA provides that "[n]o method of slaughtering or handling in connection with slaughtering shall be deemed to comply with the public policy of the United States unless it is humane."⁷⁵ Pigs slaughtered humanely must be "rendered insensible to pain by a single blow or gunshot or an electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut."⁷⁶ As set out in Section I above, an investigator in just one of the HIMP facilities documented over 150 violations including pigs improperly stunned causing some to be slaughtered while conscious, excessive force, and clear indications that pigs had been scalded alive. These violations coupled with the decreased oversight by FSIS inspectors will lead to rampant inhumane treatment of millions of pigs per year.

C. Implementing NSIS Would Violate the Federal Meat Inspection Act

NSIS is in direct conflict with the language and underlying policy of FMIA by removing FSIS inspectors and relegating the responsibilities of current inspectors to the plant employees. FMIA requires the Secretary of the USDA to appoint inspectors to prevent the "use in commerce of meat and meat food products which are adulterated . . . [by] an examination and inspection of all amenable species before they shall be allowed to enter any slaughtering, packing, meat canning,

⁷³ See GAO, 2013. More Disclosure and Data Needed to Clarify Impact of Changes to Poultry and Hog Inspections, <http://www.gao.gov/assets/660/657144.pdf>; OIG, 2013. Food Safety and Inspection Service— Inspection and Enforcement Activities at Swine Slaughter Plants, *available at* <https://www.usda.gov/oig/webdocs/24601-0001-41.pdf>.

⁷⁴ 5 U.S.C. § 706(2)(A).

⁷⁵ 7 U.S.C. § 1902.

⁷⁶ 7 U.S.C. § 1902 (a).

rendering or similar establishment, in which they are to be slaughtered.”⁷⁷ FMIA further reiterates the policy of the United States to enforce humane slaughtering practices by requiring USDA inspectors to examine and inspect “the method by which amenable species are slaughtered and handled in connection with the slaughter.”⁷⁸ NSIS decreases the number of online inspectors in plants from seven to between one and three. The responsibilities of the current FSIS inspectors fulfilling the USDA’s obligations under FMIA will be transferred to plant employees who will be answerable only to the profit incentives of the slaughter facilities. As set out in both Section I and II above, the HIMP facilities that adopted reduced inspection had numerous and egregious violations leading to inhumane treatment of the pigs. The increased line speeds and decreased oversight by the FSIS inspectors allowed these actions to go unchecked.

VII. Conclusion

For all the reasons described above and many more, the Modernization of Swine Slaughter Inspection rule is lacking in legal support, compassion, and common sense. NSIS would violate the agency’s statutory duty under HMSA, FMIA, and APA. FSIS’s pilot program has demonstrated serious widespread issues, including inhumane handling and improper stunning and slaughter. Implementing NSIS would only exacerbate these issues, leading to significant negative animal welfare consequences affecting millions of pigs each year. We request that FSIS not finalize the Modernization of Swine Slaughter Inspection rule.

Irina Anta

Irina Anta
Counsel
Compassion Over Killing

/s/

Meredith Beach
Legal Advocacy Counsel
The American Society for the Prevention of Cruelty to Animals

⁷⁷ 21 U.S.C. §603 (a).

⁷⁸ 21 U.S.C. §603 (b).

ATTACHMENTS

1. Quality Pork Processors Undercover Investigation Footage Submitted to USDA in 2015 (included on flash drive)
2. Quality Pork Processors Undercover Investigation Images
3. Quality Pork Processors Incident Statement
4. FSIS Notice of Intended Enforcement, Quality Pork Processors November 12, 2015
5. Quality Pork Processors Noncompliance Reports (2013-2015)
6. Quality Pork Processors Memorandum of Interview, October 16, 2017
7. February 6, 2018 Coalition Letter Submitted to Secretary Sonny Perdue and Under Secretary Carmen Rottenberg
8. Affidavit 1, Government Accountability Project Food Integrity Campaign
9. Affidavit 2, Government Accountability Project Food Integrity Campaign
10. Affidavit 3, Government Accountability Project Food Integrity Campaign
11. FSIS Email from Paul Wolesley to William Smith on December 19, 2017 re: Clemens Food Group Plant
12. Office of Inspector General 2013 Audit Report

Quality Pork Processors Undercover Investigation Footage Submitted to USDA in 2015
(submitted to FSIS on May 1, 2015 on flash drive via hand delivery)

Quality Pork Processors Undercover Investigation Images

SIGN UP FOR COK'S
eNewsletter

Email address

Zip code

HORRORS AT HORMEL

USDA-APPROVED HIGH-SPEED SLAUGHTER HELL



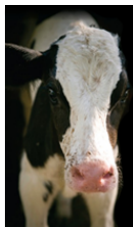
VIDEO PHOTOS HORMEL & HIMP ACT NOW DONATE MEDIA

SUPPORT
COMPASSION!
Donate Now!



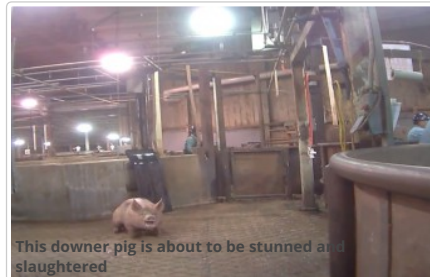
GET A FREE
Vegetarian
Starter Guide

Working to end animal abuse since
1995, Compassion Over Killing
exposes cruelty to farmed animals
and promotes vegetarian eating as
a way to build a kinder world.



Big Ag has
something
to hide:
the truth

Help us fight Ag-Gag



This downer pig is about to be stunned and slaughtered



A worker brutally beats this pig



A worker picks this pig up because she can't walk



A worker "stick" the pigs to bleed them



A worker throws a bloody soiled paper towel at another worker



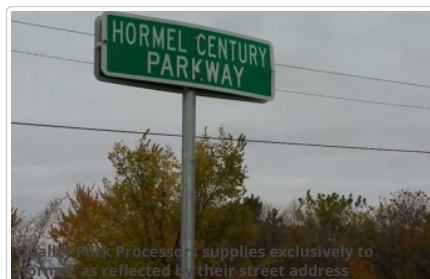
An injured pig is unable to use her back legs



Feces on the carcasses of pigs is all too common at OVP



One of many abscesses seen by our investigator which oozed green pus



Hormel Pork Processors supplies exclusively to Hormel as reflected by their street address



These pigs are being moved on their way to slaughter



This downed pig is dragged away without being stunned



This pig struggles intensely just to stand, and quivers uncontrollably

Featured in:



P.O. Box 9773 | WASHINGTON, DC 20016 | 301-891-2458 | info@cok.net

Quality Pork Processors Incident Statement

INCIDENT STATEMENT RE ANIMAL CRUELTY AT
QUALITY PORK PROCESSORS, INC.

October 27, 2015

TABLE OF CONTENTS

I. QUALITY PORK PROCESSORS, INC.	1
II. DOCUMENTED AND WITNESSED INSTANCES OF INHUMANE TREATMENT OF ANIMALS	3
A. Overview	3
1. <i>Dragging of Conscious Pigs</i>	3
2. <i>Improper Stunning</i>	3
3. <i>Improper Euthanasia/ Stunning of Injured/Downer Pigs</i>	4
4. <i>Excessive Force – Excessive Use of Electric Prodders</i>	5
5. <i>Excessive Force – General</i>	5
6. <i>Improper Handling</i>	5
7. <i>Downers Not Marked as “Suspect”</i>	5
8. <i>Potential Food Safety Violations</i>	6
B. Specific Incidents	7
1. <i>Dragging Conscious Pigs</i>	7
2. <i>Improper Stunning</i>	8
3. <i>Improper Euthanasia/Stunning of Injured/Downer Pigs</i>	11
4. <i>Excessive Force – Excessive Use of Electric Prodders</i>	13
5. <i>Excessive Force – General</i>	17
6. <i>Improper Handling</i>	21
7. <i>Downers Not Marked as “Suspect”</i>	23
8. <i>Potential Food Safety Violations</i>	27

I. QUALITY PORK PROCESSORS, INC.

A Compassion Over Killing (“COK”) investigator garnered work at Quality Pork Processors, Inc. (“QPP”) in Austin, MN, located at 711 Hormel Century Parkway between May and October of 2015. On 9/21/2015 he was transferred to a position in “livestock,” where he was able to document the condition and treatment of live animals at QPP with a covert camera, as described below in detail.

QPP operates a hog slaughterhouse in Austin, MN, located in Mower County, that processes approximately 19,000 hogs per day. The investigator was given a variety of tasks during his employment at QPP, including working at the “gam table,” where duties consisted of hanging hogs and turning carcasses to ensure they were facing the right direction, and in the “livestock area,” where he assisted with tasks incident to stunning and slaughter.

Much of the problematic conduct detailed below was either performed in direct view of QPP management, or by QPP supervisors themselves. Supervisors were documented dragging conscious hogs, using excessive force to move hogs, ignoring animals who required immediate re-stunning, rationalizing the facility’s departure from protocol for moving injured or non-ambulatory animals, soaking paper towels in pigs’ blood to throw them at workers, and even sleeping on the job.

A list of employees with whom the investigator worked is as follows:

- Abera Dodi – livestock
- Any (last name unknown) – Process Control Supervisor
- Carlos Maciel – gam table
- Cecilio Torres – gam table
- Chris Andrews – gam table
- Claude Pulliam – Plant Manager
- Danny Hernandez – gam table
- Desalegn Tilahun – livestock
- Didacus Guzman – Safety Director
- George Alballba – gam table
- Hever Maldonado – livestock
- Jacob Paulker – gam table
- Jaime Hernandez – livestock
- Jaime Navarro – livestock
- Jason Christianson – livestock
- Jeremy Morehouse – livestock
- John Niewoehner – Supervisor at livestock
- Kai Backous – livestock
- Lane Geyer – Supervisor
- Laura Coffey – Animal Welfare Supervisor
- Laura Doty – Presenter/trainer
- Lori (last name unknown) – Hiring (drug test, eye test, physical exam)
- Lupe Cordova – Presenter/trainer
- Maria Hackenmiller – HR Recruiting and Hiring Specialist
- Maung Lin – Presenter/trainer

- Miguel Marcos – gam table
- Mike Hulshizer – Supervisor at Gam table
- Mohammed Karama – gam table
- Onesimo Hernandez – livestock
- Reinardson Dannis – livestock
- Robert Orr – livestock
- Sabino Martinez – gam table
- Saul Ramirez – livestock
- Stephen Okari – gam table
- Tekylwonki Agregay – gam table
- Wisley Ochorro – livestock

II. DOCUMENTED AND WITNESSED INSTANCES OF INHUMANE TREATMENT OF ANIMALS

A. Overview

The following is a summary of incidents of improper and inhumane treatment of animals at QPP, as well as other problematic conduct. The COK investigator personally witnessed each of these incidents, and additionally documented a majority of them. Each incident listed was documented, unless otherwise indicated.

1. Dragging of Conscious Pigs

On numerous occasions, the investigator documented non-ambulatory or “downer” pigs being dragged without being properly stunned or euthanized. While most below detailed incidents involved ineffective stunning of affected animals, in at least one instance, a worker entirely neglected to stun the animal before dragging him/her along the floor.

2. Improper Stunning

For healthy pigs, QPP utilizes electrical stunning to render them insensible to pain during the slaughter process. However, the investigator witnessed numerous pigs who were mis-stunned or appeared to regain sensibility after being electrically stunned, and also documented long delays between stunning and slaughter at QPP. On one documented occasion, a hog needed to be re-stunned with a captive bolt pistol after enduring electrical stunning, “sticking” (i.e. slaughter), and shackling. Several other hogs also continued to show signs of sensibility after having their throats slit, and may have proceeded to the scalding tank while sensible. The investigator also documented numerous post-mortem carcasses that had the hallmark red appearance of pigs who have died of scalding or asphyxia in the scalding tank.

QPP’s Animal Welfare Supervisor Laura Coffey herself acknowledged that the pigs sometimes regain sensibility after stunning, stating, “You want to stick them as soon as possible, otherwise they have the risk of returning Sometimes they come back, like zombies.”¹ She went on to add that some workers “stun them and then lollygag around They keep saying they got 7 minutes, which is incorrect. If we put a time on it ... then we won’t be in compliance ... so, ‘as soon as possible’ is what our program says.”²

Workers also corroborated this tendency for stunned pigs to regain consciousness on the line at QPP. One worker told the investigator that it was inevitable that some hogs

¹ 10/12/2015, FNPB0269_20151012112224, 00:05-01:17.

² *Id.*

would remain alive after being stunned and stuck, and added, “It’s gonna happen, no doubt about it.”³ Another told the investigator, “It’s gonna happen when you’re training. Hell, I still get them.”⁴ He later warned that “if the USDA is around they could shut us down,” and that QPP had been shut down for that about 8 months prior.⁵

Most egregiously, at least one worker at QPP admitted to purposefully mis-stunning animals and “sticking” hogs who appear to be sensible. Worker Kai Backous, recounted purposefully mis-stunning animals “just to see if the guy [at the sticking table] is a pussy or not. John always bitches and has them shot. I just stick them.”⁶ Similarly, when explaining that animals are sometimes mis-stunned when they jump, he acknowledged that the hogs are supposed to be shot on the sticking table, but went on to say, “Most of the time, I just stick it.”⁷

3. Improper Euthanasia/ Stunning of Injured/Downer Pigs

All hogs observed or documented by the investigator at QPP are those who passed an initial “ante-mortem” inspection by a public health veterinarian, and cleared for human consumption, i.e. not found to be diseased or disabled. However, the investigator documented many animals who were non-ambulatory, who the workers at QPP referred to as “downers.” Because the downers could not walk, they could not be driven down a corridor for electrical stunning like the healthier pigs, and were instead stunned separately via captive bolt or electrical stunner.

Workers were instructed to stun or “euthanize” downers prior to sticking by one of two methods: either knocking them with a captive bolt pistol twice, or by applying the electric stunner twice, then following up with a captive bolt shot. However, the investigator observed that in the time he worked at QPP, very few downer hogs were properly stunned prior to sticking. He witnessed five or six downer hogs electrocuted per day, but only observed electrocuted hogs receive a subsequent captive bolt knock, as instructed, on a total of 3 or 4 occasions over the course of approximately three weeks. Similarly, he documented numerous downer pigs who were mis-stunned with the captive bolt pistol, and sometimes continued to display signs of sensibility for several minutes before receiving a second stun.

³ 10/6/2015, FNOG0504_20151006095919, 01:10-01:19.

⁴ 10/7/2015, FNOG0504_20151007055407, 00:20-00:58.

⁵ 10/7/2015, FNOG0504_20151007071935, 00:14-00:44.

⁶ 10/10/2015, FNPB0269_20151010062603, 00:00-00:50.

⁷ 10/10/2015, FNPB0269_20151010061346, 00:00-00:34 (“It’s real important to get them behind the ear If you get them like back here, they’ll go down squealing and still alive. They’ll still blink and shit Like if they jump, once in a while you’ll catch them off guard, and they’ll jump, and they’ll throw your prod way back there. Then they got to shoot the hog on the table. Most of the time, I just stick it.”).

4. Excessive Force – Excessive Use of Electric Prodders

Workers at QPP routinely used excessive force to move animals, particularly downers. Specifically, workers routinely over-utilized electric prodders to drive animals, and sometimes even shocked pigs' faces or other sensitive areas. Additionally, on at least three occasions detailed below, workers were documented electrically prodding downer animals who were unable to move.

5. Excessive Force – General

In addition to the above, workers at QPP generally used excessive force to drive the animals to slaughter. They forcefully hit the hogs with their "rattle paddles," including on their face and heads, and also swung gates quickly to force hogs to move at an unjustifiably fast pace. On some occasions, workers attempting to move animals resorted to lifting them by their back legs, tails, or ears, or to pushing or shoving the animals out of pens. At least one worker, Kai Backous, was apparently permitted to continue employment at QPP despite being caught punching a pig.⁸

QPP management also effectively ratified workers' use of excessive force in moving hogs, including downers. One supervisor, Al Hauser, acknowledged that workers are supposed to use "sleds" to move disabled animals, but asserted that they "don't have time for that."⁹

6. Improper Handling

Pigs at QPP also suffer due to improper handling and variations from proper procedure. Examples of improper handling include downer pigs left out of pens during staff breaks, driving the pigs in a manner which causes them to climb on top of one another or stumble, and pigs jammed together in narrow corridors. Other improprieties include workers, in apparent jest, throwing blood-soaked paper towels at other workers, or cutting into a freshly slaughtered pig's ear for no apparent reason.

7. Downers Not Marked as "Suspect"

Despite the poor condition of many downers at QPP, the investigator did not observe a single animal being condemned after entering the facility's "livestock area." Although downers were stunned separately from other pigs, the downers were hoisted to the "sticking" table, where they were slaughtered together with the freshly-stunned healthier pigs. A small minority of animals slaughtered at the facility were marked with a red "X" on their backs as well as a black stamp on their shoulders that read, "KRIP."

⁸ 10/10/2015, FNPB0269_20151010095336, 00:03-00:26 ("I think I punched a pig I got real pissed and went like this [punching motion] They just caught me.").

⁹ 10/5/2015, FNOG0504_20151005101936, 00:00-01:34.

However, the investigator did not observe any procedure for marking animals who became downers within the livestock area. These marked hogs were slaughtered together with all other hogs.

8. Potential Food Safety Violations

The investigator documented some practices that may have food safety implications. For example, the investigator witnessed (but did not document) one worker at the “gam table” deliberately smearing feces onto hog carcasses as a joke, and many hog carcasses visibly contaminated with fecal matter. In another apparent joke, one worker placed coagulated blood and tissue from a collecting pan under the sticking table onto the body of a pig that he just “stuck.” Such conduct is not surprising in light of the lack of sufficient oversight at QPP, in both number and quality—one supervisor charged with overseeing stunning activities was even documented sleeping on duty.

The investigator also documented numerous hog carcasses with extremely bright red skin, a possible indication that they may have suffocated and/or been scalded to death, as well as many carcasses riddled with growths, abscesses, and lumps, some of which contained green or yellow pus.

B. Specific Incidents

1. *Dragging Conscious Pigs*

Incident 1:	9/21/2015	Video FNOG0504_20150921102632 Expert Video	03:44-06:02 00:02-02:20
After a worker electrically prods a downer hog caught in the corridor at least three times, a supervisor and other workers decide to use a captive bolt pistol to stun the hog. A worker in the background can be overhead saying, "Get her!" At around 1:22, the hog is stunned, despite the obstructed access to the pig's head. Subsequently, the supervisor pulls the hog out of the corridor by his/her hind legs and drags the hog away by the mouth as s/he continues to thrash around.			
Incident 2:	9/22/2015	Video FNOG0504_20150922083534 Expert Video	00:24-00:52 02:20-02:49
A downer hog who was left out of the pen during a break is dragged off by worker Jason Christianson by a metal hook tool in hog's mouth prior to being stunned while s/he struggles.			
Incident 3:	9/30/2015	Video FNOG0504_20150930071621 Expert Video	00:55-02:30 02:49-04:26
A hog is stunned with a captive bolt, then is dragged from the corridor while s/he continues thrashing around.			
Incident 4:	10/1/2015	Video FNOG0504_20151001060219 Expert Video	00:14-00:47 04:26-04:59
Two hogs continue to thrash on the ground after being knocked with a captive bolt. Worker Reinardson Dannis is documented stepping on the neck of one of the hogs and then pulling him/her away with a hook.			
Incident 5:	10/1/2015	Video FNOG0504_20151001060532 Expert Video	00:28-01:31 04:59-06:02
A worker stuns a hog with a captive bolt, and four seconds later, without checking for sensibility, drags the hog from the corridor. The hog is dragged next to another downer hog, such that the former hog's convulsions cause the downer hog to get kicked repeatedly. Reinardson Dannis then stuns the second downer hog.			
Incident 6:	10/1/2015	Video FNOG0504_20151001110449 Expert Video	00:19-01:32 06:02-07:15
A downer hog in the corridor is hit in the face with a paddle at least three times, electrically prodded on the head twice, then stunned with a captive bolt. Five seconds later, the hog is dragged out of the corridor with a hook. After a delay of 40 seconds, the hog is re-stunned.			

Incident 7:	10/10/2015	Video FNPB0269_20151010060923 Expert Video	00:10-01:31 07:15-08:36
A downer hog is stunned via captive bolt at 7:53, then within three seconds, is dragged from the pen. The hog continues to thrash around while a worker attempts to deliver a second stun, and the holds the hog's ears to try to keep him/her steady. At 8:33, after a delay of 40 seconds, the hog is re-stunned.			

2. Improper Stunning

Incident 8:	9/21/2015	Video FNOG0504_20150921112834 Expert Video	01:16-01:35 08:38-08:57
Worker Kai Backous slaps a hog on the sticking table to check for sensibility. The hog opens his/her mouth at 8:46 shortly after being shackled, and then blinks at 8:52.			
Incident 9:	9/21/2015	Video FNOG0504_20150921132628 Expert Video	02:07-02:14 08:57-09:04
A worker mis-stuns a hog at 8:58 while one prong is on top of the hog's head, then immediately repositions the stunning device, and delivers another shock to the hog. The worker stops conveyor belt to allow time for double stun.			
Incident 10:	9/21/2015	Video FNOG0504_20150921132628 Expert Video	10:25-10:33 09:04-09:12
A hog vocalizes persistently while in the chute, appears to be stunned more than once, then appears to vocalize again as the stunner is removed.			
Incident 11:	9/24/2015	Video FNOG0504_20150924073653 Expert Video	00:32-00:47 09:12-09:35
A hog's foot gets stuck in the restrainer after s/he has been stunned, and the hog has to be freed by a mechanical hoist. Consequently, it took several minutes after the hog was stunned to be slaughtered.			
Incident 12:	9/29/2015	Video FNOG0504_20150929073132 Expert Video	00:14-00:32 09:35-09:53
One hog opens his/her mouth as s/he is lifted by mechanical hoist after stunning.			
Incident 13:	10/1/2015	Video FNOG0504_20151001120156 Expert Video	00:00-01:49 09:53-11:42
The line is stopped when a hog's leg is caught in the restrainer. The hog is pulled from the restrainer via a mechanical hoist and is killed at 11:42, such that more than 60 seconds lapsed between stunning and slaughter.			
Incident 14:	10/5/2015	Video FNOG0504_20151005073407 Expert Video	00:23-00:33 11:42-11:52
A hog who was stunned moves his/her head and opens his/her mouth.			

Incident 15:	10/6/2015	Video FNOG0504_20151006064654 Expert Video	00:42-02:27 11:52-13:37
A shackled downer hog who was the investigator observed being stunned twice starts to thrash around while hoisted up, and appears to try to right him/herself. Reinardson Dannis lowers the hog onto the conveyor belt to the sticking table.			
Incident 16:	10/6/2015	Video FNOG0504_20151006074800 Expert Video	11:10-12:36 13:37-15:13
More than 60 seconds lapses between stunning and sticking for a hog.			
Incident 17:	10/6/2015	Video FNOG0504_20151006091553 Expert Video	00:16-02:20 15:13-17:17
The line is stopped, and a stunned hog still in a restrainer goes for longer than 60 seconds without being stuck.			
Incident 18:	10/6/2015	Video FNOG0504_20151006095919 Expert Video	00:07-00:31 17:17-17:41
Andy (last name unknown) from process control tells the investigator that it is inevitable that some hogs are still alive after they are stunned and stuck, and that he sometimes fails audits because of that. Andy explains that the “[o]nly way they can come back to life is a bad stun or a bad stick ... or if you don’t get that vein in there,” then proceeds to reach his hand into the hog’s throat to rip that vein, causing blood to pour out.			
Incident 19:	10/6/2015	Video FNOG0504_20151006101943 Expert Video	00:05-00:27 17:41-18:03
A shackled hog who was already “stuck” starts to thrash around and attempt to right him/herself while being conveyed to the scalding tank.			
Incident 20:	10/6/2015	Video FNOG0504_20151006102713 Expert Video	02:20-02:42 18:03-18:25
A hog almost escapes from the restrainer and must be stunned while protruding from the machine, but goes on to be bled as normal. Process Control Supervisor Andy is visibly excited by this and raises his arms.			
Incident 21:	10/7/2015	Video FNOG0504_20151007071935 Expert Video	00:14-00:44 18:25-18:55
Jeremy Morehouse indicates that the facility was suspended about 8 months prior due to hogs regaining sensibility.			
Incident 22:	10/7/2015	Video FNOG0504_20151007081753 Expert Video	00:13-00:42 18:55-19:25
At 19:07, Mark Rettarah uses a captive bolt gun on a hog who has already been stunned, stuck, and shackled. Jeremy Morehouse tells the investigator that the hog was definitely alive.			

Incident 23:	10/7/2015	Video FNOG0504_20151007082245 Expert Video	00:10-00:29 19:25-19:44
A hog who has already been stunned and bled thrashes around while suspended.			
Incident 24:	10/7/2015	Video FNOG0504_20151007082321 Expert Video	00:03-00:25 19:44-20:07
Another hog who has already been stunned and bled thrashes around while suspended.			
Incident 25:	10/7/2015	Video FNOG0504_20151007100952 Expert Video	00:08-00:50 20:07-20:49
A shackled hog tries to right him/herself (to the left of the pole at 20:16) while suspended in the background. A worker tells the investigator that someone is supposed to shoot sensible hogs who are shackled, and confirmed that a hog on the line was sensible, stating, "One of them was a live one See that guy back there? If they're alive on the line he's supposed to shoot them."			
Incident 26:	10/7/2015	Video FNOG0504_20151007122127 Expert Video	00:00-00:20 20:49-21:10
A shackled hog thrashes around while suspended.			
Incident 27:	10/7/2015	Video FNOG0504_20151007122200 Expert Video	00:14-00:45 21:10-21:41
Two shackled hogs thrash around while suspended.			
Incident 28:	10/7/2015	Video FNOG0504_20151007122359 Expert Video	00:10-00:51 21:41-22:22
A shackled hog thrashes around while suspended, and Andy of process control sprays him/her with a hose.			
Incident 29:	10/7/2015	Video FNOG0504_20151007133127 Expert Video	00:09-00:30 22:22-22:43
A shackled hog thrashes around while suspended.			
Incident 30:	10/8/2015	Video FNOG0504_20151008091441 Expert Video	00:07-00:37 22:43-23:14
A shackled hog thrashes around while suspended.			
Incident 31:	10/10/2015	Video FNPB0269_20151010061346 Expert Video	00:00-00:34 23:14-23:48
Kai Backous admits that he sticks hogs who are improperly stunned and sensible, saying "Most of the time, I just stick it."			
Incident 32:	10/10/2015	Video FNPB0269_20151010062603 Expert Video	00:00-00:50 23:48-24:38
Kai Backous improperly stuns a hog and admits to sometimes mis-stunning on purpose and also admits to sticking hogs who regain sensibility without re-stunning them. He explains that one hog he just mis-stunned can be heard squealing "because I hit him on the shoulder Once in a while I'll do it on purpose just to see if the guy [at the sticking table] is a pussy or not. John always bitches and has them shot. I just stick them."			

Incident 33:	10/10/2015	Video FNPB0269_20151010062702 Expert Video	00:00-00:26 24:38-25:04
Kai Backous talks about getting written up for improperly stunning hogs during an audit.			
Incident 34:	10/10/2015	Video FNPB0269_20151010072128 Expert Video	00:00-01:00 25:04-26:04
Hever Maldonado stuns a hog who is partially out of the restrainer at 25:09. Mark Rettarath comes over to assist him push the stunned hog down the line in order to stun the next hog, who is vocalizing and moving around.			
Incident 35:	10/12/2015	Video FNPB0269_20151012112224 Supplemental Video	00:05-01:17 00:00-01:12
Animal Welfare Supervisor Laura Coffey admits that stunned hogs sometimes regain sensibility, stating, “You want to stick them as soon as possible, otherwise they have the risk of returning Sometimes they come back, like zombies.” She adds that some workers “stun them and then lollygag around They keep saying they got 7 minutes, which is incorrect. If we put a time on it ... then we won’t be in compliance ... so, ‘as soon as possible’ is what our program says.”			

3. Improper Euthanasia/Stunning of Injured/Downer Pigs

Incident 36:	9/22/2015	Video FNOG0504_20150922131223 Expert Video	00:18-03:02 26:06-28:51
Supervisor John Niewoehner mistakenly sends an injured hog into the circle pen and into the pathway to the stunners. He tries to pull hog from path, but ends up letting him/her through. At 27:01, he says, “I thought it was one of the good ones,” to which the investigator responds, “no,” and the supervisor says, “my bad.” At 28:41, the investigator asks if he sent the injured hog through, and he responds, “Yeah.”			
Incident 37:	9/23/2015	Video FNOG0504_20150923055840 Expert Video	00:32-00:37 28:51-28:56
A worker uses the electric stunner to stun a downer hog.			
Incident 38:	9/24/2015	Video FNOG0504_20150924101639 Expert Video	00:14-00:24 28:56-29:06
Reinardson Dannis uses the electric stunner to stun a downer hog.			
Incident 39:	9/25/2015	Video FNOG0504_20150925075103 Expert Video	00:35-02:01 29:06-30:32
Reinardson Dannis wets a downer hog with a hose, then electrically stuns the hog twice and drags him/her away.			

Incident 40:	9/25/2015	Video FNOG0504_20150925094714 Expert Video	00:14-01:34 30:32-31:52
Reinardson Dannis wets a downer hog down with a hose, then electrically stuns the hog twice.			
Incident 41:	9/25/2015	Video FNOG0504_20150925095728 Expert Video	00:17-01:10 31:52-32:45
Worker Jeremy Morehouse uses a captive bolt gun to stun a hog. The hog continues to kick as he drags him/her away.			
Incident 42:	9/25/2015	Video FNOG0504_20150925114346 Expert Video	00:15-00:22 32:45-32:53
Reinardson Dannis electrically stuns a downer hog twice.			
Incident 43:	9/29/2015	Video FNOG0504_20150929115559 Expert Video	00:14-02:34 32:53-35:13
Reinardson Dannis sprays a hog with hose, then pushes the hog within range of the stunning machine, stuns him/her twice, and drags him/her away.			
Incident 44:	9/30/2015	Video FNOG0504_20150930074400 Expert Video	00:17-01:36 35:13-36:32
A hog who was stunned via captive bolt sometime before 7:44:17 AM lies on the ground and continues kick occasionally.			
Incident 45:	9/30/2015	Video FNOG0504_20150930074619 Expert Video	00:04-00:42 36:32-37:10
The hog from the above clip is re-stunned with a captive bolt at 7:46:54 AM, more than 2 minutes and 37 seconds after the first stun.			
Incident 46:	9/30/2015	Video FNOG0504_20150930095506 Expert Video	00:17-1:01 37:10-37:54
A hog who was previously stunned with a captive bolt continues to kick on the floor.			
Incident 47:	9/30/2015	Video FNOG0504_20150930125941 Expert Video	00:17-01:06 37:54-38:43
Reinardson Dannis sprays a number of hogs with a hose and then electrically stuns one downer hog.			
Incident 48:	10/1/2015	Video FNOG0504_20151001054633 Expert Video	00:16-00:29 38:43-38:56
Reinardson Dannis electrically stuns a hog twice.			
Incident 49:	10/1/2015	Video FNOG0504_20151001060532 Expert Video	0:28-02:21 38:56-40:49
A hog is stunned with a captive bolt at 39:01 and dragged from the corridor. The hog is re-stunned by captive bolt at 40:46, 1 minute and 45 seconds after the first stun. [Clip also included in “Dragging Conscious Pigs”]			

Incident 50:	10/1/2015	Video FNOG0504_20151001084540 Expert Video	00:42-00:52 40:49-40:58
Reinardson Dannis electrically stuns a downer hog twice, rolling the hog over in-between stuns.			
Incident 51:	10/5/2015	Video FNOG0504_20151005130310 Expert Video	00:16-00:26 40:58-41:08
Reinardson Dannis electrically stuns a hog twice, and puts his foot on the hog's back during the second stun.			
Incident 52:	10/5/2015	Video FNOG0504_20151002083544 Expert Video	00:14-01:24 41:08-41:43
A worker electrically stuns a downer hog twice.			
Incident 53:	10/2/2015	Video FNOG0504_20151002063044 Expert Video	00:57-01:01 41:43-42:52
Reinardson Dannis stuns one downer hog as another hog watches, then stuns the second hog, who continues to moves his/her head after being stunned.			
Incident 54:	10/12/2015	Video FNPB0269_20151012103405 Expert Video	00:00-00:19 42:52-43:14
A hog with a prolapse is driven into the corridor for stunning, rather than stunned separately via captive bolt as required by facility protocol.			

4. Excessive Force – Excessive Use of Electric Prodders

Incident 55:	9/21/2015	Video FNOG0504_20150921102632 Expert Video	03:44-04:30 43:16-44:02
A worker excessively prods a downer hog before stunning and dragging the animal. From the worker's arm movements, it looks to be an approximate 10 electric shocks in 13 seconds, though there were more which were not captured on film. [Longer version of this clip also included in "Dragging Conscious Pigs"]			
Incident 56:	9/21/2015	Video FNOG0504_20150921132628 Expert Video	09:50-10:09 44:02-44:21
A worker has trouble getting a hog to move into the chute, and after continuously poking him/her with paddle (approximately 9 times), uses an electric prod at least twice.			
Incident 57:	9/21/2015	Video FNOG0504_20150921132628 Expert Video	14:40-14:57 44:21-44:38
Multiple workers poke and electrically prod a hog who refuses to move in the chute.			
Incident 58:	9/21/2015	Video FNOG0504_20150921132628 Expert Video	16:49-16:55 44:38-44:44
A worker pokes and prods a hog who refuses to move through chute. The worker uses the electrical prod multiple times, and the final prod may have been to a sensitive area.			

Incident 59:	9/21/2015	Video FNOG0504_20150921132628 Expert Video	17:15-18:10 44:44-45:39
Several workers use paddles and electric prods to move hogs. The workers use the paddles in a jabbing motion.			
Incident 60:	9/21/2015	Video FNOG0504_20150921132628 Expert Video	18:57-19:53 45:39-46:35
A hog vocalizes and refuses to move onto the conveyor. Workers excessively poke and electrically prod the hog to move him/her.			
Incident 61:	9/22/2015	Video FNOG0504_20150922055732 Expert Video	05:59-06:21 46:35-46:57
Workers forcefully jab and repeatedly electrically prod a hog who refuses to move into the chute. They appear to shock the hog at least a dozen times and jab the hog more than 20 times.			
Incident 62:	9/23/2015	Video FNOG0504_20150923111602 Expert Video	09:11-09:55 46:57-47:41
A panicked hog vocalizes intensely and refuses to move forward in the chute, causing other hogs further back in line to get scared and agitated. Multiple workers shock and jab the hog to move him/her.			
Incident 63:	9/24/2015	Video FNOG0504_20150924095238 Expert Video	02:57-03:04 47:41-47:48
Jaime Navarro uses an electric prodder on consecutive hogs at least 3 times in 3 seconds.			
Incident 64:	9/24/2015	Video FNOG0504_20150924111846 Expert Video	00:22-00:29 47:48-47:55
Jaime Navarro uses an electric prodder on several hogs.			
Incident 65:	9/24/2015	Video FNOG0504_20150924111846 Expert Video	02:05-02:22 47:55-48:12
Jaime Navarro uses an electric prodder on a hog.			
Incident 66:	9/24/2015	Video FNOG0504_20150924111846 Expert Video	03:08-03:30 48:12-48:34
Jaime Navarro uses an electric prodder on a hog at least 5 times in 8 seconds.			
Incident 67:	9/24/2015	Video FNOG0504_20150924111846 Expert Video	08:12-08:20 48:34-48:42
Jaime Navarro uses an electric prodder on a hog.			
Incident 68:	9/24/2015	Video FNOG0504_20150924111846 Expert Video	11:55-11:58 48:42-48:45
Jaime Navarro uses an electric prodder on a hog.			

Incident 69:	9/24/2015	Video FNOG0504_20150924111846 Expert Video	13:51-13:57 48:45-48:51
Jaime Navarro uses an electric prod on a hog.			
Incident 70:	9/24/2015	Video FNOG0504_20150924111846 Expert Video	14:44-14:52 48:51-48:59
Jaime Navarro uses an electric prod on a hog, and appears to shock the hog's face.			
Incident 71:	9/24/2015	Video FNOG0504_20150924123156 Expert Video	00:17-00:24 48:59-49:06
Several hogs are caught side by side in the corridor and struggle to move while Jaime Navarro uses an electric prod on them and jabs them forcefully with a paddle.			
Incident 72:	9/24/2015	Video FNOG0504_20150924123156 Expert Video	01:22-01:33 49:06-49:17
Jaime Navarro uses an electric prod on a hog at least 3 times.			
Incident 73:	9/24/2015	Video FNOG0504_20150924124015 Expert Video	00:13-00:21 49:17-49:26
Jaime Navarro uses an electric prod on multiple hogs at least 3 times. The electric prod produces visible sparks when touched against the metal bars.			
Incident 74:	9/24/2015	Video FNOG0504_20150924133559 Expert Video	00:09-00:20 49:26-49:38
Jaime Navarro uses an electric prod on multiple hogs at least 5 times.			
Incident 75:	9/24/2015	Video FNOG0504_20150924134103 Expert Video	00:16-00:29 49:38-49:50
Jaime Navarro uses an electric prod on and around a hog's head approximately 6 times.			
Incident 76:	9/25/2015	Video FNOG0504_20150925101341 Expert Video	10:10-10:15 49:50-49:55
A worker uses an electric prod on a hog.			
Incident 77:	9/25/2015	Video FNOG0504_20150925101341 Expert Video	12:08-12:18 49:55-50:06
A worker uses an electric prod on a hog.			
Incident 78:	9/25/2015	Video FNOG0504_20150925101341 Expert Video	13:09-13:15 50:06-50:12
A worker uses an electric prod on a hog.			
Incident 79:	9/25/2015	Video FNOG0504_20150925115715 Expert Video	00:07-00:36 50:12-50:43
Jaime Navarro hits a group of hogs excessively with a rattle paddle (at least 20 times in 17 seconds), then uses an electric prod on other hogs at least 3 times in 2 seconds.			

Incident 80:	9/28/2015	Video FNOG0504_20150928114702 Expert Video	00:16-01:15 50:43-51:42
Robert Orr uses an electric prodder excessively while trying to separate two hogs jammed next to each other in the corridor, in one instance delivering approximately 12 shocks in 16 seconds.			
Incident 81:	9/29/2015	Video FNOG0504_20150929062623 Expert Video	00:59-01:39 51:42-52:22
Reinardson Dannis and a supervisor deliver over a dozen electric prods and at least 16 blows with a paddle to a hog who has gone into corridor backwards.			
Incident 82:	9/29/2015	Video FNOG0504_20150929062623 Expert Video	00:18-00:32 52:22-52:36
Reinardson Dannis delivers multiple electric prods and blows with a paddle to a hog who has gone into corridor backwards.			
Incident 83:	9/29/2015	Video FNOG0504_20150929084528 Expert Video	01:07-01:13 52:36-52:42
A worker uses an electric prodder on a hog to deliver approximately 3 shocks in 4 seconds as the hog vocalizes.			
Incident 84:	9/29/2015	Video FNOG0504_20150929085501 Expert Video	00:16-00:41 52:42-53:07
Jaime Navarro hits an injured/downer hog approximately 18 times, and electrically prods him/her at least 4 times to drive him/her out of a pen.			
Incident 85:	10/1/2015	Video FNOG0504_20151001110449 Expert Video	00:19-01:32 53:07-54:19
After being hit in the face with a paddle at least 3 times, a downer hog is also electrically prodded on the face twice, prior to being stunned and dragged. [Same clip included in "Dragging Conscious Pigs"]			
Incident 86:	10/2/2015	Video FNOG0504_20151002063142 Expert Video	00:05-3:37 54:19-57:52
A hog who is caught against another hog in the corridor is stunned via captive bolt and pulled out of the corridor. Prior to stunning the hog, workers excessively prod and forcefully jab their paddles at the animal. In one instance, a worker delivers approximately 5 prods in 3 seconds, then continues to use the prodder.			
Incident 87:	10/5/2015	Video FNOG0504_20151005100229 Expert Video	00:14-00:23 57:52-58:02
Jaime Navarro electrically prods a hog, and other hogs start climbing on top of each other to get away.			
Incident 88:	10/12/2015	Video FNPB0269_20151012104920 Expert Video	00:23-00:26 58:02-58:05
Onesimo Hernandez uses an electric prod on a hog's genitals.			

5. Excessive Force – General

Incident 89:	9/21/2015	Video FNOG0504_20150921113618 Expert Video	00:13-00:14 58:08-58:09
Worker Kai Backous slams a free shackle onto a shackle he just placed around a hog's foot in order to tighten it.			
Incident 90:	9/22/2015	Video FNOG0504_20150922055732 Expert Video	04:11-05:00 58:09-58:58
Multiple workers hit several hogs jammed in a corridor excessively.			
Incident 91:	9/22/2015	Video FNOG0504_20150922062012 Expert Video	06:08-06:21 58:58-59:11
Worker Wisley Ochorro swings a gate quickly to force hogs to move at a fast pace, and hits them with a paddle several times.			
Incident 92:	9/22/2015	Video FNOG0504_20150922062012 Expert Video	09:55-09:58 59:11-59:14
Wisley Ochorro hits a hog with a paddle forcefully.			
Incident 93:	9/22/2015	Video FNOG0504_20150922062012 Expert Video	11:11-11:20 59:14-59:23
Wisley Ochorro swings paddle overhead to forcefully hit a hog as he swings a gate.			
Incident 94:	9/22/2015	Video FNOG0504_20150922062012 Expert Video	13:03-13:14 59:23-59:34
Wisley Ochorro swings a gate quickly to force hogs to move at a fast pace.			
Incident 95:	9/22/2015	Video FNOG0504_20150922062012 Expert Video	14:20-14:27 59:34-59:41
Wisley Ochorro hits a hog with a paddle forcefully.			
Incident 96:	9/22/2015	Video FNOG0504_20150922062012 Expert Video	14:40-14:54 59:41-59:55
A worker slams a hog in the face with a paddle.			
Incident 97:	9/22/2015	Video FNOG0504_20150922062012 Expert Video	15:05-15:13 59:55-1:00:03
A worker swings forcefully hits a hog with his paddle.			
Incident 98:	9/22/2015	Video FNOG0504_20150922064824 Expert Video	01:58-02:02 1:00:03-1:00:07
Wisley Ochorro hits a hog with a paddle forcefully.			
Incident 99:	9/22/2015	Video FNOG0504_20150922064824 Expert Video	07:17-07:24 1:00:07-1:00:14
Wisley Ochorro hits a hog with a paddle forcefully.			
Incident 100:	9/22/2015	Video FNOG0504_20150922064824 Expert Video	07:51-07:58 1:00:14-1:00:21
Wisley Ochorro swings a gate quickly to drive hogs, and hits the hogs with the gate.			

Incident 101:	9/22/2015	Video FNOG0504_20150922064824 Expert Video	10:12-10:20 1:00:21-1:00:29
Wisley Ochorro hits a hog with a paddle forcefully.			
Incident 102:	9/22/2015	Video FNOG0504_20150922064824 Expert Video	14:32-14:42 1:00:29-1:00:39
Wisley Ochorro hits multiple hogs forcefully with a paddle.			
Incident 103:	9/22/2015	Video FNOG0504_20150922111727 Expert Video	14:40-14:43 1:00:39-1:00:42
A worker drops a gate down onto hog to get him/her to move.			
Incident 104:	9/23/2015	Video FNOG0504_20150923064522 Expert Video	00:25-00:40 1:00:42-1:00:57
Multiple workers hit hogs with rattle paddles.			
Incident 105:	9/23/2015	Video FNOG0504_20150923064522 Expert Video	00:54-00:57 1:00:57-1:01:00
A worker hits hogs with a rattle paddle.			
Incident 106:	9/23/2015	Video FNOG0504_20150923070510 Expert Video	00:00-00:10 1:01:00-1:01:10
A hog who had climbed on top of another hog is hit in the face and falls backwards.			
Incident 107:	9/23/2015	Video FNOG0504_20150923085605 Expert Video	00:17-01:19 1:01:10-1:02:12
Abera Dobi nudges a downer hog with his leg and hits him/her with rattle board to try to move him/her. The hog has visible marks from being hit.			
Incident 108:	9/23/2015	Video FNOG0504_20150923095332 Expert Video	00:05-00:54 1:02:12-1:03:01
Abera Dobi, supervisor John Niewoehner, and another worker push the same downer hog out of the pen.			
Incident 109:	9/23/2015	Video FNOG0504_20150923111602 Expert Video	06:38-06:55 1:03:01-1:03:18
Wisley Ochorro moves a gate, forcefully driving numerous hogs, and causing two to climb on top of other hogs.			
Incident 110:	9/23/2015	Video FNOG0504_20150923124603 Expert Video	00:16-00:23 1:03:18-1:03:25
Onesimo Hernandez chases a hog around while hitting him/her with his rattle paddle, causing the hog to run and slip.			
Incident 111:	9/23/2015	Video FNOG0504_20150923124603 Expert Video	00:31-00:43 1:03:25-1:03:37
Onesimo Hernandez continues to chase the hog around while hitting him/her with his rattle paddle, causing the hog's two back feet to slip.			

Incident 112:	9/24/2015	Witnessed but not documented	
The investigator witnessed Jaime Navarro using an electric prod on several hog's heads or around their anuses.			
Incident 113:	9/24/2015	Video FNOG0504_20150924111846 Expert Video	05:58-06:13 1:03:37-1:03:52
Workers attempt to force an injured hog to move, but the hog goes down.			
Incident 114:	9/24/2015	Video FNOG0504_20150924111846 Expert Video	06:47-06:53 1:03:52-1:03:58
After workers finally get the above hog up, one slaps the hog in the face with a paddle.			
Incident 115:	9/25/2015	Video FNOG0504_20150925083504 Expert Video	00:15-00:31 1:03:58-1:04:14
Abera Dobi pushes and kicks a downer hog who is shaking violently out of the pen.			
Incident 116:	9/25/2015	Video FNOG0504_20150925084158 Expert Video	00:17-00:24 1:04:14-1:04:21
Wisley Ochorro drives hogs and uses the gate to push a hog along, in violation of facility protocol.			
Incident 117:	9/25/2015	Video FNOG0504_20150925090006 Expert Video	00:08-00:27 1:04:21-1:04:41
Wisley Ochorro forcefully hits a hog with his paddle, and continues to hit the hog on the face multiple times.			
Incident 118:	9/25/2015	Video FNOG0504_20150925101341 Expert Video	01:30-01:49 1:04:41-1:05:00
A worker uses an electric prodder and hits a hog in the head with rattle paddle to get him/her to move, causing one hog to jump on top of another, while Hormel personnel (identified by their hard hats) look on.			
Incident 119:	9/25/2015	Video FNOG0504_20150925101341 Expert Video	04:52-05:22 1:05:00-1:05:29
Several workers prod and hit multiple agitated hogs in the face with paddles to drive them into a chute.			
Incident 120:	9/29/2015	Video FNOG0504_20150929070603 Expert Video	00:17-00:24 1:05:29-1:05:36
Jason Christianson pushes a downer hog out of a pen. He lifts the hog up by back legs, which seem to be injured, and then shoves the back end of the hog.			
Incident 121:	9/29/2015	Video FNOG0504_20150929084528 Expert Video	00:40-00:59 1:05:36-1:05:55
Jaime Navarro hits hogs excessively (at least 28 times).			
Incident 122:	9/29/2015	Video FNOG0504_20150929084528 Expert Video	01:20-1:32 1:05:55-1:06:07
Abera Dobi pushes an injured/ downer hog out of a pen.			

Incident 123:	9/30/2015	Video FNOG0504_20150930053349 Expert Video	00:17-00:24 1:06:07-1:06:15
Abera Dobi pushes an injured/ downer hog out of a pen.			
Incident 124:	9/30/2015	Video FNOG0504_20150930094304 Expert Video	00:12-00:26 1:06:15-1:06:30
Jaime Navarro pushes an injured/downer hog out of a pen with his knees.			
Incident 125:	9/30/2015	Video FNOG0504_20150930095924 Expert Video	00:23-00:44 1:06:30-1:06:51
Abera Dobi pushes an injured/ downer hog out of a pen with a door.			
Incident 126:	10/2/2015	Video FNOG0504_20151002053255 Expert Video	00:16-00:46 1:06:51-1:07:33
Workers pull an injured/ downer hog from the corridor.			
Incident 127:	10/5/2015	Video FNOG0504_20151005125428 Expert Video	00:16-00:58 1:07:33-1:08:15
Reinardson Dannis pushes a downer hog out of a pen.			
Incident 128:	10/5/2015	Video FNOG0504_20151005130425 Expert Video	00:21-00:30 1:08:15-1:08:24
Abera Dobi hits an injured hog who has trouble walking.			
Incident 129:	10/5/2015	Video FNOG0504_20151005135002 Expert Video	00:17-00:57 1:08:24-1:09:04
Abera Dobi pushes an injured/ downer hog out of pen, lifts him/her by the tail, and sprays him/her with water to clean off dirt that was making his hands slip.			
Incident 130:	10/6/2015	Video FNOG0504_20151006064357 Expert Video	00:37-01:00 1:09:04-1:09:27
Reinardson Dannis pulls a hog out of the corridor by his/her ears, and then uses an electric prod multiple times (a minimum of 4 shocks), and then hits the injured hog with the paddle because s/he refuses to move through the corridor. This hog ends up going through to the restrainer.			
Incident 131:	10/12/2015	Video FNPB0269_20151012104543 Expert Video	00:36-00:41 1:09:27-1:09:32
A worker hits hogs excessively with a paddle (a minimum of 5 hits to the same hog).			
Incident 132:	10/12/2015	Video FNPB0269_20151012104920 Expert Video	00:26-00:43 1:09:32-1:09:49
Onesimo Hernandez drives hogs, and hits them with the side of his paddle, which is prohibited.			
Incident 133:	10/12/2015	Video FNPB0269_20151012120951 Expert Video	01:46-01:54 1:09:49-1:09:57
A worker uses a paddle excessively (at least 7 documented blows).			

Incident 134:	10/12/2015	Video FNPB0269_20151012120951 Expert Video	02:07-02:12 1:09:57-1:10:02
A worker uses a paddle excessively (at least 4 documented hits).			
Incident 135:	10/12/2015	Video FNPB0269_20151012120951 Expert Video	02:23-02:28 1:10:02-1:10:07
A worker uses a paddle excessively (at least 5 documented hits).			
Incident 136:	10/12/2015	Video FNPB0269_20151012120951 Expert Video	02:39-02:49 1:10:07-1:10:17
A worker uses a paddle excessively and encourages the investigator to hit the hogs harder. A euthanized hog is lowered onto the conveyor belt to the sticking table in the background.			
Incident 137:	10/12/2015	Video FNPB0269_20151012123941 Expert Video	00:29-00:42 1:10:17-1:10:30
Onesimo Hernandez uses a paddle excessively (at least 8 documented hits) while driving hogs.			
Incident 138:	10/12/2015	Video FNPB0269_20151012124310 Expert Video	00:04-00:10 1:10:30-1:10:38
Onesimo Hernandez forcefully hits hogs at least 6 times with a paddle.			

6. *Improper Handling*

Incident 139:	9/22/2015	Video FNOG0504_20150922092024 Expert Video	00:16-00:26 1:10:40-1:10:50
A group of hogs climb on top of one another in a small pen.			
Incident 140:	9/22/2015	Video FNOG0504_20150922092700 Expert Video	00:17-00:29 1:10:50-1:11:02
An injured hog stumbles and appears stressed.			
Incident 141:	9/22/2015	Video FNOG0504_20150922125827 Expert Video	00:13-00:54 1:11:02-1:11:44
A hog jumps over a gate and tries to run away, but is herded back into the circle pen.			
Incident 142:	9/23/2015	Video FNOG0504_20150923073742 Expert Video	00:17-00:41 1:11:44-1:12:08
Abera Dobi drives a group of hogs, and start climbing on top of each other to get away.			
Incident 143:	9/25/2015	Video FNOG0504_20150925100711 Expert Video	00:10-00:43 1:12:08-1:12:41
Supervisor John Niewoehner walks past a hog who was stunned with a captive bolt but continues to kick on the floor.			

Incident 144:	9/25/2015	Video FNOG0504_20150925101341 Expert Video	07:34-07:46 1:12:41-1:12:53
A group of overcrowded hogs jump on top of one another as they are driven.			
Incident 145:	9/28/2015	Video FNOG0504_20150928111832 Expert Video	00:55-01:08 1:12:53-1:13:06
Robert Orr jabs a hog who is trapped against another hog in the corridor.			
Incident 146:	10/1/2015	Video FNOG0504_20151001091655 Expert Video	00:16-00:23 1:13:06-1:13:13
The corridor is opened up to free a hog who is caught next to another hog.			
Incident 147:	10/1/2015	Video FNOG0504_20151001123723 Expert Video	00:17-00:25 1:13:13-1:13:21
Supervisor John Nieboski indicates that a hog's leg was caught in the restrainer, and that "it happens every so often."			
Incident 148:	10/6/2015	Video FNOG0504_20151006090557 Expert Video	00:45-00:52 1:13:21-1:13:28
Hever Maldonado looks around and then cuts into a pig's ear for no apparent reason after the hog had been bled.			
Incident 149:	10/7/2015	Video FNOG0504_20151007052339 Expert Video	00:28-01:38 1:13:28-1:14:38
Supervisor Al Hauser states that workers may push hogs if they are near a door since they cannot always get the sleds in and out quickly.			
Incident 150:	10/7/2015	Video FNOG0504_20151007123142 Expert Video	00:14-00:16 1:14:38-1:14:40
Jeremy Morehouse throws a blood-soaked paper towel at Mark Rettarah, hitting him on the back.			
Incident 151:	10/7/2015	Video FNOG0504_20151007123142 Expert Video	00:42-00:45 1:14:40-1:14:43
After soaking a paper towel with blood from a hog's neck after slitting the hog's throat, Jeremy Morehouse throws the blood-soaked paper towel at Mark Rettarah, hitting him in the back.			
Incident 152:	10/7/2015	Video FNOG0504_20151007124312 Expert Video	00:00-01:39 1:14:43-1:16:23
Andy of Process Control soaks another paper towel in blood and throws it at Mark Rettarah. Jeremy Morehouse fills a Pepsi can with blood so that Andy can soak the paper towel further.			
Incident 153:	10/9/2015	Witnessed but not documented	
The investigator witnessed Jaime Hernandez cutting through stuck pigs' ears as they pass by on the conveyor belt at least 4 or 5 times. He appeared to be testing the sharpness of his knife.			

Incident 154:	10/10/2015	Video FNPB0269_20151010064754 Expert Video	00:00-00:50 1:16:23-1:17:13
Kai Backous explains the system of lights that correspond to the noise level of the hogs, stating that a red light indicates that the pigs are too loud, and states, “they’re barely ever green.”			
Incident 155:	10/10/2015	Video FNPB0269_20151010101211 Expert Video	00:22-00:47 1:17:13-1:17:37
The noise level indicator turns red multiple times.			

7. Downers Not Marked as “Suspect”

Incident 156:	9/21/2015	Video FNOG0504_20150921111147 Expert Video	01:40-01:47 1:17:40-1:17:47
A downer hog is left out of the pen during a lunch break.			
Incident 157:	9/22/2015	Video FNOG0504_20150922072053 Expert Video	00:19-00:29 1:17:47-1:17:57
A downer hog lies on the ground outside of the circle pen.			
Incident 158:	9/22/2015	Video FNOG0504_20150922083314 Expert Video	01:30-01:43 1:17:57-1:18:10
A downer hog left out of a pen during a staff break.			
Incident 159:	9/22/2015	Video FNOG0504_20150922100033 Expert Video	00:23-00:28 1:18:10-1:18:15
A downer hog lies on the ground while other hogs walk around.			
Incident 160:	9/22/2015	Video FNOG0504_20150922100033 Expert Video	00:45-00:51 1:18:15-1:18:21
The same downer hog from the above continues to lay on the ground.			
Incident 161:	9/22/2015	Video FNOG0504_20150922125237 Expert Video	00:16-00:34 1:18:21-1:18:39
A downer hog stumbles.			
Incident 162:	9/22/2015	Video FNOG0504_20150922131223 Expert Video	02:20-02:31 1:18:39-1:18:50
A stunned downer hog is hoisted up and delivered to the sticking table.			
Incident 163:	9/23/2015	Video FNOG0504_20150923065156 Expert Video	00:48-00:52 1:18:50-1:18:54
A downer pig lies on the ground against a wall.			
Incident 164:	9/23/2015	Video FNOG0504_20150923070527 Expert Video	00:16-00:32 1:18:54-1:19:10
A downer hog squeals while on his/her knees.			

Incident 165:	9/23/2015	Video FNOG0504_20150923083304 Expert Video	00:19-00:50 1:19:10-1:19:42
Two downer hogs are left out during break.			
Incident 166:	9/24/2015	Video FNOG0504_2015092409492 Expert Video	00:20-00:30 1:19:42-1:19:52
A downer hog sits on his/her back legs.			
Incident 167:	9/25/2015	Video FNOG0504_20150925064731 Expert Video	00:23-00:34 1:19:52-1:20:03
A downer hog sits on his/her back legs.			
Incident 168:	9/25/2015	Video FNOG0504_20150925083339 Expert Video	00:22-00:33 1:20:03-1:20:15
A downer hog is left out during a staff break.			
Incident 169:	9/29/2015	Video FNOG0504_20150929062922 Expert Video	00:45-00:59 1:20:15-1:20:29
A downer hog is hunched on his/her knees and pants heavily.			
Incident 170:	9/29/2015	Video FNOG0504_20150929063700 Expert Video	01:24-01:32 1:20:29-1:20:37
The same downer hog from the previous clip now lies on his/her side and pants while other hogs look on.			
Incident 171:	9/29/2015	Video FNOG0504_20150929070603 Expert Video	00:50-00:52 1:20:37-1:20:39
A downer log lies down.			
Incident 172:	9/29/2015	Video FNOG0504_20150929071548 Expert Video	00:36-00:49 1:20:39-1:20:51
A downer hog sits on his/her hind legs outside of the pen while workers walk around.			
Incident 173:	9/29/2015	Video FNOG0504_20150929085501 Expert Video	00:58-01:04 1:20:51-1:20:58
A downer hog sits on his/her hind legs outside of a pen and pants heavily.			
Incident 174:	9/29/2015	Video FNOG0504_20150930074722 Expert Video	00:11-00:36 1:20:58-1:21:23
The same hog from the above clip is hoisted and hangs from a shackle.			
Incident 175:	9/30/2015	Video FNOG0504_20150930111418 Expert Video	00:11-00:36 1:21:23-1:21:48
A downer hog shakes while standing and finally falls to his/her knees.			
Incident 176:	10/1/2015	Video FNOG0504_20151001060323 Expert Video	00:19-01:42 1:21:48-1:23:11
Two hogs who were stunned via captive bolt are shackled and placed on a mechanical hoist while they continue kicking.			

Incident 177:	10/1/2015	Video FNOG0504_20151001060532 Expert Video	00:40-00:56 1:23:11-1:23:27
Two hogs who were stunned via captive bolt are shackled and placed on a mechanical hoist.			
Incident 178:	10/1/2015	Video FNOG0504_20151001064800 Expert Video	00:23-00:30 1:23:27-1:23:34
A downer hog pants heavily.			
Incident 179:	10/1/2015	Video FNOG0504_20151001083116 Expert Video	00:23-00:31 1:23:34-1:23:42
A downer hog sits on his/her knees.			
Incident 180:	10/2/2015	Video FNOG0504_20151002053255 Expert Video	00:57-01:01 1:23:42-1:23:46
A downer hog lies on the ground.			
Incident 181:	10/2/2015	Video FNOG0504_20151002075912 Expert Video	00:21-01:02 1:23:46-1:24:27
An injured/downer hog is let out of the corridor. The hog cannot use his/her back legs and tries to walk away using only his/her front legs.			
Incident 182:	10/5/2015	Video FNOG0504_20151005060331 Expert Video	00:38-00:45 1:24:27-1:24:34
A downer hog sits on his/her back legs outside the circle pen.			
Incident 183:	10/5/2015	Video FNOG0504_20151005072326 Expert Video	00:06-00:12 1:24:34-1:24:40
An injured/ downer hog has difficulty walking.			
Incident 184:	10/6/2015	Video FNOG0504_20151006074800 Expert Video	05:18-05:40 1:24:40-1:25:02
An unmarked and stunned downer hog is brought onto the conveyor leading to the sticking table by hoist.			
Incident 185:	10/7/2015	Video FNOG0504_20151007080745 Expert Video	02:23-03:00 1:25:02-1:25:39
Reinardson Dannis flips two unmarked downer hogs onto the sticking table, and aligns them with the hogs dropping down from the stunning area.			
Incident 186:	10/7/2015	Video FNOG0504_20151007091301 Expert Video	02:24-03:02 1:25:39-1:26:16
Reinardson Dannis flips two unmarked downer hogs onto the sticking table, and aligns them with the hogs dropping down from the stunning area.			
Incident 187:	10/7/2015	Video FNOG0504_20151007093548 Expert Video	00:42-01:14 1:26:16-1:26:49
Reinardson Dannis flips an unmarked downer hog onto the sticking table, and aligns with the hogs dropping down from the stunning area.			

Incident 188:	10/7/2015	Video FNOG0504_20151007103008 Expert Video	01:56-02:42 1:26:49-1:27:35
Reinardson Dannis flips two unmarked downer hogs onto the sticking table, and aligns them with the hogs dropping down from the stunning area.			
Incident 189:	10/9/2015	Video FNOG0504_20151009062449 Expert Video	00:14-00:22 1:27:35-1:27:43
A downer hog pants heavily.			
Incident 190:	10/9/2015	Video FNOG0504_20151009070139 Expert Video	00:37-00:52 1:27:43-1:27:58
Reinardson Dannis flips two unmarked downer hogs onto the sticking table, and aligns them with the hogs dropping down from the stunning area.			
Incident 191:	10/10/2015	Video FNPB0269_20151010072711 Expert Video	00:00-00:19 1:27:58-1:28:17
Two unmarked hogs who were stunned are delivered to the sticking table via hoist.			
Incident 192:	10/10/2015	Video FNPB0269_20151010073720 Expert Video	00:00-00:12 1:28:17-1:28:30
Two unmarked hogs who were stunned are delivered to the sticking table via hoist.			
Incident 193:	10/10/2015	Video FNPB0269_20151010074421 Expert Video	00:00-00:17 1:28:30-1:28:47
Two unmarked hogs who were stunned are delivered to the sticking table via hoist.			
Incident 194:	10/10/2015	Video FNPB0269_20151010075826 Expert Video	00:00-00:16 1:28:47-1:29:03
Two unmarked hogs who were stunned are delivered to the sticking table via hoist.			
Incident 195:	10/10/2015	Video FNPB0269_20151010092943 Expert Video	00:00-00:11 1:29:03-1:29:14
One unmarked hog who was stunned is delivered to the sticking table via hoist.			
Incident 196:	10/10/2015	Video FNPB0269_20151010095923 Expert Video	00:00-00:24 1:29:14-1:29:37
Two unmarked hogs who were stunned are flipped onto the sticking table.			
Incident 197:	10/10/2015	Video FNPB0269_20151010104239 Expert Video	00:00-00:04 1:29:37-1:29:42
One unmarked hog who was stunned is delivered to the sticking table via hoist.			
Incident 198:	10/12/2015	Video FNPB0269_20151012102200 Expert Video	00:00-00:07 1:29:42-1:29:51
A downer hog pants heavily.			
Incident 199:	10/12/2015	Video FNPB0269_20151012104543 Expert Video	00:00-00:17 1:29:51-1:30:08
An unmarked stunned hog is lowered onto the conveyor belt leading up to sticking table.			

Incident 200:	10/12/2015	Video FNPB0269_20151012120951 Supplemental Video	00:54-00:59 01:12-01:17
A downer hog is dragged along the ground to a hoist after being stunned. Black residue is visible on the hog's body.			
Incident 201:	10/12/2015	Video FNPB0269_20151012120951 Supplemental Video	01:28-01:35 01:17-01:24
The downer hog from the previous clip is hoisted up to be delivered to the sticking table.			
Incident 202:	10/12/2015	Video FNPB0269_20151012132130 Supplemental Video	00:04-04:29 01:24-05:49
A hog who was been electrically stunned twice is pulled to the hoist, then delivered to the conveyor belt leading to the sticking table. More than 4:30 elapses between stunning and slaughter.			

8. Potential Food Safety Violations

Incident 203:	7/28/2015	Video FNOG0504_20150728080648 Expert Video	01:33-01:37 1:30:10-1:30:14
A hog carcass has feces on the back end.			
Incident 204:	7/28/2015	Video FNOG0504_20150728103245 Expert Video	05:41-05:46 1:30:14-1:30:19
A hog carcass has feces on the back end and legs.			
Incident 205:	7/28/2015	Video FNOG0504_20150728134147 Expert Video	00:14-00:23 1:30:19-1:30:28
A hog carcass with a large wound and swollen back leg passes on the conveyor.			
Incident 206:	7/28/2015	Video FNOG0504_20150728135527 Expert Video	01:42-01:45 1:30:28-1:30:31
A hog carcass has feces on the back.			
Incident 207:	7/28/2015	Video FNOG0504_20150728135527 Expert Video	01:54-02:02 1:30:31-1:30:39
One hog carcass is bright red hog, and another is riddled with scratch marks.			
Incident 208:	7/29/2015	Video FNOG0504_20150729070102 Expert Video	01:00-01:06 1:30:39-1:30:45
A lump on one carcass discharges a yellow liquid substance.			
Incident 209:	7/29/2015	Video FNOG0504_20150729113714 Expert Video	00:30-00:34 1:30:45-1:30:49
A hog carcass has feces on the back end.			
Incident 210:	7/31/2015	Video FNOG0504_20150731101430 Expert Video	00:55-00:59 1:30:49-1:30:53
A hog carcass has feces on the back end.			

Incident 211:	8/4/2015	Video FNOG0504_20150804101616 Expert Video	04:31-04:34 1:30:53-1:30:56
A hog carcass has feces on the back end.			
Incident 212:	8/6/2015	Video FNOG0504_20150806092915 Expert Video	00:16-00:23 1:30:56-1:31:03
A hog carcass has a large abscess on a back leg that discharges a green liquid substance.			
Incident 213:	8/11/2015	Video FNOG0504_20150811122403 Expert Video	00:33-00:36 1:31:03-1:31:06
A hog carcass has feces on it.			
Incident 214:	8/14/2015	Video FNOG0504_20150814122208 Expert Video	02:08-02:15 1:31:06-1:31:13
A hog carcass has feces on the back end.			
Incident 215:	8/14/2015	Video FNOG0504_20150814122208 Expert Video	02:32-02:40 1:31:13-1:31:21
A hog carcasses has feces smeared on it.			
Incident 216:	8/18/2015	Video FNOG0504_20150818103728 Expert Video	01:31-01:37 1:31:21-1:31:27
A hog carcass has very bright red skin.			
Incident 217:	8/18/2015	Video FNOG0504_20150818104610 Expert Video	00:16-00:22 1:31:27-1:31:33
A hog carcass has feces on the backside.			
Incident 218:	8/20/2015	Video FNOG0504_20150820062150 Expert Video	00:43-00:47 1:31:33-1:31:37
A hog carcass has feces on the backside.			
Incident 219:	8/20/2015	Video FNOG0504_20150820062150 Expert Video	01:58-02:03 1:31:37-1:31:42
A hog carcass is smeared with feces.			
Incident 220:	8/20/2015	Video FNOG0504_20150820062427 Expert Video	03:48-03:53 1:31:42-1:31:47
A hog carcass has an abscess on a back leg that contains blood and pus.			
Incident 221:	8/20/2015	Video FNOG0504_20150820094225 Expert Video	01:35-01:40 1:31:47-1:31:52
A hog carcass has feces on the backside.			
Incident 222:	8/20/2015	Video FNOG0504_20150820120802 Expert Video	00:36-00:40 1:31:52-1:31:56
A hog carcass has feces on the backside.			
Incident 223:	8/20/2015	Video FNOG0504_20150820121319 Expert Video	01:35-01:40 1:31:56-1:32:01
A hog carcass has feces on the backside.			
Incident 224:	8/25/2015	Video FNOG0504_20150825070338 Expert Video	02:50-02:54 1:32:01-1:32:05
A hog carcass has feces on the backside.			

Incident 225:	8/25/2015	Video FNOG0504_20150825130303 Expert Video	00:20-00:27 1:32:05-1:32:12
A hog carcass has unusually bright red skin.			
Incident 226:	8/27/2015	Video FNOG0504_20150827100319 Expert Video	00:25-00:32 1:32:12-1:32:19
A hog carcass has feces smeared on the backside.			
Incident 227:	8/27/2015	Video FNOG0504_20150827100752 Expert Video	01:27-01:31 1:32:19-1:32:23
A hog carcass has feces smeared along its side.			
Incident 228:	9/1/2015	Video FNOG0504_20150901073757 Expert Video	00:16-00:24 1:32:23-1:32:31
A hog carcass has unusually bright red skin.			
Incident 229:	9/1/2015	Video FNOG0504_20150901074333 Expert Video	00:18-00:23 1:32:31-1:32:36
A hog carcass has a large abscess that contains a substantial volume of a green pus-like substance.			
Incident 230:	9/1/2015	Video FNOG0504_20150901111037 Expert Video	01:15-01:22 1:32:36-1:32:43
A hog carcass has feces smeared along the side.			
Incident 231:	9/1/2015	Video FNOG0504_20150901143455 Expert Video	00:29-00:35 1:32:43-1:32:49
A hog carcass has feces on the back.			
Incident 232:	9/3/2015	Video FNOG0504_20150903064338 Expert Video	02:53-02:58 1:32:49-1:32:54
A hog carcass has feces on the back.			
Incident 233:	9/3/2015	Video FNOG0504_20150903064919 Expert Video	01:12-01:14 1:32:54-1:32:56
A hog carcass has feces on the backend.			
Incident 234:	9/3/2015	Video FNOG0504_20150903095530 Expert Video	00:17-00:20 1:32:56-1:32:59
A hog carcass has feces smeared along the side.			
Incident 235:	9/4/2015	Video FNOG0504_20150904073506 Expert Video	00:46-00:55 1:32:59-1:33:08
A hog carcass has a large abscess that contains a substantial volume of a green pus-like substance.			
Incident 236:	9/8/2015	Witnessed but not documented	
The investigator witnessed Teklywonki Agregay place some feces that was on the conveyor belt on the leg of one hog so that other workers down the line would have to touch it.			
Incident 237:	9/8/2015	Video FNOG0504_20150908085821 Expert Video	01:31-01:37 1:33:08-1:33:14
A hog carcass has unusually bright red skin.			

Incident 238:	9/8/2015	Video FNOG0504_20150908091037 Expert Video	00:23-00:32 1:33:14-1:33:23
A hog carcass has unusually bright red skin.			
Incident 239:	9/10/2015	Video FNOG0504_20150910061251 Expert Video	00:23-00:29 1:33:23-1:33:29
A hog carcass has feces smeared along the back and side.			
Incident 240:	9/11/2015	Video FNOG0504_20150911131303 Expert Video	00:28-02:00 1:33:29-1:35:01
Several hog carcasses fall off of the processing line and onto the floor (visible at 1:33:29 – 1:33:38). At 01:34:05 – 1:35:01, workers re-hang the hogs.			
Incident 241:	9/15/2015	Video FNOG0504_20150915064034 Expert Video	00:19-00:26 1:35:01-1:35:07
A hog carcass has feces on the backend.			
Incident 242:	9/15/2015	Video FNOG0504_20150915064034 Expert Video	00:55-01:02 1:35:07-1:35:15
A hog carcass has feces smeared on the backend.			
Incident 243:	9/15/2015	Video FNOG0504_20150915085734 Expert Video	01:45-01:50 1:35:15-1:35:20
A hog carcass has a substantial amount of feces smeared along the side.			
Incident 244:	9/15/2015	Video FNOG0504_20150915085734 Expert Video	02:05-02:10 1:35:20-1:35:25
A hog carcass has a substantial amount of feces smeared along the side.			
Incident 245:	9/15/2015	Video FNOG0504_20150915091551 Expert Video	00:11-00:17 1:35:25-1:35:31
A hog carcass has an abscess that contains a green pus-like substance.			
Incident 246:	9/15/2015	Video FNOG0504_20150915141301 Expert Video	01:44-01:50 1:35:31-1:35:37
A hog carcass has feces on the backend.			
Incident 247:	9/21/2015	Video FNOG0504_20150921140226 Expert Video	00:18-00:49 1:35:37-1:36:09
Supervisor Lane Geyer is supposed to be overseeing a worker's stunning, but appears to be sleeping and has his eyes closed much of the time.			
Incident 248:	10/6/2015	Video FNOG0504_20151006121737 Expert Video	00:19-00:31 1:36:09-1:36:21
A Hormel worker pulls something out of the sticking table pan.			
Incident 249:	10/8/2015	Video FNOG0504_20151008091226 Expert Video	00:15-00:32 1:36:21-1:36:38
Cory (last name unknown) picks up blood and tissue from collecting pan under sticking table and places it on a hog he just bled.			
Incident 250:	10/10/2015	Video FNPB0269_20151010064124 Expert Video	00:00-00:33 1:36:38-1:37:12
Worker talks about coming into work hung over and throwing up while working.			

FSIS Notice of Intended Enforcement, Quality Pork Processors November 12, 2015



United States Department of Agriculture

Food Safety and
Inspection Service

November 12, 2015

Signed Original sent via UPS Priority
Signed copy Hand Delivered

Office of Field
Operations
Des Moines District
210 Walnut St.
Rm. 985
Des Moines, IA 50309

Quality Pork Processors, Est. 01620
Mr. Mel Gilbertson, President/General Manager
711 Hormel Century Parkway
Austin, MN 55912

Notice of Intended Enforcement

Dear Mr. Gilbertson:

This letter confirms verbal notification given to you, by Dr. Khalid Masood, Des Moines District, Food Safety and Inspection Service (FSIS) on November 12, 2015, at approximately 1335 hours, of our decision to issue a Notice of Intended Enforcement (NOIE) for slaughter operations at your firm, Quality Pork Processors, M01620, located in Austin, MN. This action is taken in accordance with the Rules of Practice 9 CFR 500.2 (a) (4) and 500.2 (b), which indicates that FSIS can take a regulatory control action because of: Inhumane handling or slaughtering of livestock. If a regulatory control action is taken, the program employee will immediately notify the establishment orally or in writing of the action and the basis for the action, such as, that which occurred at your establishment and was recorded by Compassion Over Killing during September and October 2015.

Background

The Federal Meat Inspection Act (FMIA) (21 U.S.C. 603 et seq.) provides for the purpose of preventing the inhumane slaughtering of livestock. This Act gives FSIS the authority, as designated by the Secretary of the Department of Agriculture, to prescribe rules and regulations describing examinations and inspections of the method by which cattle, sheep, swine, goats, horses, mules, and other equines are slaughtered in the establishments inspected under this Act. They also provide FSIS program personnel the authority to temporarily suspend operations at a slaughtering establishment if FSIS finds that any cattle, sheep, swine, goats, horses, mules, or other equines have been slaughtered or handled in connection with slaughter at such establishments by any method not in accordance with the Act of August 27, 1958 (72 Stat. 862; 7 U.S.C. 1901-1906), until the establishment furnishes assurances satisfactory to FSIS that all slaughtering and handling in connection with the slaughter of livestock shall be in accordance with such methods.

Under the authorities of the Acts, FSIS has prescribed rules and regulations required for the humane slaughtering of livestock, as contained in Regulations 9 CFR Part 313, and the Humane Methods of Slaughter Act of 1978. FSIS has also developed Rules of Practice regarding enforcement prescribed in 9 CFR Part 500. The Rules of Practice

describe the types of enforcement actions that FSIS may take and include procedures for taking a withholding action and or suspension, with or without prior notification, as well as the procedures for filing a complaint to withdraw a Grant of Federal Inspection.

Findings/Basis for Action

The basis for this action is the images recorded by the Compassion Over Killing investigator at your establishment during the months of September and October 2015 that are non-compliant with humane handling regulations. In particular the images recorded at:
(Time 06:16) when a pig is hit in the face with a plastic rattle paddle and then electrically prodded in the head
(Time 1:01:10) when a non-ambulatory pig is repeatedly hit with a plastic paddle then rolled then pushed and carried out of the drive alley
(Time 1:05:30) when an animal handler, gripping a plastic paddle with both hands, repeatedly raises the paddle above the level of his shoulder and slaps, already agitated, pigs in the crowd pen
(Time 1:09:50) when an animal handler is shown repeatedly slapping pigs in the crowd pen with a plastic paddle using excessive force.

It was also noted in the closing meeting of the most recent humane handling verification (December 16, 2014) conducted by the District Veterinary Medical Specialist, that employees were using "high swings" of rattle paddles; that employees in the final drive alley were using short handle paddles in a vertical position; and that employees appeared to be using paddles to "jab" the hogs more than guide the hogs.

The recorded incidents are 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.

Based on the above findings, the Des Moines District Office has determined to issue a Notice of Intended Enforcement for your slaughter operations, as per the Rules of Practice 9 CFR 500.3(b) and as specified in 9 CFR 313.50 (b). The NOIE is being issued so you can provide adequate written corrective and preventive measures to assure that all livestock at your facility will be handled in a humane manner during slaughter.

Justification

The decision to impose a Notice of Intended Enforcement rather than a Suspension action is based on the presence of a written humane handling program that meets the criteria for a systematic approach being implemented in a robust manner and a recent history of good compliance with the humane handling regulations based on verification activities of the FSIS in plant inspection personnel.

You are reminded that as an operator of a federally inspected plant, you are expected to comply with FSIS regulations, with regard to the humane handling and slaughter of livestock.

In accordance with FSIS' Rules of Practice, 9 CFR 500.3 (b) we are notifying you of our intent to withhold the marks of inspection and suspend the assignment of inspectors at your facility. Please provide this office with a written response concerning this notice of intended enforcement

Quality Pork Processors Noncompliance Reports (2013-2015)

2979	M1620	Quality Pork Processors, Inc.	8/29/13	QMO2 40608 3530N	04C02	313.2	<p>Category IV Ante-mortem inspection (9cfr 313.2) On 08/29/2013 at approx. 1400 hours while observing hog handling in the single file chute area of the barn I noticed that the animals on the east side were being moved faster than a normal walking speed. The hogs were exiting the circle pen at a run, and all were being prodded with a plastic paddle to maintain this speed. When they would balk at the entrance to the restrainer the animals would be prodded with an electric prod in an acceptable manner, but the animals remaining in the single file chute would back up, pile up, and be forced to move ahead at a run once again. (b)(7)(C) was also in the area and he also witnessed this. (b)(6) (b)(6) was sent for, and when she arrived I explained what had occurred, and in my opinion that this event was a non-egregious violation of humane handling. The issue of congestion in this area was brought to the attention of establishment management at the weekly HACCP meeting held on 08/22/2013. After reviewing FSIS Directive 6900.2 in regards to humane handling category IV states "Livestock are to be moved calmly and with a minimum of excitement during ante-mortem inspection which includes minimal use of electric prods. Livestock are to be moved no faster than a normal walking speed. Part 313.2(b) states "Electric prods, canvas slappers, or other implements employed to drive animals shall be used as little as possible in order to minimize excitement and injury. Any use of such implements which, in the opinion of the inspector, is excessive is prohibited."</p>
------	-------	-------------------------------	---------	------------------------	-------	-------	--

2979	M1620	Quality Pork Processors, Inc.	9/9/13	QMO2 60909 3209N	04C02	313.1, 313.2	<p>HATS Category II and VIIAt 0800 hours while performing humane handling activities of antemortem inspection at the stunning and restraining area I observed a hog that had become stuck in the east side restrainer. The employees working in this area had shut down the restrainer and were no longer driving hogs into the area. They had also retrieved the captive bolt gun to stun this animal, as they were unable to free it. The animal was stunned with this device successfully. As there were no supervisors in this area at the time the employees asked me if once they had the hog removed could they get started again? I replied " have the dead animal removed, but hold off using this side until I contact management and return". I rejected the restrainer using USDA retain tag B39388145, and went in search of a supervisor. I notified (b)(6) of this occurrence and then returned to the area. At this time the hog had been removed from the restrainer and I observed slight trauma to the front leg that had been caught. The restrainer remained under USDA rejection while a solution to this problem was discussed. The temporary solution was to remove the pinch points of the flooring at the entrance to the restrainer, with a more permanent fix to happen this weekend Sept. 14, 2013. Approx. one half hour of down time was incurred to this side while this was alleviated. (b)(6) was informed of the release of this area.</p>
------	-------	-------------------------------	--------	------------------	-------	--------------	---

Table1: NRs for Requested Establishments FOIA 14-325

District	Est Nbr	Est Name	NR Number	DATE	Procedure Code	Regulations	Description
25	M1620	Quality Pork Processors, Inc.	QMO2511111126N-1	11/26/2013	04C02	313.1	HATS Category VII (slips and falls) At 1015 hours while conducting antemortem inspection I observed that a hog being driven from livestock pen #102 to pen #202 was slipping and falling. Both hind feet were going out from under it in tandem with the hog ending up on its hams. There were approx. 30 animals left in the pen that continued to meander on their own to pen 202 and of these three others slipped when they reached the same section of flooring. The animals gave no outward sign of injury. I allowed employees driving the hogs from this pen to carefully drive the remainder, and then rejected the loading gate entrance of the pen with USDA retain tag B39387703. I notified both QPP and Hormel production employees of my regulatory control action, and then notified QPP (b) (6), and Hormel (B)(6) of what had occurred. After the pen had been hosed out with a high pressure water hose I released it for use.
25	M244	Tyson Fresh Meats, inc.	HKG2923113418N-1	11/18/2013	04C02	313.2	In the hog barn at the bottom of the drive ramp, (at approximately 2237 hours 11-18-2013) I observed a Tyson Fresh Meats (establishment #244 in Storm Lake, Iowa) employee (b)(6) kicking a nonambulatory/slow hog to get it to go into pen#2. Pen#2 is the pen where nonambulatory and or slow hogs are often segregated before being represented for veterinary inspection. I immediately took regulatory control action by flagging the employees down (B)(6) and rejecting the use of drive alley at pen#2 USDA FSIS reject tag#B27 064241 (B)(6) and (B)(6) were also immediately informed of the inhumane treatment to the slow nonambulatory market weight hog. At 2337 after the company presented a written corrective actions the reject tag was removed and the kill allowed to resume. (B)(6) presented written corrective actions, and the B-shift yard employees were given a retraining on proper animal handling procedures by Tyson management. Tyson Fresh Meats employee (b)(6) admitted to kicking the hog out of frustration. Tyson Fresh Meats has committed to increased audits and monitoring of the handling of the live animals to prevent improper treatment of the live animals.

Table1: NRs for Requested Establishments FOIA 14-241

Est Nbr	Est Name	NR Number	DATE	Procedure Code	Regulations	Description
M293WI	Johnson's Sausage Shoppe Inc	0005315044101N-1	04/01/2014	04C02	313.15	While doing a slaughter inspection on April 1, 2014 the following were noted: The plant required three mechanical bolt shots to be effective on one beef at around 10:00 AM. The animal was not unconscious on the first shot and it caused the animal excitement and discomfort. On two other occasions at approximately 11:00 AM and then again at approximately 2:00 PM, the first shot of the mechanical bolt was ineffective on both occasions and a second shot was necessary to cause unconsciousness. Both occasions cause the two different animals excitement and discomfort. This is in violation of ATCP 55.07 which provides the authority to enforce 9CFR313.15(a) which reads in part: The captive bolt stunners shall be applied to the livestock in accordance so as to produce immediate unconsciousness in the animals before they are skidded, hoisted, thrown, cast or cut. The animal shall be stunned in such a manner that it will be rendered unconscious with a minimum of excitement and discomfort. This document serves as written notification that your failure to comply with regulatory requirements could result in additional regulatory or an administrative action.
M1620	Quality Pork Processors, Inc.	QMO1914044301N-1	04/01/2014	04C02	313.1	HATS Category IV Ante-Mortem Inspection: At 1245 hours while examining hogs in pen #312 I (b) (7)(C) noticed that two steel dividers had been added to the pen. These dividers were approx. 2.5" to 3" above the surface of the floor and were approx 3/8" thick. The bottom edge was squared off, and had burrs that could be felt by touch. There were hogs in the pen at the time of my observation, although none had been injured that I could see. In my opinion a hog would be able to get its snout or leg under the divider, and depending on circumstance become injured. 9 CFR 313.1(a) reads in part that "livestock pens, driveways and ramps shall be maintained in good repair. They shall be free from sharp or protruding objects which may, in the opinion of the inspector, cause injury or pain to the animals." I spoke with the (b) (6) about my concerns and he agreed to empty the pen. I then rejected this pen utilizing USDA retain tag #B40515173 to prevent refilling until this matter was resolved. Approx. 1.5 hours later rounded bar stock was welded to the bottom of these dividers and I released the pen for use.
M170SD	Tri County Locker	0005514040709N-1	04/01/2014	04C02	313.15	Today 4/1/14 I witnessed a stunning failure of a steer; a second shot was needed to render the steer unconscious. The second shot was immediately taken.

Table: Noncompliance Records(NRs) in Response to 11_01_2015

EstNbr	EstName	NR#	Date	Task	Regs	Description
M1620	Quality Pork Processors	QMO10 181146 28N	11/28/2015	04C02	313.15(a)(1), 313.15(a)(3)	<p>At 5:45 pm while evaluating HATS Category VIII Stunning Effectiveness I (B)(6) observed an (B)(6) make two attempts to render a hog unconscious with a captive bolt gun. The hog was in the smaller second pen on the east side leading up to the chute right before the crowd pen and would no longer move forward becoming non-ambulatory disabled. The establishment employee attempted to stun this hog in a central area between the eyes and poll with a captive bolt gun. After the first attempt with the captive bolt gun, the hog fell to its side, then slightly vocalized, and immediately rose to its feet with blood dripping from the site of the impact of the captive bolt. The employee took immediate corrective action and stunned the hog a second time in a central location between the eyes and poll with the captive bolt gun rendering it immediately unconscious. (B)(6) was also present and observed the first and second stun attempts. This is a noncompliance with 9 CFR 313.15(a)(1) and 313.15(a)(3) in which livestock should be rendered in an immediate and complete state of unconsciousness after the first stunning blow. I applied U.S Reject Tag No. B42024083 to the chutes leading up the electrical stunner. (b) (6) and (b) (6) were notified of the resulting noncompliance. The captive bolt gun was immediately removed from use for the rest of the shift and the reject tag was removed.</p>
M1746 6	Triple J Family Farms, LLC	TTA491 611591 ON	11/10/2015	04C02	313.15(b)(1) (iii)	<p>On Tuesday, November 10, 2015, at approximately 1550 at the knock box while performing verification of HATS category VII, the following noncompliance was observed: an animal was seen obtaining an approximately 2 inch long laceration through the hide and into the fascia beneath on the left side of the mandible while being restrained in the chin lift. The injury was demonstrated to the Barn Manager, who in turn demonstrated it to the (B)(6). A similar injury, approximately 1.5 inches long, on the right side of the mandible had been observed occurring earlier in the day, and the previous week. (B)(6) had made a suggestion as to a solution to the concern; however no changes had been implemented at the time. Both previous injuries had been demonstrated to (B)(6). (B)(6) was informed of the forthcoming noncompliance record. The establishment is not in compliance with 9 CFR 313.2(a) and 313.15(b)(1)(iii).</p>

Quality Pork Processors Memorandum of Interview, October 16, 2017

Dist rict	EstNbr	EstName	MOINbr	Date	Task Code	Status	MOI Agenda
25	M1620	Quality Pork Processors	QMO4114 103616G	2017-10-16	04C02	Finalize d	<p>At ~ 1:00pm I met with (b) (6) in the livestock holding area. I mentioned to her that on various occasions I've noticed that different hog handlers are driving animals too fast and with more excitement than necessary. I stated that I'm routinely seeing the yellow flags routinely snapped or cracked which has a tendency to scare hogs (and potentially pile onto one another) rather than aid in effectively driving them. I stated that there are various drivers who move too fast and without regard to how the animals he/she are moving. I once again reiterated the following regulation: § 313.2 Handling of livestock. (a) Driving of livestock from the unloading ramps to the holding pens and from the holding pens to the stunning area shall be done with a minimum of excitement and discomfort to the animals. Livestock shall not be forced to move faster than a normal walking speed. This concern has been mentioned at various Weekly Establishment Meetings, most recently on 8/24/17 and 6/29/17</p>

**February 6, 2018 Coalition Letter Submitted to Secretary Sonny Perdue and Under
Secretary Carmen Rottenberg**

February 6, 2018

The Honorable Sonny Perdue, Secretary of Agriculture
Carmen Rottenberg, Acting Deputy Under Secretary for Food Safety
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250

Dear Secretary Perdue and Deputy Under Secretary Rottenberg,

We, the undersigned consumer, labor, public health, environmental, animal protection, and civil rights organizations, are writing to express concern over the U.S. Department of Agriculture's (USDA) proposed expansion of its high-speed pig slaughter program through the Modernization of Swine Slaughter Inspection rule. Under this rule, the New Swine Slaughter Inspection System (NSIS) would revoke maximum slaughter line speeds while transferring key inspection duties to plants themselves, presenting a number of food safety, animal welfare, and worker safety concerns. We urge the USDA to withdraw this proposal and put an end to this high-speed slaughter program, formerly known as the HACCP-Based Inspection Models Project (HIMP), instead.

Although proponents have claimed that the high-speed pilot program was designed to "yield improved food-safety and other benefits to consumers," evidence shows that it undermines food safety and puts consumers in danger. The HIMP pilot program has essentially placed key food safety oversight duties into the hands of slaughter plants. At the increased line speeds permitted under HIMP, problems often go unnoticed by plant workers. The expansion of HIMP through the NSIS would threaten consumers nationwide.

A 2013 report by the USDA's own Office of the Inspector General stated that "since FSIS did not provide adequate oversight, HIMP plants may have a higher potential for food safety risks," and concluded, "[T]he swine HIMP program has shown no measurable improvement to the inspection process," and that "three of five HIMP plants had some of the highest numbers of NRs [non-compliance reports] nationwide."¹

According to a USDA inspector who worked inside a HIMP plant: "On numerous occasions, I witnessed [plant employees] fail to spot abscesses, lesions, fecal matter, and other defects that would render an animal unsafe or unwholesome." The inspector further explained that without incentive, these plant workers "don't actually want to shut off the line to deal with problems they spot on the job. ... Obviously their employer will terminate them if they do it too many times."²

¹ USDA Office of the Inspector General, "Food Safety and Inspection Service - Inspection and Enforcement Activities At Swine Slaughter Plants: Audit Report 24601-0001-41." (Washington, DC, 2013), <https://www.usda.gov/oig/webdocs/24601-0001-41.pdf> (accessed February 1, 2018).

² Government Accountability Project. "Inspectors Warn Against USDA's High-Speed Hog Inspection Program." <https://www.whistleblower.org/blog/052130-inspectors-warn-against-usda%E2%80%99s-high-speed-hog-inspection-program> (accessed February 1, 2018).

In 2015, a Compassion Over Killing (COK) investigation of Quality Pork Processors (QPP), a plant supplying Hormel and operating under HIMP at line speeds of approximately 1,300 pigs per hour, or at least one pig every five seconds (contrasting standard line speeds of 571 to 1,106 pigs per hour, according to USDA data), verified HIMP's inherent food safety and animal welfare problems on video. COK revealed pigs covered in feces and pus-filled abscesses being processed for human consumption with a USDA inspection seal of approval. COK even exposed a QPP supervisor, who was supposed to be overseeing the stunning process, literally sleeping on the job. The investigation also found plant employees, under pressure to keep up with the facility's high operating speeds, dragging, kicking, beating, and excessively shocking pigs, as well as numerous instances of improper stunning and slaughter.³ These problems will undoubtedly be exacerbated at plants nationwide under NSIS.

After watching COK's footage, your agency's Office of Investigation, Enforcement, and Audit concluded that "evidence collected illustrated that the establishment was not in compliance with the regulations," and stated that "[h]ad these actions been observed by FSIS inspectors, they would have resulted in immediate regulatory action against the plant."⁴ The USDA's own words reinforce the need for increased government oversight of slaughter plants instead of important duties being shifted to these plants' employees.

In 2016, moved by such concerns about this program, 60 members of Congress wrote to the USDA, stating that "FSIS has not demonstrated that its hog slaughter pilot program actually reduces contamination, and therefore illness, rates. To the contrary, the available evidence suggests the hog HIMP will undermine food safety."⁵ It is illogical to expand such a problem-ridden program nationwide.

The congressional letter also highlighted a Human Rights Watch report that cited high line speeds as the greatest contributor to worker injuries in slaughter plants, already widely recognized as one of the most dangerous workplaces in America. In hog slaughter operations, plant sorters work in close proximity to one another, performing straining repetitive motions and surrounded by dangerous equipment, including knives and saws. As a consequence, they often suffer from increased musculoskeletal injuries and workplace accidents. Plants operating under the high-speed pilot program have the highest line speeds in the country and therefore may pose the greatest risk of injury to workers. The pace of the line is so great in these plants that workers also receive inadequate breaks and opportunities to use the restroom.

The increased volume of pigs raised and slaughtered due to high line speeds, along with reduced oversight, is also of grave concern for our environment. Slaughterhouses like QPP discharge

³ Compassion Over Killing. "Horrors at Hormel: USDA-Approved High-Speed Slaughter Hell." <http://cok.net/inv/hormel/> (accessed February 1, 2018).

⁴ Carl A. Mayes, Assistant Administrator, USDA Office of Investigation, Enforcement, and Audit, to Lisa Winebarger, Counsel, Compassion Over Killing, February 2, 2016.

⁵ Representative Rosa DeLauro et al., United States House of Representatives, to Secretary Tom Vilsack, USDA, January 19, 2016, available at <http://cok.net/wp-content/uploads/2017/01/Final-Hog-HIMP-Letter.pdf>.

millions of pounds of nitrogen, phosphorus, ammonia, and other contaminants in wastewater that pollute drinking water and aquatic resources, ultimately putting consumers at even greater risk.

As you consider your proposal, we hope that you will weigh these issues carefully and, ultimately, reject the NSIS. We look forward to meeting with Deputy Under Secretary Rottenberg to discuss this further. Thank you for your time.

Sincerely,

American Society for the Prevention of Cruelty to Animals
Animal Equality
Animal Legal Defense Fund
Animal Protection and Rescue League
Animals' Angels
Awakening Respect and Compassion for all Sentient Beings
Brighter Green
Center for Biological Diversity
Center for Food Safety
Compassion Champs
Compassion Over Killing
Compassionate Action for Animals
Compassionate Farming Education Initiative
CompassionWorks International
Encompass
Factory Farming Awareness Coalition
Farm Sanctuary
For All Animals
Friends of the Earth
Government Accountability Project
Institute for Agriculture and Trade Policy
Interfaith Worker Justice
Lady Freethinker
Mercy For Animals
National Employment Law Project
National Joint Council of Food Inspection Locals
North Carolina Environmental Justice Network
Oxfam America
Public Citizen
Public Justice Center
The Humane League
United Support and Memorial for Workplace Fatalities
Waterkeeper Alliance
Worksafe
World Animal Net

Affidavit 1, Government Accountability Project Food Integrity Campaign

AFFIDAVIT

My name is [REDACTED]. I am an inspector for the United States Department of Agriculture (USDA) Food Safety Inspection Service (FSIS). I am submitting this affidavit freely and voluntarily to Alyssa Doom, who has identified herself to me as the investigator for the Government Accountability Project's Food Integrity Campaign. I am doing so without any threats, inducements or coercion. I authorize the publication of this statement contingent upon the redaction of my name, and the name and location of the establishment to which I refer. I am making this statement to assert my disapproval of USDA's pilot high-speed slaughter project for market hogs, known as HIMP.

I have many years of experience with FSIS. I am highly trained in the area of meat inspection. In fact, the agency actually uses me to mentor new employees in various positions. I am currently a relief inspector. In this role, I have traveled to many plants in my district, gained a great deal of knowledge about inspection operations, and had the opportunity to compare the various inspection systems of different establishments. One of the establishments I was previously stationed at was a HIMP plant. I worked at this plant for [REDACTED] and I saw enough to know that the agency should not go forward with its plan to implement the HIMP inspection model in hog slaughter nationwide.

Under the HIMP model, company inspectors take over the duties of USDA inspectors at the lymph node incision and head inspection stations. Line speeds under HIMP have increased from about 1100 hogs per hour to about 1300 per hour, but there is still the same number (3) of inspectors on the line. There aren't enough eyes on the lines to monitor carcasses coming by at such high speeds. This makes it easy for employees to fail to notice flaws on the animals. Quicker line speeds also make it difficult for company inspectors to incise all lymph nodes of a carcass. Lymph node incision is critical in detecting different diseases that would make the product unfit for human consumption, such as septicemia or tuberculosis.

While their duties on the line are taken over, USDA inspectors are now tasked with monitoring

the activities of the establishment's in-house inspectors. We are stationed at different points in the slaughter process to provide oversight, ensuring that plant employees are doing their jobs correctly and that we catch any defects or contaminants that they might miss. For example, we monitor whether they recognize an abscessed lymph node or whether they are properly sanitizing their knives. Monitoring company inspectors is a lot more work for the USDA inspectors because lines are going way too fast. It's almost impossible to recognize problems with both carcasses and plant employees' activities at the high speed of a HIMP line.

What I have learned from watching the company inspectors is that unlike USDA inspectors, they don't seem to have much training. At the viscera station, where they are supposed to palpate or "puddle" the animals' guts, as well as during the process of incising lymph nodes, I've witnessed company inspectors make a lot of errors. This is because they weren't trained in the proper procedures for inspecting the viscera and incising lymph nodes. They aren't meeting the same standards the USDA inspectors are held to on a regular basis and there is no consistency among the way in-house inspectors take on their tasks. A large part of doing a good job at the viscera station comes from developing a technique. At this station the inspector is exposed to many of food safety hazards and biological pathogens like salmonella and e. coli. He or she needs to know how to properly feel each organ to detect diseases. The person in this role also needs to understand and maintain preventative measures for ensuring that the carcass isn't contaminated. For example, if fecal matter or ingesta spills out of one of the animal's organs, the employee needs to understand and have the ability to execute the proper precautions needed to make sure that the pathogens don't spread to other carcasses. Not all employees know and apply these precautions. On numerous occasions, I witnessed them fail to spot abscesses, lesions, fecal matter, and other defects that would render an animal unsafe or unwholesome.

Furthermore, plant inspectors don't actually want to shut off the line to deal with problems they spot on the job. When I was working at the plant, they scrambled to try to rail out carcasses as fast as

they could and it sometimes seemed like there was mass confusion. Unlike USDA personnel, I don't feel that they truly have the authority to shut off the line. Obviously their employer will terminate them if they do it too many times. This alone is reason enough to show that HIMP is a bad idea.

If the modernization plan goes through, USDA inspectors will probably receive less training than they currently do because under the model, they are only present in establishments as a precautionary measure, to ensure that plant inspectors are catching everything. In my experience, we didn't get any special training before we started inspecting under HIMP. If this comes to be the case, then USDA staff would no longer have the expertise to verify whether plant inspectors were doing an adequate job. The same goes for USDA veterinarians. Newer vets probably won't be properly trained to handle the program and advise their staff.

It may not seem like it at first, but USDA inspectors are under much more stress under HIMP. Sure, we may not be doing the actual palpation and incision of animals, but we're constantly there making sure that company inspectors are doing it right and verifying the carcass is wholesome. And it's not as simple as monitoring one person. When I was at the plant, in some cases USDA inspectors would monitor the activities of up to 4 different employees at a time, all while also checking the carcass for defects. What's more is that the line speeds make it impossible to monitor everything all at once.

At the HIMP plant where I worked, management was pretty respectful to USDA employees who were stationed there. They did not try to ruffle any feathers and tried maintain a low-key profile. At some establishments there's a lot of conflict between management and USDA, but I think the management at this plant didn't want to create any trouble so they could make it look like HIMP was going well.

In reality, I don't believe that either in-plant management or FSIS know how to implement the program. Moving forward with HIMP in hog plants is a bad idea for the workers in these plants, USDA

inspectors, and consumers.

I, [REDACTED] have reviewed this statement of 4 pages and hereby declare under

penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated this 27th day of September, 2014.

[REDACTED]
(Signature)

Sworn and subscribed before me this 29th day of September, 2014.

[REDACTED]
(Notary Signature)

Affidavit 2, Government Accountability Project Food Integrity Campaign

AFFIDAVIT

My name is [REDACTED]. I am a meat inspector for the United States Department of Agriculture (USDA). I am submitting this affidavit freely and voluntarily to Alyssa Doom, who has identified herself to me as the investigator for the Food Integrity Campaign of the Government Accountability Project. I am doing so without any threats, inducements or coercion. I authorize the publication of this statement contingent upon the redaction of my name, and the name and location of the establishment to which I refer. I am making this statement to explain how the HIMP system has gone astray in the plant where I am stationed.

I have been a federal inspector for [REDACTED] years and stationed at the plant I am currently in for [REDACTED]. This plant implemented USDA's high speed inspection model about [REDACTED] years ago. Under the model, USDA inspectors' jobs change drastically. Instead of doing physical inspection we are now supposed to monitor plant process control workers who take over many of our on-line inspection duties.

In general, the program is not a bad idea. Because the industry profits from inspection, I believe they should have to pay for it. This is sort of what happens under HIMP. The plant employees are now paid to inspect the product while the USDA is still available to act as a watchdog and make sure the plant workers are doing their tasks correctly. However, when USDA loses the authority to make plant employees engage in corrective actions, the program stops working. This is what has happened at the plant where I work.

Initially when the agency and industry switched over to the program, it worked pretty well. There seemed to be a lot of input from USDA in Washington, DC about the program. But when the union sued USDA shortly afterward, there were a lot of hard feelings. The agency pretty much lost interest in what industry was doing and inspectors were left on their own to devise ways to enforce the regulations in the plant. When we try to point out problems in the slaughter process, we are berated by company management. Our upper-management no longer backs up those inspectors who are actually trying to do

their jobs.

The agency does not seem too concerned with monitoring the HIMP program in this plant either. Before the company went HIMP, line speeds were running at about [REDACTED] carcasses per hour, which is the maximum under traditional inspection. Since the company switched to the new model line speeds have increased [REDACTED] times and are now running at up to [REDACTED] carcasses per hour on one line. This speed is much too fast, in my opinion. In all of this time since HIMP was implemented the agency has never reevaluated how well the program was working in this plant, despite their promise to monitor the system each time line speeds changed. I do not put a lot of faith or credence in the agency's word or promises. In fact, at one time an agency official publicly announced that none of the HIMP pilot plants were running over 1,200 carcasses per hour, which was completely false, based on the number my plant was then running.

I have some doubts about the plant inspectors' abilities to conduct inspection as well as USDA inspectors because their training is severely lacking. While most of the USDA-trained staff receives a week's worth of training before being put on the slaughter line, plant process control workers only go through a short orientation and are given a small booklet illustrating various pathologies on a carcass before starting on the line. The company management is more production-oriented so they do not focus much on food safety and removing adulterated product. Actually, employees are discouraged from removing adulterated products from the line. Of course, plant process control workers are going to do what their bosses tell them to since they do not have a lot of job security.

HIMP might work better if USDA inspectors actually had the authority to engage in real oversight, meaning the ability to do something when the company was violating regulations. This certainly is not the case in the plant where I am stationed. If USDA inspectors try to engage in any enforcement, company management personnel criticize us. USDA upper-management takes the industry's side and supports their decisions over those of federal inspectors. This happens on a daily

basis. Because of this some inspectors actually feel discouraged from doing their job to protect consumers. It makes sense, because nobody wants to stand out there and take a beating from the company while not having support from their supervisor.

It also seems to be the case that newer USDA inspectors are not receiving the same training as those of us who started with the agency earlier. For example, the training for USDA HIMP inspectors used to consist of an entire week of teaching under a certified instructor, but new inspectors coming in only receive a book about the program and then come down to the floor to shadow another USDA inspector. Additionally, new inspectors coming into the agency rarely have a strong slaughter background. Without this experience and the knowledge they should receive from training, it's difficult for inspectors to be able to do this job with line speeds running as fast as they do under HIMP. The agency may have had good intentions with the program, but the way it is running is pretty pathetic.

As a result of a poorly trained inspection staff and the pushback USDA inspectors are receiving, product contamination at this plant has increased dramatically under HIMP. One of the leading causes of contamination, in my opinion, begins during the stunning stage. Hogs in the plant are stunned at very high amperage of electricity which causes the animal's pelvis to break and leads to bruising, blood clots, broken tissue, and the creation of bone shards. This produces the perfect storm because the animal's bung is dragged through this contamination and into the inspection station, where much of it ends up going undetected because animals are flying by so quickly. The high amperage of stunning also leads to more bruising and blood clots on the animal, which provides a growing medium for bacteria, such as salmonella. It is interesting that the agency has decided that bruises and blood clots aren't much of a contamination issue anymore. Unless science has changed—and I'm pretty sure it hasn't – this is where contamination is going to occur first on the product.

Other contamination such as hair, toenails, cystic kidneys, and bladder stems has increased under HIMP. Line speeds don't make it any easier to detect contamination. Most of the time they are

running so fast it is impossible to see anything on the carcass. I am opposed to a lot of the contamination that they now allow to enter the cooler. It really is shameful that the agency allows so much contamination permitted on the product. Up until about 4 years ago, USDA inspectors were making plant process workers trim most of this stuff off on the kill side. Then upper management pretty much laid the law down and said from here on out we would not be railing out hogs for trimming (a process involving cutting contamination off a carcass). Instead we were to notify the plant about how much contamination we were seeing and let it go. We were told they would take care of this stuff on the processing side.

Under HIMP, when certain types of contamination are identified on a carcass, for example, bone shards, the plant process workers mark it with a blue crayon and let it go on to the cut floor/cooler. When contaminated products enter the cut floor, which is the processing side of the plant, there is only one USDA inspector who is tasked with identifying everything that was missed on the slaughter side of the plant. It takes roughly [REDACTED] seconds for the hog to go from one end of the cut floor to the other. There's no way that one processing inspector can keep up with all that is happening over there.

Under the HIMP program USDA keeps track of food quality and safety defects. Food safety defects result in a product that must be condemned because it is not fit for human consumption. Food quality defects are not considered unsafe but have instead been determined to be dressing defects that consumers would consider unwholesome. USDA came up with 3 categories of these food quality defects, which they call "Other Consumer Protections" (OCPs). The agency set performance standards for the percent of OCP contamination that would be allowed on carcasses for each category. In the third of these categories, "Miscellaneous", the agency set the performance standards at 20.5%, meaning that 20.5% of the carcasses entering the cooler per shift (which is up to 9,500 carcasses at a time) could contain a defect that was considered to be in this category. This includes things like bile, bruises, bone

fractures, scabs, toenails, and skin lesions. This means that when a USDA inspector sees this type of contamination they basically have to let it go into through the process into the cut floor because the Agency allows it under HIMP regulations. They believe that process control workers will detect contamination, but at the speed the lines run in this plant it is often missed. If we do notice that the plant has exceeded this 20.5% standard, we are supposed to notify the plant supervisor who would, in theory, take care of the problem. But that never happens. Contamination will go by all of the time and inspectors do not notify the plant supervisors or the USDA veterinarians. They know nothing will get fixed. So this 20.5% standards is pretty much meaningless.

When I first started working for FSIS an older inspector told me regarding my job duties, “It’s not whether or not people are going to eat shit—they are. It’s just how much.” When HIMP was originally implemented, I had high hopes that the program would improve food safety. Over the past few years, I have learned that is not the case. Instead it seems like it is just the USDA’s way of catering to the industry instead of the consumer. I do not support the HIMP program as is currently implemented.

I, [REDACTED], have reviewed this statement of 5 pages and hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.
Dated this ____ day of October, 2014.

(Signature)

Sworn and subscribed before me this ____ day of October, 2014.

(Notary Signature)

Initials_____

Affidavit 3, Government Accountability Project Food Integrity Campaign

AFFIDAVIT

My name is [REDACTED]. I have been an inspector for the United States Department of Agriculture (USDA) Food Safety Inspection Service (FSIS) for almost [REDACTED] years. I am submitting this affidavit freely and voluntarily to Alyssa Doom, who has identified herself to me as the investigator for the Food Integrity Campaign of the Government Accountability Project. I am doing so without any threats, inducements or coercion. I authorize the publication of this statement contingent upon the redaction of my name, and the name and location of the establishment to which I refer. I am making this statement to share information about my experience working under USDA's new inspection system for market hogs, the HACCP-based Inspection Models Project (HIMP), and to voice my disapproval for the program.

I currently work as an inspector at one of five HIMP pilot plants in the U.S. I have been at this plant since it began operating under the HIMP program [REDACTED]. Over the years, I have identified a number of critical problems with the program, including the flawed data upon which the program is based, the inability of plant personnel to adequately take over USDA inspectors' duties, and a decrease in food safety and quality that comes along with this switch to company inspection.

A Program Based upon Flawed Data

I recognized the program was flawed from the beginning. [REDACTED]
[REDACTED] who played a key role in HIMP's implementation, came to the plant to explain the program to USDA inspectors before it began. I found out that [REDACTED] hadn't been on a kill floor in 20 years and that he had never been on a red meat kill floor in his life— only poultry. It's hard to understand the ins and outs of inspection without having worked in the field so it made me nervous that a person with a key role in the program's implementation – who was sent to educate us about the model— didn't have this type of experience. When FSIS told us that company process controllers would be taking over USDA inspectors' jobs, I asked what they would do about the problem of high turnover rates. [REDACTED] said this wouldn't be an issue. It made me nervous that he and the rest of the team didn't seem to have addressed turnover rates which, because of the industry's historical inability to keep trained employees on staff, should have been a key consideration in a

program that relies on these staff members to do critical food safety tasks. Both of these incidents were warning signs to me.

The results collected by the research institute doing the HIMP baseline study were flawed. At the time they were collecting data for the study, the USDA inspectors that were in this particular plant were less invested in the plant's outcomes than they would be normally. Many of the inspectors were on the verge of retiring and would not be affected by the implementation of the new system. Some of the other inspectors were intermittent employees, who only came to the plant occasionally and did not care about the outcome because they would be losing their jobs. The plant also had relief inspectors who were not as concerned with outcomes because they were not normally stationed in the plant. The whole thing was a complete joke because it was so biased.

Over the years it has become clear that USDA does not care about collecting scientifically sound data to justify HIMP. For example, under the program the agency has decreased the number of incisions that need to be made on a carcass's lymph nodes to check for tuberculosis (TB). They based this decision on one study completed in the early 1990's which determined the disease had been eradicated in the [REDACTED] population. This hardly seems to justify doing away with what the agency had previously determined to be an important part of inspection. In the beginning stages of HIMP, the agency said that every time the line sped up they would reevaluate the program entirely. They also said they would increase audits each time the line got faster to ensure an adequate sample was attained. The line first increased in [REDACTED] and has increased several times since then. The number of hogs processed per shift has gone up by 200. During this time, the plant never increased the number of process control employees (those plant workers who took over many of the duties of USDA inspectors) on the lines. But still the number of carcasses sampled has not increased and no reevaluation of the program has ever been completed.

To remain in the HIMP program, pilot plants are supposed to exceed or at least meet the USDA's standards for food safety and quality. I can say without a doubt that this plant is not meeting, and certainly is not exceeding these standards. The only way this plant could possibly be meeting these standards is by manipulating plant employees, USDA inspectors, and their own records and processes. I have personally witnessed all three.

Company Manipulation

Because the plant to which I refer is one of the [REDACTED] HIMP pilot plants, the owners want to make sure that no negative data (specifically noncompliance reports or “NRs”) about their operations are released, as these might suggest the program is not working. To ensure this, they have convinced plant employees to do all they can to keep defective products out of sight for federal inspectors. For example, I have witnessed company employees personally condemn the plant’s products and then attempt to sneak the condemned carcasses past me when I turned away. The company threatens plant employees with terminations if they see them condemning too many carcasses or carcass parts.

The company also threatens and retaliates against USDA inspectors who actually make efforts to do their jobs to the best of their abilities. I know this because it has happened to me. In fact, the company has made it extremely difficult for me to do my job each and every day. They have also managed to push out veterinarians and other inspectors who performed high quality inspection. Basically, if you do your job – meaning that you identify and remove contamination and defects on carcasses— they don’t want you in there. I have personally seen the agency falsify its own records. They have also moved critical control points (CCPs) – points at which food safety problems are supposed to be detected – to a point further down the line and *after* USDA’s inspection station. This has made it much harder for federal inspectors to write NRs and show system failures that would force the plant to stop and reevaluate their operations. When they moved the CCPs, they got what they wanted and expected. The plant’s fecal failure NRs decreased dramatically.

USDA’s Support for HIMP

It seems like the USDA is doing all it can to make sure the HIMP program succeeds in this plant, even if it means betraying consumers by hiding the truth about their food. My USDA supervisor tells me not to be hard on the plant. He makes comments like, [REDACTED],” and “[REDACTED]”

[REDACTED] They were helpful because we could warn one another when contamination on carcasses increased or other various system failures we would run into. The company didn’t like us communicating because it meant it was easier for us to inspect and

Initials [REDACTED]

criticize the product. [REDACTED]

[REDACTED] Our supervisors told us the agency had decided they were a waste of money.

Under HIMP, inspectors keep track of both food safety and food quality defects. When a product has a food safety defect, it is not safe for human consumption and is to be condemned. Defects that aren't necessarily unsafe for consumption but would be unappetizing for consumers, such as toenails or hair, are considered Other Consumer Protections (OCPs). These OCP "dressing" defects are tolerable in certain amounts, depending on which of the three OCP categories the USDA has determined them to be in. Using the OCP system, the agency continues to make it easier and easier for the company to let products with dressing defects get past federal inspectors. For example, they have increased the amount of hair that is allowed to go through the inspection system and into the cooler by altering the OCP-3 "Miscellaneous" category. Additionally, the agency has made the determination that abscesses are only an OCP-1s, which means they are safe for human consumption. They used to be considered a food safety issue. If consumers knew what these looked like and that the agency was allowing them to go out to the public they would freak out. USDA and the company are working together to make it harder for federal inspectors to condemn anything. In my opinion, if USDA inspectors were allowed to do their jobs we would be condemning products all of the time under HIMP in this plant.

The USDA supervisor in this plant changes product standards constantly. It's obvious that there is no longer any agency standard by which plants must abide. It's no longer meaningful for consumers to see that mark indicating that their product has been USDA-inspected. We don't even use agency-issued forms anymore. Instead we use bootleg forms that are only used in this particular plant. Regulations should not be plant-specific. The industry should have to meet some sort of standards set by USDA!

Food Safety

Food safety has gone down the drain under HIMP. Even though fecal contamination has increased under the program (though the company does a good job of hiding it), USDA inspectors are encouraged not to stop the line for fecal contamination. The company's lab that tests for foodborne illness can't be trusted either. They bake

the products to be tested for much longer than a consumer ever would. Of course their results are ending up negative!

The carcasses USDA inspectors sample for food safety or dressing defects are supposed to be randomly selected. But the company employees go behind our backs and look in our USDA cabinet where we keep a form to track times for when carcasses are going to be sampled. They know when we're going to collect samples so they have the opportunity to choose the carcasses that will be inspected at these times. The whole idea of a random sample is a joke.

Wholesomeness

Food quality has also gone down under HIMP. At this plant, the mentality is "if it isn't shit, just let it go through and it will get washed off." Adulterants like grease and hair are not supposed to go through this wash, but they always do. The company is even reworking products that contain grease, abscesses, and fecal contamination to sell later.

HIMP was initially designed for the kill of young, healthy animals. This hasn't always been the case. A lot of the animals the plant has killed were too old. Some also had different diseases. They didn't even slow down the line for the diseased carcasses. If they have a lot of hogs coming in with diamond skin or erysipelas does the plant slow down the line? No way. Consumers are being fooled into thinking that the HIMP program is going to produce safer, higher quality pork.

Employee Training

Because the plant takes over so many of USDA's duties under HIMP, it is important for them to be trained and qualified to complete their new tasks. However, a lack of training and knowledge among the plant's own employees has proven to be a major problem with HIMP. The plant's own supervisors do not know their HACCP plan. The only thing they seemed to really be concerned about is their Safe Quality Food (SQF) audits by the companies who buy their product—they can barely pass these.

Not only are plant supervisors not trained, the employees taking over USDA's inspection duties have no idea what they are doing. Most of them come into the plant with no knowledge of pathology or the industry in

Initials [REDACTED]

general. One of the tasks they are failing to do correctly is incise the animals' lymph nodes. During lymph node incision, they are supposed to be looking for different diseases, such as tuberculosis (TB). I see them miss TB all of the time. When a carcass has TB it is supposed to be either condemned or passed only to sell in cooked products, not sold raw. I am almost certain products with TB are being sold raw on a regular basis. The company inspectors also fail to detect thyroid conditions in hogs all of the time. This is dangerous because when someone with a thyroid condition consumes thyroid from a hog it can trigger serious health problems.

Company inspectors don't do presentation (the act of presenting the carcass and its parts for inspection) the same way in a HIMP plant as they do under traditional inspection because the agency has determined it's no longer a concern. They now drop the viscera in a pan and it's a complete mess. A lot of times the plant inspector is getting contamination on him or herself and doesn't have a place to wash up. This means contamination can easily spread from them to the following carcasses. Using this new presentation system there are often residual contaminants from one pan to the next because the company is not rinsing these pans well. A couple of years ago there was a huge problem with residual ingesta in pans, but inspectors weren't allowed to stop the line because "HIMP is hands off". In fact, it has been made clear to us that we can't stop the line for the company to fix things because we can be sued for "impeding their right to do business". The way I see it, now they're threatening to sue us for doing our jobs!

During this new presentation system under HIMP, the company employees are basically only looking at the heart for defects or contamination. They don't even have to look at the animal's liver, spleen, or mesentery nodes. Under traditional inspection, USDA inspectors would palpate all or most of the animal's organs to check for different pathology that would make a carcass unfit for human consumption. [REDACTED]

[REDACTED] Under this new presentation system, it's impossible for USDA inspectors to correct plant inspectors because we can't see the product from where we are stationed, which is high up on an elevated stand. It usually doesn't matter if the USDA inspectors in this plant tell the plant employees to fix something because they don't want to argue with us. If we tell them to stamp something out to be condemned, they'll tell us that they don't have to. We've lost all authority.

Initials [REDACTED]

The company is also responsible for taking over the disposition process, which involves checking carcasses for different diseases that would make them unfit for human consumption. Under traditional inspection, this is the responsibility of the USDA veterinarian. Under HIMP, a poorly trained plant employee takes over. Compared to the extensive schooling a USDA vet receives, the plant disposition person is trained using just a little booklet provided by the plant. I've seen firsthand that the people they have in this role don't know pathology and are easily manipulated into passing carcasses that should realistically be condemned.

The Future of HIMP

Most of the USDA inspectors in this plant are getting ready to retire. It will be sad when we're gone because there will be nobody left in this plant with experience working under traditional inspection. It's sad to say, but the USDA inspection crews continue to get worse and worse. They do not care about fecal matter and they don't understand pathology. I think this is because the new people that the Agency is hiring are given little training and have discovered that if they do their job, they'll be the biggest problem in the world. Some of them have also seen other inspectors get in trouble for actually doing their job, so they have learned to stay out of the way and let the company control things.

Veterinarians aren't doing a good job either. They are never on the kill floor and never want to make themselves available to help out the inspectors when we have a question. Most of the time they don't even know what's going on in the process because they never leave their offices. They are working for the industry—not for consumers.

Products coming out of this plant are sold to huge restaurant chains nationwide. But most people don't know that their meat is being inspected in this way. If they purchased HIMP-inspected product from this plant in the store they wouldn't know either because USDA does not require the product to be labeled as such. But I continue to ask myself, "If HIMP inspection is as great as they claim, why don't companies *choose* to volunteer that information to their customers?" I think it's because if the American public really knew what this company was getting away with under HIMP, they would not be happy. Even if the public wanted to fight against the

program, it might not make a difference because these plants will be grandfathered in. For the sake of consumers across the country, I hope that others will speak out to prevent the program from expanding nationwide.

I, [REDACTED], have reviewed this statement of 8 pages and hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated this 22 day of October, 2014.

[REDACTED]
Sworn and subscribed before me this 22 day of October, 2014.

[REDACTED]

[REDACTED]

[REDACTED]

**FSIS Email from Paul Wolseley to William Smith on December 19, 2017 re:
Clemens Food Group Plant**

Sylvester, Anne - FSIS

From: Wolseley, Paul - FSIS
Sent: Tuesday, December 19, 2017 10:26 AM
To: Smith, William C. - FSIS; Sidrak, Hany - FSIS; Gilmore, Keith - FSIS
Cc: Naguib, Mounira - FSIS; Mayberry, Tamara - FSIS; Mudahar, Karnail - FSIS
Subject: FW: Clemens week 1 verification plan
Attachments: Clemens FSIS weekly Meeting 12-15-2017.pdf; VPR Est. M791C WE 12-16-17 WK 1.docx

Sharing with you our district plan for ongoing weekly tracking of in-plant monitoring/verification of this SIP waiver with the weekly meeting/in-depth minutes and completed verification plan. Overall, the plant is in compliance with the waiver thus far and is being proactive during line speed increases in determining control. They have been averaging between (b) (4) head per hour with (b) (4) being determined by the establishment a speed where they were not able to maintain process control. FSIS did not identify issues/take action in this regard as the company opted to reduce the speed to (b) (4).

Paul V. Wolseley
FSIS, OFO
District Manager
Chicago District
Office Telephone: (630) 620-9772
Cell: (630) 544-9805

Table: Noncompliance Reports in Response to FOIA2018-149

12:25 Monday, February 5, 2018 1241

EstNbr	EstName	NR#	Date	Task	Regs	Description	Status
M791C	Clemens Food Group, LLC	QCF341 612541 2N-1	12/12/2017	03J02	303.1(h)	<p>At 0530 hour on 12/12/2017 while supervising the ante-mortem inspection activities of (b) (6), I observed waiver exemption noncompliance. (b) (6) identified a lifeless hog in a lot of hogs presented to him for ante-mortem inspection. After establishment personnel presented (b) (6) a lot of hogs from (b) (4), for ante-mortem inspection, he found the lifeless hog for this lot in pen 51. The pen card for this lot of hogs showed that hogs were observed in motion at 1022 hour on 12/11/2017 by establishment personnel with initials (b) (6). In addition, the pen card showed that this lot of hogs was observed at rest at 1026 hour on 12/11/2017 by establishment personnel with initials (b) (6). No dead animals were shown as having been identified for this lot. Since I was in the barn, (b) (6) immediately notified me of his finding. I immediately performed Veterinary disposition of this hog and determined it to be dead. This finding illustrates noncompliance 9 CFR 303.1(h) because establishment personnel failed to remove market hogs that are diseased or unfit for human consumption, before ante-mortem inspection, according to the conditions defined in the alternative line speed and inspection staffing standards waiver granted to the establishment. In response to the above finding, establishment personnel immediately removed the dead hog from pen 51. I then took regulatory control of the dead hog with USDA condemn tag Z8407001, until establishment personnel had rendered the dead hog inedible by slashing and denaturing the carcass. In addition, I immediately notified (b) (6) that the above finding would be documented on a noncompliance record.</p>	OPEN

Table: Noncompliance Reports in Response to FOIA2018-149

12:25 Monday, February 5, 2018 1250

EstNbr	EstName	NR#	Date	Task	Regs	Description	Status
						must be cleaned and sanitized as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of product. This document serves as written notification that your failure to comply with regulatory requirements(s) could result in additional regulatory or administrative action.	
M791C	Clemens Food Group, LLC	QCF260 812002 6N-1	12/22/2017	06D0 2	303.1(h), 310.1(a)	<p>At approximately 0854 hours I was in the clean harvest department and observed an establishment employee remove a head from a pig carcass on the production line and toss it into an inedible container. The head did not have an abscess nor was the head dropped on the floor. I observed a missing head ring (used to hold heads on the production line) at a space that corresponded to the discarded head on the production line. Disposing of the head at this point prevents post mortem inspection of the heads later in the slaughter process. I notified (b) (6) that I observed the employee discard the head in the inedible container, at approximately 0856 hours. (b) (6) took regulatory control action and stopped the production line then notified (b) (6) that a head was disposed of prior to post mortem inspection. (b) (6) notified (b) (6) that a noncompliance report would be documented. Failure to present heads from slaughtered carcasses for post mortem inspection is a noncompliance with 9 CFR 310.1(a). Failure to present heads for post mortem inspection is a noncompliance according to 9 CFR 303.1(h) because Clemens Food Group has been granted a waiver for Alternative Procedures for Line Speed and Inspection Staffing which states in part; The establishment must have the carcass, head and viscera identified from each hog at the point of inspection as required by 9 CFR 310.2(a).</p>	CLOSED

Table: Noncompliance Reports in Response to FOIA2018-149

12:25 Monday, February 5, 2018 1208

EstNbr	EstName	NR#	Date	Task	Regs	Description	Status
M791C	Clemens Food Group, LLC	QCF070 709232 8N-1	09/28/2017	01B02	416.13(c), 416.2(b)(2)	<p>At approximately 0525 hour on 09-28-2017, and after being informed by FSQA of the Kill Floor and Wet Harvest being cleared for USDA Inspection, I, (b) (6), while performing a Routine Pre-Operational SSOP Review and Observation Verification Task observed from the previous day's production the following insanitary conditions:</p> <p>Kill Floor: There were multiple areas of blood splatterings on both sides and the frames of each of the three entry doors from the Wet Harvest Floor to the Kill Floor. The door leading from the Kill Floor to the west hallway had multiple areas of blood splatterings on each side. The east and west walls of the Kill Floor had multiple areas of blood splatterings covering the lower half of each wall. I, immediately, informed (b) (6) and (b) (6) of the insanitary conditions and that I would be issuing a written Noncompliance Record (NR). Harvest Wet Floor: The Chute Leading from the Gamble Table had debris from the previous day's production on the slide and various blood splatterings on the leg braces. I informed (b) (6) of my observation and that it would be included in the NR. Offal Room: I observed 3 Product Metal Totes with a reddish-brown rust-like substance on the interior bottom of each tote. A fourth tote had a white fat-like substance measuring 1/16th inch wide by 3 inches long stuck to the side of the tote. I informed (b) (6) of my observation and that it would be included in the NR. Plant Managements' immediate corrective actions were to clean and sanitize each of the insanitary areas. As each area was washed and sanitized, I re-inspection each area, and released that area for today's production. Due to the immediate corrective action by the establishment's management, no regulatory action was taken. The plant is not in compliance with 9CFR 416.2(b)(2) "Walls, floors, and ceilings</p>	CLOSED

Table: Noncompliance Reports in Response to FOIA2018-149

12:25 Monday, February 5, 2018 1209

EstNbr	EstName	NR#	Date	Task	Regs	Description	Status
						within establishments must be built of durable materials impervious to moisture and be cleaned and sanitized as necessary to prevent adulteration of product or the creation of insanitary conditions. And, 9CFR 416.13 (c): "Each official establishment shall monitor daily the implementation of the procedures in the Sanitation SOP's." A review of the past NRs found NR #QCF4509084629N, NR #QCF4407094813N, and NR# QCF330505321N written for the same root cause..	

Table: Noncompliance Reports in Response to FOIA2018-149

12:25 Monday, February 5, 2018 1210

EstNbr	EstName	NR#	Date	Task	Regs	Description	Status
M791C	Clemens Food Group, LLC	QCF390 709012 8N-1	09/28/2017	01B02	416.13(c), 416.15(a), 416.4(a)	<p>At approximately 0530 hour on 09/28/2017 after (b) (6) notified me that establishment personnel had completed their pre-operational sanitation monitoring, I discovered sanitation standard operating procedure (SSOP) implementation noncompliance while performing a directed pre-operational SSOP review and observation task. Upon inspection in Zone 3, specifically the hock sorting station I found meat and fat residue inside the chutes and on the white board used to fill boxes from a previous days production. I immediately placed USDA Reject Tag #B36787228 on the area. These findings are in noncompliance with the following regulations. 9 CFR 416.4 (a): All food contact surfaces, including food contact surfaces of utensils and equipment, must be cleaned and sanitized as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of product. 9 CFR 416.13 (c): Each official establishment shall monitor daily the implementation of the procedures in the sanitation SOP's. 9 CFR 416.15 (a): Each official establishment shall take appropriate corrective action(s) when either the establishment or FSIS determines that the establishment's Sanitation SOP's or the procedures specified therein, or the implementation or maintenance of the Sanitation SOP's, may have failed to prevent direct contamination or adulteration of product(s). In response to the above findings, (b) (6) directed (b) (4) to immediately begin the re-sterilization of all affected equipment and area. Zone 3 was brought back into compliance and released at 0610 hour. In addition, I immediately notified (b) (6) that I would be documenting my findings on a noncompliance. Inspection personnel documented a Pre-Operational noncompliance on NR#QCF3005094425 N-1, dated 09-25-2017.</p>	CLOSED

Table: Noncompliance Reports in Response to FOIA2018-149

12:25 Monday, February 5, 2018 1211

EstNbr	EstName	NR#	Date	Task	Regs	Description	Status
						However, the corrective actions implemented failed to prevent the re-occurrence.	
M791C	Clemens Food Group, LLC	QCF061 410330 3N-1	10/03/2017	01D0 1	416.3(c)	At approximately 1326 hour on 10-03-2016 while observing the Raw Side Processing floor I observed the following SPS Noncompliance. While walking down the aisle between Zone 3 and Zones 1, 2, and 4 and around to Zone 11, I observed a total of 8 different cardboard combo bins on pallets with no identifiable markings to identify the product. I immediately contacted (b) (6) who then identified the different combo bins as inedible product and subsequently marked the bins as such. This finding is in noncompliance with the following regulation. 9 CFR 416.3 (c) which states: Receptacles used for storing inedible material must be of such material and construction that their use will not result in the adulteration of any edible product or in the creation of insanitary conditions. Such receptacles must not be used for storing any edible product and must bear conspicuous and distinctive marking to identify permitted use. In response to the above findings, (b) (6) began instructing all employees in the area as to the importance of marking every container brought to the floor. I also notified (b) (6) that I would be documenting my findings on a noncompliance report.	CLOSED

Table: Noncompliance Reports in Response to FOIA2018-149

12:25 Monday, February 5, 2018 1217

EstNbr	EstName	NR#	Date	Task	Regs	Description	Status
M791C	Clemens Food Group, LLC	QCF360 810151 1N-1	10/11/2017	01B02	416.13(c), 416.4(a), 416.4(b)	<p>At approximately 0615 hour on 10/11/2017 after (b) (6) notified me that establishment personnel had completed their pre-operational sanitation monitoring, I discovered sanitation standard operating procedure (SSOP) implementation noncompliance while performing a directed pre-operational SSOP review and observation task. Upon inspection in Zone 12, specifically the loin deboning station I found meat and fat residue inside three chutes and on the stainless steel table at the beginning of the line where loins fall to be sorted and placed on the tables from a previous day's production. Secondly, upon reviewing the floor directly below the loin tables in Zone 12 I directly observed meat and fat from a previous days production in a volume too numerous to count. These findings are in noncompliance with the following regulations. 9 CFR 416.4 (a): All food contact surfaces, including food contact surfaces of utensils and equipment, must be cleaned and sanitized as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of product. 9 CFR 416.4 (b): Non-food contact surfaces of facilities, equipment and utensils used in the operation of the establishment must be cleaned and sanitized as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of products. 9 CFR 416.13 (c): Each official establishment shall monitor daily the implementation of the procedures in the sanitation SOP's. In response to the above findings (b) (6) directed (b) (4) to immediately begin the re-sterilization of all affected equipment and area. Zone 12 was brought back into compliance and released at 0705 hour. In addition, I immediately notified (b) (6) that I would be documenting my findings on a noncompliance. Inspection personnel documented a Similar Pre-Operational</p>	CLOSED

Table: Noncompliance Reports in Response to FOIA2018-149

12:25 Monday, February 5, 2018 1218

EstNbr	EstName	NR#	Date	Task	Regs	Description	Status
						noncompliance on NR#QCF3907090128 N-1, dated 09-28-2017. However, the corrective actions implemented failed to prevent the re-occurrence.	
M791C	Clemens Food Group, LLC	QCF451 410441 1N-1	10/11/2017	01B02	416.13(c)	At approximately 0550 hour on 10-06-2017, and after being informed by FSQA of the Offal Room C being cleared for USDA Inspection, I (b) (6) while performing a Routine Pre-Operational SSOP Review and Observation Verification Task I observed several small particles of fat tissue and other unidentifiable debris on many areas on mutable pieces of equipment from the previous day's production. I, placed U.S Reject tag No.B36 787201 within the offal room C and immediately informed plant (b) (6) of the insanitary conditions and that I would be issuing a written Noncompliance Record (NR). After the establishment managements immediate corrective actions had been taken and sanitary conditions were restored, I then released regulatory control of the area by removing the U.S Reject tag. The plant is not in compliance with 9CFR 416.13 (c): Each official establishment shall monitor daily the implementation of the procedures in the Sanitation SOP's. A review of the past NRs found NR #QCF2713103006N written for the same root cause..	CLOSED

Table: Noncompliance Reports in Response to FOIA2018-149

12:25 Monday, February 5, 2018 1221

EstNbr	EstName	NR#	Date	Task	Regs	Description	Status
M791C	Clemens Food Group, LLC	QCF410 710381 8N-1	10/18/2017	01B02	416.13(c), 416.4(a), 416.4(b)	<p>At approximately 0530 hour on 10-18-2017, and after being informed by FSQA of the establishment being cleared for USDA Inspection, I, (b) (6), while performing a Routine Pre-Operational SSOP Review and Observation Verification Task observed from the previous day's production the following insanitary conditions:</p> <p>Kill Floor: a blackish-brown residue coating 1/3 of the length of the Enfeder Chute with the heaviest residue at the entrance and the exit. Wet Harvest: The Stainless Steel Chute leading from the Dehairer to the Gambrel Table had a coating of debris along the entire length of the chute both on the interior and exterior sides, as well as the bottom of the chute. The Gambrel Guide Rail from the Table had multiple particles of debris along the entire length. I, immediately, notified (b) (6), and (b) (6) of the observed insanitary conditions and I would be issuing a written Noncompliance Record (NR). The establishment management's immediate corrective action was to re-clean and sanitize the affected areas. On re-inspection, I found the areas restored to a sanitary condition and released each for today's production. Clean Harvest: The entire length of the drains from the Feet Shaver Stand to the Carcass Opening Stand had multiple areas of meat/fat debris. I, immediately, notified (b) (6) and (b) (6) of the insanitary conditions and I would be issuing a NR. The establishment management's immediate corrective action was to re-clean and sanitize the drains. On re-inspection, I found the drains restored to a sanitary condition and released the drains for today's production. Offal Room A: The floors and drains under the Head Processing Equipment had multiple areas with debris from one end to the other. One drain had a bloodlike smear covering 1/3 of the drain. I, immediately, informed (b) (4)</p>	CLOSED

Table: Noncompliance Reports in Response to FOIA2018-149

12:25 Monday, February 5, 2018 1222

EstNbr	EstName	NR#	Date	Task	Regs	Description	Status
						<p>(b) (6) and (b) (6) of the insanitary condition and that I would be issuing a written Noncompliance Record (NR). The establishment management's immediate corrective action was to re-clean and sanitize the drains and floors. On re-inspection, I found the drains and floors restored to a sanitary condition and released the area for today's production. Due to the immediate corrective action by the establishment's management, no regulatory action was taken. The establishment is not compliant with the following regulations: 9 CFR 416.4 (a): All food contact surfaces, including food contact surfaces of utensils and equipment, must be cleaned and sanitized as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of product. 9 CFR 416.4 (b): Non-food contact surfaces of facilities, equipment and utensils used in the operation of the establishment must be cleaned and sanitized as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of products. 9 CFR 416.13 (c): Each official establishment shall monitor daily the implementation of the procedures in the sanitation SOP's. A review of the NRs issued since August 29, 2017, found NR #QCF541402316N written for the same root cause and will be directly associated with this Noncompliance. This document serves as written notification that your failure to comply with regulatory requirements(s) could result in additional regulatory or administrative action.</p>	

Table: Noncompliance Reports in Response to FOIA2018-149

12:25 Monday, February 5, 2018 1223

EstNbr	EstName	NR#	Date	Task	Regs	Description	Status
M791C	Clemens Food Group, LLC	QCF050 510192 5N-1	10/25/2017	01B02	416.13(c), 416.4(a)	<p>At approximately 0450 hour on 10/25/2017 after (b) (6) notified me that establishment personnel had completed their pre-operational sanitation monitoring, I discovered sanitation standard operating procedure (SSOP) implementation noncompliance while performing a directed pre-operational SSOP review and observation task. Upon inspection in Zone 18, specifically one chute where product drops on a conveyor belt to be packaged I found a piece of fat/meat approximately 2in x 2in adhered to the side of the chute. Since edible product directly contacts the bottom and sides of the chute, this is considered a food contact surface. These findings are in noncompliance with the following regulations. 9 CFR 416.4 (a): All food contact surfaces, including food contact surfaces of utensils and equipment, must be cleaned and sanitized as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of product. 9 CFR 416.13 (c): Each official establishment shall monitor daily the implementation of the procedures in the sanitation SOP's. In response to the above findings, (b) (6) directed (b) (6) to immediately begin the re-sterilization of the affected equipment. Zone 18 was brought back into compliance and released at 0520 hour. In addition, I immediately notified (b) (6) that I would be documenting my findings on a noncompliance. Inspection personnel documented a Similar Pre-Operational noncompliance on NR#QCF4107103818 N-1, dated 10-18-2017.</p>	CLOSED

Table: Noncompliance Reports in Response to FOIA2018-149

12:25 Monday, February 5, 2018 1229

EstNbr	EstName	NR#	Date	Task	Regs	Description	Status
M791C	Clemens Food Group, LLC	QCF370 811281 8N-1	11/18/2017	01B02	416.4(b)	<p>At approximately 0540 hour on 11-18-2017, and after being informed by (b) (6) of Clean Harvest being cleared for USDA Inspection, I, (b) (6), while performing a Directed Pre-Operational SSOP Review and Observation Verification Task observed from the previous day's production the following Sanitation Performance Standard (SPS) insanitary conditions: Augur (Non-Product Contact Surface): The conveyor belt leading into the Augur had 6 to 8 small fatlike particles lodged between the side of the belt and the stainless steel sides surrounding the belt. The exterior wall on the exit side of the Augur had multiple fatlike particles adhered to it. The pipe leading from the Augur had approximately 10 small fatlike particles on each of the topsides of the upper and lower bolt plates. There were also numerous fatlike particles on the housing of the Augur motor. Kidney Harvest Stand Drains (Non-Product Contact): Two of the three drain covers in front of the kidney harvest stand were covered with fatlike debris. Floors Under the Viscera Pans and Pluck Hooks: Approximately 60 spots of various sized bloodlike clots covered the floors along with other debris particles under where the pans make an S-curve and just before the Pluck Hooks enter into the Offal Room. Steps from the Final Rail: Two of the bolts at the bottom of the steps had fatlike particles measuring 4 inches in length and 1/8 inch in width looped around the bolts. I informed (b) (6) and (b) (6) of the insanitary conditions of Clean Harvest and that a written Noncompliance Record (NR) would be issued. Plant management's immediate corrective action was to re-clean and sanitize the affected areas. On re-inspection, I found the areas restored to a sanitary condition and released Clean Harvest for today's production. The establishment is not compliant with 9 CFR 416.4(b): Non-food contact surfaces of facilities,</p>	CLOSED

Table: Noncompliance Reports in Response to FOIA2018-149

12:25 Monday, February 5, 2018 1230

EstNbr	EstName	NR#	Date	Task	Regs	Description	Status
						equipment, and utensils used in the operations of the establishment must be cleaned and sanitized as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of product. A review of the establishment's written NRs found NR# QCF4107103818N was issued on 10/18/2017 for the same root cause. This Noncompliance Record is being associated with NR# QCA4107103818N.	

Table: Noncompliance Reports in Response to FOIA2018-149

12:25 Monday, February 5, 2018 1232

EstNbr	EstName	NR#	Date	Task	Regs	Description	Status
M791C	Clemens Food Group, LLC	QCF170 811453 ON-1	11/30/2017	01B02	416.13(c), 416.4(a), 416.5(b)	At approximately 0540 hour on 11-30-2017, and after being informed by (b) (6) that Clean Harvest had been cleared for USDA Inspection, I, (b) (6), while performing a Directed Pre-Operational SSOP Review and Observation Verification Task observed the following insanitary conditions: Several yellow aprons approximately ten to fifteen, that are wore during production by establishment plant employees were found to have large amounts of dried blood remaining on them. Approximately four others were found covered in white fat particles to numerous to count. Theses aprons are staged in different areas of the clean Harvest area and are presented daily for pre-operational inspection. I informed (b) (6) of the insanitary conditions and that a written Noncompliance Record (NR) would be issued. A review of the establishment's written NRs found NR# QCF3708112818N was issued on 11/18/2017 for the same root cause. This Noncompliance Record is being associated with NR# QCF3708112818N. This document serves as written notification that your failure to comply with regulatory requirements(s) could result in additional regulatory or administrative action.	CLOSED

Table: Noncompliance Reports in Response to FOIA2018-149

12:25 Monday, February 5, 2018 1233

EstNbr	EstName	NR#	Date	Task	Regs	Description	Status
M791C	Clemens Food Group, LLC	QCF270 512210 1N-1	12/01/2017	01B02	416.13(c), 416.4(a), 416.4(b)	<p>At approximately 0510 hour on 12/01/2017 after (b) (6) notified me that establishment personnel had completed their pre-operational sanitation monitoring, I discovered sanitation standard operating procedure (SSOP) implementation noncompliance while performing a directed pre-operational SSOP review and observation task. Upon inspection in Zone 1, specifically the first band saw after carcasses are placed on the conveyor I discovered meat and fat-like particles in an area approximately 5 inches x 5 inches. Furthermore, upon inspection in Zone 7 I discovered fat, approximately 2 inches by 2 inches, under the conveyor belt as well as fat and meat chunks approximately 2 inches by 2 inches on the motor and the side of the conveyor line directly in front of the skinner. These findings are in noncompliance with the following regulations. 9 CFR 416.4 (a): All food contact surfaces, including food contact surfaces of utensils and equipment, must be cleaned and sanitized as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of product. 9 CFR 416.4 (b): Non-food-contact surfaces of facilities, equipment, and utensils used in the operation of the establishment must be cleaned and sanitized as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of product. 9 CFR 416.13 (c): Each official establishment shall monitor daily the implementation of the procedures in the sanitation SOP's. In response to the above findings, (b) (6) directed (b) (4) to immediately begin the re-sterilization of the affected equipment. Zones 1 and 7 was brought back into compliance and released at 0535 hour. In addition, I immediately notified (b) (6) that I would be documenting my findings on a noncompliance. Inspection personnel documented a Similar Pre-Operational</p>	CLOSED

Table: Noncompliance Reports in Response to FOIA2018-149

12:25 Monday, February 5, 2018 1234

EstNbr	EstName	NR#	Date	Task	Regs	Description	Status
						noncompliance on NR#QCF1708114530 N-1, dated 11-30-2017.	
M791C	Clemens Food Group, LLC	QCF020 512240 6N-1	12/06/2017	01B02	416.13(c), 416.4(a)	<p>At approximately 0453 hour on 12/06/2017 after (b) (6) notified me that establishment personnel had completed their pre-operational sanitation monitoring, I discovered sanitation standard operating procedure (SSOP) implementation noncompliance while performing a directed pre-operational SSOP review and observation task. Upon inspection in Zone 5 I discovered several pieces of meat and fat residue, each roughly the size of a dime, from a previous day's production resting on the inside bottom of a sterilizer tank. Lastly, upon inspection in Zone 18 I discovered 2 pieces of fat, approximately 1 inch by 1 inch each, adhered to chute that feeds product to the conveyors for (b) (4) 2. These findings are in noncompliance with the following regulations. 9 CFR 416.4 (a): All food contact surfaces, including food contact surfaces of utensils and equipment, must be cleaned and sanitized as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of product. 9 CFR 416.13 (c): Each official establishment shall monitor daily the implementation of the procedures in the sanitation SOP's. In response to the above findings, (b) (6) directed (b) (4) to immediately begin the re-sterilization of the affected equipment. Zones 5 and 18 was brought back into compliance and released at 0515 hour. In addition, I immediately notified (b) (6) that I would be documenting my findings on a noncompliance. Inspection personnel documented a Similar Pre-Operational noncompliance on NR#QCF2705122101 N-1, dated 12-01-2017.</p>	CLOSED

Table: Noncompliance Reports in Response to FOIA2018-149

12:25 Monday, February 5, 2018 1238

EstNbr	EstName	NR#	Date	Task	Regs	Description	Status
M791C	Clemens Food Group, LLC	QCF370 512301 1N-1	12/11/2017	01B02	416.13(c), 416.3(a), 416.4(a)	<p>At approximately 0457 hour on 12/11/2017 after (b) (6) notified me that establishment personnel had completed their pre-operational sanitation monitoring, I discovered sanitation standard operating procedure (SSOP) implementation noncompliance while performing a directed pre-operational SSOP review and observation task. Upon inspection in Zone 3 I discovered fat and meat like particles in 2 of the sorting bins and inside 1 chute that supplies product to the sorters. Also, upon inspection in Zone 17 I discovered all 3 stir sticks had gouges/scrapes as well as meat and fat particles from a previous days production stuck to the paddle on 2 of the 3. Since both areas found directly touch product these are considered food contact surfaces. These findings are in noncompliance with the following regulations. 9 CFR 416.4 (a): All food contact surfaces, including food contact surfaces of utensils and equipment, must be cleaned and sanitized as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of product. 9 CFR 416.13 (c): Each official establishment shall monitor daily the implementation of the procedures in the sanitation SOP's. 9 CFR 416.3 (a): Equipment and utensils used for processing or otherwise handling edible product or ingredients must be of such material and construction to facilitate thorough cleaning and to ensure that their use will not cause the adulteration of product during processing, handling, or storage. Equipment and utensils must be maintained in sanitary condition so as not to adulterate product. In response to the above findings, (b) (6) directed (b) (4) to immediately begin the re-sterilization of the affected equipment in Zone 3. In Zone 17, the paddles were cleaned and sanitized and then promptly removed from the production floor so that maintenance could remove the affected areas</p>	CLOSED

Table: Noncompliance Reports in Response to FOIA2018-149

12:25 Monday, February 5, 2018 1239

EstNbr	EstName	NR#	Date	Task	Regs	Description	Status
						until new ones were available. In addition, I immediately notified (b) (6) that I would be documenting my findings on a noncompliance. At 0525 hour the production floor was brought into compliance and released for production. Inspection personnel documented a Similar Pre-Operational noncompliance on NR#QCF02051224061 N-1, dated 12-06-2017.	
M791C	Clemens Food Group, LLC	QCF4615125511N-1	12/11/2017	01B02	416.13(c), 416.4(a)	At approximately 0526 hours, I verified the establishment's pre operational sanitation for the wet harvest department. I observed multiple particles of fat and meat that were adhered to the side walls and bottom of the dehairer exit chute, at various areas along the entire chute surface. I showed my findings to a (b) (6) and notified her that I would be documenting a noncompliance report, at approximately 0527 hours. Sanitation personnel recleaned the area and I reinspected the chute at 0533 hours and released the wet harvest area for production. The presence of meat and fat particles from the previous day's production adhered to a food contact surface animal chute, after the establishment has completed pre operational sanitation, is a noncompliance according to 9 CFR 416.4(a) and 9 CFR 416.13(c). A similar noncompliance was documented for the dehairer chute in wet harvest on NR QCF4107103818N/1, on 10/18/2017. This NR is linked to NR QCF4107103818N/1.	CLOSED

Table: Noncompliance Reports in Response to FOIA2018-149

12:25 Monday, February 5, 2018 1242

EstNbr	EstName	NR#	Date	Task	Regs	Description	Status
M791C	Clemens Food Group, LLC	QCF591 512101 3N-1	12/13/2017	01B01	416.15(a)	At approximately 1645 hour, on Wednesday, December 13, 2017, while performing a Routine Pre-Operational SSOP Record Review, I, (b) (6), observed a corrective actions' noncompliance on the Establishment's, Tuesday, December 12, 2017, Cut-Up Room Pre-Operational SSOP Record for the Jowl Line. Meat and Fat Particles were found on the Floor/Drains, Conveyors/Belts, Table/Stand/Stairs/Carts/Vats/Hand Tools, and the Equipment. The recorded Corrective Actions were to Notify Sanitation which were designated by circling NS. The establishment did not record an appropriate corrective action of Wash and Re-sanitize which is designated by circling R. R and NS are listed in the Corrective Actions Block of the Pre-Op Record. Simply Notifying Sanitation is not an appropriate corrective action. The establishment's management was notified a written Noncompliance Record (NR) would be issued for not taking an appropriate action. The establishment is not compliant with 9CFR416.15(a): Each official establishment shall take appropriate corrective action(s) when either the establishment or FSIS determines that the establishment's Sanitation SOP's or procedures specified therein, or the implementation or maintenance of the Sanitation SOP's may have failed to prevent direct contamination or adulteration of product(s). A Review of the past 90 days' written NRs issue found none documented for the same root cause.	CLOSED

Table: Noncompliance Reports in Response to FOIA2018-149

12:25 Monday, February 5, 2018 1243

EstNbr	EstName	NR#	Date	Task	Regs	Description	Status
M791C	Clemens Food Group, LLC	QCF101 312191 4N-1	12/14/2017	01B02	416.13(c), 416.4(a), 416.4(b)	<p>At approximately 0535 hours, I verified pre operational sanitation, in the wet harvest department and observed multiple pieces of meat and hair along the food contact surface on the gambrel table conveyor. At approximately 0537 hours, I ran my hand along the hand and side rails of the dehairer stand and there were multiple pieces of meat residue and animal hair from the previous day's production, at various places along the hand and side rails. Sanitation personnel recleaned gambrel table conveyor and the hand rails along the front and back side rails of the stand for the dehairer. I reinspected and released the area for production at 0548 hours. I showed sanitation personnel and (b) (6) my findings at both locations. I notified (b) (6) that I would document a noncompliance report for my findings in the wet harvest department, at approximately 0549 hours. The observation of meat residue and animal hair on the gambrel table conveyor, after pre operational sanitation cleaning by the establishment, is a noncompliance with 9 CFR 416.13(c) and 9 CFR 416.4(a). The observation of meat residue and animal hair on the hand and side rails of the dehairer stand, after pre operational sanitation cleaning by the establishment, is a noncompliance with 9 CFR 416.4(b). A similar noncompliance was documented on NR QCF4615125511N/1 dated 12/11/2017 and this NR is linked to that NR, due to similar root cause.</p>	CLOSED

Table: Noncompliance Reports in Response to FOIA2018-149

12:25 Monday, February 5, 2018 1247

EstNbr	EstName	NR#	Date	Task	Regs	Description	Status
M791C	Clemens Food Group, LLC	QCF040 512462 0N-1	12/20/2017	01B02	416.13(c), 416.4(a), 416.5(b)	<p>At approximately 0505 hour on 12-20-2017 after being notified by (b) (6) that the processing floor had been cleared for USDA Inspection I performed a Directed Pre-Operational SSOP Review and Observation Verification Task and observed the following insanitary conditions: Several yellow aprons, approximately ten to fifteen, that are wore during production by establishment employees were found to have dried blood and/or fat remaining on them from a previous days production. Theses aprons were located on the hooks by the PPE cabinets in Zone 1 and by the PPE cabinet in Zone 7 and are presented daily for pre-operational inspection. (b) (6) immediately disposed of the insanitary aprons. This finding is in noncompliance with the following regulation(s). 9 CFR 416.5 (b): Clothing. Aprons, frocks, and other ourter clothing worn by persons who handle product must be of material that is disposable or readily cleaned. Clean garments must be worn at the start of each working day and garments must be changed during the day as often as necessary to prevent adulteration of product and the creation of insanitary conditions. 9 CFR 416.4 (a): All food-contact surfaces, including food-contact surfaces of untensils and equipment, must be cleaned and sanitized as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of product. 9 CFR 416.13 (c): Each official establishment shall monitor daily the implementation of the procedures in the sanitation SOP's. I notified (b) (6) that I would be documenting my findings in a noncompliance report. Inspection personnel documented a similar Pre-Operational noncompliance on NR#QCF1013121914N/1, dated 12-15-17. This document serves as written notification that your failure to comply with</p>	CLOSED

Table: Memorandums of Interview for Clemens Food Group, LLC from 09/05/17-10/23/17

District	EstNbr	EstName	MOI#	Date	Description
50	M791C	Clemens Food Group, LLC	QCF07070 91725G	2017-09-25	<p>FSIS inspection personnel: (b) (6) Plant Personnel: Facilities Manager Randy Zorn, (b) (6)</p> <p>NEW BUSINESS Noncompliance Records OPEN Pre-operational SSOP noncompliance record QCF4407094813N/1, dated 9/13/2017, describes an insanitary condition of knives and scabbards used by offal room employees. This noncompliance record is associated with noncompliance record QCF4407094813N/1, dated 9/13/2017. Management stated corrective action documentation for this will be complete on 9/26/2017. OPEN HACCP Flow Chart Hazard Analysis Verification noncompliance record QCF1713093419, dated 9/19/2017, describes a mouth wash in the harvest floor flow diagram that has not been implemented. Establishment management stated that the HACCP plan was being reevaluated to address this noncompliance. OPEN Sanitation Performance Standards noncompliance record QCF0111093413N/1, dated 9/13/2017, describes condensation on an overhead water pipe in the clean harvest area. During the 9/15/2017 meeting management stated the water pipe would be fully insulated by 9/18/2017. The pipes were partially wrapped with insulation over the weekend of 9/15. However, maintenance ran out of insulation. This meeting management stated the pipes would be fully wrapped with insulation over the weekend of 9/18. Pre-operational SSOP noncompliance record QCF4407094813N/1, dated 9/13/2017, describes an insanitary condition of the interior wall of the vertical steam scald exit chamber and an insanitary condition of a Shepard's hook used for moving carcasses. This noncompliance record is associated with noncompliance QCF4509084629N/1, dated 8/29/2017. Management stated the corrective action for this noncompliance finding would be completed on 9/18/2017. This was addressed through retraining. This noncompliance record was CLOSED on 9/14/2017. Pre-operational SSOP noncompliance record QCF0406095013N/1, dated 9/13/2017, describes pieces of meat and fat on product contact surfaces in zones 2, 3, and 11. In addition it describes a residue on a non-product contact surface in zone 2. This noncompliance record is associated with noncompliance QCF100608593N/1, dated 8/31/2017. This noncompliance record was CLOSED. Associated noncompliance findings can lead to further regulatory or administrative action. Your Public Health Risk Noncompliance rate for June 1 to August 31 is 2.35%. The cut point for Public Health Risk Enforcement/FSA scheduling is 9.46%. Sampling There were 5 KIS tests performed since 9/15. All were negative. Generic E. coli- There was one result in the first 13 tests that was above the established limit. How do you ensure process control, when you established limit is constantly changing? Salmonella Sampling Results -Establishment management stated that all salmonella samples have been negative since the start of operations. Ante-mortem In the hot weather use of the barn misters would be very helpful. Establishment personnel have been using a hose to cool the hogs. It would be best for inspection purposes if the misters could be turned off at each pen or in zones. Some cut gates and chains would be a huge help for the purposes of performing ante-mortem inspection and for animal flow. Better flow will improve efficiency and humane handling. Post-mortem (b) (6) stated that he periodically sees a piece of intestine near the kidney on USDA rail outs. There was a period of time during the morning where online inspection personnel were rather frequently finding ingesta on the carcasses at the final rail. Office Business Overtime requests-(b) (6) requested ante-mortem at 0500 hour next week. October 9 is a federal holiday. Establishment management indicated the establishment would be working that day. OLD BUSINESS Slaughter It is very important that barn pen card counts reconcile with harvest side carcass counts. Doors on the slaughter floor need to be kept closed to control flies. Condensation in the dry ice freezer needs to be managed or prevented -Establishment management stated they are still trying to figure out how to best prevent condensation. Could we get a list of equipment on the harvest floor and in the offal processing room for pre-operational sanitation inspection verification? -Management stated this is still being worked on. USDA inspection personnel request a man gate (or other means of access) between the center Isle of the barn and the entry to the hog entry to the serpentine. It will improve safety, reduce walking time, and allow inspection personnel to more quickly get out of the way of hogs being moved to the stunner. This is on the establishment's action log. Management is still determining the best course of action for this issue. Automatic waters in the suspect/segregation pens -Automatic nipple waters have been installed in the two south suspect pens. -Non-ambulatory and disabled hogs would not have access to nipple water's -Currently barn personnel are placing pans of water in the suspect pens in addition to the nipple waters. Presentation at all inspection stations is gradually improving but continues to need work. While establishment personnel are in training, inspection personnel have been instructed to stop the line if needed to catch up, when presentation is not perfect. There continues to be some variability with head lymph node presentation. At times the mandibular lymph node is on the jawl At times a large string of heads (10 or more) will be presented with eyelashes or hair. See 9 CFR 310.11, 310.18(a) and 310.19. Carcass returning from the out rail loop swing wildly and often hit the stop switch that is there. It is also a hazard for personnel. Management indicated they are still figuring out the best course of action for this. Blood from heads and viscera drips to the floor below at the entrance to the viscera/head room. Plant and inspection personnel need to walk through this area. -Management indicated a contractor is working on this and pans will be installed the weekend of 9/30. We need to be able to inspect the wash cabinet after the bleed rail. We need stairs, not a ladder for this. Management indicated they are still working on this. USDA Office The soap dispenser by the break room sink does not work. Can we get a soap dispenser by the lab sink? We have had issues with plant personnel/contractors using our restroom. The above USDA office items have been addressed. Processing Meat falling from overhead conveyors -Where are we at on the fix? What has the establishment identified as the solution? (b) (6) stated the worst area has been fixed. This issue is still ongoing in other areas but to a lesser degree in some other areas. (b) (6) requested a list of product codes This has been provided. Fork truck drivers are placing meat hooks on the fork lift with them. Currently sanitation for this practice is being maintained by placing the hook in a large glove. (b) (6) indicated sanitary practices are being followed Management indicated plans to install a cleanable metal box for storing the hooks. Other Another Bulletin Board is needed in the office. -The board has arrived; it just needs to be installed. -Could we have a three part calendar hung at the same time?</p>

Office of Inspector General 2013 Audit Report



United States Department of Agriculture
Office of Inspector General





Food Safety and Inspection Service— Inspection and Enforcement Activities At Swine Slaughter Plants

Audit Report 24601-0001-41

What Were OIG's Objectives

Our objectives were to identify areas of risk in FSIS' inspection of swine plants, evaluate FSIS' controls over food safety and humane handling, and determine if appropriate enforcement actions were taken against plants that violated FMIA and HMSA.

What OIG Reviewed

FSIS inspects over 600 plants that have grants to slaughter swine. For fiscal years 2008-2011, we reviewed enforcement actions taken against these plants. We also conducted site visits at 30 plants.

What OIG Recommends

FSIS needs to develop a strategy to take progressively stronger enforcement actions against plants with serious or repetitive violations. FSIS should determine what measurable improvement the HIMP program achieved and its suitability as a permanent program. FSIS should also provide a plan on how it will minimize reliance on the inspectors' judgment to ensure they consistently enforce laws.

OIG audited FSIS' inspection and enforcement activities at swine slaughter plants to determine if they complied with food safety and humane handling laws.

What OIG Found

The Food Safety and Inspection Service's (FSIS) enforcement policies do not deter swine slaughter plants from becoming repeat violators of the Federal Meat Inspection Act (FMIA). As a result, plants have repeatedly violated the same regulations with little or no consequence. We found that in 8 of the 30 plants we visited, inspectors did not always examine the internal organs of carcasses in accordance with FSIS inspection requirements, or did not take enforcement actions against plants that violated food safety regulations. As a result, there is reduced assurance of FSIS inspectors effectively identifying pork that should not enter the food supply.

We also found FSIS could not determine whether the goals of a pilot program—Hazard Analysis and Critical Control Point (HACCP)-based Inspection Models Project (HIMP)—were met because FSIS did not adequately oversee the program. In the 15 years since the program's inception, FSIS did not critically assess whether the new inspection process had measurably improved food safety at each HIMP plant, a key goal of the program.

Finally, we found that FSIS inspectors did not take appropriate enforcement actions at 8 of the 30 swine slaughter plants we visited for violations of the Humane Method of Slaughter Act (HMSA). We reviewed 158 humane handling noncompliance records (violations) issued to the 30 plants and found 10 instances of egregious violations where inspectors did not issue suspensions. As a result, the plants did not improve their slaughter practices, and FSIS could not ensure humane handling of swine. FSIS concurred with all of our recommendations.



United States Department of Agriculture
Office of Inspector General
Washington, D.C. 20250



DATE: May 9, 2013

AUDIT
NUMBER: 24601-0001-41

TO: Alfred V. Almanza
Administrator
Food Safety and Inspection Service

ATTN: Joseph L. Garcia
Chief Financial Officer

FROM: Gil H. Harden
Assistant Inspector General for Audit

A handwritten signature in black ink that reads "Gil H. Harden".

SUBJECT: FSIS—Inspection and Enforcement Activities at Swine Slaughter Plants

This report presents the results of the subject review. Your written response to the official draft report is included at the end of the report. Excerpts from the response and the Office of Inspector General's position are incorporated into the relevant sections of the report. Based on the information in your written response, we have accepted your management decision on all 11 recommendations.

In accordance with Departmental Regulation 1720-1, final action is to be taken within 1 year of each management decision to prevent being listed in the Department's annual Agency Financial Report. For agencies other than the Office of the Chief Financial Officer (OCFO), please follow your internal agency procedures in forwarding final action correspondence to OCFO.

We appreciate the courtesies and cooperation extended to us by members of your staff during our audit fieldwork and subsequent discussions. This report contains publically available information and will be posted in its entirety to our website (<http://www.usda.gov/oig>) in the near future.

Table of Contents

Background and Objectives	1
Section 1: Food Safety	4
Finding 1: Enforcement Policies Do Not Deter Repeat Violators	4
Recommendation 1	9
Recommendation 2	10
Recommendation 3	10
Finding 2: Some Inspectors Performed Insufficient Post-Mortem and Sanitation Inspections.....	12
Recommendation 4	15
Recommendation 5	15
Recommendation 6	16
Finding 3: Swine HIMP Pilot Program Lacks Sufficient Oversight.....	17
Recommendation 7	19
Recommendation 8	19
Recommendation 9	20
Recommendation 10	20
Section 2: Humane Handling	22
Finding 4: FSIS Could Not Always Ensure Humane Handling at Swine Slaughter Plants	22
Recommendation 11	27
Scope and Methodology.....	29
Abbreviations	31
Exhibit A: Audit Sites Visited.....	32
Agency's Response	35

Background and Objectives

Background

The Food Safety and Inspection Service (FSIS) is the public health agency in the U.S. Department of Agriculture (USDA) responsible for ensuring that the nation's commercial supply of meat, poultry, and egg products is safe, wholesome, and correctly labeled and packaged. FSIS operates under the Federal Meat Inspection Act (FMIA)¹ and the Humane Methods of Slaughter Act (HMSA),² in addition to other laws. FMIA authorizes FSIS to inspect all meat products sold through interstate commerce and imported products to ensure that they meet United States food safety standards. FSIS also enforces HMSA to ensure livestock is slaughtered in a humane manner. In fiscal year (FY) 2011, FSIS received a budget of \$905 million for Federal food safety and inspection services.

Prior to October 2012, FSIS inspection operations were overseen by 15 district offices nationwide:³ Alameda, California; Albany, New York; Atlanta, Georgia; Beltsville, Maryland; Chicago, Illinois; Dallas, Texas; Denver, Colorado; Des Moines, Iowa; Jackson, Mississippi; Lawrence, Kansas; Madison, Wisconsin; Minneapolis, Minnesota; Philadelphia, Pennsylvania; Raleigh, North Carolina; and Springdale, Arkansas.

FSIS' Office of Field Operations is responsible for managing inspection and enforcement activities nationwide. To accomplish this, the agency employed about 8,600 inspectors at 6,300 Federally-inspected slaughter and processing plants—616 of these plants had a grant to slaughter swine.⁴ In 2011, over 110 million swine were slaughtered in the United States.

Thirty of the 6,300 plants are operating under a pilot HACCP Inspection Models Project (HIMP) program initiated in 1997.⁵ The program was developed to produce a flexible, more efficient, and fully integrated meat and poultry inspection system. The HIMP program, in contrast to the traditional inspection system, places responsibility on the plant for sorting out diseased and contaminated carcasses prior to FSIS inspection. In 1997, FSIS approved the first of five swine plants to participate in the program.

FMIA requires that inspectors check all livestock before slaughter to determine if the animals are fit for human consumption. These ante-mortem inspections are one of FSIS' primary means of removing diseased animals from the meat supply. When inspectors find animals showing signs of abnormalities or diseases during ante-mortem inspection, they direct the plant to set the

¹ 21 United States Code (U.S.C.), ch.12 (May 22, 2008).

² 7 U.S.C., ch. 48 (October 10, 1978).

³ During our audit, FSIS consolidated its district offices from 15 to 10.

⁴ Inspectors include in-plant and other frontline personnel.

⁵ HACCP, or Hazard Analysis and Critical Control Point, is a scientific system for process control that is used in food production. It is designed to prevent the occurrence of problems by ensuring that controls are applied at any point in a food production system where hazardous or critical situations could occur. Hazards can include biological, chemical, or physical contamination of food products.

affected animals aside for further examination by a veterinarian inspector, who may identify the animals as either “U.S. Suspect” or “U.S. Condemned.” Although animals marked with “U.S. Suspect” tags are still slaughtered, the veterinarian inspector examines the carcasses more thoroughly post-mortem to determine if they are safe for human consumption. In contrast, animals marked with “U.S. Condemned” tags are not slaughtered for food.

HMSA states that the slaughtering and handling of livestock are to be carried out only by humane methods to prevent the needless suffering of animals. Inspectors’ duties include: ensuring that there are adequate measures in case of inclement weather, observing truck unloading, checking water and feed availability, observing handling during ante-mortem inspection, observing handling of suspect and disabled livestock, observing electric prod use, monitoring for slips and falls, checking stunning effectiveness, and checking for conscious animals hanging on the slaughter rail.

These laws were enacted to promote food safety and humane handling of the animals. When inspectors identify violations of the laws, FSIS regulations, or directives, they may take enforcement actions. Depending on the seriousness of the violation, inspectors have numerous options ranging in severity from issuing a citation to suspending the plant. Past audits have identified weaknesses in the enforcement of both laws.

Related Prior Audits

This audit is the latest in a series of audits related to FSIS enforcement of food safety and humane handling. The prior audits listed below identified continuing problems with FSIS’ inspections and enforcement:

In 2012, an Office of Inspector General (OIG) audit of shell eggs found that when FSIS identified egregious violations or repeat violators, it did not initiate progressively stronger enforcement actions.⁶ The agency’s lenient enforcement policy did not deter serious violations or repeat violators, and the strongest enforcement actions that FSIS initiated were warning letters.

In 2010, a Government Accountability Office (GAO) audit concluded that inspectors did not take consistent enforcement actions when faced with humane handling violations.⁷ GAO’s review of noncompliance records (NRs) also identified incidents in which inspectors did not suspend plant operations or take regulatory actions when they appeared warranted.⁸

In 2008, OIG performed an audit in response to videos provided by the Humane Society of the United States that documented the egregious abuse of cattle awaiting slaughter at the Hallmark-Westland Meat Packing Company.⁹ OIG found that FSIS needed to strengthen management controls and oversight of food safety and humane handling inspections.

⁶ Audit 50601-0001-23, *USDA Controls Over Shell Egg Inspections* (November 2012).

⁷ GAO-10-203, *HMSA - Actions Are Needed to Strengthen Enforcement* (February 2010).

⁸ An NR is a citation issued to the plant for violating the regulations.

⁹ Audit 24601-0007-KC, *Evaluation of FSIS Management Controls Over Pre-Slaughter Activities* (November 2008).

In 2007, an OIG audit of beef and poultry processing plants found that FSIS inspection personnel did not have guidance on when to take further enforcement actions to address repetitive violations.¹⁰

In 2004, an OIG audit found that FSIS' monitoring system did not flag NRs with serious deficiencies,¹¹ such as the presence of fecal material associated with *E. coli* contamination on carcasses.¹² Further, since fecal material noncompliance incidents could result from many different causes, inspectors did not always link them and monitor their total number at each plant.

Objectives

Our audit objectives were to (1) identify areas of risk in FSIS' inspection of swine plants, (2) evaluate if FSIS' controls were sufficient to ensure swine slaughter plants were in compliance with food safety requirements and humane handling standards, and (3) determine if appropriate enforcement actions were taken against plants that failed to comply with the regulatory requirements.

¹⁰ Audit 24601-07-Hy, *Issues Impacting the Development of Risk-based Inspection at Meat and Poultry Processing Establishments* (December 2007).

¹¹ Audit 24601-0003-Ch, *Food Safety and Inspection Service Use of Food Safety Information Systems* (September 2004).

¹² *Escherichia coli* (abbreviated as *E. coli*) are a large and diverse group of bacteria that can cause illnesses such as diarrhea, urinary tract infections, and pneumonia.

Section 1: Food Safety

Finding 1: Enforcement Policies Do Not Deter Repeat Violators

FSIS' enforcement policies do not deter swine slaughter plants from becoming repeat violators of food safety regulations. During FYs 2008 to 2011, FSIS issued 44,128 noncompliance records (NRs)¹³ to 616 plants; only 28 plants were suspended, even though some plants repeated violations as egregious as fecal matter on previously cleaned carcasses.¹⁴ This occurred because FSIS does not (1) always take progressively stronger enforcement action against repeat violators, when warranted; (2) distinguish between serious violations and minor infractions on its NRs; and (3) provide sufficient guidance on what actions to take in specific circumstances. As a result, plants have repeatedly violated the same regulations with little or no consequence. For example, 21 percent of NRs at the 20 most-cited plants were for repeat violations. Without more incentive to improve compliance, the 616 plants—which process about 110 million swine per year—run a higher risk of providing pork for human consumption that should not enter the food supply.

Regulations state “each [plant] must be operated and maintained . . . to prevent the creation of insanitary conditions and to ensure that product is not adulterated.”¹⁵ For all Federally-inspected slaughter plants that do not meet regulatory food safety requirements, FSIS established the following six enforcement actions:

- **Noncompliance Record:** Inspectors cite violations of regulations by issuing NRs.¹⁶ When inspectors identify repeat violations, they link the NRs in FSIS' mission-critical monitoring system, the Public Health Information System (PHIS).¹⁷ As soon as the inspectors identify a trend in violations (e.g., three linked NRs), they may inform the district office, which determines if more aggressive enforcement action should be taken.
- **Regulatory Control Action:** In conjunction with issuing NRs, an inspector can take regulatory control actions by retaining product, rejecting equipment or facilities, slowing or stopping the slaughter line, or refusing to allow plants to process the problematic product until the plant takes immediate corrective action.
- **Notice of Intended Enforcement:** This is a warning notice issued by FSIS district offices. It notifies a plant that, although the violations do not pose an imminent threat to public health, FSIS may either withhold the marks of inspection¹⁸ or suspend the plant,

¹³ An NR is a citation issued to the plant for violating the regulations. For the purposes of this finding, NRs will refer specifically to food safety NRs.

¹⁴ FSIS PHIS Directive 5000.1, pp. 94-95 states that repeat violations are “repetitive failures of the same aspect of the [plant’s] food safety system” and “occurred within a reasonably close period of time” (April 11, 2011). These violations are linked by inspectors in FSIS' monitoring system.

¹⁵ 9 Code of Federal Regulations (CFR) §416.1 (January 1, 2010). Per 9 CFR §301.2, a product is adulterated “if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health” (January 1, 2010).

¹⁶ FSIS Directive 5000.1, Rev. 3, p. 32 (June 24, 2008).

¹⁷ PHIS is a comprehensive data analysis system that FSIS uses to collect, consolidate, and analyze inspection data.

¹⁸ The official USDA inspection legend to be applied to inspected and passed carcasses and parts of carcasses.

unless the plant responds to FSIS within 3 business days to demonstrate how it has or will achieve compliance.

- **Suspension:** During a suspension, plants cease production. FSIS district offices withdraw inspectors from their duties and inform the public of the cause of the suspension through FSIS' website. The length of suspension is determined by how long it takes the plant to fix the problem. For FYs 2008 to 2011, suspensions for swine plants lasted a median of 7 days before the plants were fully operational again.
- **Withholding the Mark of Inspection:** FSIS district offices may disallow the mark of inspection to be applied to products. Without the mark of inspection, products cannot be sold.
- **Withdrawal of Inspection:** The FSIS Administrator may file a complaint with a USDA Administrative Law Judge to withdraw a grant of Federal inspection. If inspection service is withdrawn, an establishment must reapply to receive Federal inspection.

FSIS regularly issues NRs and regulatory control actions to correct noncompliance issues. However, although FSIS' enforcement system allows other progressively stronger actions as described above, we found that FSIS rarely suspended plants and did not take any withholding or withdrawal actions over our 4-year scope period (see Table 1). Only 0.0006 of the NRs resulted in a suspension. Although we identified numerous other instances where violations warranted suspensions, the plants were not suspended. See examples 1 to 3 on the following page.

**Table 1: Enforcement Actions for Food Safety Violations
FYs 2008-2011**

Type of Enforcement Action	No. of Enforcement Actions
Noncompliance Record	44,128
Regulatory Control Action	7,413
Notice of Intended Enforcement	140
Suspension	28
Withholding the Mark of Inspection	0
Withdrawal of Inspection*	0
Total	51,709
* FSIS considered a Withdrawal of Inspection for one plant but elected not to pursue the action.	

In reviewing the database of the 44,128 NRs and other enforcement actions, we determined that FSIS' enforcement policies do not deter swine slaughter plants from repeating the same food

safety violations. For the few plants that were suspended, the suspensions only briefly interrupted plant activity. For the 28 suspensions shown in Table 1, FSIS allowed 22 of the plants to continue to operate within a short period—some as little as one day after suspension.

We attribute deficiencies in enforcement policies, as well as the application of those policies, to the following three causes: FSIS does not (1) always take progressively stronger enforcement action against repeat violators, when warranted; (2) distinguish between serious violations and minor infractions on its NRs; and (3) provide sufficient guidance on what action to take in specific circumstances.

FSIS Does Not Always Take Progressively Stronger Enforcement Action Against Repeat Violators

To determine how many NRs were repeated at the plants, we reviewed the 20 plants with the highest number of violations. We found that for these plants, as many as 21 percent of NRs were repeated, i.e., those linked by inspectors in PHIS. However, as long as a plant was making progress in correcting violations and there was no immediate public health risk, FSIS officials did not feel the need to pursue progressively stronger enforcement action. We disagree with this practice because the plants repeated the same serious violations with little or no consequence. See the following examples:

Example 1: At a plant in South Carolina that slaughtered about 2,700 swine per day, FSIS issued a total of 801 NRs, of which 547 (68 percent) were repeat NRs. These included 14 zero-tolerance repeat NRs, such as fecal contamination on a hog after the final trim;¹⁹ 94 repeat NRs for exposed or possibly adulterated products that had “grease smears” or “black colored liquid substance” on processed meat; and 43 repeat NRs for pest control problems, such as cockroaches on the kill floor. After FSIS issued a Notice of Intended Enforcement, the plant continued to repeat the same violations 202 times throughout the next year. Despite the continuing problems, FSIS did not take a stronger enforcement action such as a suspension.

Example 2: At a plant in Nebraska that slaughtered about 10,600 swine per day, FSIS issued a total of 607 NRs, of which 214 (35 percent) were repeat NRs. These included 50 repeat NRs for contaminated carcasses that included “fecal material which was yellow [and] fibrous” on the carcass, and 39 repeat NRs for other insanitary conditions that included a “yellowish colored residue build up” and “pieces of meat and/or fat particles” inside the vats that the plant prepared for storing product. Despite the continuing problems, FSIS did not take a stronger enforcement action such as a Notice of Intended Enforcement or a suspension.

Example 3: At a plant in Illinois that slaughtered about 19,500 swine per day, FSIS issued a total of 532 NRs, of which 139 (26 percent) were repeat NRs. These included 26 repeat NRs for fecal matter and running abscesses on carcasses, and 43 repeat NRs for

¹⁹ Zero tolerance is a policy of strict, uncompromising enforcement of regulations, specifically related to situations such as fecal contamination of carcasses. In this case, the carcass was previously cleaned and all contaminated parts should have been removed.

other insanitary conditions during operations that included exposed or possibly adulterated products and the presence of pests on the kill floor. Despite the continuing problems, FSIS did not take a stronger enforcement action such as a Notice of Intended Enforcement or a suspension.

Similar issues were reported by OIG in 2007 and 2012.²⁰ When we asked national office officials why FSIS had not implemented more effective changes to the program, an Assistant Administrator stated that the agency planned to focus on improving controls in swine slaughter once it implements new guidance sometime in 2013. Moreover, he believed that microbiological testing is a significantly better measure of food safety than visible inspection and that a high number of NRs does not necessarily correlate to food safety issues. Although the Assistant Administrator considered FSIS' guidance to be outdated, he still emphasized the importance of following existing policy.

Since microbiological tests are performed only on a sample of carcasses (whereas visual and manual inspections are required on all carcasses), we question whether this is a better measure for food safety due to its limited use. In addition, FSIS directives recognize that visual inspections to detect contamination are a significant factor in ensuring food safety. One directive states that “the insanitary conditions may be such that the product produced in the establishment may have become contaminated with filth or otherwise rendered injurious to health.”²¹ Because visible contamination poses a threat to human safety, FSIS directives require inspectors to “look for . . . sanitary dressing defects (e.g., fecal material).”²²

FSIS Does Not Distinguish Between Serious Violations and Minor Infractions on Its NRs

Although NRs document which regulations were violated and FSIS has taken steps to link them, FSIS does not distinguish between violations that pose a higher risk to public safety from those that do not. Food safety NRs range from a plant's inaccurate internal records to severe rodent infestation on the kill floor, fecal matter on carcasses, or contaminated ready-to-eat products. Due to the range of NRs, FSIS should provide guidance to inspectors on classifying NRs and modify PHIS, so that FSIS can more easily identify patterns of severe violations. Without distinguishing between minor and serious violations in PHIS, FSIS would need to read the description of each NR to identify the plants with a history of severe violations. See the following examples:

Example 4: At a plant in Minnesota that slaughtered about 19,000 swine per day, an inspector discovered that a date on the plant's Ante-Mortem Audit Sheet was incorrectly recorded as May 27, 2011, instead of the actual date of April 27, 2011. However, the inspector found that required ante-mortem procedures had been performed. To document

²⁰ Audit 24601-07-Hy, *Issues Impacting the Development of Risk-Based Inspection at Meat and Poultry Establishments* (December 2007); Audit 50601-0001-23, *USDA Controls Over Shell Egg Inspections* (November 2012).

²¹ FSIS Directive 5000.1, Rev. 3, p. 4 (June 24, 2008).

²² FSIS Directive 6100.2, p. 16 (September 17, 2007).

the recordkeeping violation, he issued an NR to the plant. We consider this to be a minor violation since the misreported date would not impact food safety of the product.

Example 5: At a plant in Nebraska that slaughtered about 10,600 swine per day, an inspector observed yellow fibrous fecal material on the left hind foot of one carcass. The contaminated carcass had moved past the plant's quality control employees without being detected. To document this violation, the inspector issued an NR to the plant. We consider this to be a more serious violation than the one above since fecal matter on a carcass (a zero-tolerance violation) would impact food safety of the product.

A similar issue was reported by OIG in 2004 when we found that FSIS' monitoring system could not identify NRs with serious deficiencies,²³ such as the presence of fecal material associated with *E. coli* contamination on carcasses. When we asked FSIS officials why they had not improved PHIS to classify NRs since then, they told us they relied on the inspectors to alert them of major problems.

However, this may not be an ideal practice for the following reasons. First, FSIS national and district officials have oversight responsibilities that include determining how well slaughter plants nationwide comply with food safety regulations, as well as identifying emerging trends and risks. Without classifying the severity of violations, these officials cannot easily determine the frequency of severe violations or if patterns exist at certain plants. The agency has already recognized the importance of classifying egregious violations for humane handling. Second, although FSIS national and district officials rely on the inspectors to alert them of major problems, the inspectors may not know the history of the plant since they often rotate to other plants or leave the agency. Also, some plants receive hundreds of NRs a year, and the inspectors must either rely on their memories or re-familiarize themselves with each NR.

FSIS Does Not Provide Sufficient Guidance on What Action to Take in Specific Circumstances

FSIS has not issued regulations or policies on when to initiate stronger enforcement action for repeat violations. There are no quantifiable criteria explaining when actions such as suspensions or Notices of Intended Enforcement should be issued. Regulations state "FSIS may take a withholding action or impose a suspension" to plants with insanitary conditions "due to multiple or recurring noncompliance."²⁴ However, FSIS directives do not quantify how many violations constitute "multiple or recurring noncompliance;" nor do the directives mandate when to suspend a plant.

There are other instances where FSIS directives are not specific. For example, when a plant has repeat violations, one directive states that "the Frontline Supervisor and [Inspector-in-Charge] are to determine whether the NRs should be linked and whether a

²³ Audit 24601-0003-Ch, *Food Safety and Inspection Service Use of Food Safety Information Systems* (September 2004).

²⁴ 9 CFR §500.4 (January 1, 2010).

Food Safety Assessment should be recommended.”²⁵ While a Food Safety Assessment may lead to a Notice of Intended Enforcement, the directive does not specify when one should be issued or whether a suspension should be imposed.

A similar issue was reported by OIG in 2007.²⁶ When we asked FSIS officials how they quantified multiple or recurring violations, they stated that there is no “magic number” and that as long as there is a distinction between sporadic problems and systemic failure, there is no need for such a measure.

As evidenced in examples 1 through 3 of this finding, we found several plants where recurring NRs revealed a systemic failure and not a sporadic problem, including recurring zero-tolerance violations—most occurred within 3 months of each other. Although the agency stated that the frequency of violations over a specific timeframe is important in determining when to take stronger enforcement action, FSIS’ guidance does not define frequency or specify timeframes. Without more specific criteria, inspectors and officials have the option not to pursue even the most serious violations. FSIS officials may also choose different courses of action, leading to plants being treated inconsistently.

In conclusion, while FSIS’ enforcement system allows progressive actions against repeat violators, the agency rarely pursues stronger actions. Since there are no substantial consequences for plants that repeatedly violate the same food safety regulations, the plants have little incentive to improve their slaughter processes. It is critical that plants work towards preventing violations from occurring in the first place because recurring, severe violations may jeopardize public health. By helping swine slaughter plants move towards this goal, FSIS will improve its assurance that the nation’s commercial supply of pork is safe and wholesome.

Therefore, FSIS should develop a strategy to take progressively stronger enforcement action against plants with serious or repetitive violations, and develop criteria and procedures to classify all severe food safety NRs. The agency should also modify existing criteria to standardize when suspensions and Notices of Intended Enforcement should be applied, as well as define the frequency and specify the timeframes when violations would lead to such enforcement actions.

Recommendation 1

Develop a strategy to take progressively stronger enforcement action against plants with serious or repetitive violations.

²⁵ FSIS Directive 5000.1, Rev. 3, p. 82 (June 24, 2008). An FSIS webcast states that a Food Safety Assessment considers all the food safety aspects that relate to a plant and all the products the plant produces (November 25, 2008).

²⁶ Audit 24601-07-Hy, *Issues Impacting the Development of Risk-Based Inspection at Meat and Poultry Establishments* (December 2007).

Agency Response

In order to facilitate developing a strategy to take progressively stronger enforcement action against plants with serious or repetitive violations, FSIS has implemented PHIS.²⁷ When data indicates repetitive non-compliance with food safety related regulations, it implements enforcement action in accordance with the Rules of Practice, 9 CFR Part 500. Additionally, FSIS is developing a strategy for taking progressively stronger enforcement actions against plants with serious or repetitive violations by using regulatory non-compliance to identify establishments that should be prioritized for “for cause” Food Safety Assessment. FSIS will complete this work and develop a strategy by January 1, 2014.

OIG Position

We accept FSIS’ management decision on this recommendation.

Recommendation 2

Develop criteria and procedures to classify all severe food safety NRs.

Agency Response

FSIS is developing criteria and procedures to classify all severe food safety NRs, by using the PHIS data. FSIS has determined the regulations that have significant potential for public health consequences. The details of this data driven approach to inspection and enforcement was originally detailed in a paper entitled “Data-Driven Inspection for Processing and Slaughter Establishments Public Health Decision Criteria,” published September 2010. A revised approach that defined criteria was developed in 2012 and presented to the National Advisory Committee for Meat and Poultry Inspection (NACMPI) in January 2013. FSIS will incorporate input from the NACMPI and implement these criteria by January 1, 2014.

OIG Position

We accept FSIS’ management decision on this recommendation.

Recommendation 3

Modify existing criteria to standardize when suspensions and Notices of Intended Enforcement should be applied, as well as define the frequency and specify the timeframes when violations would lead to such enforcement actions.

²⁷ OIG is currently conducting an audit on PHIS (24601-0001-23).

Agency Response

FSIS agrees that consistently applying the principles of the Public Health Decision Criteria, which determines how suspensions and Notices of Intended Enforcement should be applied when taking enforcement actions, is in fact necessary. When taking enforcement action, the Agency is guided by the public health criteria as defined in “Data-Driven Inspection for Processing and Slaughter Establishments Public Health Decision Criteria,” published September 2010, and the regulatory Rules of Practice defined in 9 CFR Part 500. The Agency will develop instructions through a notice or directive for its management and supervisory personnel on the Rules of Practice and decision criteria to further advance consistent enforcement of the principles by January 31, 2014.

OIG Position

We accept FSIS’ management decision on this recommendation.

Finding 2: Some Inspectors Performed Insufficient Post-Mortem and Sanitation Inspections

To ensure sanitation and food safety, inspectors are responsible for examining carcasses, as well as the general plant environment. However, we found that in 8 of the 30 slaughter plants we visited, inspectors did not always examine the internal organs of carcasses in accordance with FSIS inspection requirements, or did not always issue NRs to plants that violated food safety regulations. This occurred due to vague guidance as well as insufficient on-the-job training and supervision. As a result, there is reduced assurance that inspectors will effectively identify pork that should not enter the food supply. Together, the 8 plants slaughtered about 16,000 swine per day.

Inspectors serve as the first line of defense against contaminated pork entering the food supply. According to regulations, on-line inspectors, who are stationed at fixed positions along the slaughter line, are required to conduct “a careful post-mortem examination and inspection . . . of the carcasses and parts thereof of all livestock slaughtered at official [plants].”²⁸ Inspectors are required to check “the head, tail, tongue, thymus gland, and all viscera of each animal slaughtered . . . [and to] observe and palpate the mesenteric lymph nodes” as well as “grasp, turn, and observe both sides of the kidneys” to find parasites, inflammation, swelling, or masses that might indicate disease.²⁹ If inspectors find contamination, “they are to verify that the [contaminated parts] are removed in a sanitary manner.”³⁰ If the plant has not complied with sanitation regulations, but the noncompliance does not need immediate attention, inspectors “are to notify the [plant] management of the noncompliance and document the finding on a NR.”³¹

Off-line inspectors are responsible for monitoring plant sanitation, including ensuring that meat is not exposed to environmental contaminants, such as flies and other vermin and poor ventilation. According to an FSIS directive, “Every time the [inspector] finds that the [plant] is not meeting the [sanitation] requirements, he or she should document the noncompliance on the NR.”³²

However, we found that inspectors did not always identify contaminated meat or cite plants for sanitation violations. We observed the entire slaughter process at 30 of the 616 plants, which slaughtered about 137,000 swine per day. Even though inspectors knew we were observing them during the on-line slaughter and sanitation inspection at each plant, we still found the following problems:

On-line Post-mortem Inspections

Some on-line inspectors did not always perform post-mortem inspections, as required by FSIS policy. At a plant in Indiana that slaughtered about 3,140 swine per day, a recently hired on-line inspector neglected to mark as inedible a tray of viscera that was

²⁸ 9 CFR §310.1(a) (January 1, 2010).

²⁹ FSIS Directive 6100.2, p. 16 (September 17, 2007).

³⁰ FSIS Directive 6100.2, p. 16 (September 17, 2007).

³¹ FSIS Directive 5000.1, Rev. 3, p. 72 (June 24, 2008).

³² FSIS Directive 5000.1, Rev. 3, p. 71 (June 24, 2008).

contaminated with feces. The tray became contaminated because a plant employee had cut through the rectum while removing the viscera for inspection. The plant employee marked the carcass with an “x” to indicate that the carcass required further trimming or extra attention. However, the inspector allowed the tray to pass without marking it as inedible. Eventually, an off-line inspector, who was accompanying us on our site visit, caught the error and marked the tray of viscera inedible.

At four plants located in Alabama, Iowa, New Jersey, and South Dakota that slaughtered about 11,800 swine in total per day, some on-line inspectors did not palpate the kidneys of each carcass or fan out the intestines in order to palpate the lymph nodes during viscera inspection. Two inspectors stated they were distracted during our observation of post-mortem inspections, the agency informed us the third inspector had a history of performance issues, and the fourth inspector was new to swine inspection.

These performance issues can be remedied with increased on-the-job training and supervision. When we spoke with FSIS personnel, they explained that, while all new inspectors receive formal training, much of their responsibilities are taught through on-the-job training. District officials stated that new inspectors receive increased supervision; after the first 2 months, this level of involvement decreases. Generally, district officials agreed that the supervisors should have more closely monitored the inspectors in question. When we drew these individual instances to the district officials’ attention, they informed the supervisors, who in turn provided informal refresher training to the inspectors. We encourage FSIS to continue these actions at all plants.

When we discussed this issue with an Assistant Administrator, he emphasized the importance of inspectors performing their duties in accordance with directives and notices. He also stated that questions and concerns about the post-mortem inspection process should be discussed between inspectors and their supervisors at their regular weekly meetings.

Off-line Sanitation Inspections

Some off-line inspectors did not take sufficient steps to cite issues and enforce sanitation regulations because inspectors often believed they had the discretion to forgo required enforcement action. At a plant in Alabama that slaughtered about 100 swine per day, we saw heavy condensation dripping from the ceiling of the cooler room onto unwrapped carcasses that had already passed the final inspection and were ready to be shipped to customers. This constitutes a potential contamination issue. Regulations state that such coolers require ventilation “adequate to control odors, vapors, and condensation to the extent necessary to prevent adulteration of products and the creation of insanitary conditions.” Though the inspector had a discussion with plant personnel about the condensation, she did not document this noncompliance on an NR.

The inspector felt that the required NR was unnecessary because the plant had installed new circulating fans and refrigeration units—although they did not prevent condensation.

This plant had a history of condensation problems, which continued even after the devices were installed. Because the condensation was a regulatory violation, the district agreed that the inspector should have written an NR.

At three plants in California, Pennsylvania, and Illinois that slaughtered about 1,045 swine in total per day, we observed flies on the kill floors. In one plant, flies hovered over an area where blood was being collected to be sold for human consumption.³³ Regulations state that plants' "walls, floors, ceilings, doors, windows, and other outside openings must be constructed and maintained to prevent the entrance of vermin, such as flies, rats, and mice." The inspectors did not document this noncompliance on an NR.

We determined that there is no clear guidance on how to address vermin and whether their presence constitutes a violation. When we questioned the FSIS officials on whether the presence of flies constitutes an NR, they gave us varied responses. At two districts, officials explained that flies in the slaughter area would normally be documented on an NR. Other districts told us, "[the regulation] is not specific." An Assistant Administrator stated that there is no definite rule on how many flies must be present to write an NR. However, he stated that there is an expectation of consistency and that FSIS needs a policy to address this inconsistency.

Although no diseased or contaminated pork appeared to enter the food supply as a result of the incidents we observed, we remain concerned that FSIS cannot ensure this will always be the case if inspectors are not properly performing sufficient post-mortem and sanitation inspections. The inspection process is only as effective as its inspectors are vigilant. Because inspectors are primarily responsible for monitoring plant sanitation and the safety of the meat they inspect, they must be able to adequately identify points of concern, resolve them, and document all violations that occur. Failure to do so can jeopardize public health.

In conclusion, although FSIS has issued guidance to address inspector performance, it was not always followed, as was evidenced by the examples discussed above. Therefore, FSIS should emphasize to supervisors that action is necessary to address inspector performance issues. Actions should include discussing requirements with inspectors and monitoring their progress more closely in the future. During training for inspectors, FSIS should emphasize the importance of following agency policy in documenting NRs. In addition, FSIS should clarify guidance on when the presence of vermin on the kill floor constitutes a violation.

³³ Many cultures consume blood as food, often in combination with meat. The blood may be in the form of blood sausage, as a thickener for sauces, a cured salted form for times of food scarcity, or in a blood soup. Blood can also be used as a solid ingredient, either by allowing it to congeal (uncooked) before use, or by cooking it to accelerate the process. In this case, after we identified the violation, the plant stopped collecting blood and cleaned the area.

Recommendation 4

Emphasize to supervisors that action is necessary to address inspector performance issues. Actions should include discussing requirements with inspectors and monitoring their progress more closely in the future.

Agency Response

FSIS agrees that supervisors should be continually addressing inspection program personnel (inspectors) performance issues by addressing inspectors' understanding of policy and ensuring consistent requirements are applied. Supervisors manage in-plant employees' performance through the In-Plant Performance System, through which they observe and review each employee's performance to determine where there is a need for improvement. The agency issued FSIS Directive 4430.3 in June 2002, to be implemented October 2002. It requires supervisors to perform at least two In-Plant Performance System reviews per employee per year. FSIS will update its future training to emphasize the importance of following In-Plant Performance System policies. FSIS issued a reminder memo to supervisors to follow FSIS Directive 4430.3 on April 1, 2013.

OIG Position

We accept FSIS' management decision on this recommendation.

Recommendation 5

During training for inspectors, emphasize the importance of following agency policy in documenting NRs.

Agency Response

The Agency agrees that documenting noncompliance with regulatory requirements is central to its mission. FSIS will update its training to emphasize the importance of following agency policy in documenting NRs. FSIS will also reinforce this requirement during discussions with field personnel. FSIS will review training content and update, where necessary, to ensure that documenting NRs and Memorandum of Interviews are appropriately emphasized and adjust, if needed, by January 31, 2014.

OIG Position

We accept FSIS' management decision on this recommendation.

Recommendation 6

Clarify guidance on when the presence of vermin on the kill floor constitutes a violation.

Agency Response

The agency agrees that vermin, or other pests on a kill floor, processing area, or in any other part of an establishment pose a sanitary hazard, and clearly violates 9 CFR 416.2(a). FSIS will review training content and relevant notices and directives to ensure that all field personnel understand the regulatory requirements of 9 CFR 416(2) and foster uniform application. FSIS will review training content and relevant notices and directives by January 31, 2014.

OIG Position

We accept FSIS' management decision on this recommendation.

Finding 3: Swine HIMP Pilot Program Lacks Sufficient Oversight

In 1997, FSIS began a pilot program called the HACCP-based Inspection Models Project (HIMP) for swine, which allowed five large plants to have faster line speeds with fewer FSIS on-line inspectors.³⁴ Although program goals were to increase food safety and plant efficiency, FSIS could not determine whether these goals were met because it did not adequately oversee the program. Specifically, FSIS (1) did not evaluate whether the program resulted in a measurable improvement to the inspection process, (2) allowed one HIMP plant to forgo the standard FSIS policy to manually inspect viscera, and (3) did not have formal agreements with the HIMP plants. This occurred because FSIS' focus was on other issues, and it did not consider the swine HIMP program a priority. Since FSIS did not provide adequate oversight, HIMP plants may have a higher potential for food safety risks. Nationwide, 3 of the 10 plants cited with the most NRs continue to participate in the HIMP program.

Beginning in 1997, five plants that slaughter market swine were converted to HIMP plants to test this pilot inspection program.³⁵ FSIS stated in the *Federal Register* that during the project, it “will test and evaluate new approaches to fulfilling inspection requirements by plants and FSIS inspectors. The project will also test new FSIS food safety and other consumer protection activities. . . . The new models are intended to help the Agency determine how best to maintain and improve upon the level of protection provided by current inspection procedures, and at the same time use its resources more effectively.” FSIS further stated that it expected “this system to yield increased food safety and other benefits to consumers.”³⁶

To achieve increased food safety and other benefits for consumers, FSIS provided HIMP plants “the flexibility, within performance and regulatory standards set by FSIS, to design specific processes that address hazards and defects unique to their operations.”³⁷ HIMP plants have fewer FSIS inspectors, and processing lines are allowed to operate at higher speeds than in traditional plants because plant employees—rather than FSIS inspectors—sort out diseased carcasses and parts before they reach FSIS inspectors for final determination of wholesomeness.

Although HIMP was intended to improve food safety, we found that 3 of the 10 plants cited with the most NRs from FYs 2008 to 2011 were HIMP plants. In fact, the swine plant with the most NRs during this timeframe was a HIMP plant—with nearly 50 percent more NRs than the plant with the next highest number. This occurred because of FSIS' lack of oversight, which is evidenced in the following areas:

³⁴ For the purposes of this finding, “HIMP plants” will refer specifically to the swine HIMP plants. HACCP, or Hazard Analysis and Critical Control Point, is a scientific system for process control that is used in food production. It is designed to prevent the occurrence of problems by ensuring that controls are applied at any point in a food production system where hazardous or critical situations could occur. Hazards can include biological, chemical, or physical contamination of food products.

³⁵ Market swine, which are between 5 to 8 months old, represent a significant number of swine slaughtered in the United States. Only plants that slaughter market swine were allowed to participate in the swine HIMP program.

³⁶ *Federal Register*, Docket No. 98-039N (July 29, 1998). No final rule was ever published for the swine HIMP program.

³⁷ *Federal Register*, Docket No. 96-008N (June 10, 1997).

No Measureable Improvement to Inspection Process

In the 15 years since the program's inception, FSIS did not critically assess whether the new inspection process had measurably improved food safety at each swine HIMP plant—a key goal of the HIMP program. FSIS officials told us that, “the [HIMP program was] intended to help the agency . . . improve upon the level of protection provided by current inspection procedures.” Therefore, FSIS needs to determine what measurable improvement to inspection procedures is expected as a result of the HIMP program. As of January 2013, FSIS has not completed the assessment.

Additionally, because HIMP is still in a pilot stage, FSIS needs to review the program's progress to determine its suitability as a permanent program. FSIS should evaluate HIMP plants' noncompliance histories and allow only those plants with a strong history of regulatory compliance to remain in the program. Without a review, HIMP plants that are continually noncompliant—such as the swine plant with the most NRs nationwide—have less assurance of food safety than a traditional plant.

No Manual Inspection of Viscera

At one of the five HIMP plants that slaughtered about 8,100 swine per day, we observed that neither HIMP sorters nor FSIS inspectors manually inspected viscera for signs of disease or contamination.³⁸ As described in Finding 2, this is a key safety inspection that FSIS requires. This plant typically produces and ships more than 50,000 pounds of finished product per day, and receives the FSIS marks of inspection.

When we asked why this plant was the only one in the nation that was not required to manually inspect viscera, FSIS national office officials told us (1) this was not a food safety concern, since market swine are young and “generally” healthy, (2) animal diseases are less a priority now than microbiological contamination, and (3) FSIS allowed “a waiver of the regulations and inspection requirements to be made on the condition that the waiver provides a definite improvement.”

However, we reviewed documents and policies and learned that agency policies require manual inspection of viscera. All other swine plants in the nation manually inspect viscera because some signs of disease and contamination can be detected only through a manual inspection. Examples include tuberculosis nodules embedded within the lymph nodes, parasites within the intestine, and inflamed or degenerated organs that are unusually sticky to the touch or excessively firm. Last, FSIS could not produce a waiver exempting any HIMP plant from this FSIS requirement.

No Formal Agreements

FSIS did not have formal agreements with the five plants participating in HIMP. HIMP plants are granted more flexibility in their operating process than non-HIMP plants,

³⁸ HIMP sorters at this plant manually inspect viscera only if tuberculosis is observed in lymph nodes in the carcass' head, which is rare in market swine.

including being allowed to have faster production line speeds with fewer FSIS inspectors. In return, FSIS should ensure plants understand their obligations as HIMP participants, such as delivering expected improvements over food safety and consistently maintaining compliance with food safety regulations in order to remain a HIMP participant. Therefore, to fully document these obligations, FSIS should establish formal agreements with the plants.

In conclusion, any pilot program, especially one that offers plants flexibility within established performance and regulatory standards, should receive adequate oversight. Instead, the swine HIMP program has shown no measurable improvement to the inspection process; the program was not studied during its first 15 years; three of five HIMP plants had some of the highest numbers of NRs nationwide; and one plant was allowed to forgo an essential food safety procedure.

Therefore, FSIS should determine what measurable improvement the HIMP program achieved and its suitability as a permanent program. FSIS should also develop criteria to terminate plants from HIMP that have a pattern of severe violations, require all HIMP plants to perform visual and manual inspections of viscera, and establish formal agreements with plants participating in the HIMP program.

Recommendation 7

Determine what measurable improvement the HIMP program achieved and its suitability as a permanent program.

Agency Response

FSIS will complete an evaluation of HIMP market hog establishments. The report will include an analysis of HIMP establishments' performance compared to non-HIMP establishments as well as their performance with respect to performance standards established by an independent consulting firm contractor. Such an evaluation may support rule-making to amend regulations to make an inspection system informed by the market hog HIMP pilot permanent. FSIS will complete this evaluation and determine if a permanent program is warranted by March 31, 2014.

OIG Position

We accept FSIS' management decision on this recommendation.

Recommendation 8

Develop criteria to terminate plants from HIMP that have a pattern of severe violations.

Agency Response

The same criteria for regulatory compliance are applied to both non-HIMP and HIMP establishments. Establishments that exhibit a pattern of serious regulatory non-compliance may be subject to a Notice of Intended Enforcement Action, a suspension of inspection activities, and even withdrawal of the grant of inspection. To terminate the HIMP waivers from an establishment operating under those waivers, FSIS has instructed inspectors to report through supervisory channels when a clear trend of repetitive NRs related to the waivers' alternate procedures or *Salmonella* Initiative Program (SIP) protocol are found (FSIS Directive 5020.1). FSIS will review the instructions in FSIS Directive 5020.1 and any available data to provide additional instruction to inspectors on terminating waivers of regulations by October 1, 2013. If needed, updated instructions will be issued by January 31, 2014.

OIG Position

We accept FSIS' management decision on this recommendation.

Recommendation 9

Require all HIMP plants to perform visual and manual inspections of viscera.

Agency Response

FSIS understands the importance of visual and manual inspections of viscera. Therefore, FSIS will convene a scientific workgroup to review FSIS Directive 6100.3 Postmortem Livestock Inspection and the Market Hogs HIMP Inspection Draft dated June 21, 2005. The internal workgroup will determine the basis for visual and manual inspection of viscera and ensure consistency of policies. FSIS will convene this workgroup by October 31, 2013. As needed, updated policies will be issued by March 31, 2014.

OIG Position

We accept FSIS' management decision on this recommendation.

Recommendation 10

Establish formal agreements that address all aspects of HIMP with participating plants.

Agency Response

Establishments volunteering for HIMP agreed to follow information required by a *Federal Register* notice (62 FR 31553, June 10, 1997) which documented the pilot as a waiver of regulations for all establishments participating in the pilot. In a *Federal Register* notice (76 FR 41186, July 13, 2011) FSIS required all establishments operating under a waiver of regulations, including the HIMP Market Hog establishments, to participate in SIP. Establishments requesting

to operate under waivers submit a signed letter to FSIS saying they agree to follow the SIP Letter and SIP Protocol. After evaluation of the submission, FSIS issues a SIP Letter to the establishment documenting the conditions for the establishment to meet to operate under the waiver. The SIP Protocol is a document written and signed by the establishment that includes: (1) identification of the provisions of the regulations that are to be waived, (2) alternative procedures that are to be used in place of any waived provisions of the regulations, (3) description of the microbiological sampling and testing procedures that the establishment will implement, (4) agreement to share microbiological and other data with FSIS, and (5) any other pertinent information.

All HIMP establishments have submitted a written, signed letter requesting to participate in SIP and agreeing to abide by the SIP Letter and SIP Protocol. [By October 2012], FSIS issued a SIP Letter to each participating HIMP market hog establishment to spell out the specific alternative procedures and SIP Protocol that the establishment must meet in order to operate under the waiver(s).

OIG Position

We accept FSIS' management decision on this recommendation.

Section 2: Humane Handling

Finding 4: FSIS Could Not Always Ensure Humane Handling at Swine Slaughter Plants

Inspectors did not take appropriate enforcement actions at 8 of the 30 swine slaughter plants we visited. Specifically, the inspectors did not suspend 6 plants after identifying 10 egregious humane handling violations and did not issue NRs at 2 plants after identifying 2 nonegregious violations.³⁹ This occurred because, although the related FSIS policy was clear and specific, inspectors often made subjective enforcement decisions. At times, these decisions were inconsistent, lenient, and endorsed by district officials. As a result, the plants did not improve their slaughter practices, and FSIS could not ensure the humane handling of swine.

The Humane Methods of Slaughter Act (HMSA) requires that livestock be handled and slaughtered in a humane way.⁴⁰ FSIS policy stated “for situations where there are egregious humane handling noncompliances... the [inspector-in-charge] is to... orally notify plant management of an immediate suspension action.”⁴¹ The policy defines an egregious situation as “any act or condition that results in severe harm to animals,” including “stunning of animals and then allowing them to regain consciousness, multiple attempts... to stun an animal versus a single blow or shot that renders an animal immediately unconscious, and running equipment over conscious animals.”⁴² For nonegregious humane handling violations, FSIS requires inspectors to at least issue an NR.⁴³

Humane handling practice is defined as treatment of animals “that cause[s] a minimum of excitement, pain, injury, or discomfort (e.g., driving animals too fast and causing a few to slip and fall).”⁴⁴ To ensure humane handling, inspectors monitor plant employees in unloading swine from trucks; moving them into holding pens and stunning areas; stunning, sticking, and bleeding procedures; and their treatment of disabled animals.⁴⁵ If inspectors witness inhumane treatment of swine, they must take one of several enforcement actions. These actions range from issuing an NR to suspending a plant.⁴⁶

Unlike post-mortem food safety inspections, humane handling inspections are only performed on a limited basis. Also, unlike most sanitary violations, inspectors may suspend a plant for an egregious humane handling violation without prior notification.⁴⁷ However, under new FSIS policy, a plant that has implemented a “robust” humane handling program and has no history of

³⁹ For the purposes of this finding, “humane handling” means both humane handling and humane slaughter.

⁴⁰ 7 U.S.C. ch. 48, sec. 1902 (October 10, 1978).

⁴¹ FSIS Notice 16-08, p. 7 (March 10, 2008). FSIS issued a new directive on August 15, 2011, but most of our review was conducted prior to that date.

⁴² FSIS Directive 6900.2, Rev. 2, p. 21 (August 15, 2011); FSIS Notice 16-08, p. 3 (March 10, 2008); FSIS Notice 21-09, pp. 2-3 (April 1, 2009); FSIS Notice 19-10, pp. 2-3 (April 6, 2010).

⁴³ FSIS Directive 6900.2, Rev. 1, p. 9 (November 25, 2003) and FSIS Directive 6900.2, Rev. 2, p. 19 (August 15, 2011).

⁴⁴ FSIS Directive 6900.2, Rev. 2, p. 3 (August 15, 2011).

⁴⁵ 9 CFR §313 (January 1, 2010) and FSIS Directive 6900.2, Rev. 2, p. 9 (August 15, 2011).

⁴⁶ FSIS Directive 6900.2, Rev. 2, p. 1 (August 15, 2011).

⁴⁷ 9 CFR §500.3 and §500.4 (November 29, 1999).

prior violations may receive a lesser enforcement action (i.e., Notice of Intended Enforcement), rather than an immediate suspension.⁴⁸ In considering which enforcement action to take, district officials allowed inspectors to frequently use their own judgment. To determine if the inspectors' decisions were appropriate, we observed the stunning process and reviewed humane handling NRs at the 30 plants we visited. We identified 12 instances where FSIS did not take appropriate enforcement actions.

At the Sampled Plants

We observed the stunning process for no more than 30 minutes at each plant. During that time, the plants committed the following violations, for which inspectors did not issue the required NRs:

Example 1: At a plant in California that slaughtered about 1,000 swine per day, we observed a hog regain consciousness after it was stunned and hoisted upside-down on a rail. We alerted the inspector-in-charge that the hog was trying to lift itself and had eye movement. After the inspector-in-charge confirmed that the hog was conscious, an employee re-stunned it. Although the stunning process was neither rapid nor effective, the inspector-in-charge elected not to issue an NR.

However, HMSA requires “all animals are rendered insensible to pain by a single blow or gunshot or an electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut.”⁴⁹ Because the hog required two stuns, the plant violated HMSA and, according to FSIS policy, the inspector should have at least issued an NR.⁵⁰ A national office official stated that because this was an egregious incident, the inspector-in-charge should have issued a Notice of Intended Enforcement or suspension.

Five months later, a district official observed another unsuccessful stun at this plant. The official had to twice instruct a plant employee to re-stun the hog before the employee did so. This incident finally led to the plant's suspension.

Example 2: At a plant in Minnesota that slaughtered about 9,400 swine per day, we observed a hog come out of the carbon dioxide chamber still conscious. It was alert and it was breathing rhythmically, but it appeared to be weak and did not move when it was hit with several empty shackles. Instead of immediately re-stunning the hog, it took plant employees over 1½ minutes to administer a stun with the captive bolt gun while deciding on the best way to reach the hog.

⁴⁸ FSIS Directive 6900.2, Rev. 2, p. 22 (August 15, 2011). A Notice of Intended Enforcement is a warning notice issued by the FSIS district office for an egregious humane handling violation. The district may issue a Notice of Intended Enforcement to a plant which, in addition to a strong humane handling program and no recent history of egregious humane handling violations, immediately and effectively addressed the violation.

⁴⁹ 7 U.S.C. ch. 48, sec. 1902 (October 10, 1978).

⁵⁰ FSIS Directive 6900.2, Rev. 1, p. 8 (November 25, 2003).

The inspector-in-charge did not issue an NR because he believed there was no violation under current regulations and policies. This decision was supported by district officials and the frontline supervisor because they believed the hog was “never unconscious” and viewed the incident as though the animal had never been stunned.

We disagree with the officials’ position because the hog went through a functioning carbon dioxide chamber (a chemical stunning) and should have been rendered unconscious—the fact that the animal emerged conscious does not mean it did not experience the chemical stun. Regulations require that “on emerging from the carbon dioxide tunnel, the animals shall be in a state of surgical anesthesia and shall remain in this condition throughout the shackling, sticking, and bleeding.”⁵¹

In the incidents above, both plants violated humane handling laws and regulations. The inspectors did not take appropriate enforcement actions—their decisions were lenient, yet endorsed by district officials. If this occurred when our audit team and FSIS officials were present, we are concerned that this might be more prevalent when the plants and inspectors are not being observed.

Review of NRs

In addition to our observation of the stunning process, we reviewed 158 humane handling NRs issued to the 30 plants we visited. We found 10 instances of egregious violations where inspectors did not issue suspensions. See the following examples:

Example 3: At a plant in Indiana that slaughtered about 3,140 swine per day, an inspector observed an attempt to stun a hog with a captive bolt gun. It appeared to misfire and became lodged in the hog’s skull. The hog remained conscious and aware while the plant sent for another gun, which was about 2 minutes away. The second gun also appeared to misfire causing the hog to squeal, but it remained conscious and aware. The hog then managed to dislodge the first gun from its skull. Ultimately, a portable electric stunner had to be used to successfully render the hog unconscious. Following this incident, FSIS cited another violation for a hog regaining consciousness on the rail. The plant was not suspended for either egregious incident.

Example 4: At a plant in Pennsylvania that slaughtered about 450 swine per day, a hog that had been stunned and bled regained consciousness. The hog was able to right its head, make noise, kick, and splash water in reaction to being placed in a scalding tank. One plant employee immediately re-slit the hog’s throat without re-stunning it. Although plant management was informed about the incident and the line was stopped for 80 minutes, the inspector only issued an NR. The plant was not suspended.

Example 5: At the previously mentioned plant in Minnesota that slaughtered about 9,400 swine per day, an inspector observed a plant employee in a skid loader (similar to a

⁵¹ 9 CFR §313.5 (November 2, 1987). The regulation continues, “In swine, carbon dioxide may be administered to induce death in the animals before they are shackled, hoisted, thrown, cast, or cut.”

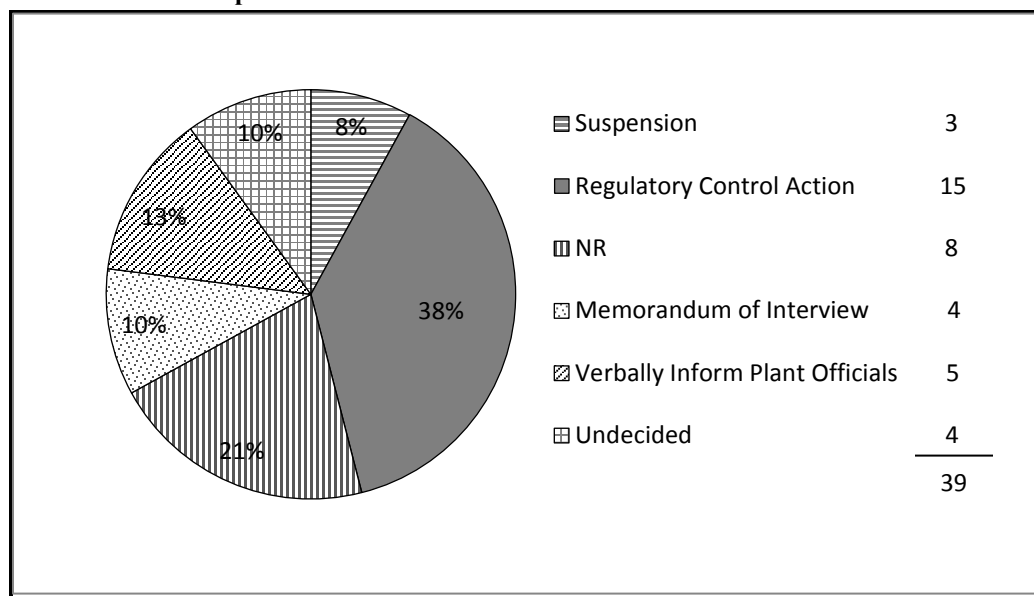
fork lift) attempting to move a non-ambulatory hog. The employee repeatedly drove into the live hog, pushing it with the skid loader, attempting to lift the hog into the loader bucket. On one attempt, the operator was able to lift the back half of the hog into the loader, but the load was so imbalanced that the hog fell out of the loader and onto the concrete floor. The inspector only issued an NR. Following this incident, FSIS cited another egregious violation when a plant employee forcefully hit a hog in the head and face with a paddle. The plant was not suspended for either egregious incident.

The district officials agreed that the three examples above were egregious violations, and the plants should have been suspended. They claimed that the term “egregious” was not formally defined until the new directive was issued in August 2011.⁵² However, we found a comparable definition for egregious in an FSIS notice as early as 2004.⁵³ The definition was also incorporated in several other FSIS notices issued between 2005 and 2011.

Inconsistency in Inspectors’ Judgment

To determine which enforcement action inspectors might take in a particular circumstance, we interviewed 39 inspectors at the plants we visited. We asked them what action they would take if they witnessed one unsuccessful stun. Their responses were inconsistent and ranged from issuing a suspension to informing plant officials verbally during regular meetings (see Chart 1).

Chart 1: Inspectors’ Decisions on Actions to Take for One Unsuccessful Stun



⁵² FSIS Directive 6900.2, Rev. 2, pp. 2-3 (August 15, 2011).

⁵³ FSIS Notice 35-04, pp. 5-6 (June 15, 2004).

HMSA requires that, “all animals are rendered insensible to pain by a single blow or gunshot or an electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut.”⁵⁴ Therefore, if more than one stun is necessary to render the animal unconscious, the plant would be in violation of Federal law. According to FSIS policy, the inspector should at a minimum issue an NR for an unsuccessful stun.⁵⁵ However, if the unsuccessful stun caused severe harm to the animal, it constitutes an egregious violation, and the inspector “is to take a regulatory control action and recommend . . . an immediate suspension of operation.”⁵⁶

One district official told us that, even though some directives appear straightforward to outsiders, “there is room for interpretation.” However, the varied responses from the 39 inspectors support our concern that when district officials allow inspectors to make subjective enforcement decisions, inspectors will be frequently inconsistent. Similar issues were reported by GAO and OIG in 2010 and 2008, respectively. In 2010, a GAO audit concluded that inspectors did not take consistent enforcement actions for humane handling violations.⁵⁷ GAO’s review of NRs also identified incidents in which inspectors did not suspend plant operations when it appeared warranted. In 2008, OIG performed an audit in response to the Humane Society of the United States’ videos that documented the egregious abuse of cattle at the Hallmark-Westland Meat Packing Company in Chino, California.⁵⁸ OIG found that FSIS management did not detect the inconsistent application and/or noncompliance with required inspection procedures.

When we discussed the above issues with FSIS’ National Humane Handling Enforcement Coordinator, he told us that inspectors completed a nationwide humane handling training course in January 2012. The course consisted of two modules: one for humane handling situations prior to stunning and one for stunning/consciousness situations. With the completion of the training, FSIS believed that inspectors would be able to better identify egregious violations.

Despite the history of similar issues in the last 9 years and both OIG and GAO’s recommendations for nationwide humane handling training, FSIS did not complete the training until early 2012.⁵⁹ Additionally, based on our interviews of some district officials in March 2012, we are concerned whether the training was effective. In example 1 above, the inspector-in-charge and the district official who trains inspectors for humane handling both believed that the unsuccessful stun was not a violation, even after receiving the training. These actions indicate the training did not improve the inspectors’ ability to identify violations, since this incident was a violation of HMSA.

In conclusion, the issues and examples discussed above indicate an inconsistency in how FSIS regulations and policies were applied. Inspectors did not always take necessary enforcement

⁵⁴ 7 U.S.C. ch. 48, sec. 1902 (October 10, 1978).

⁵⁵ FSIS Directive 6900.2, Rev. 1, p. 9 (November 25, 2003).

⁵⁶ FSIS Directive 6900.2, Rev. 2, p. 19 (August 15, 2011).

⁵⁷ GAO-10-203, *HMSA - Actions Are Needed to Strengthen Enforcement* (February 2010).

⁵⁸ Audit 24601-0007-KC, *Evaluation of FSIS Management Controls Over Pre-Slaughter Activities* (November 2008).

⁵⁹ GAO reported on FSIS’ inconsistent enforcement actions in humane handling back in January 2004 (GAO-04-247, *HMSA - USDA Has Addressed Some Problems but Still Faces Enforcement Challenges*).

actions required by regulations and policies. In addition, using their own judgment, some inspectors did not suspend plants for egregious violations. To ensure consistency, FSIS needs to provide a plan describing how it will minimize reliance on the inspectors' judgment to ensure consistent application and enforcement of HMSA and related regulations.

Recommendation 11

Provide a plan describing how FSIS will minimize reliance on the inspectors' judgment to ensure consistent application and enforcement of HMSA and related regulations.

Agency Response

FSIS plans to minimize reliance on the inspectors' judgment to ensure they consistently enforce HMSA and related regulations, by implementing the numbered actions below:

1. Since an inspector's subjective judgment during an inhumane handling event can determine the enforcement outcome, the agency implemented required supplemental training [completed in January 2012] after the release of Directive 6900.2 Revision 2, Humane Handling and Slaughter of Livestock, to improve objective observation and assessment skills. The Situation Based Humane Handling training Module I and Module II teach inspectors how to interpret an egregious or non-egregious inhumane handling event objectively, and take appropriate enforcement actions. The Situation-based Humane Handling training modules were well received by inspectors and industry, and contain fictional scenarios of inhumane and egregious events that describe in detail how the inspector is to proceed with regulatory enforcement.

New situation-based fictional scenarios meant to provide continued education for inspectors are under development, and will be posted through the Humane Interactive Knowledge Exchange (HIKE) on the FSIS website. The HIKE scenarios consist of a detailed description of an inhumane event, the enforcement development of regulatory noncompliance, and a review of applicable FSIS regulations. New scenarios will be posted on the FSIS HIKE website in 2013, the first of which will be released by May 30, 2013. Inspectors will be notified of new scenarios, released by December 31, 2013, and will be encouraged to review and discuss the documents with fellow colleagues.

2. FSIS plans to hire a new Humane Handling Enforcement Coordinator. With the installation of the new Humane Handling Enforcement Coordinator, the noncompliance review frequency will increase to monthly, and include direct commentary to the body of each noncompliance that the District Veterinary Medical Specialists will share with the inspectors. This specific correlation will improve the inspector's objective analysis when enforcing HMSA and related regulations, and reduce subjective interpretation of inhumane events and their regulatory outcome. In addition, the Humane Handling enforcement coordinator will develop a database to track the review of noncompliance records; as well as review and track suspensions and Notices of Intended Enforcement in a similar database.

The Humane Handling Enforcement Coordinator will review humane handling noncompliances monthly, and forward to the humane handling specialists in each district a summary of the number of noncompliance records that sound egregious and should have received a Regulatory Control Action, suspension or a Notice of Intended Enforcement. The review will also include instances of how many noncompliance records were poorly written, or cited the wrong regulation for the noncompliant event.

FSIS will establish a new Humane Handling Enforcement Coordinator; increase review frequency of noncompliances, suspensions, and Notices of Intended Enforcement; and develop a database tracking these reviews by August 31, 2013.

OIG Position

We accept FSIS' management decision on this recommendation.

Scope and Methodology

We conducted a nationwide review of FSIS' inspections of swine slaughter plants and its enforcement of laws, regulations, and policies during FYs 2008 through 2011. We performed fieldwork at the FSIS national office in Washington D.C.; seven district offices (Alameda, California; Chicago, Illinois; Des Moines, Iowa; Raleigh, North Carolina; Jackson, Mississippi; Minneapolis, Minnesota; and Philadelphia, Pennsylvania); and 30 plants in 12 States (see exhibit A for a complete list of audit sites). We performed fieldwork from July 2011 through October 2012.

Generally, we selected the seven districts with the highest number of NRs. Using analytical software, we judgmentally selected 30 of 616 plants in our sampled districts based on the (1) number of NRs and suspensions during our scope, (2) size of the plant, (3) elapsed time since the last suspension, (4) number of swine each plant slaughtered, (5) availability of swine slaughter activity, and (6) proximity to other plants in our sample.

To accomplish our audit, we:

- **Reviewed criteria:** We reviewed pertinent laws and regulations governing the FSIS program and the current policies and procedures FSIS established as guidance for inspections and enforcement. These laws, regulations, and policies include FMIA, HMSA, and FSIS Directives and Notices.
- **Interviewed FSIS personnel:** We interviewed FSIS national and district office officials, as well as inspectors at the plants, to gain an understanding about the FSIS program, its inspections, and enforcement procedures.
- **Reviewed and analyzed NRs:** We analyzed NRs and other documentation that we obtained from the national and district offices for the plants we reviewed to determine if they received appropriate enforcement actions and whether or not repeat noncompliance incidents were adequately addressed.⁶⁰
- **Conducted 30 site visits:** We visited 30 plants to observe the inspectors performing their duties to (1) determine if the plant employees were in compliance with laws, regulations, and policies, and (2) evaluate if appropriate enforcement actions were taken in case of violations.
- **Reviewed humane handling verification visits:** We reviewed District Veterinary Medical Specialists' schedules of humane handling verification visits to the plants to determine the frequency of their visits and their compliance with the FSIS recommended timeframe. We also reviewed their verification reports to identify any issues they detected.

⁶⁰ FSIS implemented a new information system, PHIS, during our audit. This system is being reviewed by another OIG audit (24601-0001-23). Therefore, we did not verify the accuracy of the data.

- **Consulted with swine welfare experts:** We consulted with two recognized non-FSIS experts (academicians) on swine welfare, who expressed their opinion on specific humane handling examples to determine if they constituted egregious violations.
- **Reviewed training modules:** We reviewed training modules to determine the connection between FSIS policy progression and implementation of changes into the procedures governing inspector activities at swine slaughter plants.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Abbreviations

CFR.....	Code of Federal Regulations
FMIA.....	Federal Meat Inspection Act
FSIS.....	Food Safety and Inspection Service
FY	Fiscal Year
GAO.....	Government Accountability Office
HACCP	Hazard Analysis and Critical Control Point
HIKE	Humane Interactive Knowledge Exchange
HIMP.....	HACCP-based Inspection Models Project
HMSA.....	Humane Methods of Slaughter Act
NACMPI.....	National Advisory Committee for Meat and Poultry Inspection
NR.....	Noncompliance Record
OCFO.....	Office of the Chief Financial Officer
OIG	Office of Inspector General
PHIS.....	Public Health Information System
SIP.....	<i>Salmonella</i> Initiative Program
U.S.C.	United States Code
USDA.....	U.S. Department of Agriculture

Exhibit A: Audit Sites Visited

Exhibit A shows the organization and location of all sites visited.

Organization	Location
FSIS National Office	Washington, D.C.
FSIS Alameda District Office Office of Field Operations Plants: 1 2 3 4 5	Alameda, CA Modesto, CA Vernon, CA Turlock, CA Atwater, CA Orland, CA
FSIS Chicago District Office Office of Field Operations Plants: 6 7 8 9	Lombard, IL Beardstown, IL Grant Park, IL Peoria, IL Logansport, IN
FSIS Des Moines District Office Office of Field Operations Plants: 10 11 12 13	Des Moines, IA Ottumwa, IA Columbus Junction, IA Hospers, IA Fremont, NE
FSIS Jackson District Office Office of Field Operations Plants: 14 15 16 17	Ridgeland, MS Gadsden, AL Florence, AL Moselle, MS Pontotoc, MS

Organization	Location
FSIS Minneapolis District Office Office of Field Operations Plants: 18 19 20 21	Minneapolis, MN Austin, MN Glencoe, MN Worthington, MN Sioux Falls, SD
FSIS Philadelphia District Office Office of Field Operations Plants: 22 23 24 25 26	Philadelphia, PA Green Village, NJ Salem, NJ Gilbert, PA Souderton, PA Hatfield, PA
FSIS Raleigh District Office Office of Field Operations Plants: 27 28 29 30	Raleigh, NC Fayetteville, NC Sims, NC Warsaw, NC Warsaw, NC

**USDA'S
FOOD SAFETY AND INSPECTION
SERVICE'S
RESPONSE TO AUDIT REPORT**



United States
Department of
Agriculture

Food Safety
and Inspection
Service

Washington, D.C.
20250

TO: Gil Harden
Assistant Inspector General for Audit
Office of Inspector General

FROM: Alfred V. Almanza / s / **April 17, 2013**
Administrator
Food Safety and Inspection Service

SUBJECT: Office of Inspector General (OIG) Official Draft Report – Inspections and Enforcement Activities at Swine Slaughterhouses, Report Number 24601-1-41

We appreciate the opportunity to review and comment on this official draft report. The Food Safety and Inspection Service (FSIS) reviewed the official draft report and has responded to each of the recommendations.

Responses to Recommendations

Recommendation 1:

Develop a strategy to take progressively stronger enforcement actions against plants with serious or repetitive violations.

FSIS Response:

In order to facilitate developing a strategy to take progressively stronger enforcement actions against plants with serious or repetitive violations, FSIS has implemented the Public Health Information System (PHIS). When inspection program personnel (IPP) perform a verification task, the data from each verified regulation is recorded in PHIS. The data includes the findings (either compliance or non-compliance) for each verified regulation with that task. IPP in-plant are instructed to review this data in order to guide their scheduling of inspection tasks, and the areas of establishments or production they are to focus on. The Agency also analyzes the data, in PHIS, at headquarters to guide its decisions for scheduling “for cause” Comprehensive Food Safety Assessments” (FSA). When data indicates repetitive non-compliance with food safety related regulations, it implements enforcement action in accordance with the Rules of Practice, 9 CFR Part 5000. Additionally, FSIS is developing a strategy for taking progressively stronger enforcement actions against plants with serious or repetitive violations by using regulatory non-compliance to identify establishments that should be prioritized for “for cause” FSAs.

Estimated Completion Date:

FSIS will complete this work and develop a strategy by January 1, 2014.

Recommendation 2:

Develop criteria and procedures to classify all severe food safety NRs.

FSIS Response:

FSIS is developing criteria and procedures to classify all severe food safety NRs, by using the Public Health Information System (PHIS) data. FSIS has determined the regulations that have

significant potential for public health consequences. The PHIS focuses on recording data on each verified regulation when inspection verification tasks are performed by inspection program personnel. FSIS is utilizing a public health-based decision framework that is an integral component of the Agency's data-driven inspection system. The framework will be implemented in the PHIS. The decision criteria framework will be used to prioritize FSIS activities, such as prioritizing Food Safety Assessments (FSAs) in establishments identified by the public health decision criteria. The details of this data driven approach to inspection and enforcement was originally detailed in a paper entitled "Data-Driven Inspection for Processing and Slaughter Establishments *Public Health Decision Criteria*," published September 2010. A revised approach that defined criteria was developed in 2012 and presented to the National Advisory Committee for Meat and Poultry Inspection (NACMPI) in January 2013. Recently, FSIS received the NACMPI comments and they are currently under review by FSIS officials.

Estimated Completion Date:

FSIS will incorporate input from the NACMPI and implement these criteria by January 1, 2014. The criteria will be used to prioritize FSAs at establishments that represent the greatest potential for loss of process control and food safety issues.

Recommendation 3:

Modify existing criteria to standardize when suspensions and Notices of Intended Enforcement should be applied, as well as define the frequency and specify the timeframes when violations would lead to such enforcement actions.

FSIS Response:

FSIS agrees that consistently applying the principles of the Public Health Decision Criteria, which determines how suspensions and Notices of Intended Enforcement should be applied when taking enforcement actions, is in fact necessary. When taking enforcement action, the Agency is guided by the public health criteria as defined in "Data-Driven Inspection for Processing and Slaughter Establishments *Public Health Decision Criteria*," published September 2010, and the regulatory Rules of Practice defined in 9 CFR Part 500.

Estimated Completion Date:

The Agency will develop instructions through a notice or directive for its management and supervisory personnel on the Rules of Practice and decision criteria (see Recommendation #2 Response) to further advance consistent enforcement of the principles by January 31, 2014.

Recommendation 4:

Emphasize to supervisors that action is necessary to address inspector performance issues. Actions should include discussing requirements with inspectors and monitoring their progress more closely in the future.

FSIS Response:

FSIS agrees that supervisors should be continually addressing IPP performance issues by addressing IPP's understanding of policy and ensure consistent requirements are applied. To that end, the Office of Field Operations has been conducting monthly seminars with all its supervisory personnel to address inspection, sampling, and enforcement issues, both to introduce new directives or initiatives as well as reinforce understanding of long standing issues. Supervisors then are expected to discuss policies and procedures with all IPP during work unit meetings. Supervisors manage in-plant employees' performance through the In-Plant

Performance System (IPPS), through which they observe and review each employee's performance to determine where there is a need for improvement. The Agency issued FSIS Directive 4430.3 in June 2002, to be implemented October 2002. It requires supervisors to perform at least 2 IPPS reviews per employee per year. In March of 2011, due to the implementation of PHIS and accompanying training and workload, OFO authorized supervisors to use their discretion on how often to perform IPPS. In February 2012, the Agency modified the mission support element for CSIs to reflect PHIS, and in October 2012 issued revised IPPS guidelines to reflect PHIS. In April 2012 OFO issued a memo to supervisors to follow IPPS policies. FSIS will update its future training to emphasize the importance of following IPPS policies.

The Agency also manages the AskFSIS system which allows field personnel to ask policy or implementation questions and receive timely responses directly from subject matter experts.

Estimated Completion Date:

FSIS issued a reminder memo to supervisors to follow FSIS Directive 4430.3 on April 1, 2013. The AskFSIS system is implemented.

Recommendation 5:

During training for inspectors, emphasize the importance of following agency policy in documenting NRs.

FSIS Response:

The Agency agrees that documenting noncompliance with regulatory requirements is central to its mission. FSIS will update its training to emphasize the importance of following Agency policy in documenting NRs. FSIS will also reinforce this requirement during discussions with field personnel.

Estimated Completion Date:

FSIS will review training content and update, where necessary, to ensure that documenting noncompliance records (NRs) and Memorandum of Interviews (MOIs) are appropriately emphasized and adjust, if needed, by January 31, 2014.

Recommendation 6:

Clarify guidance on when the presence of vermin on the kill floor constitutes a violation.

FSIS Response:

The Agency agrees that vermin, or other pests on a kill floor, processing area, or in any other part of an establishment poses a sanitary hazard, and clearly violates 9 CFR 416.2(a). FSIS will review training content and relevant notices and directives to ensure that all field personnel understand the regulatory requirements of 9 CFR 416(2) and foster uniform application.

Estimated Completion Date:

FSIS will review training content and relevant notices and directives by January 31, 2014.

Recommendation 7:

Determine what measurable improvement the HIMP program achieved and its suitability as a permanent program.

FSIS Response:

FSIS will complete an evaluation of HIMP market hog establishments. The report will include an analysis of HIMP establishments' performance compared to non-HIMP establishments as well as their performance with respect to performance standards established by an independent consulting firm contractor. Such an evaluation may support rule-making to amend regulations to make an inspection system informed by the market hog HIMP pilot permanent.

Estimated Completion Date:

FSIS will complete this evaluation and determine if a permanent program is warranted by March 31, 2014.

Recommendation 8:

Develop criteria to terminate plants from HIMP that have a pattern of severe violations.

FSIS Response:

The same criteria for regulatory compliance are applied to both non-HIMP and HIMP establishments. Establishments that exhibit a pattern of serious regulatory non-compliance may be subject to a Notice of Intended Enforcement Action, a suspension of inspection activities, and even withdrawal of the grant of inspection. FSIS' regulatory authority to take progressively stronger actions in response to violations of the MPIA and PPIA are not different for HIMP establishments. HIMP Market Hog establishments will be included in FSIS's response to Recommendations 1 through 6 and 11.

To terminate the HIMP waivers from an establishment operating under those waivers, FSIS has instructed inspectors to report through supervisory channels when a clear trend of repetitive NRs related to the waivers' alternate procedures or Salmonella Initiative Program (SIP) protocol are found. (FSIS Directive 5020.1 *Verification of the SIP*.) FSIS will review the instructions in the directive and any available data to provide additional instruction to FSIS inspectors as needed.

Estimated Completion Date:

FSIS will review the instructions in the FSIS Directive 5020.1 and any available data to provide additional instruction to FSIS inspectors on terminating waivers of regulations by October 1, 2013. If needed, updated instructions will be issued by January 31, 2014.

Recommendation 9:

Require all HIMP plants to perform visual and manual inspections of viscera.

FSIS Response:

FSIS understands the importance of visual and manual inspections of viscera. Therefore, FSIS will convene a scientific workgroup to review the FSIS Directive 6100.3 Postmortem Livestock Inspection and the Market Hogs HIMP Inspection Draft dated 06/21/05. The internal workgroup will determine the basis for visual and manual inspection of viscera and ensure consistency of policies.

Estimated Completion Date:

FSIS will convene this workgroup by October 31, 2013. As needed, updated policies will be issued by March 31, 2014.

Recommendation 10:

Establish formal agreements that address all aspects of HIMP with participating plants.

FSIS Response:

Establishments volunteering for the HIMP agreed to follow information required by a Federal Register notice (62 FR 31553, June 10, 1997) which documented the pilot as a waiver of regulations for all establishments participating in the pilot. In a Federal Register notice (76 FR 41186, July 13, 2011) FSIS required all establishments operating under a waiver of regulations, including the HIMP Market Hog establishments to participate in the Salmonella Initiative Program (SIP). Establishments requesting to operate under waivers submit a signed letter to FSIS saying they agree to follow the SIP Letter and SIP Protocol. After evaluation of the submission, FSIS issues a SIP Letter to the establishment documenting the conditions for the establishment to meet to operate under the waiver. The alternative procedures are those procedures an establishment uses in place of certain provisions of the regulations waived by FSIS. To grant the waiver, FSIS requires establishments to meet certain relevant alternative procedures. The SIP Protocol is a document written and signed by the establishment that includes: 1. Identification of the provisions of the regulations that are to be waived; 2. Alternative procedures that are to be used in place of any waived provisions of the regulations; 3. Description of the microbiological sampling and testing procedures that the establishment will implement; 4. Agreement to share microbiological and other data with FSIS and, 5. Any other pertinent information.

Estimated Completion Date:

All HIMP establishments have submitted a written, signed letter requesting to participate in SIP and agreeing to abide by the SIP Letter and SIP Protocol. FSIS has issued a SIP Letter, to each participating HIMP market hog establishment to spell out the specific alternative procedures and SIP Protocol that the establishment must meet in order to operate under the waiver(s). The response to this recommendation is complete.

Recommendation 11:

Provide a plan describing how FSIS will minimize reliance on the inspectors' judgment to ensure they consistently enforce HMSA and related regulations.

FSIS Response:

FSIS plans to minimize reliance on the inspectors' judgment to ensure they consistently enforce HMSA and related regulations, by implementing the numbered actions below:

1. Since an Inspector's subjective judgment during an inhumane handling event can determine the enforcement outcome, the agency implemented required supplemental training after the release of Directive 6900.2 Revision 2, Humane Handling and Slaughter of Livestock, to improve objective observation and assessment skills. The Situation Based Humane Handling training Module I and Module II teach Inspectors how to interpret an egregious or non-egregious inhumane handling event objectively, and take appropriate enforcement actions. The Situation-based Humane Handling training modules were well received by Inspectors and industry, and contain fictional scenarios of inhumane and egregious events that describe in detail how the Inspector is to proceed with regulatory enforcement.

New situation-based fictional scenarios meant to provide continued education for Inspectors are under development, and will be posted through the Humane Interactive Knowledge Exchange (HIKE) on the FSIS website. The HIKE scenarios consist of a detailed description of an inhumane event, the enforcement development of regulatory noncompliance, and a review of applicable FSIS regulations. New scenarios will be posted on the FSIS HIKE website in 2013, the first of which will be released in the second quarter of CY 2013. Inspectors will be notified of new scenarios, and will be encouraged to review and discuss the documents with fellow colleagues.

2. FSIS plans to hire a new Humane Handling Enforcement Coordinator. With the installation of the new Humane Handling Enforcement Coordinator, the noncompliance review frequency will increase to monthly, and include direct commentary to the body of each noncompliance that the District Veterinary Medical Specialists (DVMS) will share with the inspectors. This specific correlation will improve the inspector's objective analysis when enforcing HMSA and related regulations, and reduce subjective interpretation of inhumane events and their regulatory outcome. In addition, the Humane Handling enforcement coordinator will develop a database to track the review of noncompliance records; as well as review and track suspensions and NOIEs in a similar database.

The Humane Handling Enforcement Coordinator will review humane handling noncompliances monthly, and forward to the humane handling specialists (DVM) in each district a summary of the number of noncompliance records that sound egregious and should have received a Regulatory Control Action, suspension or a NOIE. The review will also include instances of how many noncompliance records were poorly written, or cited the wrong regulation for the noncompliant event.

Estimated Completion Date:

FSIS intends to issue the first scenario by May 30, 2013 and the remaining scenarios will be released by December 31, 2013.

FSIS will establish a new Humane Handling Enforcement Coordinator; increase review frequency of noncompliances, suspensions, and NOIEs; and develop a database tracking these reviews by August 31, 2013.

To learn more about OIG, visit our website at
www.usda.gov/oig/index.htm

How To Report Suspected Wrongdoing in USDA Programs

Fraud, Waste and Abuse

e-mail: USDA.HOTLINE@oig.usda.gov

phone: 800-424-9121

fax: 202-690-2474

Bribes or Gratuities

202-720-7257 (24 hours a day)



The U.S. Department of Agriculture (USDA) prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex (including gender identity and expression), marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write to USDA, Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal relay). USDA is an equal opportunity provider and employer.