



United States Department of Agriculture

Food Safety and
Inspection Service

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

April 13, 2016

Signed Original
sent via UPS Priority
Signed copy Hand Delivered

Swift Pork Company
Est. M850
Randy Zorn/Plant Manager
600 South Iowa Ave.
Ottumwa, IA 52501

Notice of Intended Enforcement

Dear Mr. Randy Zorn:

This letter confirms verbal notification given to you, by (b) (6) Des Moines District, Food Safety and Inspection Service (FSIS) on April 12, 2016, at approximately 1700 hours, of our decision to issue a Notice of Intended Enforcement (NOIE) for slaughter operations at your firm, Swift Pork Company, M850, located in Ottumwa, Iowa. This action is taken in accordance with the Rules of Practice 9 CFR 500.3 (b), which indicates that FSIS can take a regulatory control action, the program employee will immediately notify the establishment orally or in writing of the action and the basis for the action, if it is handling or slaughtering animals inhumanely such as, that which occurred at your establishment on April 12, 2016.

Background

The Federal Meat Inspection Act (FMIA) (21 U.S.C. 603 *et seq.*) provides for the 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

On 04/12/2016 at 1633 hours the PHV, observed the following egregious humane handling incident: While walking to the scale house the PHV heard a hog exhibiting signs of PSS coming from the truck in dock #1. The PHV walked up to the truck and looked through one of the holes that are normally plugged during the winter and noticed the hog in question at the top of the deck in a sitting position and panting very heavily. The PHV then observed the driver try to nudge the hog with his knee in a direction down the ramp. In the act of doing this the hog fell over backwards and upside down landing half way down the ramp. The hog was still panting heavily and was not attempting to right itself. The driver then walked past the hog and went down the ramp.

At 1635 the PHV notified the establishment supervisor that he was suspending operations immediately as well as the SPHV for shift 2. The PHV advised the supervisor to euthanize the down hog. The establishment supervisor contacted a team member on his radio in dock #1 instructed him to euthanize the hog which he did on the ramp. The team member also unloaded the rest of the truck for the driver.

At 1651 hours the PHV tagged up the main drive alley with US Reject tag B36019101 and proceeded back to the office to contact the DVMS. Based upon the establishment's history of limited egregious incidents and the fact they operate under a "robust" humane handling system the PHV believed would recommend a NOIE.

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

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 Notice of Suspension was based on the finding that this was an isolated incident, that the establishment had a robustly implemented systematic approach to handling of livestock for slaughter at the time of this incident, and that the establishment has a good history of compliance with the humane handling regulations.

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 (NOIE) within three (3) working days from the date of your receipt of this letter. We will determine further action, if any, based upon your response.

We urge your cooperation and voluntary compliance. Please direct any questions to Mr. Todd Gerwig, Deputy District Manager, (DDM) at: 515-727-8960, (b) (6) or (b) (6) (b) (6)

Sincerely,



Dr. Dawn Sprouls
District Manger
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Des Moines District