

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M413	Smithfield Farmland Corp.	NCA12 080457 11N-1	No	04/10/2014	04C02	313.2	<p>On the production date of 4/10/14 at 5:56 I performed HATS Category 2 (truck unloading) in response to a humane handling concern: (b) (6) and I observed in the barn docking area at the south ramp a live haul driver unloading hogs from the trailer repeatedly hitting the animals with a paddle in a degree of force in excess to the amount normally used to move animals. From my observation point I did not see that any animals was being injured but the hogs was moving at a rapid pace and vocalizing in a loud manner. I entered the barn office area to inform management of my observation. There were no supervisory personnel in the area. I returned to BLT facility and informed (b) (6) of my observation, in the livestock area I implemented the regulatory control action of tagging the livestock ramp/chute and informed (b) (6) of the noncompliance due to the establishment's failure to meet the regulatory requirement cited in block 6 of this document "(b) 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." Regulatory control action was released by (b) (6) at 20:25 after management responded with the propose action to prevent recurrence.</p>

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EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M1807 9	Smithfield Farmland Corp.	VFB582 202350 6N-1	No	02/06/201 3	04C02	313.50	<p>At 19:55 hours, while walking through the A side of the barn performing HATS- Handling of Suspect &amp; Disabled Animals, I observed a jack traveling North West with 5 animals which were had been stunned with the Captive Bolt Gun from the suspect pens, I observed one of the animal on the top showed tail movement, I stopped the (b) (6); upon further examination; the animal showed blinking in reaction to stimulus and rhythmic breathing. I immediately instructed plant's (b) (6) to re-stun the animal; the hog was rendered insensible to pain with the second shot. (b) (6) and (b) (6) were informed of the non compliance. Because this non compliance involving inhumane treatment of livestock, in violation of regulatory requirements of 9CFR part 313.50 (c) which state "If the cause of inhumane treatment is the result of improper stunning, the inspector shall attach a U.S. Rejected tag to the stunning area", I immediately initiated a regulatory control action in accordance with CFR part 500.2(a) (4) and rejected the stunning station with US Rejected Tags numbers B40121480, B40121488, B40121487, and B40121481. The regulatory control action remained in effect until the plant submitted the following corrective action at 21:20 hours; a supervisor will monitor all animals euthanized in segregation pens for the next 5 days to ensure they have passed ante-mortem inspection before being euthanized and sent for harvest, the animals will also be checked for insensibility before being loaded into cart and moved, and retrain the employees.</p>

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M1807 9	Smithfield Farmland Corp.	VFB201 308120 1N-1	No	08/01/201 3	04C02	313.1	<p>At approximately 13:15 while verifying HATS category IV (Ante-mortem Inspection) in the CO2 area, I observed a damaged automated cut gate. It was the corner gate in the exterior B-side alleyway. The gate panel had a 3 in. tear in which the edges were jagged and protruding roughly 0.5 in. into the alleyway containing live animals. These gates are used to help maintain group size in the alleyways allowing contact of live animals with the gates. I notified (b) (6), of the establishment's failure to comply with 9 CFR 313.1. This requires pens, driveways, and ramps to be free from sharp or protruding objects which may cause injury or pain to the animals. (b) (6) immediately retracted the gate to cover the hazard and locked it to prevent use. As further planned action, the establishment will have the gate repaired and prohibit use until repairs are made. No animals were injured from the disrepair. Since the establishment took proper immediate action, no regulatory control action was taken.</p>

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EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M18079	Smithfield Farmland Corp.	VFB2709104225N-1	No	10/25/2013	04C02	313.1	<p>At approximately 09:30 while verifying HATS category IV (Ante-mortem Inspection), I observed a damage automated cut gate. The cut gates are used divide groups of animals into smaller units and keep the groups separated. The affected gate was located in the inner alleyway leading to the carbon dioxide chamber on B-side. The panel of the gate had roughly a 5 in. by 3 in. tear with jagged edges protruding about 0.5 in. into the alleyway. At the time, the affected gate was separating 2 groups of animals. I observed no injured animals. I notified (b) (6) and (b) (6) of the establishment's failure to comply with 9 CFR 313.1(a). This requires pens, driveways and ramps to be free of sharp or protruding objects which may cause injury or pain to the animals. As an immediate corrective action, the establishment retracted the gate and locked it in place to prevent use until repaired. This also covered the damaged area protecting the animals from injury. The further planned action proposed by the establishment was to implement a system in which a supervisor would check the conditions of the gates (b) (4) and take action when unsafe conditions are observed. A similar noncompliance was documented on NR VFB2013081201N/1 on August 01, 2013, involving sharp metal protruding into the alleyway from a damaged cut gate. The further planned action of repairing the gate was ineffective in preventing recurrence of the noncompliance. As a result, regulatory control action (US Reject Tag B38482600) was taken on the affected gate this time per Directive 6900.2 (Rev. 2), Chapter VII, Section II(F)(2). I released regulatory control action at 13:15 after verifying repair of the damaged gate.</p>

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M18079	Smithfield Farmland Corp.	VFB2121123006N-1	No	12/06/2013	04C02	313.1	<p>On December 6, 2013 while observing the establishments humane handling procedures, the following noncompliance was observed. At approximately 1805 hours in the livestock barn in the area where hogs are being unloaded, (b) (6) notified me that several trailers were being unloaded where screws were protruding out into the trailer. These existing conditions could potentially allow for live hogs to become injured by falling into these screws. (b) (6) and I observed three trailers that were being unloaded and found each trailer to have multiple screws (6 or more) which hold the water lines to the trailer. These screws extended out from the trailer walls by as much as ¼ to ½ of an inch. Upon further investigation, each vehicle in the holding area that was inspected had screws protruding out with the points of the screws sharp enough to cause injury to livestock. The trailers inspected belonged to (b) (6) and (b) (6) also had indicated that on Tuesday December 3, 2013 and December 4, 2013, that she had notified (b) (6) of these same issues and (b) (6) On December 5, 2013. At 1827 hours (b) (6), (b) (6) and (b) (6) were notified of this noncompliance with FSIS Humane Handling Directives and regulation 9 CFR 313.1(a). (b) (6) stated that he had notified the company of each hauler and advised them of (b) (6) findings and the need to make corrections. No regulatory control actions were taken due to the trucks were making their last runs for the day and due to no livestock had displayed no signs of injury at this time. As a corrective action, (b) (6) contacted the companies of the transporters, notifying them of the issues that exist. As a preventive measure (b) (6) stated that starting Monday December 9, 2013, that the establishment will monitor the incoming trucks for removal of stated screws and visible sharp objects. If a trailer is found with sharp objects not removed, the trailer will either be rejected at receiving or necessary adjustments will be made at that time prior to receiving.</p>

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EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M18079	Smithfield Farmland Corp.	VFB0212085113N-1	No	08/13/2015	04C02	313.2	At approximately 0839 hours while performing a Livestock Humane Handling task, the following noncompliance was observed. I observed a plant maintenance employee welding something on the front gate of pen A9. The sparks from the metal were going towards and hitting the hogs in pen A10. I saw a few hogs shaking their heads in response to the sparks hitting their ears and face. Others were just flinching in response to the sparks in the air. (b) (6), was notified of the establishment's failure to comply with the regulation listed above. He then instructed the employee to stop welding. During the week of July 26, 2015, (b) (6) and I had a discussion about welders being used in the livestock department. (b) (6) assured me that curtains would be used to prevent sparks from affecting the hogs in adjacent pens. The establishment failed to take these preventive measures.
M995	Swift Pork Company	RKE0508045809N-1	No	04/09/2014	04C02	313.30	On April 9, 2014 at 0713 while performing HATS category 8, Electrical stunning I observed the following noncompliance. A hog exiting the stunning shoot was dorsal and appeared conscious and was vocalizing, plant personnel immediately took corrective action and stunned the hog using a captive bolt stunner. I immediately discussed the incidence with (b) (6) and he stated they were immediately going to swap out the wands and have those checked for defects.

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M995	Swift Pork Company	RKE211 108281 9N-1	No	08/19/2014	04C02	313.1	<p>At approximately 0625 hours on Tuesday, August 19, 2014, (b) (6) observed the following non-compliance: after conducting ante-mortem inspection, (b) (6) followed a group of hogs up the tunnel and into the holding pens. In the very first holding pen after exiting the tunnel, (b) (6) observed a hog rooting around on the floor and saw the hog lift up the cover of a drain plug and pull the plug out of the drain – leaving the open drain exposed. The drain plug was approximately two feet long with a flat stainless steel top approximately six inches in diameter. The top of the drain plug had been partially bent so that it was not sitting flush on the floor of the pen, which allowed the hog to lift up the cover with its snout and mouth. In addition, the drain is approximately 3.5 inches in diameter and extends vertically 2 feet straight down into the floor (b) (6) immediately notified the area (b) (6), who moved the hogs out of the pen and tagged out the holding pen. The holding pen remained tagged out while plant maintenance worked to repair or replace the existing drain plug. No animals slipped in the exposed drain or were injured during the incident. 9 CFR 313.3(a) states in part that “Loose boards, splintered or broken planking, and unnecessary openings where the head, feet, or legs of an animal may be injured shall be repaired.” While there was a drain plug for the drain and it was in place at the time of the incident, the fact that the cover was bent slightly such that it did not sit flush on the ground allowed the hog to lift it up and pull the plug out of the drain leaving the opening exposed. Although the animal exacerbated the deficiency, it is incumbent upon the establishment to maintain facilities in order to protect animals. Had (b) (6) not witnessed the incident and prompted the establishment to take action, the open drain could have gone unnoticed and an animal could have been injured. Plant maintenance employees placed a new drain plug with a larger diameter cap and stem in the drain and secured the cover in place. The new drain cover appeared satisfactory and the establishment released the holding pen back into use at 1000 hours.</p>

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M995	Swift Pork Company	RKE020 504311 7N-1	No	04/16/2015	04C02	313.1	<p>At approximately 9:48 AM on Thursday, April 16, 2015, I observed the following non-compliance while conducting HATS Category 2 (Truck Unloading) verification: a hog became trapped when both rear legs slipped into a ten (10) inch gap between the rear of the trailer and the unloading ramp. The animal was not injured as a result of the incident, which is described in greater detail in the following paragraphs. A truck with a two-deck trailer (upper and lower decks) backed up to unloading chute two (2). This particular model of trailer did not have a ramp for unloading hogs from the upper deck built within the interior of the trailer. When these trailers arrive, they unload on chute two (2) which has a pneumatic lift in which the rear of the unloading ramp elevates to the level of the upper deck of the trailer – resulting in a decline during unloading of approximately 40-45 degrees. Due to the angle of elevation, the rear of the trailer and the ramp do not meet – leaving a gap of around ten (10) inches. To compensate for this fact, the establishment has provided a three-sided metal bridge to cover the bottom and sides of the exposed gap in order to facilitate unloading. This bridge must be held in place by the establishment dock monitor during unloading. During the incident today, three or four hogs ran out of the trailer at once and became lodged in the hand-held bridge. The momentum of the hogs pulled the bridge forward and out of the grip of the establishment dock monitor, leaving the gap between the trailer and ramp exposed. The next hog came out of the trailer moving backwards and both rear legs slipped through the exposed ten (10) inch gap. The hog vocalized and struggled unsuccessfully to pull itself out of the gap. Once the animal stopped struggling, the dock monitor and truck driver were able to gently lift the animal's rear legs out of the gap and then they rolled the hog into a sled. The truck driver stood in the exit of the trailer to prevent any other animals from getting near the gap while the establishment dock monitor used the sled to haul the animal to the bottom of the ramp. The animal was gently rolled out of the sled and then it walked away. I did not detect any apparent injuries or abrasions as a result of the incident. The establishment dock monitor stopped the truck driver from unloading any other animals from the trailer and I took a regulatory control action by temporarily rejecting the unloading</p>



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							<p>ramp with US Rejected Tag Number B19066281. I then left the area to notify (b) (6) the (b) (6), of the incident, which we reviewed on video. After reviewing the video, we returned to chute two (2). I removed my tag and (b) (6), took control of unloading the remaining animals from the upper deck of the trailer. The animals were unloaded one at a time in order to ensure the hand-held bridge could be maintained in place. The remaining hogs were unloaded without incident. This load of hogs was somewhat fractious and they ran out of the trailer without provocation. At no time did I observe excessive yelling or paddling by the truck driver or establishment employees. However, due to the steep angle of decline and the speed at which some of the animals exited the trailer, several animals were observed sliding down the ramp on their haunches, despite the waffling of the concrete which typically prevents slipping when the ramp is used at the normal angle of descent. In a given five-day workweek, Est. M995 receives approximately (b) (4) loads of hogs for slaughter. The type of trailer involved in this incident accounts for anywhere from 2 to 7 of those loads per week. The establishment had procedures and equipment in place for use with these types of trailers; however, in this instance, the preventive measures were not sufficient in preventing the animal from falling into the gap between the trailer and unloading ramp. Title 9 CFR 313.1(a) states 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. Loose boards, splintered or broken planking, and unnecessary openings where the head, feet, or legs of an animal may be injured shall be repaired." Furthermore, 9 CFR 313.1(b) states that "Floors of livestock pens, ramps, and driveways shall be constructed and maintained so as to provide good footing for livestock. Slip resistant or waffled floor surfaces, cleated ramps and the use of sand, as appropriate, during winter months are examples of acceptable construction and maintenance."</p>

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M995	Swift Pork Company	RKE161 404212 8N-1	No	04/28/2015	04C02	313.15 (b)(1)(i)	<p>On Tuesday, April 28, 2015, while conducting records review related to HATS Category 8 (Stunning Effectiveness) as part of the ongoing verification of the establishment's corrective and preventive actions related to the Notice of Suspension Held In Abeyance issued 04/10/2015, the following non-compliance with 9 CFR 313.15(b)(1)(ii) was observed: the establishment failed to provide documentation to support that each of the captive bolt stun guns in use by plant personnel received (b) (4) maintenance inspections and were maintained in good repair as stated in the response letter submitted to the Jackson District Office on 04/09/2015 and as required per the establishment's "Standard Operating Procedure for Captive Bolt Stun Gun Maintenance" dated 04/09/2015. There are (b) (4) captive bolt stunners in daily use by the procurement and production employees. Procurement employees utilize the following guns identified by their serial numbers: 29061, 31614, and 29855. Production employees utilize the following guns as identified by their serial numbers: 26351, 33462, 25367, 29869, 32626, 26188, and 33461. Review of the "Daily Stun Gun Inspection" log revealed that each of those (b) (4) captive bolt stunners were cleaned and inspected by plant employees during each day of production from 04/13/2015 to 04/17/2015, and 04/20/2015 to 04/24/2015. However, review of the "Maintenance Stun Gun Inspection" log revealed that three (3) of the captive bolt stunners either did not receive maintenance or the maintenance was not documented in the log for the week of 04/13/2015 to 04/17/2014. Furthermore, review of the log revealed that one (1) of the captive bolt stunners either did not received maintenance or the maintenance was not documented in the log for the week of 04/20/2015 to 04/24/2014. During discussion with establishment management, the plant manager stated that they have elected to use the (b) (4) "Preventive Maintenance Work Order" document as the document of record for verifying compliance with this Verification Plan action item rather than the "Maintenance Stun Gun Inspection" log as stated and provided in the official response letter submitted to the Jackson District Office on 04/09/2015. Review of the (b) (4) "Preventive Maintenance Work Order" documents for the</p>

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							<p>week of 04/13/2015 to 04/17/2015 revealed that two (2) of the captive bolt stunners either did not receive maintenance or the maintenance was not documented – those guns being 33462 and 33461. In addition, review of the “Preventive Maintenance Work Order” documents for the week of 04/20/2015 to 04/24/2015 revealed that one (1) of the captive bolt stunners either did not receive maintenance or the maintenance was not documented – that gun being 29855. The official response letter submitted by JBS to the Jackson District Office on 04/09/2015 states in part “our Captive Bolt Gun Maintenance SOP has been updated to include that (b) (4) and (b) (4). In addition, the “Standard Operating Procedure for Captive Bolt Gun Maintenance” document, dated 04/09/2015, was also submitted by JBS to the Jackson District Office as part of the official response letter submitted on 04/09/2015. That SOP states in part that (b) (4) and (b) (4). In this instance, the establishment failed to provide documentation to support compliance with the conditions of the corrective actions submitted to the Jackson District Office and their own “Standard Operating Procedure for Captive Bolt Gun Maintenance.” 9 CFR 313.15(b)(1)(ii) states that “Stunning instruments must be maintained in good repair.”</p>

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M995	Swift Pork Company	RKE140 805052 7N-1	No	05/27/2015	04C02	313.1	<p>At approximately 8:45 AM on Wednesday, May 27, 2015, I observed the following non-compliance with 9 CFR 313.1(b) while conducting HATS Category 2 (Truck Unloading) verification: numerous hogs slipped and slid down the elevated unloading ramp on chute two (2) as they were being unloaded from the trailer. No animals were injured as a result of the incident. A truck with a two-deck trailer (upper and lower decks) backed up to unloading chute two (2). This particular model of trailer did not have a ramp for unloading hogs from the upper deck built within the interior of the trailer. When these trailers arrive, they unload on chute two (2) which has a pneumatic lift in which the rear of the unloading ramp elevates to the level of the upper deck of the trailer – resulting in a steep decline during unloading. Due to the angle of elevation, the rear of the trailer and the ramp do not meet – leaving a gap of around ten (10) inches. To compensate for this fact, the establishment has provided a metal bridge to cover the bottom of the exposed gap in order to facilitate unloading. This bridge must be held in place by the establishment dock monitor during unloading. I arrived as the last half of the hogs were being unloaded from the top deck of the trailer. This load of hogs was somewhat fractious and they hurried out of the trailer without provocation. I did not observe any excessive yelling or paddling by the truck driver or establishment employees. However, due to the steep angle of decline and the speed at which some of the animals exited the trailer, over 20 animals were observed sliding down the ramp on their haunches, and numerous others were observed to slide down the ramp while struggling to stay on their feet. The waffling of the concrete on this ramp typically prevents slipping when the ramp is used at the normal angle of descent. I allowed the remaining few hogs to be unloaded from the top deck as there was no other chute or ramp available that works with this type of trailer. There were two non-ambulatory animals left in the top deck and plant employees humanely euthanized them with a captive bolt stunner. I then took a regulatory control action by rejecting the unloading ramp with US Rejected Tag Number B19066251. As I was tagging the chute (b) (6), the establishment Humane Handling Manager, arrived and I notified him of the non-compliance. The</p>

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							<p>truck was moved to chute one (1) to unload the animals from the bottom deck of the trailer. In a given five-day workweek, Est. M995 receives approximately (b) (4) loads of hogs for slaughter. The type of trailer involved in this incident accounts for anywhere from 2 to 7 of those loads per week. A similar non-compliance (NR Number RKE0205043117N) was written on April 16, 2015, in which animals were also observed sliding down the elevated unloading chute. While a new metal bridge was fabricated, it appears that the corrective and preventive measures implemented as a result of the last non-compliance were not effective in preventing animals from slipping and sliding on the elevated unloading ramp. (b) (6)</p>
M995	Swift Pork Company	RKE411 307260 7N-1	No	07/07/2015	04C02	313.1	<p>At approximately 12:35 PM on Tuesday, July 7, 2015, I observed the following non-compliance while conducting HATS Category 4 (Handling During ante-mortem Inspection) verification: the whiteboard which makes up the main body of the gate to pen 19 was cracked and split from the bottom of the gate to the top approximately 6 inches from the hinge. The free end of the gate then dropped to the ground which twisted the gate resulting in a large crack wide enough for an animal to get its foot or leg entrapped. In addition, the iron that comprised the bottom frame of the gate was broken near the hinge and several inches of the metal frame were protruding into the pen which was full of hogs at the time. When I first arrived I observed a hog standing next to the gate with its foot extending through the resulting crack in the gate. When I approached the gate the animal pulled its leg out of the crack and walked away without any evidence of injury. I observed plant employees carefully drive the hogs out of the pen and then tagged pen 19 with US Rejected tag number B40550318. This represents non-compliance with 9 CFR 313.1(a) which states 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. Loose boards, splintered or broken planking, and unnecessary openings where the head, feet, or legs of an animal may be injured shall be repaired." (b) (6)</p>

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M995	Swift Pork Company	RKE040 807361 4N-1	No	07/13/2015	04C02	313.1	<p>At approximately 2:20 PM on Monday, July 13, 2015, I observed the following non-compliance while conducting HATS Category 4 (Handling During Antemortem Inspection) verification: when I entered the barn I noticed forty-three (43) non-ambulatory hogs in pen 25 and the majority of the hogs were panting and breathing heavily through their mouths. These were hogs that had previously received ante-mortem inspection but had become stressed and non-ambulatory during the drive to the slaughter. The hogs had been segregated into pen 25 and were to be stunned by captive bolt and transported to the stick area by the (b) (4) operator. Drinking water was available in the covered pen and although there were overhead sprinklers in the pen, the sprinklers were not being utilized. I took the rectal temperature of two (2) hogs that demonstrated respiratory distress and the temperature of the first was 108.4 degrees Fahrenheit and the second was 108.0 degrees Fahrenheit. I informed plant personnel of the situation and the overhead sprinklers were immediately turned on. I instructed plant personnel that the two hogs in question were considered US Condemned and they were humanely euthanized and transported out of the barn. As I walked through the barn to conduct ante-mortem inspection I observed that the fans and overhead sprinklers were on in all other pens containing hogs. However, it was still extremely hot and humid in the barn and I observed an excessive number of dead hogs lying in the pens that had already been emptied: 12 dead hogs in pen 17 4 dead hogs in pen 16 7 dead hogs in pen 33 8 dead hogs in pen 34 As stated, it was a hot and humid afternoon. At 2:20 PM the local temperature was 88 degrees Fahrenheit with 70% relative humidity. At 2:55 PM I questioned plant personnel regarding the number of dead hogs that had been identified and removed from the pens thus far during the day and was informed that there had been 79 pen deaths which is significantly higher than normal. In addition, the counter in the cab of the (b) (4) revealed that the operator had euthanized and transported 240 stressed hogs to the stick area thus far in the production day – which was also a significant increase over normal. The increase was due in part to the fact that approximately (b) (4) hogs had been held in the barns over the weekend as a result of production problems. However,</p>

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							<p>despite the high ambient temperature and humidity, the failure to utilize the overhead sprinklers for the disabled hogs in pen 25 and the significant increase in pen deaths within the barn demonstrate that the plant had not adequately prepared for nor protected the animals from the inclement weather. The total number of pen deaths recorded for the entire production day was 121 – normally this number is less than 10. In addition, there were 20 hogs recorded as Dead on Arrival (DOA) for the day. While all the hogs, including the disabled hogs in question, had been held in a covered barn, the actions taken by the establishment to protect the animals from adverse climatic conditions was not sufficient as evidenced by the respiratory distress displayed by the disabled hogs and the excessive number of deaths. This represents non-compliance with 9 CFR 313.1(c). (b) (6)</p>

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M995	Swift Pork Company	RKE510 509410 9N-1	No	09/08/2015	04C02	313.2	<p>At approximately 4:10 PM on Tuesday, September 8, 2015, I observed the following non-compliance while conducting HATS Category 3 (Water Availability) verification: there was no accessible drinking water for hogs held in unloading chute 4. Several months ago the plant removed the concrete water trough from chute 4 and provided two (2) nipple water sources along the north wall of the chute. When I checked the two nipple water sources at 4:10 PM no water was available. Additionally, there was no water coming from the overhead sprinklers either. Although there are two water troughs in the drive alley adjacent to the chute, the gate between the chute and drive alley was closed confining the hogs to the chute without available drinking water or overhead sprinklers. I tagged the chute with US Rejected tag number B19066235. The ambient temperature at the time of the incident was 95 degrees Fahrenheit but the hogs did not show any apparent signs of heat stress and there were no non-ambulatory hogs in the lot. I informed plant personnel of the non-compliance and the hogs were immediately removed from chute 4 and placed in another holding pen with accessible drinking water. Maintenance personnel were called to assess the situation. I checked the water sources in chute 4 at 4:25 PM but they were still non-functional and the chute remained tagged out under USDA control. 9 CFR 313.2(e) states in part that "Animals shall have access to water in all holding pens." (b) (6)</p>



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M221A	Smithfield Farmland Corp.	KGG55 150100 23N-1	No	01/23/2013	04C02	313.2	<p>At approximately 0735 hours on Wednesday, January 23, 2013, I performed the water and feed availability aspect of the humane handling task. During this check, I observed that the water nozzles in pen #13 and pen #27 were frozen. There were hogs in pen #27 at this time. I also observed that the water nozzles in the suspect pens on both sides and all four unloading chutes were frozen as well. The water trough in the north side suspect pen had a layer of ice on top of it as well. There were two hogs in the north side suspect pen and two of the four unloading chutes contained hogs. In addition, the last two water nozzles in pens # 7 and #8 were frozen. Pen #7 still contained hogs. The gate for pen #8 was opened and it was ready to be loaded. I informed (b) (6), of the noncompliance and explained that the hogs did not have access to water as required by the regulations. (b) (6) immediately removed all hogs from the affected pens and chutes. She assured me that they would not use the pens or chutes until the problem was resolved. (b) (6) then instructed livestock personnel to check all water nozzles in the pen area, and she called maintenance to defrost the frozen pipes. At 1115 hours, I went back to the livestock area to check on the water status. I observed that all of the water nozzles and pipes had been defrosted. (b) (6) and (b) (6), explained that they believed the cause to be running the exhaust fan during the night pulled all of the ambient heat from the pens, allowing the pipes on the exposed end to freeze. The regulatory requirements cited above, specifically in 9 CFR 313.2(e) were not met.</p>

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EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M221A	Smithfield Farmland Corp.	KGG18 130538 27N-1	No	05/27/2014	04C02	313.2	<p>At approximately 1106 hours, on Tuesday May 27, 2014, as I was performing the Water and Feed Availability component of the Humane Handling Task, I observed one disabled hog in the drive alley leading to the North side gas chamber. This hog was inside an aluminum cage designed to protect a single downed animal from getting more seriously injured during production. At this time, the livestock personnel moving hogs up to the gas chambers were on their lunch break. This animal was left without access to water, a violation of 9 CFR 313.2(e), which states in part that, "Animals shall have access to water in all holding pens". As the livestock personnel were on their lunch break, this alley is considered a holding pen. I notified (b) (6), of the noncompliance. (b) (6) explained to me that the department personnel went to lunch break early, at approximately 1040 hours, due to an issue with the North side gas chamber. (b) (6) moved the downed hog back to the recovery pen. The regulatory requirements cited in line six (6) of this document were not met.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M221A	Smithfield Farmland Corp.	KGG20 140707 17N-1	No	07/16/2014	04C02	313.2	<p>At approximately 0751 hours, on Wednesday, July 16, 2014, as I was performing the Water and Feed Availability component of the Humane Handling Task during an extended breakdown, I observed hogs in the entrance to the South side gas chamber. There were twenty-three (23) hogs enclosed in the entry to the gas chamber. These animals were left without access to water, a violation of 9 CFR 313.2(e), which states in part that, "Animals shall have access to water in all holding pens". The breakdown occurred at approximately 0716 hours. At the time of the finding it was 73 degrees Fahrenheit outside and the humidity was 100%. I notified an associate nearby to open the gate, which allowed the hogs access to the water nozzles. I then found and notified (b) (6) of the noncompliance. The regulatory requirements cited in line six (6) of this document were not met. A similar noncompliance for no access to water in the hog pens was documented on May 27, 2014 (See NR # KGG1813053827N). The plant's corrective actions of retraining all livestock associates and disciplining the responsible associate were ineffective in preventing the recurrence of this issue. This document serves as written notification that continued failure to meet the regulatory requirements cited in line 6 above could result in additional regulatory and/or enforcement actions as described in 9 CFR 500.4.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M221A	Smithfield Farmland Corp.	KGG01 091144 06N-1	No	11/05/2014	04C02	313.2	<p>At approximately 1624 hours, while I was performing the truck unloading component of the Humane Handling Task (Category II), I observed a truck driver on the North side unloading dock; chute "B" beginning to unload a full trailer of hogs. There were no plant associates assisting the driver with unloading. In the second section in the bottom of the trailer, I observed a hog lying down next to the gate. As the driver opened the gate, this hog did not move. The driver used his paddle and prodded the hog several times. The hog began to rise and the driver turned his back to the hog and began unloading that section. The hog that was lying down never stood on all four feet and dragged itself approximately three (3) feet towards the side of the trailer. The driver continued to unload that section. At that point, I walked towards the trailer. Once the driver noted the non-ambulatory hog, he stopped unloading and prodded the hog with the paddle a few more times in an attempt to get it to move. After seeing me, he stopped completely and began to exit the trailer. I walked back to the scale house and notified (b) (6), of the noncompliance and this NR. As we exited the scale house, the driver was getting the sled to remove the hog from the trailer. Plant associates then began helping to remove the non-ambulatory animal. Once the animal was removed and safely segregated, the plant associates unloaded the rest of the trailer. The regulatory requirements cited above, specifically 9 CFR 313.2(a) and 313.2(d)(1) were not met.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M85B	Swift Pork Company	GYM53 191212 28N-1	Yes	12/28/2013	04C02	313.2	<p>On 12/28/2013 at approximately 17:18 I was performing a Humane Handling verification. A large number of animals (swine) were being driven by an establishment employee up an alley normally used for transporting nonambulatory animals. The employee was driving the group from the rear of the alley, in the front half of this group the animals were balking and getting squeezed or wedged together being unable to move. I observed four hogs actually attempting to walk on the backs of the other hogs. I noted an increase in vocalization of the distressed hogs. I took immediate regulatory control action by stopping the employee from further action. I placed a US Retain tag #6104615 on the alleyway. After I stopped the employee's action (b) (6) took immediate corrective action and assisted the employee in getting the hogs to move forward in a nondistressfull way. Then I informed (b) (6) and my immediate (b) (6) Informing (b) (6) this was going to be a nonegregious inhumane handling noncompliance in violation of HATS Category IV-Ante-Mortem Inspection. I removed the retain tag after (b) (6) reassured me that this alley would no longer be used to transport large numbers of hogs to the stunning area.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M85B	Swift Pork Company	GYM46 000444 26N-1	Yes	04/26/2014	04C02	313.15	<p>At approximately 2350, while performing humane slaughter HAT inspection 'Handling of Suspect &amp; Disabled' along with (b) (6) in the stunning area at Cargill 85B, I observed the following noncompliance. The initial captive bolt attempt to stun the final disabled, stressed hog of the night near the curved portion of the south alley was not immediately effective. One employee had a sort board to assist in containing the animal while another employee attempted to stun with the captive bolt. As the captive bolt was fired, the animal moved its head causing insufficient penetration and no loss of consciousness. The animal squealed, got up, and walked about ten feet to the west down the alley while at least three employees with sort boards restrained it. At this point I observed blood on the cement floor and the animal's snout, indicating some degree of skull trauma. Another attempt was made with the captive bolt; however, the animal at this point was backing down the alley wall towards the east. My view was obscured of this second attempt by the establishment employees and restraint gear. As the animal was still mobile, it was then walked approximately ten feet to a pass-thru gate immediately adjacent to the south suspect pen where electricity was then applied to render the animal unconscious. I determined that noncompliance with 9 CFR 313.15(a) existed based on the failure to produce immediate unconsciousness after the stunning blow. I further determined this was not an egregious noncompliance because the establishment attempted immediate corrective actions in accordance with their robust humane handling plan. I informed (b) (6) as well as (b) (6) of the noncompliance.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244I	Tyson Fresh Meats, Inc	GEH0117084012N-1	No	08/12/2013	04C02	313.2	<p>HATS Category V- Suspect and Disabled; HATS Category IV-Antemortem On Monday, August 12, 2013, at approximately 1455 hours (b) (6) observed the following noncompliance while performing humane handling verification and ante mortem in the barn. Upon walking the north drive alley from pen 16 to pen 8 (b) (6) observed a hog that was lying in the middle of the west drive alley in front of pen 6 as the team member driving hogs was heading to pen 4 to drive more hogs to slaughter. As hogs were being driven to slaughter out of pen 4 the hog was still lying in the middle of the alley and did not rise even after at least one hog stepped on and over the hog. There was no vocalization at that moment or when another hog ran into it, but the hog did try to rise unsuccessfully. The remainder of the large group of hogs was driven to slaughter. At no time during this observation was there an attempt made to prevent other hogs from stepping on or walking over the down hog. Immediate corrective actions were to move the down hog to the suspect pen using the (b) (4) after the incident was observed. (b) (6) went to summon (b) (6), in order to address the incident with the team member of driving a large group of hogs over and around a slow/downer animal. (b) (6) did speak with the team member and then stated that he would review the video and further address the incident after the review was finished. At this point (b) (6) summoned (b) (6), to review the video footage just prior to and including the incident observed in the barn as the cameras are used as part of the establishment's humane handling system. This review was used to help determine if the lameness observed was already present or if the hog was injured by the incident observed. Upon review of the video footage it was determined that the hog observed to be lying the center of the west drive alley was from pen 3 and was lame while walking with its original group to slaughter and went down in the alley. As the team member returned to drive another group of hogs to slaughter he used his plastic bat and got the hog to rise and it took three to five steps, although limping. The hog at that time was facing the south and as the team member went around the hog he swung his bat at it and the hog was startled and jumped, slipped, and fell down. The team</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
							<p>member did not address the hog at that point but rather continued to drive hogs to slaughter as observed and referenced above. The remainder of the video reflected the above description of the observed incident (b) (6)</p> <p>(b) (6) was verbally notified of the documentation of this NR for the failure to comply with regulatory requirements for humane handling. (b) (6)</p> <p>(b) (6), was also notified of this NR as he had relieved (b) (6) at shift change. 9 CFR 313.2a-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. 9 CFR 313.2d1-Disabled animals and other animals unable to move shall be separated from normal ambulatory animals and placed in the covered pen provided for in 313.1(c).</p>



**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244I	Tyson Fresh Meats, Inc	GEH081 503160 6N-1	No	03/06/2014	04C02	313.15	<p>HATS Category VIII- Stunning Effectiveness On Thursday, March 6, 2014, at approximately 1339 hours (b) (6) observed the following noncompliance while performing humane handling verification of the captive bolt stunning procedures in the suspect pen. (b) (6) , was stunning the hogs which had either been suspected or passed ante-mortem by the PHV in the suspect pen. (b) (6) had earlier passed a hog on ante mortem inspection which was now showing some signs of respiratory distress and asked (b) (6) to stun the animal in order to not cause undue stress on the animal. While attempting to stun the animal with the captive bolt gun (b) (6) appropriately restrained the animal and positioned the captive bolt gun on the forehead correctly. Upon pulling the trigger the hog lowered its head slightly in an attempt to breathe and the first shot was ineffective and slightly displaced dorsally. The hog was exhibiting clear signs of consciousness but was not vocalizing out in pain. (b) (6) immediately stepped out of the way of the back up shooter and continued to restrain the hog to prevent further injury or distress. The back up shooter with the preloaded back up captive bolt gun in hand did not immediately re-stun the hog until after being instructed multiple times. When the back up stunner applied the re-stun the shot was effective and the hog was immediately rendered insensible. (b) (6) and (b) (6) were verbally notified immediately and now in writing of the noncompliance. The establishment's immediate corrective actions at the time were to replace both the stunner and the back up stunner for the remainder of the suspect pen.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244I	Tyson Fresh Meats, Inc	GEH002 003202 6N-1	No	03/25/2014	04C02	313.2	<p>On Monday, March 24, 2014, while performing antemortem inspection of the plant segregated hogs in the "Canadian sub pen", (b) (6) noticed that there were several large sows, with back tags, and a couple of boars in the shipper pen. The pen was not overcrowded and all animals had access to the waterer. The following evening, Tuesday, March 25, 2014, while conducting antemortem inspection, (b) (6) noticed that these same animals were still in the same pen and it appeared that they had not been fed. Upon double checking the time that the previous night's sub pen had been signed, it was determined that these pigs had been held over 24 hours without feed. This specific issue had been discussed during the March 18, 2014 Establishment Awareness Meeting. (b) (6)</p> <p>(b) (6) was notified verbally and now in writing that this was a non compliance and would be documented (b) (6)</p> <p>(b) (6) in turn, notified (b) (6) and (b) (6) who then came out to the barn. At that time, barn records were examined. The hogs in question had been weighed in at 10:02pm March 24, 2014; they were weighed out at 11:04pm March 25, 2014. (b) (6)</p> <p>(b) (6) was contacted via telephone to verify that the hogs had not been fed during A shift and also to confirm that the facility that the hogs were being shipped to did give them access to feed. Immediate corrective actions by the plant were to ship these hogs to that local facility (b) (4) in (b) (4) miles away) to get fed and to start feeding any hold over shipper hogs during A shift. Further action planned by the establishment was to conduct an Animal Welfare Team meeting to address the situation.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244I	Tyson Fresh Meats, Inc	GEH211 605513 ON-1	No	05/29/2014	04C02	313.2	<p>HATS Category IV - Ante-Mortem Inspection</p> <p>On May 29, 2014 at approximately 0715 hours (b) (6) observed the following noncompliance while performing ante-mortem inspection and humane handling verification tasks. Upon walking to pen 12 it was readily observed that the hogs in this pen were overcrowded. Pen 12B was the first half pen observed and approximately 95% of the hogs were laying down resting and the remaining hogs were forced to either stand or lay on top of other hogs as there was no free space in the pens. The hogs also were not provided free access to the water at all times as required by 9 CFR 313.2(e). (b) (6) looked at 12A and it also was observed to be overcrowded. She immediately asked (b) (6) his opinion of the stocking density of the pen. (b) (6) agreed that the pen appeared to have too many hogs and did not contain the number of hogs that was recorded on the pen card as presented for ante-mortem. (b) (6) and (b) (6) were both verbally and now in writing notified of this noncompliance report for being in violation of 9 CFR 313.2(e).</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244I	Tyson Fresh Meats, Inc	GEH222 108050 5N-1	No	08/05/2014	04C02	313.2	<p>At the end of 2nd shift on August 4, 2014 (b) (6) (I) noted on Tyson 244I barn paperwork that there were 4 "sort-off" hogs that were not shipped out that evening. They were to be held over until shipment on 2nd shift August 5, 2014. Upon entering the barns around 6:15 pm today, I performed a HATS feed and water availability task and proceeded to observe the holding pen used for the sort-off animals; I observed no evidence of feed or remnants there of. I checked the same pen at different times later in the shift and there were still no signs that any feed had ever been placed into the pen. After performing ante-mortem inspection on the B-Hog slow and subject animals at approximately 9:30 pm, I asked (b) (6) if he was aware that the plant had held hogs overnight in the sort-off pen from the prior day's second shift. (b) (6) stated that he was not aware that any animals had been held over and that he would check the barn paperwork to verify what time the hold-overs were placed into the pen. Tyson paperwork confirmed that the 4 animals that were held overnight had been penned since 8 pm on August 4th (marking 25.5 hours) and there was no documentation that they had received any feed. 9 CFR 313.2 (e) states "Animals shall have access to water in all holding pens and, if held longer than 24 hours, access to feed.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244I	Tyson Fresh Meats, Inc	GEH470 008332 1N-1	No	08/20/2014	04C02	313.15	<p>On August 20, 2014 at approximately 11:10 PM (b) (6) (I) was performing the HATS verification task Handling of Suspect and Disabled at Tyson Fresh Meats (244I). While (b) (6) and I were assessing the slow and non-ambulatory hogs in the "Russian suspect pen", (b) (6) and (b) (6) were observed to be using a captive bolt gun to stun hogs in the Shipper pen. (b) (6) successfully stunned the first hog and then moved onto the second hog. I heard the captive bolt gun fire and then immediately heard loud squealing coming from that area. I then performed a HATS Stunning Effectiveness verification and I walked approximately eight feet to look over the wall that separated the two pens. I observed a hog with a captive bolt wound in its forehead that was gushing blood and the hog continued to squeal. (b) (6), (b) (6) and (b) (6) did have a back-up captive bolt gun with them but were unable to restrain the hog after the initial stun attempt. No sort boards or other methods of restraint were visible in the pen. The hog walked away, still squealing and dripping blood while the men attempted to restrain it. They were finally able to restrain it against the concrete wall of the pen approximately 20 yards from where the initial first attempt occurred. The second shot was made with the same captive bolt gun, rendering the hog unconscious. I notified (b) (6) that a non-compliance report would be issued and that he should notify (b) (6) of the mis-stun. Examination of the head of the hog, revealed both shots to be in the acceptable location for stunning of a market hog. (b) (6) made the comment, "I want this gun checked because sparks flew out of the back end when I fired the second shot." The gun in question is number 32664. I discussed the occurrence with (b) (6) when he came to the barn and showed him where both shots had taken place in the Sort-Off pen. (b) (6) accompanied me to examine the hog and we were able to determine that the first shot never fully penetrated the skull but the second one did. I asked (b) (6) if the maintenance department kept records of repairs on individual captive bolt guns. (b) (6) was called to the barn and confirmed that maintenance records are recorded for each gun. 9 CFR 313.15(a) (1)</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
							states "The captive bolt stunners shall be applied to the livestock in accordance with this section so as to produce immediate unconsciousness in the animals before they are shackled, hoisted, thrown or cut. The animals shall be stunned in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort." 9 CFR 313.15(b) (iii) states in part "The stunning area shall be so designed and constructed as to limit the free movements of animals sufficiently to allow the operator to locate the stunning blow with a high degree of accuracy."

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244I	Tyson Fresh Meats, Inc	GEH011 510280 8N-1	No	10/06/2014	04C02	313.1	<p>HATS Category II-Truck Unloading On October 6, 2014 at approximately 1018 hours while performing humane handling verification of truck unloading (b) (6) observed the following noncompliance. A semi trailer full of hogs on the upper deck was backed up to the high unloading (upper deck) chute and the driver was calmly unloading the hogs. It was observed that multiple hogs as they were exiting the trailer appeared to lose their footing on the uppermost (approx. 3-4 ft.) portion of the ramp that is approximately 30 feet in total length. They were then able to regain their footing and proceed down the ramp. It was also observed that two hogs completely slipped and fell to the ramp surface. One slipped and fell at the base of the rubber mat that was placed over approximately half of the door opening and immediately got up and appeared to be unhurt. The other hog slipped and fell at the top of the ramp just after exiting the trailer and did not immediately get up. After a short period of time the hog did get up and appeared to be unhurt. The issue was immediately addressed with (b) (6) who was standing right with (b) (6) and made the same observations. (b) (6) attempted to address the situation of the hog at the exit of the trailer that had not gotten up yet only after (b) (6) brought the issue to his attention. It was also addressed that this issue was previously addressed with Barn Management the week prior. At that time no hogs fell, but slippage was observed and (b) (6) was told that it would be addressed. (b) (6) verbally notified (b) (6) at that time that an NR was to be documented and that the chute was going to be tagged and was no longer to be used until the issue was corrected. The chute is tagged with US Reject tag no. B41490058, pending correction of the issue. (b) (6) addressed the issue with (b) (6) later in the USDA Office and verbally notified him of the pending NR. The unloading chute does have a brick style pattern stamped in the concrete to assist in providing footing for the hogs. It is however determined that the chute is too steep at the top 3-4 feet as observed by the degree of incline and the footing of the animals as they are moving down it.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244I	Tyson Fresh Meats, Inc	GEH121 111542 ON-1	No	11/19/2014	04C02	313.15(a)(1)	<p>HATS Category VIII- Stunning Effectiveness On November 19, 2014 at approximately 1752 while performing a humane handling task, stunning effectiveness of captive bolt stunning in the suspect pen (b) (6) observed the following noncompliance. A hog was properly restrained using a board and shot with captive bolt gun #32650. The bolt did not completely penetrate the skull and the hog vocalized. While the hog was still properly restrained, the establishment re-stunned the hog immediately with the pre-loaded back-up gun and rendered the hog unconscious. Following the incident, (b) (6) was notified and stunning of the suspect pen was stopped until a replacement captive bolt gun was brought to the pen. The establishment began implementation of their humane handling program to increase monitoring of the stunning of the suspect to 100%. (b) (6) verbally informed the (b) (6) of the pending NR.</p>



**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244I	Tyson Fresh Meats, Inc	GEH331 401350 8N-1	No	01/08/2015	04C02	313.15(a)(1)	<p>HATS Category VIII-Stunning Effectiveness On January 8, 2015 at approximately 0905 hours (b) (6) observed the following noncompliance while performing a stunning effectiveness evaluation of the captive bolt stunning of the suspect pen animals. A Tyson management support member was restraining and captive bolt stunning the hogs in the suspect pen which had recently been passed on ante mortem in preparation for slaughter. After properly restraining a hog the captive bolt gun was placed in what appeared to be the proper position and the stun was administered to the animal. The hog remained on the floor of the pen in a recumbent position and did not move. The employee stepped away and immediately assessed and observed the animal for signs of consciousness. The eyes of the hog had rolled ventral lateral position and were oscillating. A sluggish spontaneous blink was observed and immediately the team member shot the hog a second time, which was effective in rendering the animal unconscious with the preloaded back up captive bolt gun that was being carried by the back up shooter in the pen. The captive bolt gun #34330 appeared to be operating normally prior to this ineffective shot, but was shooting with a muffled sound. Due to this the gun was removed from service and taken to the maintenance shop for evaluation. One a replacement back up device was brought to the suspect pen the remainder of the pen was effectively stunned under 100% monitoring by the plant as part of their "robust" systematic approach. (b) (6) was present during the incident and was immediately notified of the pending documentation of the establishment being noncompliant with 9 CFR 313.15(a)1. (b) (6) was summoned to the suspect pen as well as (b) (6). Both (b) (6) and (b) (6) were notified both verbally and now in writing of this NR of the establishment's failure to comply with the regulatory requirements of 9 CFR 313.15(a)1.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244I	Tyson Fresh Meats, Inc	GEH251 201531 6N-1	No	01/16/2015	04C02	313.15(a)(1)	<p>HATS Category: VIII Stunning Effectiveness On January 16, 2015 at approximately 0925 hours (b) (6) observed the following noncompliance while performing a stunning effectiveness evaluation of the captive bolt stunning of the suspect pen animals. A Tyson management member was properly restraining and captive bolt stunning the hogs in the suspect pen which had recently been passed on ante mortem in preparation for slaughter. After properly restraining a hog the captive bolt gun was placed in what appeared to be the proper position. At the same time the stun was being administered the hog reared its head and hit the captive bolt gun on the pen wall causing the shot to deflect toward the right side of the forehead. The hog began vocalizing and was trying to get up from the sitting position; however, the restraint was maintained and the hog was unable to get up and away from the shooter. Immediately the Tyson management support member that was holding the pre-loaded backup captive bolt gun moved into position and administered a second stun that was effective in achieving unconsciousness. (b) (6) was present during the incident. After allowing the hog to kick out in the pen the (b) (6) observed the head of the hog and found the account and observations of the incident to be accurate as there was a penetrating hole in the forehead of the hog that appeared to be properly placed (second shot) and a second hole immediately adjacent to it in the skin of the forehead but the penetrating hole through the skull was deviated to above the right eye. Additional corrective actions were to go into category C for the establishment's monitoring program as part of their "robust" systematic approach, which includes 100% monitoring by a member of management from the kill floor. (b) (6) also stated that the remainder of the hogs would be placed in the (b) (4) bucket prior to being stunned in order to minimize movement and maximize restraint. The rest of the hogs in the suspect pens were effectively stunned. The gun was determined to be functioning correctly at the time of the incident and the cause was from the movement of the hog so the gun was not pulled from service and replaced prior to resuming stunning. (b) (6) was immediately notified both verbally and now in writing with this NR of the</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
							establishment's failure to comply with the regulatory requirements of 9 CFR 313.15(a)1.

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244I	Tyson Fresh Meats, Inc	GEH291 501362 7N-1	No	01/27/2015	04C02	313.2, 313.30 (a)(2)	<p>HATS Category VI-Electric Prod/Alternative Object Use On January 27, 2015 at approximately 0822 hours (b) (6) observed the following noncompliance in the guillotine area of the kill drive. While performing ante mortem inspection around pen 7 and pen 8 in the barn (b) (6) could hear quite a bit of noise coming from the guillotine area including the plastic bats hitting something creating loud noises and immediately following there was loud vocalization from the hogs. At this point (b) (6) went to the back door at the guillotine area to observe the driving process. Upon entering the back door (b) (6) observed a Tyson team member using the plastic bat and hitting the hogs in an effort to move them forward to kill. The team member struck a hog with enough force to create excessive excitement as evident by the loud vocalization but not bodily injury or harm as the hog moved away unhurt. Immediately after this the same team member took a step and again struck another hog on the side and ham area with enough force to create excessive excitement but did not cause bodily injury or harm to the hog. There did not appear to be any ill intent during this observation. At this time (b) (6) asked the team member to stop driving the hogs and go summon (b) (6) to the area for discussion of the issue and to address the employee. While waiting for (b) (6) to arrive (b) (6) continued to observe the driving process upstream from the incident and witnessed another team member using his plastic bat and hitting the hogs multiple times in an effort to drive the hogs towards the irons. The force he was using was considered to be creating excessive excitement in the hogs but not causing injury or harm. (b) (6) at that time took a regulatory control action and asked that the stunning process be stopped until the issues could be addressed with (b) (6). Immediately following this (b) (6) arrived and both observations were discussed and the down hogs that were present were properly taken care of prior to resuming stunning operations. (b) (6) discussed what was witnessed and the team members involved. Immediate corrective actions were to pull the team members responsible out of the area and place a supervisor in the area for further monitoring. The establishment also went into category C</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
							for their Animal Handling monitoring program as a result of their robust systematic approach. (b) (6) was notified both verbally and now in writing with this NR of the establishment being in noncompliance with 9 CFR 313.2(a), 9 CFR 313.2(b), and 9 CFR 313.30(a)2.
M244I	Tyson Fresh Meats, Inc	GEH261 202431 2N-1	No	02/12/2015	04C02	313.15(a)(1)	<p>HATS Category: VIII Stunning Effectiveness On February 12, 2015 at approximately 0748 hours (b) (6) observed the following noncompliance while performing a stunning effectiveness evaluation of the captive bolt stunning of the suspect pen animals. A Tyson management member was properly restraining and captive bolt stunning the hogs in the suspect pen which had recently been passed on ante mortem in preparation for slaughter. After properly restraining a hog the (b) (4) captive bolt device #15952 was placed firmly on the forehead of the hog in what appeared to be the proper position. When the stun was administered the device had a muffled discharge sound instead of a normal sound but the bolt was discharged as normal. There was a penetration mark from the bolt through the forehead skin but a clear penetration was not observed through the skull of the hog. The hog went down as expected and the team member immediately performed an assessment for consciousness on the hog. The hog exhibited an open blank stare initially but then did display a spontaneous blink. Following the first stunning attempt the hog did not vocalize and remained properly restrained. At that time the Tyson management support member who was holding the pre-loaded (b) (4) back up captive bolt device and administered a second stun, which immediately rendered the hog unconscious. (b) (6) was present during this incident. Following this incident (b) (6) called for maintenance to come remove the (b) (4) from service and perform a maintenance check on it to ensure it is working properly. After a replacement (b) (4) was brought to the suspect pen the remainder of the hogs in the pen were effectively stunned. (b) (6) was notified both verbally and now in writing with this NR of the establishment's failure to comply with the regulatory requirements of 9 CFR 313.15(a)1. Additional corrective actions and preventative measures will be outlined in the establishment's response to this NR.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244I	Tyson Fresh Meats, Inc	GEH121 503380 4N-1	No	03/04/2015	04C02	313.2, 313.30 (a)(2)	<p>HATS Category VI- Electric Prod/Alternative Object Use On March 4, 2015 at approximately 1152 (b) (6) while performing antemortem inspection in the barn observed the following noncompliance. Upon walking out to pen 2 in the barn an employee was observed to be bent over swinging a plastic bat at what appeared to be either the wall or hogs. Upon further observation (b) (6) observed the same employee follow a hog around the corner of pen 8 and proceed to strike the hog with unacceptable force with a plastic bat multiple times. The hog was attempting to run away from the employee as he continued to strike it. The hog ran away uninjured, but with increased excitement. At that time (b) (6) got the attention of the employee to stop what he was doing and informed (b) (6) that he would address the situation with the employee. (b) (6) verbally notified (b) (6) of the pending noncompliance. The employee was instructed to stop moving hogs and wait in the barn office until his direct supervisor could address the issue. (b) (6) was called out to address the employee. At that time the employee was counseled, received disciplinary action, and was removed from the position of driving hogs. In accordance with the establishment's robust humane handling program this location of the barn was put into Category C monitoring, which requires 100% monitoring of the movement of hogs from the barn into the kill drive. Review of video footage the following day confirmed that the employee did in fact strike the hog multiple times, once including a strike to the face. The video also confirmed the hog running away uninjured. Tyson Fresh Meats (244I) is noncompliant with 9 CFR 313.2(a), which states "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." Tyson Fresh Meats (244I) is noncompliant with 9 CFR 313.2(b), which 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</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
							prohibited..." Tyson Fresh Meats (244I) is noncompliant with 9 CFR 313.30(a)(2), which states "The driving or conveying of the animals to the place of application of electric current shall be done with a minimum of excitement and discomfort to the animals. Delivery of calm animals to the place of application is essential to ensure rapid and effective insensibility..."

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244I	Tyson Fresh Meats, Inc	GEH551 303540 6N-1	No	03/06/2015	04C02	313.1	<p>HATS Category I-Inclement Weather On March 6, 2015 at approximately 0850 hours (b) (6) observed the following noncompliance while performing ante mortem inspection and assessing the condition of the animals in the suspect pen. The ambient temperature was -6 degrees Fahrenheit according to the weather application on my iphone and was reported to be 3 degrees without the windchill on AccuWeather. Upon entering the barn at approximately 0835 (b) (6) informed (b) (6) that there were 32 total head in the main suspect pen and that he had already after he called me at 0815 hours assessed the hogs in the pen and all appeared to be in good condition. (b) (6) and (b) (6) went to the suspect pen where all of the animals were presented for ante mortem and the pen card was filled out. While performing ante mortem in the main suspect pen (b) (6) observed two separate hogs in the first 1/3 of the pen that appeared to be stressed and adversely affected by the extremely cold conditions. The suspect pen was bedded with shaving and the rest of the hogs appeared to be resting comfortably. (b) (6) immediately stopped performing antemortem and further assessed the affected hogs. Hog #1 was tattoo XX67, which means it is a subject hog that went down or was slow prior to being scaled. It had a body temperature of 96.6 degrees Fahrenheit, had a very faint weak squeal, was observed to be shivering, would not move from left lateral recumbency, and had frostbitten ears that were hard and stiff. This hog arrived with the rest of its group which was scaled in at approximately 2254 to 2259 hours the previous night. Hog #2 was tattoo 2704, which means it was a slow animal that was segregated and placed in the suspect pen after it was scaled and prior to going in the door for slaughter. It had a body temperature of less than 96 degrees Fahrenheit as it would not register on the thermometer. The hog was in sternal recumbency with a hunched up appearance and would not move when prodded. This animal was also observed to be shivering, not very alert, and had frostbitten ears that were hard and stiff. This hog arrived with the rest of its group which was scaled in at approximately 2235 hours the previous night. (b) (6) was immediately notified verbally of the noncompliance and asked to summon (b) (6)</p>



**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
							<p>(b) (6) and (b) (6) to the suspect pen for further discussion. (b) (6) then proffered corrective actions to promptly plant condemn and euthanize the two hogs to which (b) (6) agreed and allowed the designated trained yards employees to come shoot the two hogs with the captive bolt gun. (b) (6) came to the suspect pen and (b) (6) discussed the issue with him. The two hogs were effectively euthanized and removed from the pen prior to antemortem resuming. The remainder of the hogs were antemortem inspected and passed for slaughter. (b) (6) and (b) (6) were notified both verbally and now in writing with this NR of the establishment's failure to comply with the regulatory expectations of 9 CFR 313.1(c). The issue of assessing the conditions of both the suspect pen in general and the overall condition of the animals placed in the suspect pen to be held for an extended period of time, like overnight, was previously discussed with the establishment at the weekly meeting on January 6, 2015. (b) (6) also inquired with (b) (6), who is covering the night shift and she stated that upon the completion of kill all of the hogs in the barn appeared to be in good condition.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244I	Tyson Fresh Meats, Inc	GEH2014032517N-1	No	03/17/2015	04C02	313.15(a)(1)	<p>HATS Category: VIII Stunning Effectiveness</p> <p>On March 17, 2015 at approximately 1150 while observing stunning of hogs in the suspect pen, (b) (6) observed the following noncompliance. Two employees properly restrained a hog with a sort board. The primary shooter placed the captive bolt gun to the skull of the hog and activated the gun. After the gun went off the hog began vocalizing. The backup shooter immediately noticed that the hog was not effectively stunned. The preloaded backup gun he was holding was used to immediately apply a second shot, which rendered the hog unconscious. The primary shooter explained that he could tell the gun did not fire normally stating that the bolt did not penetrate the skull. Inspection of the skull after the hog was stunned revealed proper placement of the captive bolt gun with one complete hole penetrating the skull and an adjoining crescent shaped marked from the bolt penetrating only the forehead skin. The captive bolt gun was taken out of service to be inspected and serviced by maintenance and was replaced with an additional gun. (b) (6) was called out to the barn following the incident. He was notified verbally and now in writing with this NR of the establishment's failure to comply with the regulatory requirements of 9 CFR 313.15(a)1. At that time the barn was placed into Category C status, which requires 100% monitoring of the stunning process.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244I	Tyson Fresh Meats, Inc	GEH451 503292 ON-1	No	03/20/2015	04C02	313.15(a)(1)	<p>HATS Category: VIII Stunning Effectiveness On March 20, 2015 at approximately 1351 while observing stunning of hogs in the suspect pen, (b) (6) observed the following noncompliance. Two employees properly restrained a hog with a sort board. The primary shooter placed the captive bolt gun to the skull of the hog and activated the gun, which made an abnormal muffled sound. After the gun went off the hog began vocalizing. The backup shooter immediately noticed that the hog was not effectively stunned. The preloaded backup gun he was holding was used to immediately apply a second shot, which rendered the hog unconscious. The primary shooter explained that he could tell the gun did not fire normally stating that the bolt did not penetrate the skull. Inspection of the skull after the hog was stunned revealed proper placement of the captive bolt gun with one complete hole penetrating the skull. The captive bolt gun was taken out of service to be inspected and serviced by maintenance and was replaced with an additional gun (b) (6) was called out to the barn following the incident. He was notified verbally and now in writing with this NR of the establishment's failure to comply with the regulatory requirements of 9 CFR 313.15(a)1. At that time the barn was placed into Category C status, which requires 100% monitoring of the stunning process.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244I	Tyson Fresh Meats, Inc	GEH2317031524N-2	No	03/24/2015	04C02	313.15(a)(1)	<p>HATS Category: VIII Stunning Effectiveness</p> <p>On March 24, 2015 at approximately 1403 while observing stunning of hogs in the suspect pen, (b) (6) observed the following noncompliance. Two employees restrained a hog with a sort board. The primary shooter placed the captive bolt gun (#11) to the skull of the hog and activated the gun, which made an abnormal muffled sound. After the gun went off the hog began vocalizing. The hog got up from its sternal position and moved away from the shooters. A member of management was able to immediately restrain the hog into the (b) (4) bucket which was located directly next to the hog. At that time the preloaded backup gun that the secondary shooter was holding was used to immediately apply a second shot, which rendered the hog unconscious. Inspection of the skull after the hog was stunned revealed proper placement of the captive bolt gun with one complete hole penetrating the skull. Removal of the skin over the skull revealed one complete hole into the skull with one adjacent crescent shaped indentation of the skull. The captive bolt gun (#11) was taken out of service to be inspected and serviced by maintenance and was replaced with an additional gun. At that time A (b) (6) requested a meeting with (b) (6) and Plant Manager Wayne Kies prior to proceeding with stunning of the remainder of the hogs in the suspect pen. (b) (6) was present at the time of the incident and was notified verbally and now in writing with this NR of the establishment's failure to comply with the regulatory requirements of 9 CFR 313.15(a)1. A similar NR was documented earlier in the day on 3/24/15 NR#GEH5614032824N/1.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244I	Tyson Fresh Meats, Inc	GEH561 403282 4N-1	No	03/24/2015	04C02	313.15(a)(1)	<p>HATS Category: VIII Stunning Effectiveness On March 24, 2015 at approximately 0850 hours (b) (6) observed the following noncompliance while performing a stunning effectiveness evaluation of the captive bolt stunning of the suspect pen animals. Upon completion of ante mortem inspection the pen contained all of the animals that had passed and two hogs that were condemned on ante mortem. A team of two designated trained Tyson management support members were in the suspect pen to captive bolt the animals. Beginning with the two condemned hogs, the team members loaded two (b) (4) and proceeded by effectively stunning the first hog and moved to the second hog. This hog was in lateral recumbency and showing signs of respiratory compromise. When the first stun was administered the hog was properly restrained and the gun (#6) sounded as if it fired appropriately, but the hog began to vocalize. The back-up shooter holding the pre-loaded back-up device immediately administered a second stun to the hog and effectively rendered the hog unconscious. (b) (6) was present during the incident. Once it was safe, the head of the hog was examined for placement and penetration of the skull by (b) (6) and (b) (6). It was observed that there were two holes in the forehead of the hog. One hole was slightly displaced to the left of center while the other hole was in the proper location. The hole that was slightly to the left had a corresponding hole in the skull that did not completely penetrate and was angled to the right toward center and slightly upward. The hole in the center of the forehead has a corresponding hole in the skull directly behind it that was fully penetrating. (b) (6) was summoned to the suspect pen at this time. After a brief discussion about the incident, (b) (4) gun #6 was removed from service and another back-up device was brought to the suspect pen in order to stun the remaining hogs. The remainder of the hogs in the pen were effectively stunned with one shot. The establishment entered into Category C for their RACE category and increased monitoring will occur for the timeframe specified in the establishment's program. (b) (6) and (b) (6) were notified both verbally and now in writing with this NR of the establishment's failure to comply with the regulatory requirements of 9</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
							CFR 313.15(a)1. A similar NR #GEH2014032517 was documented on March 17, 2015. This NR is still pending establishment response.
M244I	Tyson Fresh Meats, Inc	GEH571 104350 7N-1	No	04/07/2015	04C02	313.15(a)(1)	<p>HATS Category: VIII Stunning Effectiveness</p> <p>On April 20, 2015 at approximately 1126 while observing stunning of slow hogs in pen 8B, (b) (6) observed the following noncompliance. Two employees properly restrained a hog with a sort board. The primary shooter placed the captive bolt gun to the skull of the hog. The hog abruptly threw its head back which caused the gun to fire the bolt through the skull at an angle that went towards the nasal cavity instead of the brain. The hog immediately began to vocalize. The backup shooter immediately noticed that the hog was not effectively stunned. The preloaded backup gun he was holding was used to immediately apply a second shot, which rendered the hog unconscious. A (b) (6) was notified verbally and now in writing with this NR of the establishment's failure to comply with the regulatory requirements of 9 CFR 313.15(a)1. At that time the barn was placed into Category C status, which requires 100% monitoring of the stunning process. A similar noncompliance GEH2512015316N-1 was written on January 16, 2015.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244I	Tyson Fresh Meats, Inc	GEH491 205560 5N-1	No	05/05/2015	04C02	313.2	<p>HATS Category II-Truck Unloading On May 5, 2015 at approximately 0920 hours while observing truck unloading at the livestock trailer dock #1 (b) (6) observed the following noncompliance. A gooseneck trailer with hogs on it was backed into dock #1 and was unloading hogs upon (b) (6) arriving and it was observed that the driver was using only a hot shot prod as his means of prodding the hogs to move off of the trailer. The driver was repeatedly shocking multiple animals indiscriminately from outside of the trailer in the attempt to get the hogs off loaded. The hogs were vocalizing in response to the shock and were jumping then turning around and exiting the trailer. This created excessive excitement in the hogs but did not appear to cause bodily injury. At this time there was no Tyson employee present to address the issue immediately as the dock monitor was observing docks #5-7 unloading. (b) (6) addressed the driver and informed him that the expectation was that the hot shot was to be used minimally and that the current use of the hot shot was considered more than acceptable. To this the driver responded by going and retrieving the rattle paddle out of his pick-up truck in order to continue to unload the hogs. (b) (6) informed (b) (6) of the observation and the conversation with the driver. (b) (6) and (b) (6) both observed the unloading process. The driver was having some troubles getting the pigs to off load the trailer using the rattle paddle and proceeded to put down the rattle paddle and pick up again the hot shot and look through the side of the trailer and place the hot shot on the vulva of a gilt on the trailer and energize the hot shot. The gilt responded with mild vocalization and immediately turned and exited the trailer. (b) (6) who was standing there at the time of this observation did not address the driver allowing the unloading process to continue. At that time (b) (6) immediately stepped in and addressed the driver again by halting the unloading process and informing the driver of the observation and the unacceptable nature of his hot shot usage to which the driver replied, "I did not know that I couldn't do that." (b) (6) went on to explain the regulatory requirements of electric prod usage to the driver. (b) (6) then went on the trailer and unloaded the remaining hogs which calmly</p>

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EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
							<p>walked off of the trailer. (b) (6) went to the procurement office and informed (b) (6) of the observation and the response from the driver. (b) (6) immediately left the office and went to speak with the driver. (b) (6) informed (b) (6) of the observation as well and the need to be sure that there is monitoring of the unloading process at the gooseneck dock and communication with the dock monitor as this dock is difficult to see if a trailer is backed in. In follow up (b) (6) stated that he spoke with the driver and informed him of the policy Tyson has on hot shot usage. Both (b) (6) and (b) (6) were informed verbally and now in writing with this NR of the establishment's failure to comply with the regulatory requirements of 9 CFR 313.2(b)</p>



**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244I	Tyson Fresh Meats, Inc	GEH261 605370 6N-1	No	05/06/2015	04C02	313.2	<p>On May 6, 2015 at approximately 1408 (b) (6) (I) was performing the HATS Category V- Handling of Suspect and Disabled task; observing the stunning of hogs with the captive bolt gun in the USDA Suspect Pen. (b) (6) had successfully stunned a hog in the southwest corner of the pen that was lying adjacent to sub hog XX1X, which I had suspected due to its inability to rise on its rear legs. No external evidence of injury had been visible on the hog during antemortem inspection. While (b) (6) and Tyson A (b) (6) continued to stun other hogs in the suspect pen, (b) (6) entered the suspect pen operating the skid loader. (b) (6) drove to the southwest corner of the pen with the machine, dropped the bucket to the floor level and proceeded toward a dead hog and the live Suspect Hog. As (b) (6) drove the loader forward, the back quarter/ ham area of the Suspect Hog was pinched between the vertical portion of the loader bucket and the wall and was slightly raised as the loader bucket was tilted backward. The Suspect Hog vocalized loudly and I stepped toward (b) (6); waving my arms and vocalizing to get his attention. (b) (6) then lowered the bucket and backed the loader away from the hogs. I instructed (b) (6) to shoot the hog with the captive bolt. I notified the (b) (6) of the non-compliance and then placed USDA Rejected Tag B41976387 on the restrainer. I encountered (b) (6) in the area of the stunner and informed her that the hogs that were currently in the irons could continue through to be stunned but all of the animals in the guillotine area could not move forward. I also notified (b) (6) that slaughter operations were postponed pending direction from Chicago District Office. The District Office determined that a non-compliance report would be issued. The USDA Rejected Tag was removed at approximately 1535 and slaughter operations resumed at 1605 for second shift.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244I	Tyson Fresh Meats, Inc	GEH0610051213N-1	No	05/13/2015	04C02	313.2	<p>HATS Category VI At approximately 1705 hours, (b) (6) was conducting observations associated with the Humane Handling requirements during the 60-day verification for the NOS currently held in abeyance. (b) (6) was accompanied by establishment management representatives (b) (6) and (b) (6). A group of approximately 10 hogs were being driven into a single file line leading to the stunning area. (b) (6) observed the employee driving the hogs was using a rattle bat. The employee was striking each animal with a consistent cadence in an attempt to move them in the desired direction. Some of the hogs were observed to balk and reverse direction at this time. The employee did not change position or make attempts to move or redirect the animals by any other means, and without interrupting the cadence of the rattle bat, continued to strike them as they turned. The employee did not react to the consequence of the hogs attempting to reverse direction, and by continuing to implement the same strategy of driving, the employee was observed striking two different hogs in the face with the rattle bat. One hog was struck just above the snout and the other between the eyes. (b) (6) observed that no one in the immediate area reacted to these observations, so he addressed (b) (6), identified that he had seen the employee strike two hogs in the face with the bat, and asked (b) (6) if the employee was aware that it was not acceptable to strike hogs in the face as a means of driving. (b) (6) replied that the employee was aware and immediately removed the employee from the area. After a brief discussion with the employee, the employee was returned to the area and resumed driving animals without further incident. 9 CFR 313.2(b) specifies that "... 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." Striking animals in any sensitive area, e.g. the face, with a rattle bat is inconsistent with the regulatory requirements as set forth in 9 CFR 313.2(b) and considered excessive. This has been identified as noncompliant with the regulatory requirements as set forth in 9 CFR</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
							313.2(b). This NR is being linked to NR GEH4912055605N, which was issued on May 5, 2015 and NR GEH1215033804N, which was issued on March 4, 2015. Both of these previous NRs were to document non-compliance with 9 CFR 313.2(b).
M244I	Tyson Fresh Meats, Inc	GEH3014051228N-1	No	05/28/2015	04C02	313.15(a)(1)	<p>HATS Category: VIII Stunning Effectiveness On May 28, 2015, at approximately 1110 hours EST, (b) (6) observed the following noncompliance. The PHV observed 2 establishment employees restrain a hog between the iron gates and a sort board. Both employees were carrying a captive bolt gun. The primary shooter placed the captive bolt gun against the skull of the hog and activated the gun. (b) (6) observed the initial stunning attempt to be ineffective as the hog remained standing and ambulatory, walking a few steps as the sort board restraint was removed. There was no immediate or determined action taken by the employees at that time. (b) (6) then walked down the stairs from the stand where she had viewed the initial failed stun to arrive at the hog which was near the irons and at that time the second stun was applied and observed to be effective. (b) (6) arrived at the area at the same time as (b) (6). (b) (6) notified (b) (6) of the event and took regulatory control by applying U.S. Reject tag #B41490113 to the back of the restrainer. After taking the regulatory control action, the skin was removed from the hog's skull which revealed 2 distinct holes through the skin and skull. One shot was centrally located aimed downward toward the sinus of the hog. The other shot was centrally located with an appropriate aim. (b) (6) notified the (b) (6) of the incident and due to the nature of the incident the District Office was called for further collaboration. After review of video footage for further details the District Office determined that a non-compliance report would be issued. District Office notified Plant Manager, Mike Bryant verbally and now in writing of the establishment's failure to comply with regulation 9 CFR 313.15(a)(1).</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244I	Tyson Fresh Meats, Inc	GEH101 706081 1N-1	No	06/11/2015	04C02	313.2, 313.30 (a)(2)	<p>HATS Category VI - Electric Prod/Alternative Object Use On June 11, 2015 at approximately 1635 hours while performing a routine humane handling task and monitoring the handling of animals in the stick area (b) (6) observed the following noncompliance. Upon arrival to the stick (b) (6) went to the top of the stairs and was observing all aspects of the stunning process when it was observed that the team member stationed at the front of the irons was indiscriminately prodding nearly every hog into the entrance to the restrainer with the electric prod to which some of the hogs were observed to flinch in response. The team member put the prod down upon noticing (b) (6) watching and then only used it when the hog would not move forward after being prodded with the brush. At that time (b) (6) observed an area further back in the stick that she wanted to see closer so she left in order to get a blue frock on and then came back into the stick area. Once again the team member at the front of the irons was observed prodding nearly every hog in the entrance to the restrainer with the electric prod. The team member yet again put the prod down after noticing (b) (6) observing him. (b) (6) took an immediate regulatory control action and stopped the electrical stunning of hogs in order to stop the movement of hogs through the irons to the restrainer and summoned for a supervisor to come to the stick area, which the stunner went to get a supervisor. (b) (6) came to the stick and (b) (6) explained her observations of the overuse of the prod by the team member leading to increased excitement in the hogs. (b) (6) immediately pulled the team member off of the irons and replaced him with another trained team member as a corrective action in order to fully address the situation. At this time (b) (6) released the regulatory control action and allowed movement of hogs through the irons and stunning operations to resume. (b) (6) asked to review the video footage as a follow up to the observations made. It was observed that the team member used the electric prod as a primary implement for moving the hogs through the irons on more than one occasion for a short period of time. The voltage of the electric prod was also verified to be at (b) (4) Volts. (b) (6) was notified both verbally</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
							and now in writing with this NR of the establishment's failure to comply with regulatory requirements of 9 CFR 313.2(a), 313.2(b), and 313.30(a)2.
M244I	Tyson Fresh Meats, Inc	GEH181 607492 2N-1	No	07/21/2015	04C02	313.15(a)(1)	<p>HATS Category: VIII Stunning Effectiveness On 07/21/2015, at approximately 22:42, during the process of stunning of the suspect pen, the following noncompliance was observed by (b) (6).</p> <p>The hog was appropriately restrained at the back of the pen, using two sort boards. The primary and secondary shooters in position with loaded captive bolt stunners. The primary shooter placed the stunner on the hog's skull and fired. After the stunner discharged, the hog did not vocalize, but struggled against restraint. The two shooters and two other employees noted that the hog was not effectively stunned. While restraint was maintained, the secondary shooter applied his loaded stunner to the hog's skull and activated it. The hog was immediately rendered unconscious. Inspection of the skull revealed a crescent shaped flap of skin in an appropriate placement for stun. The flap of skin partially obscured a diagonal penetration into the frontal sinus. A second penetration, closer to the nose, but still within appropriate placement for stun, was noted perpendicular to the surface of the skull. It was concluded that the angle that the captive bolt stunner was position against the skull changed suddenly, during the shot. Plant Manager Kelly Reed was called out to the barn after this occurred. He was notified verbally and now in writing with this NR of the establishment's failure to comply with regulatory requirements of 9 CFR 313.15(a)1. At that time, the captive bolt stunner was sent to maintenance for evaluation. The barn was placed in Category C status, requiring 100% monitoring of the stunning process. (b) (6) was told that the employee would be retrained.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244I	Tyson Fresh Meats, Inc	GEH361 507262 3N-1	No	07/23/2015	04C02	313.2	<p>HATS Category II—Truck Unloading On July 23, 2015 at approximately 0740 hours while observing truck unloading (b) (6) observed the following noncompliance. Hogs were being unloaded in both docks #6 and #7 when the driver in dock 6 stated that he had one hog in the nose of the trailer that he could not get out. A Tyson management member from the barn went onto the trailer to assist so (b) (6) went outside to observe the unloading process from outside the trailer and to assess the condition of the hog as the group had a number of stressed animals. Immediately after the hog was moved out of the nose of the trailer (b) (6) heard the driver in dock #7 raising his voice with frustration to the hogs while unloading the bottom nose section. (b) (6) then observed the driver open the man gate beside the ramp that went to the top deck and a hog was driven off and approximate 3 ft. deck from the nose onto the hogs in belly of the trailer without injury. The hog did not appear to be hurt and did not fall to the bottom of the trailer. (b) (6) immediately had the dock monitor stop the driver from unloading his trailer in order to address the incident. (b) (6) was summoned to the area by (b) (6) who discussed her observations. (b) (6) immediately summoned (b) (6) to dock #7 to discuss the incident. Immediate corrective actions were to not allow the driver to unload the remaining hogs off of the trailer but rather have the hogs unloaded by Tyson team members. (b) (6) was notified both verbally and in writing with this NR of the establishment's failure to comply with the regulatory requirements of 9 CFR 313.2</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244I	Tyson Fresh Meats, Inc	GEH271 608471 2N-1	No	08/11/2015	04C02	313.2	<p>HATS Category III - Water and Feed Availability</p> <p>On August 11, 2015 at approximately 0650 hours (b) (6) observed the following noncompliance while performing ante-mortem inspection prior to the start of slaughter operations. Upon approaching pen 8 it was observed on the west side of the isle in 8B that there was little to no empty space in the pen and there were multiple hogs that were lying on top of others with a couple beginning to rise and/or stand up. The east side of the alley in 8A there was an approximately 8-10 foot circle where the sprinklers were spraying that was empty floor space and many hogs of the hogs were piled on top of each other as well. Upon arousal the hogs spread out and comfortably filled the pen. The hogs in pen 8 were the first pigs to arrive at the establishment the previous night that were held overnight for the next day of slaughter. (b) (6) was walking with (b) (6) in order to unlock the pens and placed the signed pen cards on the pens. (b) (6) informed (b) (6) of her observations and explained that not only was pen 8B overcrowded to the extent that the hog in the furthest corner would not be able to freely access the water trough, which had pigs lying on top of it, but that the pigs had been held overnight in this overcrowded state and there fore were not provided adequate room to lie down without lying on top of one another. It was also discussed that there was not enough room in 8A to alleviate the overcrowding. (b) (6) immediate corrective actions were to unlock and drive the hogs out of pen 8 to slaughter in order to alleviate the overcrowding issue. (b) (6) then signed the pen card for ante-mortem and verified the hogs were driven to kill. Again at approximately 1020 hours (b) (6) and (b) (6) were walking the barn performing ante-mortem inspection and upon arriving at pen 7 it was observed that the same type of overcrowding issues were present in 7B. At this time though 7A was not overcrowded and had ample space to move a portion of the pigs across the isle in order to alleviate the overcrowding to ensure free access to water. Upon verification of (b) (6) moving the hogs across the isle and shutting the gates to the pen again (b) (6) signed the pen card for pen 7. It was also discussed that there was a previous MOI issued on March 27, 2015 for the same incident of overcrowding in the pens</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
							observed at ante-mortem that had been held overnight. (b) (6) was notified both verbally and now in writing of this NR for the establishment's failure to comply with the regulatory requirements of 9 CFR 313.2(e).
M244I	Tyson Fresh Meats, Inc	GEH120 908062 6N-1	No	08/25/2015	04C02	313.30(a)(1), 313.30(a)(3), 313.30(b)(3)	<p>Category VIII- Stunning Effectiveness On August 25, 2015 at approximately 1545 while performing humane handling verification tasks (b) (6) observed the following event. After assessing for consciousness on the rail (b) (6) looked up from the floor to observe the hogs being electrically stunned in the restrainer by the establishment's stunning operator. At that time, (b) (6) observed the employee place the electrical prods onto the hog in the front of the restrainer and the hog responded by squealing loudly and opening its eyes wide. The hog was also blinking and looking around. At no time did the hog exhibit signs of seizure or unconsciousness (such as rigidity, eyes closed, tongue sticking out). The employee then placed the prods on the hog again, and the hog was silent but continued to exhibit the same facial expressions. At this time the hog again did not exhibit any signs of seizure or unconsciousness. Finally, after the third placement of the prods onto the hog, the hog squeezed its eyes shut and became rigid, as is typically seen with an appropriately electrically stunned hog. The animal was rendered unconscious and remained in that state throughout shackling, hoisting, and bleeding. Regulatory control action was taken and U.S. Reject tag# B41976304 was applied to the entrance of the restrainer. The district office was notified of the event and after further discussion was determined to not be egregious. Regulatory control was relinquished after receiving the following immediate corrective actions and preventative measures:</p> <ol style="list-style-type: none"> <li>1) Electrical stunning equipment check once per session</li> <li>2) Calibration of box that is used to verify the electrical prod voltage/amperage output</li> <li>3) 100% monitor in place to observe and verify proper placement of electrical prods</li> <li>4) Captive bolt gun to be placed behind electrical stunner in the event that the electrical stunner is not functioning.</li> </ol> <p>Plant Manager Mike Bryant was notified of the aforementioned noncompliance and the establishment's failure to comply with the regulations prescribed in 9 CFR 313.30(a)(1), 313.30(a)(3), 313.30(b)(3).</p>



**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244I	Tyson Fresh Meats, Inc	GEH1917095304N-1	No	09/04/2015	04C02	313.15(a)(1)	<p>HATS Category VIII-Stunning Effectiveness On September 4, 2015 at approximately 1025 hours (b) (6) observed the following noncompliance while observing stunning effectiveness while captive bolt stunning the suspect and disabled hogs. A hog was properly restrained in pen 4 using two sort boards and the captive bolt gun #7 was placed firmly on the forehead of the hog in the proper placement and depressed the trigger. When the captive bolt gun fired it sounded extremely muffled and the hog reacted simply by standing up, but was unable to move about freely due to the proper restraint. Upon observation of the hog at that time it was noted that there was a circular area of the forehead that was bleeding in the area where the captive bolt device was placed and discharged. The backup shooter who was carrying a pre-loaded backup device immediately moved into position and firmly placed the captive bolt device firmly on the forehead of the hog and effectively stunned the hog. (b) (6) was present at the time of the incident and the observations were discussed with him. (b) (6) at that time informed (b) (6) of the noncompliance. Immediate corrective actions were to remove the captive bolt device #7 and have maintenance fully inspect it for proper function and go into category C for the establishment's CARE program with 100% monitoring of the affected area. (b) (6) also elected to place the hog in the dead pile in order to fully evaluate the skull. Upon further evaluation of the forehead skin and the skull with the skin removed. The skull only had one penetration hole. The forehead skin had one large hole that fully penetrated and on the upper perimeter of the hole was another crescent shaped partial thickness penetration.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244I	Tyson Fresh Meats, Inc	GEH071 609402 6N-1	No	09/26/2015	04C02	313.2	<p>HATS Category IV-Ante-Mortem On September 26, 2015 at approximately 0640 hours while performing ante mortem inspection and humane handling verification tasks (b) (6) observed the following noncompliance. Upon arrival at pen 3 it was readily observed that the hogs in pen 3A were overcrowded. Pen 3A was observed and all of the hogs were lying down resting with no free space available in the pen and approximately 5% of the hogs were laying on top of the other hogs. The hogs had arrived at the plant the previous night. It was also observed that the stocking density was such that the hogs in 3A were not able to freely access the water at all times as required by 9 CFR 313.2(e). The total inventory in all of pen 3 was 233 head. (b) (6) looked at pen 3B and determined that there was adequate room for the hogs in that pen to freely access water and they had sufficient room to lay down overnight, but there was not enough room to accommodate the hogs that needed to be removed from 3A to alleviate the overcrowding. (b) (6) immediately asked (b) (6) his opinion of the stocking density of the pen. (b) (6) agreed that the pen appeared to be too crowded and that 3B did not have enough room to accommodate any more hogs. The immediate corrective action was to drive the pen to slaughter. At this time (b) (6) signed the pen card for ante-mortem. (b) (6) was notified both verbally and now in writing of the noncompliance for the establishment's failure to comply with the regulatory expectations of 9 CFR 313.2(e).</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244I	Tyson Fresh Meats, Inc	GEH101 710490 1N-1	No	09/28/2015	04C02	313.1	<p>On September 28, 2015 at approximately 0655 hours while performing ante mortem inspection (b) (6) observed the following facility noncompliance. Upon completion of ante mortem inspection in pens 2 through 8 (b) (6) walked to the east half of the barn to finish ante mortem inspection. After walking through Pen 12A (b) (6) went to pen 10 to verify the appropriate repairs had been made to the pen that were brought to the attention of maintenance on Saturday, September 26, 2015 in order to get it released as an acceptable holding pen. Upon inspection of the center alley way gate and steel wall (b) (6) observed that the bottom round pipe on pen 10B was rusted through and had a sharp jagged edge at the level of the feet of the hogs. (b) (6) was accompanying (b) (6) at the time was immediately made aware of the observations and he immediately notified maintenance of the issue. At this time (b) (6) applied a US Reject tag number B41490475 to the alley gate that separated pen 10 and 11 until the proper repairs could be made to the pipe. (b) (6) was notified both verbally and now in writing with this NR of the establishment's failure to comply with the regulatory requirements of 9 CFR 313.1(a). 9 CFR 313.1(a) states in part, "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."</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M717M	Smithfield Farmland Corp.	UYI200 810012 3N-1	No	10/22/2014	04C02	313.2	<p>At approximately 1715 hours on 10/22/2014 while conducting Humane Handling verifications at Smithfield/Farmland, (b) (6) observed a truck driver using excessive force with his rattle paddle while unloading market hogs. (b) (6) observed the hogs herding together on the upper deck ramp and the truck driver hitting the hogs with excessive force in order to get them to move down the ramp. In frustration, the truck driver stepped back and then attempted to move the hogs again with excessive force. When the hogs still resisted moving down the ramp the truck driver yelled for help to the establishment employee who was tattooing the hogs at the exit to the trailer. At this time the employee entered the trailer and assisted the driver in moving the hogs down the ramp. The driver then entered the lower section of his trailer and began moving hogs. A group of approximately 10 to 12 hogs herded together and moved away from the driver. The driver then began hitting the hogs with excessive force on the backs again. When they would not move toward the off ramp, he appeared to single out one hog which he began beating on the head and face with his paddle in a violent manner causing the affected hog and the entire group to vocalize loudly. As soon as (b) (6) witnessed this behavior he immediately went to the scale house to inform a management representative of the truck driver's actions. All unloading chutes were subsequently rejected with US Rejected tags numbered B43279551-554 and B43279547 for a temporary halt to livestock unloading until the appropriate USDA authorities could be reached for consultation and decision making. Following direction from the Chicago District DVM-S and humane handling subject matter expert, (b) (6), and the fact that no hogs suffered bodily injury, a decision was made that the incident did not qualify as egregious in nature. Establishment management representatives have been notified verbally and in writing via this noncompliance report of the establishment's failure to comply with 9 CFR 313.2(a) and 313.2(b). Immediate corrective actions included the placement of a more experienced livestock receiving employee to act as "yard boss" for the rest of the evening and the appointment of a cold side supervisor to make frequent checks throughout the night to ensure the establishment's livestock handling</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
							and animal welfare guidelines were being followed by both establishment employees and truck drivers. A truck driver incident report detailing the driver's actions and the subsequent disciplinary action taken towards the driver and his employer is pending. Afterwards, at approximately 2030 hours, the regulatory control was removed and the establishment was allowed to resume livestock unloading operations. Further preventative measures have yet to be discussed.
M1756 4	Indiana Packers Corporation	MLO29 090212 20N-1	No	02/20/201 3	04C02	313.2, 313.5	At approximately 9:30 am on February 20, 2013, I observed an inhumane handling non-compliance. Pigs were being loaded into the west CO2 stunner. A mechanized gate moves the pigs into a basket within the stunner. One pig popped his head above this gate at the last minute. The pig then became tightly caught by its head and throat between the movable gate and the CO2 stunner. This caused distress to the pig. It cried repeatedly and showed some difficulty breathing, as the operators of the CO2 stunner attempted several times to release the gate. Because of the positioning of the captured pig, it took minutes to reverse the gate and free the pig. I then took regulatory control and stopped the line. I spoke with (b) (6) and informed him of the impending non-compliance. The plant's immediate corrective action was to place a man at each movable gate to monitor and assist loading of the CO2 baskets. Kill was then resumed. According to the Plant Manager, Mr.Randy Fehlberg, their long term corrective action will involve consulting with the CO2 manufacturer, (b) (4), with the aim at installing a type of overriding "quick release" for each of the movable gates.

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M1756 4	Indiana Packers Corporation	MLO25 121110 05N-1	No	11/04/201 3	04C02	313.2	<p>At approximately 1405 on 11-4-13 while observing stunning/sticking operations I noticed a previously stunned hog delivered from the suspect pen to the landing between the East and West CO2 stunners had started to move. Establishment staff also observed the movement and hesitated to release the hog to the shackle belt. After waiting 15-20 seconds while the hog continued to move they allowed it to proceed onto the belt wherein I observed rhythmic breathing, slow controlled movement of the legs and blinking of the eyes. At that time the shacklers ceased shackling, stopped the belt and proceeded to observe the hog. When they failed to shoot the hog a second time I motioned them to do so. At this time approximately 30 to 40 seconds had passed since the delivery to the landing. I then motioned for them to shoot the hog a second time by placing my index finger to my forehead. They said they couldn't shoot it again because it had already been shot. While waking in the direction of the shackle belt, I told them verbally to shoot it. The employee then started to place the captive bolt gun just behind the right eye of the hog at which point I instructed him to stop and use the captive bolt gun according to the establishment policy which dictates placement at the point intersection of two imaginary lines drawn from the base of the ear to the medial canthus of the opposite eye. The employee then shot the hog a second time at which point the hog continued to breathe but had ceased blinking. When the cornea was touched, there was a positive corneal response at which point I instructed a third shot to the head. A supervisor was in place at that time and touched the hog's skull at the proper point. The employee then shot the hog a third time at which point the hog commenced uncontrolled spastic leg motion typically seen after a properly placed shot with a captive bolt. At this point, because the hog was still moving, the supervisor instructed the use of the electrical stunner. This apparatus was placed, but failed to activate. By that time the hog had ceased to move and failed to respond to corneal stimulation. Satisfied the hog was rendered unconscious, I informed (b) (6) I determined that the incident constituted a humane handling violation and took regulatory control of the stunning operation by placing USDA Reject/Retain tags (B34 786709 and B34 786710) on the gate to</p>

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EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
							each stunner. After consultation with superiors at the Chicago District Office and consideration of the establishment's robust systematic approach to humane handling and slaughter program, it was decided to issue a non-compliance report to allow the establishment to perform appropriate corrective actions.
M1756 4	Indiana Packers Corporation	MLO18 141113 11N-1	No	11/11/201 4	04C02	313.2	At approximately 1445 on 10-11-14, the following noncompliance was observed by (b) (6) [REDACTED], in the suspect pen at Indiana Packers, Inc. of Delphi, IN. During the process of performing ante mortem inspection of suspects in the pen, it was noted there were two hogs missing back numbers and tattoos. During the course of the conversation with (b) (6) [REDACTED] regarding the need for maintaining accurate complete identification of all hogs in the suspect pens at all times, one of the barn employees placed the wrong number and wrong tattoo on one of the hogs in question. At that time, (b) (6) [REDACTED] informed (b) (6) [REDACTED] and (b) (6) [REDACTED] of the non compliance with 9CFR 309.2(a). (b) (6) [REDACTED] then informed (b) (6) [REDACTED] that the corrective action was to destroy the improperly identified hog and send it to rendering which was completed immediately.
M1756 4	Indiana Packers Corporation	MLO41 211240 19N-1	No	12/19/201 4	04C02	313.1	On 12/19/14, at approximately 9:15 pm, (b) (6) [REDACTED] observed the following non-compliance while inspecting the alleyways in the east (old) barn. While watching the handling of livestock, I noticed a pig slip in the area of Alleyway 3. Observing the alleyway flooring more closely, I noticed, contained in the wet pig waste, multiple pig hoof prints, and multiple pigs (>10) had slipped and lost their footing. US Reject tags # B34785462 was placed on Alleyway 3. (b) (6) [REDACTED], was informed of the impending non-compliance with 9 CFR 313.1 (b).

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M1756 4	Indiana Packers Corporation	MLO49 160150 05N-1	No	01/05/201 5	04C02	313.2	<p>On 01/05/14, (b) (6) observed the following non-compliance while performing ante-mortem inspection of pens on the odd numbered side of the old (north) barn. At approximately 5:00 pm, I was signing pen cards in the suspect pen. In the odd side alleyway, a pig 30 feet from the scale was crying loudly and shaking. It eventually sat down and quieted. I motioned to one of the IPC employees that there was a down animal. Within a few minutes, a different IPC livestock handler encouraged this downed animal to stand back up and walk with the other ambulatory Lot 13 pigs. Shortly thereafter, that same pig walked only another 40 feet before it was again crying loudly, only to collapse down before quieting. As I then walked further along the odd side alleyway, I observed another down pig from Lot 13. As these two were left behind in the alleyway, the remaining ambulatory Lot 13 pigs were driven into Pen 31. The livestock driver then closed that pen door and opened Pen 35. After a minute or two, I finished signing pen cards on that side of the barn, and noticed that without clearing the alleyway of those non-ambulatory pigs, another load of approximately 30 pigs emerged from the scale and were walking toward Pen 35, over and around the two downers. (b) (6) was informed of the non compliance with 9 CFR 313.2(d)2. It states, "Disabled animals and other animals unable to move shall be separated from normal ambulatory animals and placed in the covered pen provided for in 9CFR 313.1(c)." Livestock movement was halted, as the two non ambulatory pigs were picked up by the (b) (4) placed in the downed animal pen, and tattooed B213.</p>



**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M1756 4	Indiana Packers Corporation	MLO56 080448 08N-1	No	04/08/201 5	04C02	313.2	<p>On 4/8/15, (b) (6) observed the following humane handling non-compliance while performing HATS category V (Handling of Suspect and Disabled livestock) in the short alley of the West CO2 Stunner. At approximately 9:15am, I noticed a down pig in the short alley. Lying in the center of the alley, his rear legs were splayed out and he had open mouth panting. He was alone in the alley. The rear gate to the alley was open, awaiting a new arrival of 30 pigs for movement onto the stunner. I inquired as to the condition of this pig, remarking that it looked like a "downer." The IPC employee directly responsible for this area commented back to me that the pig had just "a minute ago" been walking around, and suggesting that he would indeed get up as soon as the next group of hogs went moving through the alley. He did not, despite being encouraged gently with the rattle paddle. As he was crowded by the others, the downed pig did sit up but moved only his front feet. Immediately after that group of ambulatory hogs moved on, further movement of pigs into this alley was stopped. The down pig was loaded into the hand cart and removed manually from the alley. (b) (6), was informed of the non-compliance with 9 CFR 313.2(d)1. It states, "Disabled animals and other animals unable to move shall be separated from normal ambulatory animals and placed in the covered pen provided for in 9 CFR 313.1(c)."</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M1756 4	Indiana Packers Corporation	MLO06 060818 03N-1	No	07/31/201 5	04C02	313.2	<p>On 07/31/15, (b) (6) observed the following humane handling non-compliance while performing HATS category VI (alternative object use after ante-mortem inspection has occurred) in the long alley of the East CO2 stunner. At approximately 2:15 pm, I was standing near the entrance to pen 31, observing the animal handler move pigs from a pen to the CO2 stun. It was a typical summer day, very warm without air flow in the east end of the old barn despite there being three operational fans. The IPC animal handler broke protocol, moving a full pen of pigs rather than the recommended half pen (approximately 30 pigs) to the CO2 stun alleyway. The short alleyway animal driver approximated the number of pigs to place in his alley, closed his alley gate, and started moving pigs toward the CO2 stun. I witnessed pigs rising up (as if crowded for space) in the short alley, but was not close enough to see the number of pigs in the short alley. Shortly thereafter, I observed the overhead gate in the long alleyway move east, a pig rose up on his hind feet and became pinned between the cement wall and the automatic gate. By the time I walked from one end of the barn to the other, the pig had been freed. I stopped kill. The plant's immediate corrective action was to reduce the number of pigs entering the long alleyway in the CO2 room to 10 for the remainder of the day, thus allowing more space for movement and decreasing the likelihood of pinning a hog. Kill was resumed. Standing in for (b) (6) in the barn manager's office was informed of the non-compliance with 9 CFR 313.2(a), and on Monday, (b) (6), was also informed.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M1756 4	Indiana Packers Corporation	MLO46 090943 30N-1	No	09/30/201 5	04C02	313.2	<p>At approximately 7:50 am, (b) (6) observed the following humane handling non-compliance while performing HATS category VI- Electric Prod/Alternative Object Use at the push gate entrance of the west CO2 stunner. I observed the stunning operation stopped, because approximately 5-6 inches of a pig's left rear leg was wedged between the push gate and the adjacent wall. This prevented the CO2 stunner door from closing. This pig was lying right side down (head included) and moaning quietly. It appeared very subdued making no attempt to either right itself, retract its foot, or vocalize loudly. After several attempts to manually pull the push gate back, a metal wedge was used to release the push gate and free the pig's leg. There was no physical reaction from this pig at its release or anytime thereafter. It continued to lay right side down, not even lifting its head. The CO2 machine was locked out. The pig was captive bolt stunned where he lay, and dragged from the alleyway. Kill was resumed. It was unusual to witness such unresponsiveness in a pig that minutes earlier had according to the plant, "walked in the CO2 drive alleyway." According to the plant at the time of the accident, the push gate was programmed to push 880 pounds without stopping. (b) (6) was informed of the non-compliance with 9 CFR 313.2 (b). Short term corrective actions included reducing the push gate's resistance from 880 to 297 pounds, reducing the gap between the push gate and the wall where the pig foot was wedged, and conferring with (b) (4) manufacturing about specifications to the push gate.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M17D	John Morrell & Co.	WLJ151 202480 8N-1	No	02/08/2013	04C02	313.2	<p>At 1047 hours while performing routine HATS monitoring for HATS Category VII the following incident occurred. I was on the far, east side of the (b) (4) room when I heard a hog vocalizing excessively. As I came around the bottom of the shackle table (b) (6) was descending the stairs. He immediately grabbed the captive bolt gun and proceeded up the stairs. I was directly behind him. When I reached the top of the stairs I observed 5 hogs in the outside push pen. There was a single hog laying in left lateral recumbency. The inside gate to the Gondola (west (b) (4)) was completely down and clamped across the mid-line of the hog, directly behind the last rib. The head and thorax of the hog were lying on the concrete of the last push pen. The abdomen and hind end were in the gondola. The floor of the gondola was 6 to 8 inches below the surface of the outside pen floor. The hog was vocalizing continuously and struggling to free itself from the gate. (b) (6) euthanized the hog immediately with a single shot of the captive bolt. I condemned the hog and affixed tag umber Z6667480 to the left ear. I also rejected the west (b) (4) with tag B37285481 and the east (b) (4) with tag B37285484. (b) (6) advised me that in his opinion the west (b) (4) had malfunctioned. I advised (b) (6) of the Regulatory Control Action on both (b) (4). I advised him that hogs in the system should be processed and that the barn could continue to unload hogs.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M17D	John Morrell & Co.	WLJ491 505121 ON-1	No	05/10/2013	04C02	313.2	HATS Category V – Disabled Handling At 1430 hours while performing HATS activity in the cripple pens, I came upon the following non-compliance. The establishment employees were moving a hog from the holding area/alley exiting the shower pen to the fatigue pen. Prior to reaching the fatigue pen, the hog went down. This hog was in sternal recumbancy and was panting excessively. The hog was still not yet in the fatigue pen. I yelled to the establishment employee two times “Do not push the hog.” One of the employees proceeded to push the hog across the cement with the gate while still in sternal recumbancy. The establishment employee pushed the hog approximately 6-8 inches and latched the gate. Prior to this as I approached the slow/fatigue pen with another establishment employee, I noted that the gate was open on the north side. The two workers were attempting to move the fatigued hog. I could see one worker using a pom-pom to whip the hog. Although the hog did not object and the action was entirely from the wrist and forearm, I felt it was excessive because of the degree of fatigue exhibited by this hog. I notified (b) (6) of this non-compliance.

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M17D	John Morrell & Co.	WLJ561 804200 7N-1	No	04/07/2014	04C02	313.1, 313.2	<p>At approximately 1705 on 04-07-2014, shortly after entering the livestock barn at M17 D to perform ante-mortem inspection on hogs in the slow pens, I observed the following non-compliances : Several dozen hogs being confined/held/penned on the first truck unloading ramp located at the southeast corner of the livestock barn. No active truck unloading was occurring on the ramp and the gate at the bottom of the truck ramp area. was closed. 1) Several hogs near the top of the ramp were observed getting legs caught in an approximate 5ft x 2 ft x 3 ft portable aluminum barrier which was also present on the ramp. The barrier was laying on its side in the middle of the ramp near the top of the ramp area. 2) No water access for hogs being held on the ramp. (b) (6)</p> <p>(b) (6) was notified and promptly removed the portable aluminum barrier from the top of the ramp area. Several minutes later Plant Manager Frank Kern and (b) (6) arrived to the barn. At this time I informed Plant Manager Frank Kern, (b) (6) and (b) (6) that I would be issuing a written non-compliance report for the above findings. All hogs held on the ramp were subsequently relocated to a holding pen with water a short time later. The findings listed above represent non-compliance under CFR 313.1 and 313.2.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M17D	John Morrell & Co.	WLJ500 004072 9N-1	No	04/28/2015	04C02	313.2	<p>On 04-28-2015 at approximately 2210, the following HATs Category II- Truck Unloading non-compliance was found at Establishment # M17D: While leaving the administration building and proceeding to the hog barn for ante-mortem checks at 2210 on Tuesday 04-28-2015 at Est. M17D, I heard repeated and unusual loud vocalizations coming from hogs being unloaded from one of several nearby hog trailers. I changed direction and headed to the location of the vocalizations. The vocalizations continued and appeared to be coming from a trailer being unloaded at the first truck ramp on the southeast end of the hog barn. As I approached within 10 ft of the driver's side (east side) of the trailer, I could see hogs on the second deck were piled and the driver repeatedly striking hogs along the back and head with a plastic rattle can. I banged on the side of the trailer and shouted to the driver in attempt to get him to stop. The driver continued to drive and hit hogs with the rattle can. (b) (6) quickly appeared, banged several times on the trailer and shouted to the driver to stop. The driver then stopped. I told the driver I had observed him hitting hogs on the head and back with the rattle can and that it was not acceptable. The driver replied "oh" and then resumed to drive hogs from the trailer while hitting the side of the trailer with the rattle can. Under my direction, (b) (6) immediately stopped further hog unloading and contacted (b) (6). I then walked over to the cab of the truck and noted the company name (b) (4) on the driver door and also on the front top name plate of the trailer. At approx. 2215 (b) (6) came over and I informed him of my observations. (b) (6) immediately contacted Plant Manager Frank Kern. Mr. Kern then met us at the southeast end of the barn. I also informed Mr. Kern of my observations and asked that the driver be called over to discuss the matter. When the driver arrived to where we were standing, Mr. Kern asked him if he had unloaded at M17D before. The driver replied that he had. The driver acknowledged he had struck hogs with the rattle can and said he thought it was permissible to use the rattle can to do so if they were balking. I told him it was not acceptable to strike them on the head and backs as I had observed. The driver then stated that he normally aimed for neck,</p>

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EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
							<p>between the shoulder blades. He further stated that he was unaware that he had hit any in the face, and that he would never intend to do so. Barn Manager stated that it was only acceptable to tap them on the rear end with the rattle can. At approximately 2245 I gave permission for company personnel to finish unloading the trailer. No further issues were observed with hogs from the load (tattoo #4931). I subsequently requested to view the plastic rattle can used by the driver. The rattle can used was a 2.5 gallon square plastic container measuring approx. 9 inches wide x 9 inches deep and 8 inches high and contained several BBs. At my further request, a weight of the rattle can was obtained and the weight was found to be approx. .65 lbs. I informed Mr. Kern that I would be issuing a non-compliance based on my findings/observations in regards to the driver's handling of hogs.</p>



**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M3W	Swift Pork Company	GJC212 207370 3N-1	No	07/03/2013	04C02	313.1, 313.2	<p>HATS Task II On 07-03-13 while observing truck unloading half way up the walk way between Unloading ramps 4 and 5, I heard extreme vocalization and excitement. At 1943, I observed the driver in the trailer in alley #4 raising the rattle paddle higher than (above) shoulder height to drive hogs out of the trailer. When I arrived at the entrance of the trailer and ramp, (b) (6) was also observing the same trailer. I informed (b) (6) that striking hogs with the paddle swung from above shoulder height was unacceptable because it was excessively exciting the hogs. He did not agree with what I had witnessed. While continuing to observe this continuous rattle paddle motion, I saw the paddle was landing near the hogs' heads and neck area on numerous hogs. The hogs were extremely excited and vocalizing while becoming confused on which direction they were to go. There were about 25-30 hogs being unloaded from this area of the trailer at this point and the driver was striking the middle and last hogs, in the group, closest to the front of the trailer. The front hogs were not moving toward the ramp for unloading, they were standing still while the hogs behind them were being hit with the rattle paddle. The number of times the cluster of middle and back hogs were being hit repeatedly was excessive to the point of backward movement by the hogs being struck with the rattle paddle. As soon as the paddle landed on one hog, the driver would immediately raise it above his shoulder level and strike down on the hogs in the middle or back of the group of hogs. I pointed out that the movement and height of the rattle paddle was still being used by the driver. I also observed and stated to (b) (6) that the same driver was using the rattle paddle sideways hitting the hogs' legs to get them to move toward the trailer ramp. Again, the hogs that were being struck in the legs with the rattle paddle long edge (rather than the flat side) were vocalizing, backing up and confused on where to move to in the trailer. (b) (6) statement to this action of driving hogs was: "I think he is doing a good job". I explained that the chopping motion of striking hogs' legs with the edge of the paddle was excessive. (The force of the paddle is greater when on edge; the legs are more susceptible to pain, as there is less fat.) I also informed him that striking hogs with the edge of the paddle was not acceptable according to</p>

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EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
							<p>the company's humane handling program. (b) (6) disagreed, stating "That is not in our program". After further review of JBS Standard Operating Procedure; Handling Tool Use; Summary: (b) (4)</p> <p>(b) (6) This is taken from the JBS "A Systematic Approach to Humane Handling and Slaughter." While observing alley 4, I heard a lot of vocalization coming from alley #5. I walked over to observe the unloading in this alley. I observed a gap between the trailer and the ramp. I watched hogs getting their feet caught up in the U shaped gap because the ramp was too high against the trailer. One hog lost its footing and slid down on the front of its leg because its foot was caught in the gap. I motioned for (b) (6) to come over to this alley and I told him about the uneven ramp next to the trailer and that it was causing the hogs' feet to get caught in it and lose footing. At this time, the driver had ceased driving hogs while I explained the Non-Compliance to (b) (6). (b) (6) said that this was no different than something in a trailer and I responded for him to fix the U gap. (b) (6) walked through the gates to lower the ramp 2-4 inches so it was even with the trailer. The driver proceeded to drive the hogs out of the trailer with no incidents of any feet slipping in the area they had previously been getting caught up in. Since the ramp was lowered, the hogs were able to easily walk from the trailer onto the ramp with no incidents because there was no U gap. I thanked (b) (6) for lowering the ramp. (Hogs could have been injured (ex: hoofs torn, legs broken, etc.) by the gap.) I notified (b) (6) and (b) (6) of the pending Non-Compliance report around 2240 hours.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M3W	Swift Pork Company	GJC260 810242 2N-1	No	10/22/2013	04C02	313.2	<p>At approximately 08:00 I was observing truck unloading by unloading ramp #1 half way up the runway. At the time there were two JBS employees loading the south scale. I started to hear hogs vocalize, and turned toward the noise and proceeded to the south scale. When I arrive by the entrance to the office door for the yards. I observed two JBS employees using their rattle paddles trying to get all the hogs onto the scale. I observed 10 to 15 hogs piggy backing on top of one another so they could close the gate to the scale. The hogs remained over crowded and in a plie condition over the limitations of the scale until after the state weigher sounded the bell indicating the hogs were weighed and ready to be moved off the scale. When the bell was sounded, the hogs started increasing the piling intensity and about 30 head were climbing on top of one another. This resulted in a increasing intensity of vocalization and and the hogs to become excited and in a state of discomfort. This state of discomfort and excitement was diminished when the hogs were released from the scale. I proceeded to talk with the two JBS employees about limiting the amount of hogs they put onto the scale. During my discusstion with them I decided to take my observations to their management. I then proceed into the office to get (b) (6) the (b) (4) . As I walked through the Yard office I asked the state weigher how many hogs were on that last draft present to the scale. He indicated 66 head were on that last draft which was observed. This condition of overcrowding created an excessive amount of vocalization and discomfort to these animals. (b) (6) corrective action was to hold the south scale to a limit of 50 hogs per draft.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M3W	Swift Pork Company	GJC542 210303 ON-1	No	10/30/2013	04C02	313.2	<p>On 10-30-2013 around 1824 while observing driving of hogs and good footing, I observed a stressed hog sitting on its rear end in the sitting position in the area directly after the "old" tattoo station. The hog had labored/open-mouth breathing and was grunting loudly. About 30-40 hogs were scattered around this hog in the same area waiting to be driven into holding pen 2C and 2B. I observed the South scale to see if there were any other stressed hogs in this lot. I did not observe any more stressed hogs on the scale. While I was observing the scale, the hog driver was driving the hogs into holding pen 2C (from South to North). When I returned to holding pen 2C, the hog driver was attempting to close the South gate with the stressed hog leaning up against the South gate. The hog driver used some force, with the gate, to complete latching the gate. The stressed hog was then in standing position, with labored/open-mouth breathing and loud, grunting vocalization. I continued watching this particular hog and it proceeded to lie down sitting on the back legs with the front legs outstretched. The labored breathing and grunting continued. I heard more vocalization further up (North) in the holding pen, so I walked up to the middle of holding pen 2C. The hog driver drove the hogs up from the back of the gate and was ¼ way to the front of 2C, when I observed the last hog, which was the stressed hog, being tapped with the rattle paddle a few times to encourage continued movement. The hog was stopped and looked as though it wanted to sit down with labored/open-mouth breathing. I explained to the hog driver about not forcing stressed hogs to walk and/or drive them with the rest of the hogs when they are down (stressed) and have labored breathing. The NonCompliance was failure to move animals with minimum discomfort 9CFR 313.2(a). At this same time, the rest of the hogs (approx. 60-75), were walking up to the 2B holding pen and ½ way up, I noticed the other vocalizing hog was one with a broken or injured left front leg. This hog was trying to keep up with the rest, while bearing NO weight on the left front leg. This hog hobbled a short way and then fell down on its belly with three legs splayed, except the injured leg/shoulder, lying backwards along side the abdomen (due to no control). When this hog was on its belly, other hogs were stumbling over it trying to move to holding</p>

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EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
							<p>pen 2B. There were 4-6 hogs that had stepped on its feet and one stepped on its neck/head area. This hog continued slight vocalization while remaining on its belly. The NonCompliance was failure of 9CFR 313.2(d)(1) to separate a disabled animal. The animal was vocalizing in discomfort and was stepped on when it went down by other animals. I took a regulatory control action, I applied U.S. Retained tag B30694148, and stopped any further movement of animals in this holding pen. I motioned to the yard's office window for (b) (6) (b) (6) I explained the entire situation to (b) (6) and told him that this would be documented as Non-Compliance and he would need to come up with a plan to humanely move these two slow hogs. (b) (6) segregated and moved (by walking with and alongside) the hog with the injured leg/shoulder outside the North gate of holding pen 2B. (b) (6) loaded it in the skid loader. I saw the hog driver ensure the other hogs walked around and did not crowd this one. (b) (6) then ran the rest of the hogs to holding pen 2B and shut the South gate. A skid loader came to pick up this stressed hog and put it in the West slow pen area. Around 1840 hours, U.S. Retained tag B30694148 was removed after both hogs were removed from holding pen 2B and 2C.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M3W	Swift Pork Company	GJC272 112401 8N-1	No	12/18/2013	04C02	313.1, 313.2	<p>HATS Category 8 While performing a HATS task Category 8 (Stunning), on December 18, 2013 at 1746 hours, I entered the stick area from the area of the chemical storage area and noticed that there were numerous empty shackles on the bleed chain. When I arrived at the south (b) (4) CO2 area I observed (b) (6) using the rattle paddle on an animal that had its leg/foot stuck in a void, which appeared to be the south east track for the upraised basket gate. The animal attempted to move when prodded with the paddle but could not free its leg/foot. When the animal moved, I observed a cut and some blood in the area of the leg at the joint of the foot, at the point of entrapment. (b) (6) was about to prod the animal with the paddle again when I told him to stop, and explained that any further attempts would result in a suspension for egregious humane handling. (b) (6) then used the captive bolt gun to render the animal insensible. After the animal was knocked, it began to convulse and the foot/leg freed itself. The animal was then pushed into the basket and normal function of the (b) (4) resumed. (b) (6) stated that this does happen, although infrequently, and prodding usually will free the animal. He also stated that he was told there was nothing that could be done to fix the void. It is unknown at the writing of this non compliance if there was any previous documentation by the Establishment of previous similar occurrences. When (b) (6) and Plant Manager Tom Hanson arrived in the area, I explained what I had observed and that the incident would be documented as a non compliance. There were no verbal corrective actions given by the Establishment. On December 18, 2012, a noncompliance was documented for an animal having its toes caught by a basket of the same south (b) (4) (NR GJC5102121818N). This NR was appealed by the Establishment and was denied by the USDA Inspector, it is not known if the Establishment sought additional appeals; NR remains under appeal in PHIS.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M3W	Swift Pork Company	GJC332 301140 6N-1	No	01/06/2014	04C02	313.2	<p>HATS Task III: On January 6, 2014, at 2253hours, I was in the area of the Canadian slow hogs pen and noticed that the water line with the nipple waters was inaccessible to the approximately 12 hogs retained in the pen. The water line to which the nipples are attached had been moved from its original position and had swung towards the north and was approximately 4 ½ feet above the floor. I observed the tubular metal bumper that protects the waters and which is normally bolted to the floor and wall, hanging on the pen wall panel. I also observed the guard that holds the nipples and water line in place lying in the corner of the slow pen. There was no temporary container or trough in the pen that could hold water. This is a non compliance of 9 CFR 313.2(e). I informed (b) (6) of the non compliance. (b) (6) immediately went to the area of the Canadian slows pen and observed the water line in the inaccessible position. Maintenance was notified and at 2305 hours, the water line was moved to its original position and the nipple guard/retainer was secured to the wall, allowing the hogs access to the water.</p>
M3W	Swift Pork Company	GJC280 601050 7N-1	No	01/07/2014	04C02	313.15	<p>At approximately 0525 hours, on January 7, 2014, while performing ante-mortem inspection in the slow and disabled hog pen, I observed 38 slow hogs. I condemned one of the hogs for signs of septicemia upon ante-mortem inspection. I then observed (b) (6) (b) (6) appropriately position the captive bolt device on the condemned animal. At the time of the device application, I observed, the hog move back away from the captive bolt as it was being applied. This resulted in an incomplete stun. The hog vocalized and remained fully conscious, with normal eye movements, normal respiration, and sat in sternal recumbancy. (b) (6) immediately took corrective actions, re-loaded the captive bolt device, and re-applied it to the hog. This second application of the captive bolt rendered the animal immediately unconscious. The inability of the first application of the captive bolt device to produce immediate unconsciousness is in noncompliance with 9CFR 313.15 (a) (1).</p>

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EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M3W	Swift Pork Company	GJC440 005550 8N-1	No	05/07/2014	04C02	313.2	<p>HATS Task: Electric prodding/Alternative object use. At approximately 2030 of 05/07/2014, as I was walking in the large east-west alley, I observed an employee driving hogs from 7B up toward the old pens 1A and 2A. I observed that the employee was walking behind a very large group of pigs (approximately 90 to 100) and as he hit on the backs of pigs at the back of the group, some pigs were turning back. Other pigs had no where to walk ahead after the employee struck the rear most hogs, hogs jumped on other hogs ahead of them, with the pigs vocalizing in the stressful situation. . I tried to get the employee's attention to stop his behavior, but he continued hitting on the rear most hogs, which had no where to move. Again, hogs jumped on the backs of other hogs in excitement. (b) (6) approached me, as there were a pens which required antemortem inspection. I told (b) (6) of my observation and asked what he was going to do to correct the situation. He said he would talk to the employee. When I stopped antemortem inspection at the north end of 1B, it appeared there were at least two stressed pigs in the holding pen 1A, which required special handling. Regulation 313.2 (b) requires implements used to drive animals be used as little as possible in order to minimize excitement and injury. Use of the rattle paddle to hit the hogs in the back of a large group, in an attempt to get the group to move faster, when the group is so tightly clustered that the animals can only jump on top of other animals, is excessive.</p>



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EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M3W	Swift Pork Company	GJC511 806131 3N-1	No	06/12/2014	04C02	313.2	<p>HATS Category VI Electric Prod/Alternative Object Use In the early morning hours of June 13, 2014, while doing odd hour inspection after the end of slaughter production I observed the following non-compliance: At 12:05 am, I was north and east of the number two scale. I was observing handling of the hogs coming off the number one scale. I observed a (b) (6) driving hogs from the scale into the area east of the scale. After all the hogs had exited the scale and started moving towards the pen area, even though the hogs were moving at a walking pace and approaching a narrowing of the pen at the unused tattoo area, the employee forcefully slammed the scale gate shut. He then raised both of his arms above his head and started waving and hollering loudly to force the hogs to move faster. The employee had a rattle paddle in one of his hands; with his arms above his head, I observed a downward motion with the paddle, striking several hogs. The hogs began to vocalize, pile and bunch in the area of the unused tattoo area after the number one scale, the employee then turned and returned to the scale area. I immediately went to the scale area, took a verbal regulatory control action and informed the employees in the area that they were to stop running hogs on the scale. I went into the yards office, informed the state scale official that no more hogs were to be weighed until I released control of the scale. I then informed (b) (6), who was in the yards office, of my observations. I explained to (b) (6) that the employee was forcing the hogs to move faster than a normal walking speed, was also causing excessive excitement and using the paddle unnecessarily. These actions are a non-compliance of 9 CFR 312.2(a)(b) for humane handling (b) (6) immediately removed the employee from the area and brought him into the office. The verbal immediate actions that were given to me by (b) (6) was that the employee would be counseled, rattle paddle would be taken away and (b) (6) would speak to (b) (6) about retraining. At 12:10 am, I accepted these immediate corrective actions and released the verbal regulatory control action of the scale. (b) (6) was also notified of the impending NR.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M3W	Swift Pork Company	GJC300 208320 7N-1	No	08/06/2014	04C02	313.2, 313.5	<p>On August 6, 2014 around 2150 hours, I was walking along the bleed chain coming out of the boiling room entrance. I walked toward the CO2 area and right around the shields from the sticking area, I heard consistent, extremely loud, constant vocalization from a hog. I proceeded to the CO2 machines from the sticking area, guided by the consistent, extremely loud, constant vocalization. I looked in the first CO2 basket of the shorter run (#1), following the consistent vocalization I was hearing. The sounds were not coming from the #1 CO2 chamber run, so I proceeded on the catwalk to observe the long run (CO2 #2). When I arrived at the end of the catwalk (overlooking #2 run), I observed that both the EE's stopped driving hogs with the automatic gates and pointed to a hog consistently vocalizing with open mouth, labored breathing. There were about seven to eight other hogs in the same area of the run, in between the gate in reference and the next gate going forward to the CO2 chamber. The automatic gate in reference to this observation is the third gate upon driving the hogs up to the CO2 chamber. (b) (6) arrived and motioned for the employee (gold helmet) operating the gate to run the gate forward. The hog was standing sideways against the gate, with body shaking and had previously been on the front knuckles and was at this time in the standing position. The operator turned the gate on and then off (few seconds), the hog did not take a step and went down on the front knuckles. (b) (6) again motioned for the gate operator to start the gate, when at this time the hog was on his front knuckles being pushed by the gate. The gold helmet employee started and stopped the gate quickly. At this point, the hog was lying down with all four legs under it. (b) (6) once more, motioned with his hand for the operator to turn the automatic gate on, and I informed (b) (6) immediately that he could not continue pushing this hog with the gate. In all of the events described above, the hog never stopped loudly vocalizing. The employee did not start the gate on the third motion from (b) (6) motioned to the other gate operator, closest to the CO2 chamber, and the employee retrieved and gave the bullet-proof vest and captive bolt cylinder to (b) (6) shot the hog, chained the front leg and pulled the hog over to the chute in the</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
							middle of both of the runs to drop it on the stunned conveyor table. Upon review of JBS "A Systematic Approach to Humane Handling and Slaughter" in the SOP, the section explains the procedure to be followed for "Handling and Segregation of Non-Ambulatory Hog", Part D, I determined the incident was not compliant with the establishment's SOP, as the stated procedure was not followed. The Regulatory Requirements in 9CFR 313.2 and 313.5 have not been met.

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M3W	Swift Pork Company	GJC110 108360 8N-1	No	08/07/2014	04C02	313.2	<p>On August 7, 2014 around 2240 hours, I observed the unloading of a trailer of hogs in unloading chute #1. I noticed the (b) (6), was in the trailer helping unload the hogs. There was a lot of vocalization from this trailer and that was why I chose this trailer to observe unloading. The driver had proceeded to start unloading the hogs in the front belly of the trailer and I stepped outside unloading chute #1 to observe the front of the trailer (closest to the tractor). The driver was using a plastic rattle paddle to unload the hogs. While the driver was in the belly of the trailer, (b) (6) was in the middle of the trailer, where the hogs below would have to climb the ramp to proceed to chute #1 unloading dock. The hogs in the belly of the trailer were confused and continued vocalizing, so I got a better view from the holes in the side of the trailer by getting closer in addition to the trailer being lighted. I observed the driver hit a hog in the head and face area while the hog was trying to go up the ramp to the middle of the trailer. I stepped closer to be sure of my observations and the driver moved to the very front of the trailer. As six to eight hogs were in progress of moving up the ramp to the middle of the trailer, I observed the driver hit one hog twice in the head and face area and then another five or six times in the head and face area of the hog beside the first one. All of the hogs in the front of the trailer were excited and confused on which way to proceed. This treatment was excessive use of the rattle paddle and excessive excitement of the hogs.</p> <p>I said in a loud voice, to the driver, to stop hitting the hogs in the face and head area. The driver put up his arms and the rattle paddle and said "OK". For the remainder of the unloading, the driver did not hit any hogs in the head or face area. Around 2345 hours, I went down to the yard to speak with (b) (6) and (b) (6). I explained the excessive use of the rattle paddle in the head and face area and the confusion of the hogs. During this conversation I was informed the trailer company was (b) (4) and the hogs were from (b) (4). (b) (6) explained that the appropriate paperwork for this driver and hogs could be obtained from Form #002. Later, I explained to (b) (6) this would be documented on a Noncompliance report. The</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
							Regulatory requirements of 9CFR 313.2 have not been met.
M3W	Swift Pork Company	GJC182 203092 5N-1	No	03/25/2015	04C02	313.2	<p>HATS Category VI – Electric Prod/Alternative Object Use 9CFR313.2. At 18:16 hours on March 25, 2015, while performing HATS activities in the hog barn, I observed the following non-compliance; A yard employee wearing a gold hat (which identifies the employee as being a new hire) was driving hogs from pen 11A to the CO2 holding area. This pen is the largest in the barn and the employee was trying to drive the last 20 – 30 hogs out of the pen. Two hogs were moving south in the pen and suddenly reversed their travel to the north, the employee attempted to change the hogs’ direction of travel with his rattle paddle. The employee used the paddle in an excessive manner on the running hogs, striking both hogs in the forehead and nose with the flat side of the paddle. The hogs then continued to move to the north. The hogs did not vocalize when struck nor was any blood observed from the nose or head of either animal. I immediately instructed the employee that he was not to use the paddle to strike the face and head. (b) (6) was notified and informed of my observations. He stated that he would inform (b) (6) I notified (b) (6) of the impending NR. (b) (6) stated that there had been a discussion with the employee but did not state what further actions would be taken.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M3W	Swift Pork Company	GJC402 104591 1N-1	No	04/11/2015	04C02	313.2	<p>HATS Category II – Truck Unloading 9 CFR 313.2 At 18:07 hours on April 11, 2015, while monitoring truck unloading in the livestock barns, I observed the following non-compliance; While standing on the south side of a trailer, with an unobstructed view of the lower deck of the trailer, I observed a truck driver unloading hogs at chute one. The truck driver was driving a group of hogs from the middle lower deck of the trailer, in an easterly direction, up the ramp of the trailer into the barns. The majority of the group was either off the truck or going up the ramp when a hog turned and headed westerly in the trailer. The truck driver struck the hog aggressively on the nose and forehead. The hog let out a squeal and turned slightly to the south. The driver again struck the hog on the nose and forehead; the hog turned towards the ramp and exited the trailer. No visible injuries or blood were observed on the hog. I immediately summoned (b) (6) to the area. Before (b) (6) arrived, the Establishment employee that was tattooing hogs, stopped the driver from unloading any more hogs. I informed (b) (6) of my observations. After (b) (6) spoke to the driver, the driver exited the trailer. (b) (6) then entered the trailer and finished the unloading of the hogs. Information on the truck stated: (b) (4)</p> <p>Plant Manager Tom Hanson was notified of the impending NR.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M3W	Swift Pork Company	GJC072 304021 5N-1	No	04/15/2015	04C02	313.1	<p>Category V - Suspect and Disabled (9 CFR 313.1) At 1040 hours, on April 15, 2015, I was observing the stunning of hogs in the slow/non-ambulatory pen. I observed the green cattle gating, (that is used to separate the slow area from the dead pen) had damage to one end. It appeared that the gate had been hit numerous times from both sides with a skid steer. As I continued to investigate the damage of the gate, I observed three of the cross bars had broken, leaving jagged, razor sharp edges. This gate runs west to east. It is positioned to the east of the swinging panel that the skid steers use when entering and exiting the slow/ non-ambulatory pen area. The gate frame and cross pieces are made of round hollow steel tubing, approximately two inches in diameter. The lowest cross bar that was broken is approximately six inches off the floor, the second is approximately sixteen inches from the floor and the third, approximately twenty eight inches from the floor. There were four ambulatory hogs in the area of the gate. Several other hogs were in the open slow pens, where hogs are not confined but able to move about the area at will. These jagged, razor sharp edges of the gates were at a height that could injure, or cause pain to a hog, which is a non-compliance of 9 CFR 313.1(a). No hogs were observed to have injuries that resulted from the non-compliance. I informed (b) (6) of my observations. (b) (6) observed the damaged gate and notified maintenance of the need for repair. Maintenance workers removed the gate for repair. Until repairs were completed and the gate was replaced, (b) (6) stated that an employee would monitor the area to ensure that no slow hogs left the area. Plant Manager Tom Hanson was notified the non-compliance for the gate in disrepair with sharp edges would be documented on an NR.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M3W	Swift Pork Company	GJC240 204391 8N-1	No	04/17/2015	04C02	313.2	<p>HATS Category VI Electric prod/alternative object use Approximately 1908 when I arrived in the yards near the north end of pen 5A, I observed a yards employee with a red hat. The employee was attempting to drive a large number of hogs into a CO2 holding pen. The number of hogs which the employee had confined to the alley between pens 1 and 6 appeared to be more than twice the number that could be put into the open holding pen.</p> <p>The employee was hitting hogs on the back with a rattle paddle in an effort to get them to move. The hogs being struck had no where to go, because there was such a large group of hogs being closely confined in a small space. As hogs were struck, hogs would jump onto the backs of other hogs immediately in front of it, because there was no place else to go. I told the employee that he should not try to move the large group by hitting hogs toward the back of the group. The hogs which were being hit could not walk forward as there were hogs in front of and beside them. I observed as the employee walked behind hogs toward pens 3 and 2, trying to move hogs into the only open holding pen, 1A. As the employee moved ahead, moving hogs into pen 1A, there was such an excess of hogs, approximately half of the confined hogs turned back toward pens 5 and 6. The group had been confined by a gate across the alley separating pens 6 and 7. As many hogs turned back, hogs piled against the gate and were vocalizing loudly and stressed. Hogs were on top of other hogs in the pile, and some sticking their snouts out from under the pile and vocalizing in distress. Numerous hogs in the pile appeared to be struggling to get out from under the pile. I opened the gate at 6/7 so hogs had room to move out, and calm down. At that time I saw the (b) (6) (b) (6) approaching the area. I told (b) (6) the employee was trying to move too large a group of hogs, and striking those hogs toward the back of the large confined group, trying to move hogs forward. The supervisor said he would talk to the employee and have (b) (6) talk to the employee. (b) (6) also said he told the employee to take smaller groups of hogs and to call on the radio if he needed help. The hitting of hogs such that they climbed on the backs of other hogs, and piling of hogs could have been avoided. Animals should be moved with a minimum of excitement and</p>



**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
							discomfort. Establishment management was notified of the impending NR.

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M3W	Swift Pork Company	GJC532 105072 8N-1	No	05/28/2015	04C02	313.2	<p>HATS CATEGORY II- Truck unloading At 1811 hours on May 28, 2015 while verifying truck unloading in the livestock barns, I observed the following non-compliance: While standing on the south side of a trailer, I observed a truck driver unloading hogs at chute one. The driver was unloading the rear upper deck of the trailer, I heard the sound of hogs' feet scrambling on the trailer floor and heard unusually loud vocalization. I observed the driver in the middle of the trailer with a rattle paddle moving the hogs towards the east towards the back of the trailer and the trailer ramp. Hogs began to pile on top of one another. Suddenly there was loud commotion on the ramp and hogs started to go down the ramp and exited the trailer. The majority of the hogs from this section of the trailer had already exited, when one hog turned west and headed towards the front of the trailer. The driver immediately moved quickly towards this hog and was using the rattle paddle to turn the hog. The hog turned, was facing south, and in my line of vision. The driver forcefully struck the hog on the side of the head and snout, with the flat side of the paddle, to force the animal to move. The hog then turned west, towards the front of the trailer, was parallel to the south side of the trailer, and still in my line of vision when I observed the truck driver strike the animal again, with the flat side of the paddle in the snout area. The hog turned and moved out of my sight. I then observed the driver use the paddle in a jabbing or spearing motion and began to aggressively poke, with the tip of the paddle, towards the area of the remaining hogs. I was not able to see if the paddle came into contact with any of the remaining hogs on the trailer. While the driver was using the paddle in a jabbing/spearing motion, there was loud vocalization and sounds of scrambling feet. I observed no injuries or blood in the head area of any of the remaining hogs. I got the driver's attention and told him to stop unloading hogs. I went into the barn and informed the individual tattooing hogs to stop. (b) (6) was two alleys over; I got his attention and he came to the area of the first alley. I informed (b) (6) of my observations. He immediately told the truck driver to go to the yards office. (b) (6) stated that he would discuss what had happened with the driver and that the Establishment would finish unloading the</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
							<p>trailer. I accepted this immediate corrective action and allowed the remaining hogs to be unloaded. (b) (6) was notified that the non-compliance would be documented. This non-compliance will be linked to previous NR's. Improper tool use has previously been discussed with the Establishment at the weekly meeting. Prior NR's, dated 3-25-15, 4-11-15 and 4-17-15 were written for improper tool use. Written response from Establishment on the prior NR's state: all yards employees have been retrained in proper tool use. Discussion and retraining of an individual truck driver. A copy of handling tool use reminder sheet was handed out to all truckers as they entered the plant. Establishment's corrective actions have not been effective in preventing the recurrence of non-compliance of 9 CFR 313.2. Continued failure to meet regulatory requirements can lead to enforcement actions as described in 9 CFR 500.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M3W	Swift Pork Company	GJC210 307260 7N-1	No	07/06/2015	04C02	313.2	<p>HATS Task II: Truck unloading. In the hog truck unloading area, approximately 0130, I heard excessive, loud vocalization of hogs, the noise of rattle paddle hitting, and a trucker yelling. I went to find the truck being unloaded at ramp number 1. The trucker was with hogs in the belly of the truck, repeatedly hitting randomly at the hogs, with hogs vocalizing after being struck, and running about in confusion. The trucker continued hitting unnecessarily on hogs, as hogs moved around two dead hogs lying toward the south wall of the trailer in close proximity to the bottom of the upward ramp. As some hogs were trying to move up the ramp and the trucker hit hogs at the back of the group, which had nowhere to go as other hogs were ahead of them, trying climb up the ramp.</p> <p>Hogs being struck in the back of the group jumped placing their front feet on the hogs in front. I told the trucker as loudly as I could shout, to stop hitting the hogs, but he did not seem to hear me. I went inside the barn and motioned for a supervisor to come over. I showed the supervisor the trucker had dead in the trailer which hogs needed to move around. After the deads were removed, I saw a second individual in the belly of the trailer with hogs. Both individuals began repeatedly hitting (with rattle paddle) hogs at random, again with hogs vocalizing excessively and running about in confusion. Hogs continued to vocalize loudly as they were struck even as they were moving toward and onto the ramp. (The ramp appeared only wide enough to accommodate a single file of hogs.) I told the supervisor the individuals needed to quit hitting the hogs and give them a chance to move up the ramp. After the supervisor told the truckers to give the hogs a chance to move, the hogs calmed, stopped the provoked vocalizing, and were allowed to quietly move up the ramp and off the truck. I notified the supervisor that the noncompliance of excess excitement and trying to force animals to move at faster than normal pace would be documented.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M3W	Swift Pork Company	GJC131 208511 5N-1	No	08/15/2015	04C02	313.2	At 10:15 am while conducting an odd hours inspection in the yards, I observed hogs in pens 1A and 2A without access to water. These pens have water nipples, but each pen has an internal gate which was swung in front of the nipples making them inaccessible. (b) (6) was immediately notified of the non compliance. Between 10:15 and 10:35, he opened the rear of the pens, drove some of the hogs from 1A and 2A into 1B, and swung the gates back around in 1A and 2A exposing the water nipples. Several hogs were seen drinking water within a few minutes of this action.
M1620	Quality Pork Processors	QMO24 060835 30N-1	Yes	08/29/2013	04C02	313.2	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 remaining in the single file chute would back up, pile up, and be forced to move ahead at a run once again. (b) (6) was also in the area and he also witnessed this. The humane handling supervisor was informed 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 no faster then 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."

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M1620	Quality Pork Processors	QMO26 090932 09N-1	Yes	09/09/2013	04C02	313.1, 313.2	<p>HATS Category II and VII At 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 VP Mel Gilbertson 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) [REDACTED] was informed of the release of this area.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M1620	Quality Pork Processors	QMO25 111111 26N-1	Yes	11/26/201 3	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 (b) (6), and (b) (6) of what had occurred. After the pen had been hosed out with a high pressure water hose I released it for use.
M1620	Quality Pork Processors	QMO36 220140 30N-1	Yes	01/30/201 4	04C02	313.1	HATS category IV ( 9 CFR 313.1 ) Thursday January 30, 2014. At approximately 9:50 pm while verifying humane handling of hogs on the east side of the magazine area in the livestock barn, I, (b) (6), observed a sharp, protruding piece of metal on the framework of the lift-gate to the east circle pen. The hogs were being moved from the shower pen, through the small alley way and through the lift- gate which leads into the circle pen. This piece of metal protruded outward approximately 1/2", was approximately 1/2" wide and was at a height of approximately 2 ½ feet from the floor. I immediately told (b) (6) of the noncompliance. Production was stopped on the east side until frame was repaired.

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M1620	Quality Pork Processors	QMO19 140443 01N-1	Yes	04/01/2014	04C02	313.1	<p>HATS Category IV Ante-Mortem Inspection: At 1245 hours while examining hogs in pen #312 I (b) (6) 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 it's 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.</p>



**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244	Tyson Fresh Meats, inc.	HKG29 231134 18N-1	No	11/18/2013	04C02	313.2	<p>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 (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. (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.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244	Tyson Fresh Meats, inc.	HKG14 200107 23N-1	No	01/23/2014	04C02	313.2	<p>While conducting handling during ante mortem inspection task and the electric prodding/alternative object use task at approximately 1820 to 1830 on 01/23/2014 at Tyson Fresh Meats Inc. in Storm Lake, Iowa I observed a Tyson Fresh Meats employee chasing live hogs utilizing excessive techniques during her process and forcing the hogs to move with discomfort and faster than normal walking speed down the center drive alley ramp into the east/west alley that leads up to the doors know as the hole. At one point I observed approximately three to four hogs pile up on top of other hogs in the crowded east/west drive alley because there was no place else for the hogs to go but to climb up on top of other hogs as they were still being vigorously force driven with the employees excessive techniques of moving the hogs. The techniques utilized by the Tyson employee was as such; very loud continuous yelling, continuous hitting of the hogs closest to her with a large plastic baseball bat containing an unspecified number of ammunition grade copper coated steel ball bearings (BB's) the total weight of the baseball bat with the BB's is unknown as the total weight varies because some employees add more BB's than other employees. I notified (b) (6) who lines up the hogs for the kill and was located up on top by pen #13 by signaling to him and pointing to the employee moving the hogs excessively in the previously described manner and at times raising her hand holding the driving device above head level. At approximately 1840 I notified (b) (6) of my observations and concerns for the well being of the animals and asked him to verify video footage of the method being used by the employee identified. Regulatory control action taken: I used direct regulatory control action by signaling (b) (6) to make an attempt at backing off the employee aggressively driving the hogs and he was unsuccessful in doing so. From my physical location in the same east west drive alley I was blocked by hogs and I was unable to get to the location of the noncompliance or signal to the employee to back off as well; the hogs that had piled up on top of the other hogs eventually un-pilled as they were being forced into the hole. There was no USDA reject tag used with the noncompliance and the employee aggressively driving the hogs was</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
							<p>directly removed and replaced. There was no down time associated with the noncompliance. The following are the corrective actions taken by the establishment: The verbal report I received from (b) (6) is that the employee that was aggressively driving the hogs was directly replaced by another plant employee. All employees were instructed on proper and acceptable humane handling techniques and the employee that was aggressively driving the hogs was retrained and counseled. The following are the preventative measures taken by the establishment: Animal Well Being (AWB) audits have been increased from category A which is (b) (4) to category B which is (b) (4) or (b) (4).</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244	Tyson Fresh Meats, inc.	HKG50 180101 28N-1	No	01/28/2014	04C02	313.2	<p>At approximately 1823 hours on 1-28-2014 after checking the non-ambulatory/slow pigs near the scale and round tub, I observed a live non-ambulatory hog in the round tub right before the double irons. The round tub operator yelled to another employee to open the gate to the round tub to remove the down non-ambulatory hog, and then the Tyson Fresh Meats employee (est#244 Storm Lake, Iowa) used the hydraulic control to operate the hydraulic gate and push the downer hog across the cement floor approximately 5-6 feet to where the opening in the round tub is located. After removal from the round tub, the nonambulatory down hog was observed to be limping afterwards in its hind leg and immediately laid down outside the round tub. At this point I immediately went to the end of the double irons where the stunners are located and signaled them to stop any further stunning and notified (b) (6) who was shackling the stunned hogs to contact (b) (6). I then informed (b) (6) and (b) (6) of the improper handling of the down non-ambulatory hog. I requested immediate preventative and corrective actions for the animal handling non-compliance in writing before releasing the stunning chute area for continued production. Tyson plant management ensured all yards employees were retrained on humane handling and the plant management submitted written corrective and preventative measures before releasing the round tub stunning area. At approximately 1918 production was allowed to resume. (b) (6) acknowledged all yards employees were re-trained on animal handling procedures. 9CFR 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.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244	Tyson Fresh Meats, inc.	HKG09 180543 19N-1	No	05/19/2015	04C02	313.2	<p>At approximately 1605 May19th 2015 at Tyson Fresh Meats, Inc. the following inhumane handling of a non-ambulatory live hog was observed: a newer Tyson employee (b) (6) (est#244 Storm Lake, Iowa) was observed closing the grapple fork of the skid loader onto the snout and mouth of a live non-ambulatory hog (weighing approximately 300 pounds). The live hog squealed with pain and discomfort due to having its head hydraulically squeezed between the skid loader bucket and the grapple fork. Another Tyson employee (b) (6) signaled the Tyson's skid-loader operator of the problem. I immediately applied regulatory control to the skid-loader and informed the (b) (6) that the skid-loader with grapple fork was rejected for use with the live animals. I placed U.S.D.A. reject tag B41148573 on the skid-loader with grapple fork. A U.S.D.A. reject tag B41148574 on the stunning chute as the cause of the inhumane handling was caused by a Tyson employee improperly operating equipment causing pain and discomfort to the non-ambulatory market hog by squeezing its head between the grapple fork and skid-loader bucket. After a verbal and written response from Tyson (b) (6) was received; the stunning chute was released for use with operations allowed to resume. The skid loader with hydraulic grapple fork was released for handling dead hogs.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244L	Tyson Fresh Meats, Inc.	TWH26 170316 25N-1	No	03/25/2013	04C02	313.30	<p>While performing HAT category VIII, stunning effectiveness, on 3/25/13 at approximately 1641, I observed the following non compliance. I observed a hog exit the restrainer on its side onto the shackle table. I did not see the hog stunned. The hog was vocalizing loudly and conscious. The hog slid off the table using the slide at the end of the shackle table. I did not see any injury to the hog. The company employee immediately restunned the hog using a different set of prods inducing a state of surgical anesthesia. I immediately halted production. I talked with (b) (6) about what I had observed. I applied US Reject tag B26373641 to the circle pit until corrective actions could be implemented. The hogs that had been stuck were allowed to continue the slaughter process into the kill floor. Plant Manager Mike Grothe gave the following corrective actions. (b) (6), went through the stunning system and found no problems. (b) (6) would monitor the system until the end of production. Stunning resumed at approximately 1700. I monitored the stunning process for additional 15 minutes with no problems observed. The company maintains a robust humane handling system with adequate records to document activities. Mike Grothe was notified a non compliance would be issued.</p>
M244P	Tyson Fresh Meats, Inc	FJJ5213 033906 N-1	No	03/06/2013	04C02	313.15	<p>On March 6, 2013 at Tyson Fresh Meats in Perry, Iowa while performing humane handling at 1315 I observed a company employee attempt to knock a hog in the subject pen. I observed the employee using the captive bolt on a hog. I heard the captive bolt go off as he was trying to hold it against the hogs head. The hog went down and then got back up and started walk away. (b) (6) stepped in the pen and was able to get the hog knocked and rendered unconscious. I then informed (b) (6) that he would be receiving an NR. Regulation 313.15(a)3 states that immediately after the stunning blow is delivered the animal shall be in a state of complete unconsciousness and remain in this condition throughout shackling, sticking and bleeding.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244P	Tyson Fresh Meats, Inc	FJJ1406 093827 N-1	No	09/27/2013	04C02	313.2	On 09/27/13 at approximately 0530 at Tyson Fresh Meats in Perry, IA while performing my odd hour inspection I observed a pen of hogs awaiting slaughter that did not have access to water. Pen 19A is a small pen that has two nipple valves to supply water to the hogs in that pen. There were 14 hogs present in the pen at the time the noncompliance was observed. Neither nipple valve was working in the pen so the hogs were unable to drink. I notified the company of the situation and they took care of the problem by getting the valves working again. I notified (b) (6) that the company would be receiving an NR for the violation.
M244P	Tyson Fresh Meats, Inc	FJJ0214 072711 N-1	No	07/11/2014	04C02	313.15	At 1:15 pm on 11th July, 2014, while conducting antemortem inspection and humane handling verification at Est. 244P, Tyson Fresh Meats, Perry, I observed the following noncompliance: A yard employee attempted to stun a down hog in the pen via penetrating captive bolt. The stun initially appeared correct, and he began to walk away. However, the hog then showed signs of continued consciousness (focused eyes, blink, righting reflex). (b) (6) noticed the signs, and yelled for the employee to return with the stunner. He then supervised the correct re-stunning of the hog. (b) (6) informed me of his intention to immediately retrain the employee on correct placement of the stunning blow. I informed him that an NR would be written.

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244P	Tyson Fresh Meats, Inc	FJJ4914 085915 N-1	No	08/15/2014	04C02	313.1, 313.2	<p>At 1340 on 15 August, 2014, while conducting antemortem inspection and verifying humane handling (HAT category 4) at Est. 244P, Tyson Fresh Meats, Perry, IA, I observed the following noncompliance: In the drive alley on the north side of the yards, leading to the staging alleys, I noted three dead (captive-bolt stunned) hogs laying in the alley. One had been marked as "dead" using a paint stick. All were in rigor, indicating that some time had passed since being shot. (b) (6)</p> <p>(b) (6) was accompanying me on the antemortem round; he also noted the dead hogs. A pen puller was attempting to bring up a small group of hogs into the staging area; several of these hogs tripped over the dead hogs. None of that group fell or were injured. (b) (6) signaled a yard employee to bring the (b) (4) and, on arrival, instructed the employee to transport the stunned hogs to the collection point for "yard dead" hogs. I proceeded into the staging area, and discovered additional dead, captive-bolt stunned hogs in both sides of the staging alley. In total, over one dozen stunned, dead hogs were present in the drive and staging alleys. All were in rigor; some had turned purple in the nose, ears, and face. I spoke to (b) (6), running the stunning area, and informed him that the situation was unacceptable. Dead hogs lying in the alley present a risk of injury (tripping hazard) to live hogs being moved through the area; this tripping hazard also threatens the safety of establishment personnel working in the area. (b) (6) was informed that an NR would be written. I remained in the area to ensure all stunned, dead hogs were removed to the dead collection point before releasing the alleys for resumption of normal operations.</p>



**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244P	Tyson Fresh Meats, Inc	FJJ5314 083718 N-1	No	08/18/2014	04C02	313.2	<p>At 1330 hours on 18th August, 2014, while verifying humane handling of disabled animals (HAT Category 5) at Est. 244P, Tyson Fresh Meats, Perry, IA, I observed the following noncompliance: Three yard employees (two on foot, one driving the (b) (4) vehicle) were attempting to remove a disabled hog from the loading dock. The hog was resisting the employees attempts to load it into the bucket of the (b) (4), struggling against them and vocalizing. The driver of the (b) (4) advanced the bucket slightly forward, with a small gap between the edge of the bucket and the floor. The toe of the hog's left hind leg slipped into this gap and, unnoticed by the employees, became trapped. As the employees pushed the hog into the bucket, the horny hoof of the outer left hind toe was pulled loose and detached from the underlying bone and tissue of the toe. The hog was taken to the disabled/suspect pen. I entered the loading dock and verified what had occurred by finding the detached hoof. I showed the hoof to (b) (6) and described what I had witnessed. Shortly thereafter, I examined the hog in the suspect pen, confirmed the injury, and, as the hog appeared otherwise normal, passed it to be captive-bolt stunned and transported to slaughter. I remained in the area to verify correct stunning of the hog (performed by (b) (6)). I informed him that an NR would be written. At approximately 1450 hours, plant management verbally informed myself and (b) (6) that as an immediate measure they had initiated retraining of all relevant personnel on proper technique for loading disabled animals.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244P	Tyson Fresh Meats, Inc	FJJ4407 081414 N-1	No	08/14/2015	04C02	313.1	<p>At 7:03 am while doing antemortem inspection at Establishment M244P, Tyson Fresh Meats Perry, I witnessed a hog's head stuck in a rectangular shaped gap between pen 29N and the adjacent empty pen. The hog was vocalizing while trying to escape. (b) (6) first attempted to free the hog with his hands but was unsuccessful. He then immediately retrieved a captive bolt gun and euthanized the hog. The stun was performed correctly. He offered as an immediate solution to find material to block the gap and then yard personnel would keep the pen empty until a permanent fixture could be applied by maintenance. According to regulation 313.1, pens must not have unnecessary openings where the head, feet or legs may be injured. (b) (6) was informed that an NR would be issued. At 8:10 am I returned to the pen in question, saw that a temporary secured barricade was put in place. Hogs remained in the pen.</p>
M244P	Tyson Fresh Meats, Inc	FJJ0211 091225 N-1	No	09/25/2015	04C02	313.15(a)(1)	<p>At 1006 on 25 September, 2015, at Est. 244P, Tyson Fresh Meats, Perry, IA, while conducting antemortem inspection and humane handling verification, I observed the following noncompliance under the category of stunning effectiveness: A yard employee was attempting to captive-bolt stun a "slow" hog in Pen 33. A second employee was standing by with the (b) (4) vehicle to remove the hog after stunning; he maneuvered the bucket of the vehicle to confine the hog to a smaller area. The hog was sitting up and moving its head frequently. The first employee attempted to stun the hog; the hog moved its head during the attempt and the stun was unsuccessful, with the hog vocalizing but remaining fully conscious. (b) (6) was accompanying me on the antemortem round; he also observed the missed stun. (b) (6) promptly removed the backup captive bolt stunner from its carrying case (placed close by near the entrance to the pen), and performed a second, successful stun on the hog. I informed (b) (6) that a NR would be written.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244m	Tyson Fresh Meats, Inc	PGC531 507070 9N-1	No	07/09/2013	04C02	313.2	<p>I, (b) (6), was performing ante mortem duties and HATS activities in the barn at approximately 1320 on 07/09/2013. I noted that the employee counting and moving hogs off the scale was walking toward the animals and using his flag to encourage the animals off the South end of the scale and count them as they left. The group of hogs on the scale consisted of approximately 20 animals and included one non-ambulatory animal that was laterally recumbent and visibly hyperventilating. The employee moving the hogs started walking toward the group while continuing to use his flag and count the animals. As a result of the confined area, the remaining 20 animals were excited and in their attempt to avoid the employee and leave the scale at least 3 animals were observed stepping on and running over the recumbent animal. Once the ambulatory animals were off the scale the employee tried to encourage the recumbent animal to stand but the hog was unable to do so. The employee was then able to move the non-ambulatory hog in a plastic boat, with the help of a second employee, to the disabled pen. I informed (b) (6) of the situation and that a noncompliance record would be forth coming as the establishment failed to meet the regulatory requirements of 9 CFR 313.2 as well as the requirements under category IV and V of the HATS activities, Handling During Ante Mortem Inspection and Handling of Suspect and Disabled. The Establishment failed to follow their Animal Well-Being Program that covers potential issues including animal injuries, balking and downers. Animal Welfare Procedure/SOP 5.6 states (b) (4)</p> <p>(b) (4) 7.4.1 of the program states, (b) (4)</p> <p>(b) (4) Corrective measures include, (b) (4)</p> <p>Immediate corrective actions at this time include discussing animal handling procedures with the employee involved as well as 100% monitoring of the scale activities by barn Supervisors.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244m	Tyson Fresh Meats, Inc	PGC261 210480 3N-1	No	10/03/2013	04C02	313.15, 313.2	<p>At 1106 on 10/3/02013, I, (b) (6), was watching human handling activities in the barn near the south end at the house hog pen. While verifying HAT activities Category V Handling of Suspect and Disabled, and Category VIII Stunning Effectiveness, a humane handling noncompliance occurred. There were five animals in the house hog pen. There was one employee using the captive bolt stun gun and four others observing the situation, including (b) (6), as well as myself. The animal was in a sitting position and calm. The captive bolt gun was placed on or near the forehead of the animal in the appropriate location between the eyes. The gun fired with a high-pitched pop and the employee's arm was propelled far up and away from the animal. The hog immediately began vocalizing, was unable to stand but continued sitting, and was clearly distressed and conscious. The animal turned its head in all directions and I noted a depression in the skull of approximately 1 cm that was starting to ooze blood. The animal was blinking, vocalizing and breathing rhythmically. The employee immediately reloaded the captive bolt gun and fired it, this time resulting in the normal sound and minimal recoil, to render the animal unconscious. (b) (6) spoke to the employee to remind him that, should this happen again, he does have a loaded spare captive bolt gun within reach instead of taking time to reload. (b) (6) was made aware that this situation is noncompliant with the regulations and that an NR would be forthcoming as the establishment failed to meet regulatory requirements of 9 CFR 313.15 and 313.2. This situation is also in violation of the establishment's own program, "Electrical and Captive Bolt Stunning Procedures" 4.2.1 (b) (4)</p> <p>Immediate corrective actions include reminding the employees to use the second captive bolt gun, rechecking all the guns for mechanical issues, and the establishment will move to category B of their RACE program which requires (b) (4) monitoring of humane</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
							handling activities until (b) (4)
M244m	Tyson Fresh Meats, Inc	PGC190 906040 4N-1	No	06/04/2014	04C02	313.1, 313.2	<p>On 06/04/2014, at approximately 0815, (b) (6) was signing for pens and verifying HATS activities category II Truck Unloading and category IV Humane Handling activities during Ante Mortem inspection, when a noticeable increase in vocalization was noted near the unloading area. An employee was moving hogs from the unloading ramp toward the ramp that angles down into the North and South sides of pen 18. This is a known bottleneck area and the hogs were refusing to descend down the ramp, the flooring surface is different from the alley and depending on state of cleanliness is see through. The gate behind the group had been closed to prevent movement back onto the truck. The employee was attempting to move the group forward and as a result of his flag waving back and forth the back half of the group moved backwards over the top of one another and had no avenue of escape, resulting in increased and unnecessary excitement and discomfort. There were four Tyson employees in the immediate area, including the Humane Handling Monitor, and no assistance was given to the employee involved until the truck driver of that load exited the truck and attempted to help move the group forward. (b) (6) witnessed the situation and (b) (6) was made aware of what had occurred. This is in violation of the Establishment's own Pork Animal Welfare program under Receiving where Balking, Vocalization, and Unacceptable Ramps are considered, "Not Reasonably Likely to Occur" because of, (b) (4)</p> <p>" This situation is noncompliant with 9 CFR 313.1 and 313.2. Immediate corrective actions include retraining of barn employees that are involved in animal handling.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244 W	Tyson Fresh Meats, Inc.	BTD430 902122 7N-1	No	02/27/201 3	04C02	313.30	<p>At approximately 8:10 a.m. while performing the Stunning Effectiveness Humane Handling Task, I observed an egregious humane handling noncompliance. A Stunned pig woke up and walked away before it could be rendered unconscious with a captive bolt gun. At about 8:10 a.m. there was a stunned and knocked (by captive bolt gun) pig laying next to the shackling table. A second pig was missed on the shackling table and it slid down the chute at the end of the table and landed upside-down (feet in the air) and was leaning against the first pig. The Tyson team member tried to figure out how to knock the second pig and decided to use the electric chain hoist to pull the first (already knocked) pig out of the way. While the first pig was being dragged out of the way the second pig resumed rhythmic breathing. The team member grabbed a captive bolt gun and attempted to knock the hog and the gun misfired. It was later determined the the cartridge rim was struck but it did not fire. The team member grabbed a second captive bolt gun and made another attempt at knocking the pig. Unfortunately, this gun did not work either (the company said it had just been used and had not been reloaded and contained a spent cartridge). The team member reloaded the second gun and made a third attempt at knocking the pig. When the pig was touched it rolled upright on its sternum and walked away. The pig was not vocalizing and was apparently uninjured. The pig was successfully knocked immediately after it walked away from where it was laying. I informed (b) (6) and (b) (6) of what had happened. At approximately 8:15 a.m. I hung U.S. Rejected Tags B28883985 and B5974826 on the two restrainers after halting stunning. The plant gave us a written response with proposed corrective actions and preventive measures. At about 10:57 a.m. I removed the U.S. Rejected Tags and allowed production to resume.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244 W	Tyson Fresh Meats, Inc.	BTD470 710570 9N-1	No	10/09/2014	04C02	313.30 (a)(2)	On Thursday October 9, 2014, at approximately 6:43 to 6:56 a.m., I (b) (6) was performing HATS task Category VI "Electric Prod/Alternative Object Use" at the East Restrainer position. I observed the team member use their electric prod on 32 of the 100 pigs of the selected sample. A number of the pigs had the electric prod used on them without trying to use the Alternative Object (the rattle paddle). This constitutes excessive electric prod usage under Regulation 313.30(a)(2). Tyson Fresh Meats (b) (6) was notified that an NR would be written.
M244 W	Tyson Fresh Meats, Inc.	BTD171 510322 7N-1	No	10/27/2014	04C02	313.2	At approximately 11:50 a.m. on Monday October 27, 2014, I (b) (6) was performing ante-mortem inspection with the assistance of the Procurement Barn Supervisor. I observed a procurement employee operating a skid-steer loader as the "subject" and "house" hogs were being prepared to be moved. These hogs are moved while conscious. The skid-steer loader operator and another employee loaded a hog into the bucket and he then proceeded

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EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244 W	Tyson Fresh Meats, Inc.	BTD321 807312 3N-1	No	07/22/201 5	04C02	313.15(a)(1), 313.15(a)(3)	<p>At Est. 244W, on July 22, 2015, at approximately 1400, (b) (6) and I (b) (6) finished verifying Category V, Handling of Disabled Animals, while performing ante mortem disposition in the subject pen next to pen 3 in the stockyards. While conducting Category VIII, Stunning Effectiveness, we verified captive bolt stunning of three nonambulatory market swine. The operator, (b) (6), brought two captive bolt guns out from the stick pen. When he knocked the first hog, gun #9 made a soft, popping noise and the hog did not assume the usual eyes bulging, fixed stare of a successfully knocked hog. However, no signs of sensibility were observed and, within seconds, the hog stiffened, began reflex kicking and died. (b) (6) set gun #9 aside and stated he was going to get a different captive bolt gun. He returned from the stick pen with captive bolt #7 and, at 1403, knocked subject #69. Gun #7 also made a soft, popping noise and subject hog #69 immediately began vocalizing. The hog rose on its forequarters and was struggling to stand with its hindquarters, obviously in pain, as it vocalized several times. (b) (6) had another captive bolt gun ready as a back-up and promptly knocked the hog a second time. It immediately stiffened, eyes bulging in a wide open stare, then collapsed and began reflex kicking as it died. Est. 244W has failed to meet the requirements of 9 CFR 313.15(a)(1) (through failure to produce immediate unconsciousness &amp; failure to stun in a manner rendering the animal unconscious with a minimum of excitement and discomfort) and 313.15(a)(3) ("Immediately after the stunning blow is delivered the animals shall be in a state of complete unconsciousness..."). (b) (6) and (b) (6) were notified by me a noncompliance record would be issued documenting the establishment's failure to meet regulatory requirements.</p>



**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244 W	Tyson Fresh Meats, Inc.	BTD541 108520 6N-1	No	08/06/2015	04C02	313.5	<p>On August 6, 2015 at 1105 while performing Humane Activity Tracking at the entrance to the south carbon dioxide chamber, I (b) (6) observed a hog standing with front limbs on the back of another hog as the last push gate to move the hogs into the (b) (4) was activated. The hog's head was still outside of the (b) (4) as the inner (b) (4) door began to close, and its neck became wedged between the gate and door; the hog was unable to free itself and was vocalizing. No employees were watching this portion of the drive, so I immediately alerted (b) (6) who was standing on the walkway between the two (b) (4). He ran over and summoned the team member in charge of the final end of the drive alley. This team member released the immobilized hog by pushing the emergency stop button on the control panel. Approximately 8 seconds had passed before the door was opened, after which the hog was ambulatory and did not appear injured or distressed. I told (b) (6) to halt operation of the south (b) (4) while I contacted (b) (6). It was determined an NR would be issued in response to the incident which represents noncompliance with 9CFR313.5(b)(2). I informed (b) (6) and (b) (6) that an NR would be issued and that (b) (4) could resume full operation.</p>
M244 W	Tyson Fresh Meats, Inc.	BTD421 708351 2N-1	No	08/12/2015	04C02	313.2	<p>At approximately 10:15 a.m., I (b) (6) was performing ante-mortem inspection and observed a humane handling non-compliance. A team member had pushed most of the hogs in pen 15 to the West half of the pen and closed the center gate of the pen. Approximately 150 hogs were West of the center gate and 45 to 50 hogs to the East of it. When he tried to move the pigs out to the West drive alley, several dozen of the hogs tried to move toward the East and ended up piling against the center gate with considerable squealing and struggling on the part of the affected hogs. This represents a non-compliance with Regulation 313.2(a) which mandates driving of animals with a "minimum of excitement and discomfort". I informed (b) (6) and (b) (6) that I would be issuing an NR.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M244 W	Tyson Fresh Meats, Inc.	BTD572 309522 4N-1	No	09/24/201 5	04C02	313.2	<p>At approximately 2005, on 9-24-15, I, (b) (6), while monitoring HATS category II activities in the hog yard truck unloading area, noticed a loud commotion in the rear of a truck being unloaded at Est. 244W, Tyson Fresh Meats, Inc. located in Waterloo IA. At the bottom of the ramp (in the truck) a large hog had gone down (virtually blocking the narrow passageway) and the hogs being driven from behind were trampling over the down hog, which was squealing. From the time I first noticed the commotion until I was able to get from beside the truck up around to the back unloading door, approximately 7 or 8 hogs from behind had managed to trample over the down hog to exit the truck. With my presence I blocked the passageway to stop the continued trampling of the downed hog and notified the truck unloader of the down animal. He descended from the truck, and the hogs left on the vehicle backed off from the downed hog, leaving it lying on the floor in a sternal position. It's eyes were open and alert, and it did not struggle to arise or move. With the down hog appearing relatively safe from further trampling and accessible for removal from the truck, I left the area to speak with (b) (6). I explained to him what had transpired, and also notified him that a Non-Compliance Record would be forthcoming. Driving animals over disabled animals is inhumane treatment, and is non-compliant with CFR 313.2 (a), and 313.2 (d) 1.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M717	Smithfield Farmland Corp.	TAE470 908041 8N-1	No	08/18/2015	04C02	313.2	<p>At approximately 9:10 AM, on 8/18/2015. While performing Humane Handling tasks, I (b) (6) was observing Humane Handling at the (b) (4) area (CO2 Chambers), when I observed a Plant employee trying to move hogs through the chute of the south (b) (4). The hogs were bunched up at one end and the employee was using a whip with several lengths on "canvas" attached to a 2 foot handle to get them to move. When the hogs didn't move, the employee grabbed the whip end of the implement and started using the handle portion of the device on the hogs. The employee was leaning over the wall and striking the hogs with the handle portion of the device raised above his shoulder in an aggressive downward motion, striking the hogs several times in the hind quarters and back. The hogs squealed and were jumping onto each other, while the employee continued to strike the hogs. At this time, I immediately went to stop the employee from striking any other hog with the handle portion of the device and proceeded to tag up the area for Inhumane Handling. I applied US Rejected Tag #B39297898 and notified (b) (6) that I was taking a Regulatory Control Action for Inhumane Handling and would be contacting the District Office. Corrective actions taken by the Company is to retrain all employees in this area on Humane Handling. At 9:45AM, after speaking with the District Office and Plant Management, I removed U.S. Rejected tag# B39297898 and proceeded to allow the company to slaughter hogs. I notified (b) (6) and (b) (6) that I would be issuing a Noncompliance Report for Inhumane handling, using a device to move hogs improperly, causing the hogs to vocalize and unnecessary excitement resulting in hogs jumping over other hogs in the chute. Regulation 313.2 Humane Handling states: (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 minimum of excitement and discomfort to the animals. Livestock shall not be forced to move faster than a normal walking speed. (b) Electric prods, canvas slappers, or other implements shall be used as little as possible in order to minimize excitement and injury. Any use of</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
							such implements which, in the opinion of the inspector, is excessive, is prohibited.
M717C R	Smithfield Farmland Corp.	RZG281 108260 5N-1	No	08/05/201 4	04C02	313.1	<p>Around 10:45 am while I was performing ante modem disposition in the slows holding pen, I observed a hog laying down in right recumbency with it's right hind leg stuck in a drain. The leg had superficial abrasions on the medial side below the hock. I notified (b) (6) about the hog. He removed the hog's leg out of the drain, slid the drain cover over the drain where the hog was laying and repositioned the hog away from the drain. I informed (b) (6) about the noncompliance. He informed me that he will have the barn employees no longer place hogs by the drain and that the drain cover will be replaced with one that will cover the whole drain.</p>
M717C R	Smithfield Farmland Corp.	RZG111 409511 9N-1	No	09/19/201 4	04C02	313.15(a)(1)	<p>At 1:20 pm on 9/19/2014, I was performing disposition of fatigue hogs in the fatigued pen. I observed (b) (6) use a captive bolt gun on one of the fatigue hogs that I passed for slaughter. The hog was setting upright along the North wall facing East. He properly placed the captive bolt gun on the hog's forehead and pulled the trigger. The rod did not fully deploy into the hogs head. The hog squealed and remained setting (b) (6) realized it was a miss stun and started implementing the establishment's corrective action. I went over to the hog and saw a hole through the skull and the hog was still conscious. (b) (6) took the gun apart, repositioned the rod in the captive bolt gun and reload it. Before putting the gun back together, he tried to explain to me what happened. I told him that he needed to knock the hog again. The hog was successfully knock unconscious the second time. I told him that he could not knock anymore hogs. I placed a retained tag No. B28324476 on the hog and No. B27703984 on the captive bolt gun. I contacted (b) (6) and (b) (6) and notified them what I observed.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M717C R	Smithfield Farmland Corp.	RZG250 710550 2N-1	No	10/02/201 4	04C02	313.2	<p>At around 6:58am, on Oct 2, 2014, I, (b) (6), was performing HATS Stunning Effectiveness of the North and South CO2 Stunners when I observed a hog standing upright on it's hind leg by the North CO2 alley gate. The push gate was moving towards the hog. The hog tried to move away from the push gate by jumping over the alley gate. The hog was unable to clear the alley gate before the push gate started to come down. The hog was hanging half way on the alley gate while the push gate came down on top of it. The hog was vocalizing and flailing it's legs while the push gate continued to push down on it. The North CO2 operator ran to the main control panel, about 8 feet away, stopped the push gate and moved it to free the hog. The hog did not appear to be injured. I placed a U.S. Retained tag # B27703985 on the North CO2 control panel. (b) (6) witnessed the event. He informed me that it happens all the time and the operator was not watching the hogs by the alley gate. He was watching the hogs going into the holding area in front of the CO2. I informed (b) (6) that I will need a corrective action before removing the U.S. Retained tag. He went to get the supervisor. (b) (6), and (b) (6), was notified about the NR. They informed me that they will place a second person at the North CO2 stun alley to help watch the hogs at the gate until a more permit solution can be put in place. I agreed with their corrective action and removed the U.S. Retained tag.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M717C R	Smithfield Farmland Corp.	RZG071 301512 2N-1	No	01/22/201 5	04C02	313.15(a)(1)	<p>On 01-22-2015 at 12:36 pm, I was performing HATS stunning effectiveness by watching a fatigue hog being stunned with a captive bolt gun. A fatigue hog was standing inside a restraint when (b) (6) establishment employee, used a captive bolt gun to stun it. As soon as the captive bolt gun was fired, the hog started vocalizing, moving back and forth in the restraint and remained standing and conscious. (b) (6) quickly loaded the second captive bolt gun and was able to stun the hog with the second knock within 10 seconds after the first failed stunning. When I inspected the hogs head, the first knock hole was high on the forehead, almost between the hogs ears, and the second knock was positioned about 5mm below the first one. I placed a U.S. Rejected tag # B34132671 on the captive bolt gun case with the guns inside and notified (b) (6), of the noncompliance and that I will be issuing a NR.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M717C R	Smithfield Farmland Corp.	RZG581 306573 0N-1	No	06/30/201 5	04C02	313.5	<p>HATS IV: Ante-mortem Inspection; Handling, Noncompliance regulations: 9 CFR 313.5(a)(2), 9 CFR 313.5(b)(2) At 1330 hours on 6-30-15, I, (b) (6), walked into the stunning area and saw establishment employee (b) (6) at the South CO2 control panel trying to get the basket gate to lift up off a hog that got trapped under it. The gate came down on the hog between its head and shoulders, causing suffocation. The hog was lying sternal, not vocalizing or moving. A minute after my arrival, maintenance personnel arrived and showed (b) (6) how to get the gate to lift to free the hog. Once the gate was removed from the hog, the establishment performed a security knock with a captive bolt gun on it. I tagged the South CO2 with U.S. rejected tag # B34133862 and notified (b) (6) of the NR. (b) (6), informed me that the basket failed to rotate when it was filled with hogs. The push gate activated and started to push another group of hogs into the basket. The push gate was stopped and moved back. The basket gate came down on the hog from the second group. Corrective Action: The establishment will place a person at the control panel to monitor the South CO2. If the basket fails to rotate again, that person will be able to stop the machine right away. They are also going to contact the manufacture to find out how this happened and get it repaired.</p>
M1359 7	Seaboard Foods	VMK47 190123 29N-1	No	01/29/201 3	04C02	313.2	<p>At Approximately 19:25 on 01/29/13 I was at the south stunner and observed a gate coming down and hitting a hog on the ham knocking the hog to the ground, pinning it to the ground and at this point the hog vocalized. The hog freed itself and stood up. I told (b) (6) that "we can't do that". (b) (6) showed up, I told her what I had observed and she said that she would notify (b) (6). I notified (b) (6) of this noncompliance. 9 CFR 313.2(a) states "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." Continued failure to comply with the Federal Regulations could result in further regulatory and/or administrative actions.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M1359 7	Seaboard Foods	VMK33 200505 16N-1	No	05/16/201 3	04C02	313.2	<p>HATS Category II Truck Unloading; Regulation 9 CFR 313.2(a) At approximately 1911 hours on production day 05/16/2013, while monitoring Truck Unloading (HATS Category II) at Seaboard Foods; establishment number 13597M, I, (b) (6) observed the following noncompliance. I was standing between alleys two and three observing the trailer in alley two being unloaded. At the same time a truck backed into alley one and began unloading. A few minutes later, the truck in alley one was being driven away from the unloading dock. Noticing that there were still hogs on the trailer, I looked at the back of it to verify that the trailer gate had been closed. As I returned my attention to the truck in alley two, I saw a hog land on the ground in front of alley one and begin running around. I then went around the front of the truck in alley two to assess the status of the hog since it did not vocalize. The hog was in an excited state and moving quickly with no apparent injury. It ran from the dead carcass unloading area to the west under one trailer to the area between unloading alleys two and three to the east. At that time the hog stopped and two stockyards personnel and one supervisor were able to confine it to the area next to a pair of locked doors using sorting panels. The hog was then safely loaded into a skid loader and taken to the Suspect pen where it was euthanized by (b) (6) . (b) (6) and (b) (6) were informed of the noncompliance. Before any further unloading took place, the two stockyards personnel from alley one were replaced by two different stockyards personnel. The establishment failed to comply with 9 CFR 313.2(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 document serves as written notice that your failure to comply with regulatory requirements could result in additional regulatory or administrative action.</p>



**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M1359 7	Seaboard Foods	VMK46 211043 04N-1	No	10/04/201 3	04C02	313.15	<p>Hats Category V: Handling of Suspect and Disabled; Regulation 313.15(a)(1). At approximately 1745 on production day 10/04/2013 I was observing the captive bolt stunning of suspect or "stressor" hogs. (b) (6) was stunning the hogs in the trailer used to bring the hogs from their designated pen to the stunning area. Supervisor started to stun a hog and it moved its head as he fired the bolt gun. This led to the bolt striking the hog on the lower right side of the forehead. The hog remained conscious, stood up and started pacing. It was vocalizing the entire time. (b) (6) then began reloading the stunner. Within approximately thirty seconds, (b) (6) came from outside of the stressor trailer with a second captive bolt stunner. He was able to successfully restrain and stun the hog. The hog was then removed from the trailer and pithed according to company procedures. The hog was determined to be unconscious at that time. I immediately went to the USDA office and asked (b) (6) to come to the stressor area. Following (b) (6) observation of the stunned carcass, a meeting was held between (b) (6) and (b) (6) to discuss the event. This document serves as written notification that your failure to comply with Federal Regulations. Continued failure could result in further Regulatory and/or Administrative action.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M1359 7	Seaboard Foods	VMK49 120347 06N-1	No	03/06/201 4	04C02	313.2	<p>HATS Category III: Water and Feed Availability</p> <p>On March 06th, 2014 at approximately 1039 hours, while performing the PHIS Humane Handling task 'Water and Feed Availability' at the barn (Establishment 13597M), I, (b) (6), observed the following noncompliance. I observed the water supplies (nipples) did not dispense any water for the hogs held in alley #3. There were at least 40 hogs resting in alley #3 and the establishment was not unloading hogs at the time of observation. These hogs did not have access to water as required by the regulatory requirements of 9 CFR 313.2(e) which state that animals shall have access to water in all holding pens. I initiated a regulatory control action by rejecting alley #3 with US Rejected tag # B38924519 and showed the noncompliance to plant's (b) (6) and (b) (6) checked the water supplies in alley # 3 but no water was dispensed. The supervisors then turn on an overhead plumbing valve which immediately provided a continuous stream of water to the hogs. The corrective actions initiated by the establishment were acceptable; as a result, regulatory control action was relinquished at 1044 hours. (b) (6) was notified of the forthcoming of a noncompliance record (NR). No similar NR was issued within the past 90 days.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M1359 7	Seaboard Foods	VMK47 140530 01N-1	No	05/01/201 4	04C02	313.15, 313.2	<p>At approximately 13:10 hours on May 1, 2014, I, (b) (6), was monitoring 9 CFR 313.2 Handling of Livestock, Hats category IV at the CO2 stunners at establishment 13597 M. I observed (b) (6) operating the south stunner. He was using the push gate at the entrance of the stunner to physically push the hogs into the stunner. I observed the hogs' feet slide several inches before he stopped the push gate. I notified (b) (6) and she took over operations of the stunner. I then went to the north stunner to continue the task. The stunner operator was also using the push gate to push hogs. I saw two hogs hind feet slide approximately 8 inches when one hog sat down. The operator used more force with the push gate and the down hog would not get up. The company employees hit the down hog numerous times on an attempt to get the hog up. (b) (6) came over and I informed her about the pushing hogs with the push gate and the down hog. (b) (6) backed the gate off and they again tried to get the hog to get up (b) (6) then backed the gate off and told the employees to knock the hog with the captive bolt stunner. When the employee was going to stun the hog he did not get the captive bolt in position correctly and fired it into the right eye of the hog. I then initiated regulatory control action and applied tag B38924363 to the alley to the stunners and let them empty the stunners. This was a noncompliance of 9 CFR 313.15, Hats category VIII. I also notified the (b) (6) of the deficiency. The injured hog was contained and properly stunned. I released regulatory control action at approximately 13:49 hours. This document serves as written notification that your failure to comply with regulatory requirements could result in additional regulatory or administrative action. The company has a Robust Systematic Approach humane handling system and has had very limited failures in the recent history.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M1359 7	Seaboard Foods	VMK50 101045 21N-1	No	10/21/201 4	04C02	313.15(a)(1)	<p>HATS Category IV: Handling during antemortem inspection; Regulation 313.15(a). On October 21, 2014 at approximately 09:15 hours, while performing Antemortem Inspection (HATS Category IV) at Establishment 13597 M, Seaboard Foods, I was walking south in the main drive alley, when I came upon a hog laying on the east side of the alley in front of pen 25. The hog was slow to move and the company opted to knock the hog to expedite the clearing of the alley, so that pens north of the hog could be run. Two hourly employees' approached the hog with a sorting board, two captive bolt guns and a sled. At 09:15 one of the employees' proceeded to lean over the sorting board to knock the hog. Immediately after the discharge of the captive bolt into the hogs head, the hog proceeded to hurriedly back up and turn around running north down the alley; in the opposite direction. The hog did not vocalize. From all appearances the hourly employees' appropriately followed corrective actions in company policies and procedures for an occurrence of ineffective stunning and handling in pens in accordance with their Robust Systematic Approach to Humane Handling. At 09:18 (b) (6) was finally able to get the hog restrained and re-knocked. (b) (6) was standing next to me observing the non-compliance. I immediately notified (b) (6) of the issuance of the non-compliance report. The plant has a robust systematic approach humane handling system in place.</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M360	Clougherty Packing LLC	DAM19 130145 19N-1	Yes	01/19/2015	04C02	313.15(a)(1)	<p>On 1/19/15 at about 0715 while performing a Humane handling task, HATs category Stunning Effectiveness, the following non-compliance was noted. A market hog was in the "sorted" pen for the slower hogs that were having difficulty moving and (b) (6) was attempting to stun the pig. This market hog was ambulatory and was restrained to help get an accurate placement of the stun gun. He had the help of (b) (6) and had the pig restrained within a three sided containment unit. The pig was calm while (b) (6) used a (b) (4) .25 caliber unit to stun the pig. The first shot failed to produce insensibility (gun worked as expected) and (b) (6) immediately grabbed the backup (b) (4) .25 gun and successfully stunned the pig on the second try.</p> <p>The pig was removed from the pen via a skid steer loader and taken to be bled in a separate area. The plant has an effective systematic approach to humane handling and all necessary protocols were followed. All of the other 60 pigs in the "sorted" pen were rendered unconscious with one knock. This is a violation of 9 CFR 313.15(a)(1).</p>
M791	Clemens Food Group, LLC	MXL18 100105 25N-1	Yes	01/25/2014	04C02	313.2	<p>HAT Category III – Water and Feed Availability Today, 01/25/2014 at approximately 07:55 While performing HAT category 3 (water/feed availability) in the Barn/Serpentine area I observed the following noncompliance: while finishing the harvesting lot 13 I noticed 2 downer hogs on the floor next to the serpentine. One was from lot 8 and the other was from lot 11. The hog from lot 8 was there approximately one hour, the second one for approximately 30 minutes with no water available to them. I immediately notified (b) (6) about the noncompliance. He took immediate corrective action and provided water in pans. This is a Humane Handling noncompliance and the establishments failure to meet the regulatory requirements 9 CFR 313.2(e) as well as establishment 791's Animal Welfare Policy Manual on page number 6, item number 7 which states '(b) (4) , and Appendix C Process step-Pens states (b) (4)</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M791	Clemens Food Group, LLC	MXL14 110523 08N-1	Yes	05/08/2014	04C02	313.2	<p>HAT Category VII - Slips and Falls(313.1 and 313.2) Today, 05/08/2014 while performing Ante-mortem and humane handling stunning effectiveness, I observed one hog walking on the bleed table. The plant personnel took immediate action by stopping the production line and stunned the hog with a captive bolt. The plant personnel then re-started the production line and I observed another live hog exiting the stunner. The hog appeared alive, fully alert and un-stunned. The hog immediately stood up traveled approximately 4 feet and fell off the bleed table (approximately 3 feet high) to the floor before the plant employees could stun the pig with the captive bolt or direct the hog to the slide on the other side of the table. The hog that fell on the floor appeared uninjured and walked away and was immediately stunned by a plant employee with the captive bolt. I immediately took Regulatory control action and rejected the bleed table using US Retain/Reject tag # B 24762758 and immediately notified plant management. I informed The Inspector in Charge of the incident. The Inspector in charge contacted the front line supervisor. A meeting was held with Plant Management (b) (6) and (b) (6). At the meeting, the establishment explained there had been a malfunction in stunning equipment. The fuses that operate the electric currant paddles were not set. The live hogs exiting the stunner did not receive any electric current. Immediate and long term corrective actions were proposed by the plant management. The plant will place sorting boards at the bleed table to help guide live hogs to the appropriate exit ramp and an electrician will be on standby in the stunning area. The long term action proposed by the establishment is to install a link between the stunning electrodes and the restrainer belts. After the meeting the regulatory control action was lifted and production continued (b) (6) notified of the failure to comply with Regulatory requirements of 9 CFR 313.2(a).</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M3196 5	Triumph Foods	NMO31 150244 26N-1	No	02/26/201 3	04C02	313.1, 313.2	<p>At approximately 1355 hours as I (b) (6) was verifying the humane handling of market hogs in the stockyards area, I observed the following noncompliance: As the establishment employees were driving market hogs into the chutes leading to the electric stunning area, excessive excitement and discomfort was being caused to the animals. The animals were balking once they entered the chutes and the employees were using excessive prodding, screaming and poking with rattle paddles in an attempt to get the animals to enter the chutes to the electric stunner. Numerous times, the animals proceeded up the chutes only to reverse their direction and back down the chutes. The chutes were not equipped or set up to keep the animals from backing down the chutes once they arrived at the upper end of the chutes. The establishment employees were having to prod the animals and scream excessively to get them moving forward and on numerous occasions had to use the electric prod. On two occasions, animals entered the chute side by side and became wedged into the entrance causing them to vocalize loudly. The emergency "dump" gate had to be used to extract the animals from their stuck positions in the chute. On the second occasion, three animals became wedged into the chute causing the "dump" gate to violently swing open. At that time, I took regulatory control action and applied U.S. Reject Tag # B39296973 on the chutes leading to the electric stunner. I immediately notified (b) (6) that the establishment could no longer use the chutes to the electric stunner until corrective measures could be taken to regain regulatory compliance. (b) (6) and (b) (6) came to the area and I explained what I had observed and informed them that the equipment and area would remain under regulatory control until corrective actions and preventive measures could be established to ensure humane handling of the animals. (b) (6) then came to the area and I explained to him the issues observed. We examined the chutes and discovered that there was a sharp piece of angle iron which was in a position that it could cause significant injury to the animals entering the chute. The angle at the entrance of the chutes appeared to make the entrance look very small which was causing the animals to balk. There was also a walkway which had</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
							<p>been installed over the entrance to the chutes which was making the area very dark and was casting a shadow over the entrance. This may have caused some of the balking issues as well. The conditions of the equipment and area were such that made it very difficult for establishment employees to accomplish their goal of delivering animals to the electric stunner. The chutes and electric stunner are used at this establishment only when there are issues with the normal CO2 stunning method. This does not occur with regularity. When there are issues with one or both of the CO2 (b) (4) systems, the establishment has used the electric stunner and chute equipment to improve production numbers until the issues are rectified. The above described noncompliant conditions are in violation of 9 CFR 313.1(a); 313.1(d);313.2(a);313.2(b) and 313.2(c). The establishment is responsible to ensure that animals on the premises are handled humanely at all times and the observed regulatory noncompliance must be prevented in the future.</p>



**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
M3196 5	Triumph Foods	NMO54 130212 07N-1	No	02/07/201 5	04C02	313.1, 313.2	<p>HATs Categories: IV-Handling During Ante Mortem Inspection VI-Electric Prodding/Alternative Object Use VII-Observation for Slips and Falls Relevant Regulations: 9 CFR 313.1(a); 313.2(a); 313.30(a)(2) At approximately 1025 hours, as I (b) (6) was observing the electrical stunning operations, I observed the following noncompliance: There were two market hogs stuck in the north side of the electrical stunner equipment entrance chutes. The animals were vocalizing loudly and appeared to be in distress. The animals were squeezed together so tightly that they could not move. (b) (6) came to the area and opened one of the escape doors to allow the animals to get out of the chute. This was not the first occurrence of this type of incident on this day and I had suggested that the entrance to the chute was too wide allowing animals in side by side. As the animals progressed up the chute, the narrowing of the chute caused the animals to become stuck. After being released from the chute, neither animal showed signs of injury. I took regulatory control by placing U.S. Reject Tag # B39296132 on the restrainer and notified (b) (6) and (b) (6) that further use of the electrical stunning equipment was to be discontinued until repairs could be made to the chute entrance. I also notified (b) (6) that I would issue a noncompliance record (NR) for the incident (b) (6) proffered that the establishment would block the north chute and only use the south chute until repairs could be made. I removed the Reject Tag and allowed the operation to resume at approximately 1030 hours. I continued to observe operations and became concerned that employees driving the animals into the alley were causing the animals to become overly excited by shouting, using rattle paddles excessively to hit the animals on their backs and waving their arms. At approximately 1039 hours, I then took regulatory control again by re-affixing the U.S. Reject Tag and stopped the electrical stunning operations. I informed (b) (6) that corrective measures would need to be put in place for the operation to resume. (b) (6) then stated that the establishment would take lunch break and make the necessary repairs to the alley entrance and would also ensure that their employees were</p>

**Table: Noncompliance Reports in Response to FP\_2312\_Humane\_Handling\_NRs**

EstNbr	EstName	NR#	HIMP	Date	Task	Regs	Description
							made aware of the need to remain calm and move the animals with the least amount of stress and excitement possible. At approximately 1125 hours, I observed that the repairs had been completed and (b) (6) met with the employees to ensure that proper driving of animals would occur. I released the electrical stunning operations at that time after the establishment demonstrated that the process was under control. The above noted occurrences were in violation of 9 CFR 313.1 (a), 313.2 (a) and 313.30 (a)(2). The electrical stunning operation is only used when problems develop with the CO2 (b) (4) stunners which is the usual equipment used at this establishment.