



United States Department of Agriculture

Food Safety and
Inspection Service

March 30, 2020

Office of Field
Operations
Des Moines District
Office

Signed original sent via FedEx

Neal Smith Federal
Building
210 Walnut Street
Room 985
Des Moines, IA
50309-2123

Todd Carl, Plant Manager
Swift Pork Company
402 North Tenth Avenue
Marshalltown, Iowa 50158

Voice 515.727.8960
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LETTER OF DEFERRAL

Dear Mr. Carl:

This letter confirms the verbal notification you received on March 26, 2020 of our decision to defer the implementation of the Notice of Intended Enforcement (NOIE), issued to Est. 3S, Swift Pork Company, 402 North Tenth Ave., Marshalltown, Iowa 50158, referred to as your establishment herein, on March 19, 2020.

The NOIE informed you of our intent to withhold the marks of inspection and suspend the assignment of inspection personnel with prior notification for your slaughter process. The decision to institute this enforcement action was in accordance with Title 9 of the Code of Federal Regulations (CFR), Part 500.4 (Rules of Practice) due to your establishment's failure to prevent inhumane handling and slaughter of livestock at your facility as required.

On March 19, 2020, you provided a written response (Action Plan) to the NOIE, beginning a dialogue with FSIS that concluded with your final Action Plan submission on March 26, 2020.

The following documents were included detailing actions immediately implemented and further proposed:

- Captive Bolt Training Program
 - Captive Bolt Stunning SOP
 - Captive Bolt Stunner SOP
 - Stunner Safety Instructions
 - Daily Check Off Sheet
 - Captive Bolt Training Power Point
 - Questionnaire for Captive Bolt Power Point
- SOP Captive Bolt Stunning Training (3/24/20)
- NOIE Response (3/25/20)
- Training Video (available for viewing at plant)
- SOP for Captive Bolt Gun Maintenance
- SOP for Captive Bolt Training
- List of re-trained employees (3/19/20)

- Photos of Captive Bolt Storage
- Captive Bolt Training Evaluation
- Captive Bolt Monitoring Log (3/19/20)
- Stun Gun Tester Results (3/19/20)
- Daily Captive Bolt Usage Log for (3/24/20)
- Completed Captive Bolt Monitoring log for (3/24/20)
- Captive Bolt Manual
- Humane Stunning Catalog
- Captive Bolt Daily Cleaning Record
- Captive Bolt Weekly Maintenance Record

After analyzing your proposed corrective actions and preventative measures, including all information and revisions, FSIS has determined that your establishment has adequately addressed all the issues identified in the NOIE. At this time, FSIS will defer a decision on any further enforcement action pending the verification, of the implementation of the proposed actions, by FSIS inspection personnel to determine regulatory compliance.

FSIS will provide a verification plan that will follow this notification, to assist you in understanding the nature and importance of the Agency's verification activities. This FSIS verification plan is designed to verify that your establishment fully implements the corrective actions and preventive measures proffered and that they are effective in assuring ongoing regulatory compliance. Only FSIS can amend the verification plan and any modifications to your submitted corrective actions and preventive measures made during the deferral period will need to be submitted in writing to FSIS District Management for verification of compliance prior to implementation by your establishment.

Please be advised that, as a federally inspected establishment, you are expected to comply with FSIS regulations and take appropriate corrective action to prevent inhumane handling of livestock at your establishment. Your failure to comply with these requirements or to implement the measures in your proposed corrective actions and preventative measures could result in suspension of inspection personnel at your establishment or other appropriate administrative or legal action.

If you have questions regarding this matter, please feel free to contact (b) (6) (b) (6) or (b) (6) (b) (6) of the Des Moines District Office, at 515-727-8960.

Sincerely,



Dr. Dawn Sprouls
District Manager
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Des Moines District