



United States Department of Agriculture

Food Safety and
Inspection Service

Office of Field
Operations
Denver District Office

1 Denver Federal
Center, Bldg. 45
P.O. Box 25387
Denver, CO 80225

Voice (303)236-9800
Fax (303)236-9794

July 6, 2020

**SENT VIA FEDEX &
ELECTRONIC MAIL**

Mr. Zachary Ireland, Plant Manager
Swift Beef Company
Establishment M969G
555 S. Stuhr Rd.
Grand Island, NE 68801
Zachary.ireland@jbssa.com

LETTER OF DEFERRAL (LOD)

Mr. Ireland,

On June 27, 2020, the Food Safety Inspection Service (FSIS) issued your establishment, Swift Beef Company Est. M969G, a Notice of Intended Enforcement (NOIE) in accordance with FSIS Rules of Practice, Title 9 CFR 500.3(b), based on your failure to meet regulatory requirements regarding livestock humane slaughter at your establishment.

On July 1, 2020, the Denver District Office received a written response from your firm. After reviewing your response, FSIS requested clarification on July 2, 2020. On July 3, 2020, the Denver District Office received your firm's clarifications. FSIS has carefully reviewed your responses and determined that, based on your proposed modifications and plan of action, FSIS will defer a decision on an enforcement action pending verification by FSIS inspection personnel that Swift Beef Company, Est. M969G, has effectively implemented its proposed measures. The decision pertaining to this enforcement action will be based upon the plant's validation, verification, and execution of these actions. Plant personnel should continue to monitor operations to prevent additional inhumane failures from occurring.

Please be advised that as a federally inspected establishment, you are expected to comply with the Federal Meat Inspection Act (FMIA) and all applicable FSIS regulations. The regulations require establishments to take appropriate actions when either the establishment or FSIS determines that the plant's written SSOP plan or HACCP systems are inadequate. Your failure to comply with the regulatory requirements, or to effectively implement the measures addressed in your written response, may result in FSIS initiating further enforcement actions, and/or other appropriate administrative or legal actions.

At a later date, an FSIS representative will provide a Verification Plan to you. The FSIS Verification Plan is designed to ensure that your establishment fully implements the revisions to your humane handling program and other corrective actions stated in your submissions, including all monitoring activities at your establishment and that these revisions and actions are effective in assuring future regulatory compliance.

The FSIS Verification Plan identifies your proposed corrective actions, the relevant regulations, and PHIS code under which FSIS officials will verify implementation and effectiveness along with any timeframes you identified in your proposed action plan.

If you have questions regarding this matter, please contact the Denver District Office at (303) 236-9800.

Sincerely,

**VALERIE
CLAY**

Digitally signed by
VALERIE CLAY
Date: 2020.07.06
14:04:23 -06'00'

Ms. Valerie Clay
District Manager
USDA FSIS OFO
Denver District Office

cc: F/O QER
Est. File
R. Reeder, DDM
S. Hoffman, DDM
J. VanHook, DDM

(b) (6)



S. Smith, RD/OIEA