



United States Department of Agriculture

Food Safety and
Inspection Service

Office of Field
Operations

Springdale District

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November 9, 2020

Via Email: tmessman@smithfield.com
FedEx Tracking # 772032681173

Mr. Tim Messman, General Manager
Smithfield Fresh Meats Corp, Est. M320M+V320
22123 Highway 5
Milan, MO 63556

NOTICE OF DEFERRAL

Dear Mr. Messman,

On November 2, 2020, the Food Safety and Inspection Service (FSIS) issued a Notice of Intended Enforcement (NOIE) to Est. M320M+V320, Smithfield Fresh Meats Corp, located at 22123 Highway 5, Milan, MO 63556. 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 500.3(b) (Rules of Practice) due to your establishment's failure to prevent inhumane handling and slaughter of livestock at your facility as required by 9 CFR 313.2(a) and 313.2(d)(1).

On November 3, 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 November 4, 2020.

After analyzing your Action Plan, 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 the decision on any further enforcement action pending the assessment and verification of your plan's implementation by FSIS inspection personnel to determine regulatory compliance. A copy of FSIS's Verification Plan is being shared with you to assist 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 identified in your Action Plan, and that the measures proffered are effective in assuring ongoing regulatory compliance. It identifies the regulatory noncompliance, your actions, and FSIS verification procedures.

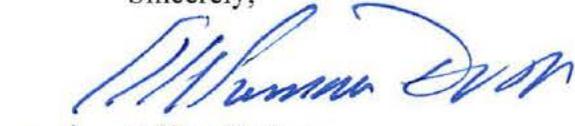
Please be advised that your failure to comply with the regulatory requirements, to implement the corrective actions identified in the Action Plan, and/or failure to notify this office in writing of any changes to the Action Plan may result in our initiating further regulatory action as deemed necessary at the time. **During this period of deferral, any changes made to the Action Plan need to be submitted to this office for review and comment prior to you putting the changes into place.** FSIS inspection program personnel will notify the Frontline Supervisor and the

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District Office immediately when modifications are made to the Action Plan and your establishment fails to notify this office.

If you have any questions, please contact this office.

Sincerely,



Jeffery Barham
District Manager

cc: Ms. Geraldine French, EARO
Dr. Evan Sumner, DDM
Dr. Don Dowdle, DDM

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FO/Quarterly Reports

FSIS Verification Plan

Smithfield Fresh Meats Corp, Est. M320M+V320

	<i>Background that led to enforcement action (Bkgd)</i>
	<i>Related Regulations (Reg)</i>
	<i>Establishment Action Plan (AP)</i>
	<i>Related Establishment Records (Rec)</i>
	<i>FSIS Verification Activity (VA)</i>
	<i>Frequency of Verification Activity (Freq)</i>
	<i>Related PHIS Task (PHIS)</i>

VP1	<i>Bkgd</i>	NR VWK3315104331, dated October 31, 2020, states that an employee attempted to drive three ambulatory hogs between two non-ambulatory hogs against the wall of Pen 1B and the wall of the Resale Pen; however, the ambulatory hogs went over one of the non-ambulatory hogs. Another employee was present but made no attempt to intervene.
	<i>Reg</i>	9 CFR 313.2(a) and 313.2(d)(1)
	<i>AP</i>	Until 2/5/2021, each period (typically 3, 3-hour periods/day) a member of management or designee will observe the handling of fatigued pigs between the Butina alleyways and middle alley, to include: employee adherence to policy for handling non-ambulatory / fatigued pigs; availability of protective equipment for fatigued pigs; and, fatigued / non-ambulatory pigs are being protected as needed. Trained management will be made available to assist with handling non-ambulatory / fatigued pigs in the event of increased non-ambulatory / fatigued pigs in the middle alley area.
	<i>Rec</i>	Fatigued Pig Handling Verification record
	<i>VA</i>	Observe management verification once per day; review available records once per day. Verify that checks are being conducted as specified and that the three conditions noted in the Action Plan (employee adherence to policy, equipment availability, and non-ambulatory pig protection) are adequate. If there is a high number of non-ambulatory pigs in the middle alley area, verify that trained management is available to assist.
	<i>Freq</i>	Once per production day
	<i>PHIS</i>	Livestock Humane Handling
VP2	<i>Bkgd</i>	NR VWK3315104331, dated October 31, 2020, states that an employee attempted to drive three ambulatory hogs between two non-ambulatory hogs against the wall of Pen 1B and the wall of the Resale Pen; however, the ambulatory hogs went over one of the non-ambulatory hogs. Another employee was present but made no attempt to intervene.
	<i>Reg</i>	9 CFR 313.2(a) and 313.2(d)(1)
	<i>AP</i>	Verification of handling non-ambulatory/fatigued pigs during off-hour receiving will be documented on the "Humane Handling Transportation Audit Form". Audits will be conducted one time per night receiving shift by trained personnel.
	<i>Rec</i>	Humane Handling Transportation Audit Form
	<i>VA</i>	Review records associated with off-hour receiving to verify that records are completed as specified and handling is documented to meet the establishment's requirements.
	<i>Freq</i>	Once per production day
	<i>PHIS</i>	Livestock Humane Handling