



April 15, 2023

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Mr. Frank Faso, Owner
Pork King Packing, Inc.
Est. M2926
8808 State Route 23, P.O. Box 253
Marengo, IL 60152

NOTICE OF SUSPENSION HELD IN ABEYANCE

Dear Mr. Faso:

This letter confirms verbal notification provided to (b) (6), Quality Control Manager, by Dr. Tamara Davis, Deputy District Manager, on April 15, 2023, of the Food Safety and Inspection Service's (FSIS) decision to place the Notice of Suspension (NOS) issued to your establishment on April 15, 2023, into abeyance. This action is based on the review, analysis, and acceptance of your proposed corrective actions and preventive measures submitted to the FSIS Chicago District Office on April 15, 2023.

Background

On April 15, 2023, your establishment was notified of the FSIS decision to withhold the marks of inspection and suspend the assignment of inspection program personnel (IPP) from your slaughter process at Pork King Packing, Inc., establishment M2926, located at 8808 State Route 23, P.O. Box 253 in Marengo, Illinois. This action was based on your establishment's failure to effectively implement humane methods of slaughtering and handling animals in a manner that complies with the requirements prescribed by the Federal Meat Inspection Act (FMIA) and the Humane Methods of Slaughter Act of 1978 (HMSA). Your establishment was in violation of Title 9 of the Code of Federal Regulations (9 CFR), Section 313.2(b). The Rules of Practice, 9 CFR 500.3(b), specify that FSIS may issue a suspension without providing prior notification if an establishment is observed to be handling or slaughtering animals inhumanely. You were provided a written copy of the NOS.

Within the NOS, the FSIS Chicago District Office requested that you submit a written response with corrective actions and preventive measures to address the following:

1. Identify the specific reason(s) why the events described occurred.
2. Describe the specific action(s) that will be implemented to eliminate the cause of the incident and prevent future recurrences.
3. Describe the specific future monitoring activity or activities that your establishment will employ to ensure the actions implemented are effective.
4. Provide any supporting documentation and records maintained and associated with your proposed corrective actions and preventive measures.

Corrective Actions

On April 15, 2023, the FSIS Chicago District Office received your initial written response as requested. After a review and analysis, the District Veterinary Medical Specialist (DVMS) notified your establishment, via e-mail and then over the phone, that additional details and clarifications were requested. Shortly after the call, you provided a revised response to include the additional details requested.

You identified an employee was moving hogs from the livestock pens to the execution hall when he was unable to move one of the animals with just the rattle paddle, so he decided to use the electric prod on the hog. The employee claims that he did not apply the electric prod on the anus but rather on the leg below the tail. The hog then moved to the execution hall.

You proposed the following corrective actions and preventive measures as a means to restore and maintain regulatory compliance as required:

1. All employees from the livestock were called to the QC Manager's office and were given training on improper electric prod use. They were trained that they must absolutely avoid prod use on the anus, vagina, and testicles if boars. To prevent any confusion, they were instructed that any electric prod use must be above the tail. You provided a training sign off sheet for that meeting.
2. The livestock foreman will keep a close eye on employees when they are using an electric prod. On your weekly humane handling audit where you check for electric prod use, you will also check for improper use of prod (only use on the back). Deviations will be indicated with an "X" over the number of the hog being checked. For the next week, the humane handling audit will be conducted daily. If all is acceptable, you will conduct the audit twice a week for an additional month. If after that month you feel comfortable that everyone is properly using the electric prod when the prod is the last resort, then you will resume your normal once a week humane handling audit. You provided a copy of the monitoring form.
3. In the event that there is an improper prodding, the employee will be suspended since all employees have been properly trained. If you decide to bring the employee back after their suspension, they will be shadowed by either the livestock foreman or the execution hall foreman for a week.
4. You will make the training given today part of your annual training to go along with your "Robust Systematic Approach to Humane Handling Program."

After a review and analysis of your proposed corrective actions, the FSIS Chicago District Office has concluded that these activities, provided they are successfully implemented, will serve to adequately address the regulatory requirements identified within the NOS.

Summary and Conclusion

This letter serves as written notification that FSIS is placing the suspension of the assignment of IPP at your establishment into abeyance. The abeyance will remain in effect until your proposed corrective actions have been verified to be successfully implemented on a consistent and continuous basis. The corrective actions you proposed will be subject to verification by FSIS IPP. These verification activities will serve to assess the implementation of the corrective actions and the requirement to maintain compliance with the FMIA, HMSA, and all applicable FSIS regulations.

FSIS is committed to monitoring establishments' operations to verify compliance with the regulatory requirements. To assist in those verification activities as a contingency of abeyance, FSIS has developed a Verification Plan Report (VPR) based on your corrective actions. The VPR will be completed by FSIS IPP as a means to document the implementation of the corrective actions throughout the abeyance period. The VPR identifies specific elements of your corrective actions and the associated regulatory requirements. These will be subject to verification until FSIS has made the determination that your establishment has effectively implemented these corrective actions. Additionally, during the abeyance period, humane handling verification visits (HHVV) will be conducted at 30-day intervals to assess your progress in implementing the corrective actions. FSIS verification includes the expectation that you meet any time associated commitments identified within your proposal. Should your establishment fail to operate in accordance with these commitments or fail to comply with the regulatory requirements, FSIS will take immediate and appropriate regulatory control actions.

You are reminded that as an operator of a federally inspected facility, you are expected to fully comply with all FSIS regulations and to take appropriate corrective actions to prevent the inhumane treatment and slaughter of livestock. The HMSA, Sections 1901, 1902, and 1906, state that the slaughtering and handling of livestock are to be carried out only by humane methods. 9 CFR 313 contains the FSIS regulatory requirements that were promulgated based on the

HMSA and the FMIA. It is fully expected that you comply with the HMSA, FMIA, and the regulatory requirements of Part 313, and that you carry out each of the corrective and preventive actions you proposed in response to the egregious incident. Failure to comply could result in the reinstatement of suspension at your facility or other appropriate administrative or legal actions. We urge your cooperation and voluntary compliance.

If you have questions regarding this matter, you may contact (b) (6), District Veterinary Medical Specialist (DVMS), at (b) (6); (b) (6), DVMS, at (b) (6); or you may contact this office at (630) 620-7474 or by fax at (630) 620-7599.

Sincerely,

TAMARA DAVIS
Digitally signed by
TAMARA DAVIS
Date: 2023.04.15
15:28:39 -05'00' / For

Dr. Donald B. Fickey
District Manager
FSIS Chicago District