



United States Department of Agriculture

Food Safety Inspection
Service

January 21, 2023

Office of Field
Operations
Des Moines District
Office

Digitally signed copy emailed

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

Darrin Walker, General Manager
Smithfield Fresh Meats Corp.
800 Industrial Drive
Denison, IA 51442

Voice 515.727.8960
Fax 515.727.8991

Letter of Deferral

Dear Mr. Walker:

This letter confirms verbal notification by the Des Moines District Office, Food Safety, and Inspection Service (FSIS) to you on January 19, 2023, of our decision to defer the implementation of the Notice of Intended Enforcement (NOIE), issued to Establishment M717, Smithfield Fresh Meats Corp., 800 Industrial Drive, Denison, IA. The NOIE was issued on January 16, 2023, in accordance with the Rules of Practice, 9 CFR 500.3(b), due to the observation by inspection program personal (IPP) of an egregious humane handling incident.

On January 19, 2023, via multiple emails, you provided FSIS written responses to the NOIE. Your responses outlined written corrective actions and preventive measures to bring your establishment into compliance with humane handling of livestock requirements and to achieve compliance with the Federal Meat Inspection Act (FMIA) (Title 21 of the United States Code {21 U.S.C} 603), The Humane Methods of Slaughter Act of 1978 (HMSA) (7 U.S.C. 1901 et seq.), and federal regulations {Title 9 of the Code of Federal Regulations (9 CFR) Part 313.5(b)(2)}.

The following documents were included, detailing immediate actions taken as well further planned actions:

1. NOIE Response Letter (2 pages)
2. Training Topic: (b) (4) gondola baskets cage doors (1 page)
3. (b) (4) Gondola Basket Verification (1 page)
4. Animal Welfare Program Sections 4 & 5 (3 pages)

After analyzing your proposed corrective actions and preventative measures, FSIS has determined that your response has adequately addressed the noncompliance 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, IPP.

During the deferral period verification activities will be conducted by IPP and results will be reported to the District Office on a weekly basis. The decision to place the NOIE in deferral is based on the proffered actions. Any modifications to your submitted corrective actions and preventive measures made during the deferral period need to be submitted, in writing, to the FSIS Des Moines District Office for review prior to implementation by your establishment.

Please be advised that, as a federally inspected establishment, you are expected to comply with FSIS regulations and to 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 action plan could result in the suspension of inspection at your establishment or other appropriate administrative or legal action.

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

Sincerely,

MARK
JOHNSON (for)

Digitally signed by
MARK JOHNSON
Date: 2023.01.21
13:18:44 -0600

Dr. Dawn Sprouls
District Manager
USDA FSIS OFO DO
Des Moines, IA