



February 5, 2025

Swift Pork Company  
Establishment M85O  
600 South Iowa Avenue  
Ottumwa, Iowa 52501  
(b) (6) @jbssa.com  
(b) (6)

ELECTRONIC MAIL on February 5, 2025

Attention: (b) (6), General Manager

## NOTICE OF INTENDED ENFORCEMENT

This letter serves as official notification by the Food Safety and Inspection Service (FSIS) of our decision to withhold the federal marks of inspection and suspend the assignment of Inspection Program Personnel (IPP), with prior oral notification, at Establishment M85O, Swift Pork Company, located at 600 South Iowa Avenue, Ottumwa, IA. This letter follows verbal notification of the Notice of Intended Enforcement (NOIE) to (b) (6), General Manager, by (b) (6), acting FLS at approximately 6:16pm. This action includes the Slaughter Hazard Analysis Critical Control Point (HACCP) processes employed at your establishment.

The decision to institute this enforcement action is in accordance with Title 9 of the Code of Federal Regulations (CFR), Rules of Practice 500.3(b), based on the determination that your establishment did not handle or slaughter animals humanely. The observed, egregious, inhumane handling incident demonstrates failure to comply with the Federal Meat Inspection Act (FMIA) (21 U.S.C. 603), the Humane Methods of Slaughter Act (HMSA) (7 U.S.C 1901 et seq.) and regulatory requirements (9 CFR Part 313).

### Background/Authority

The Federal Meat Inspection Act (FMIA) (Title 21 of the United States Code {21 U.S.C.} 603 et seq) provides that for the purpose of preventing the inhumane slaughtering of livestock, the secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of the methods by which amenable species cattle, sheep, swine, goats, horses, mules, or other equines are slaughtered and handled in connection with slaughter in the slaughtering establishments inspected under this Act. The Secretary may refuse to provide inspection to a new slaughtering establishment or may cause inspection to be temporarily suspended at a slaughtering establishment if the Secretary finds that any cattle, sheep, swine, goats, horses, mules, or other equines have been slaughtered or handled in connection with slaughter at such establishment by any method not in accordance with the Humane Methods of Slaughter Act (HMSA) (72 Statute, 862; Title 7 U.S.C. 1901 to 1906) until the establishment furnishes assurances satisfactory to the Secretary that all slaughtering and handling in connection with slaughter of livestock shall be in accordance with such methods.

The HMSA provides that Congress finds that the use of humane methods in the slaughter of livestock prevents needless suffering; results in safer and better working conditions for persons engaged in the slaughtering industry; brings about improvement of products and economies in slaughtering operations; and produces other benefits for producers, processors, and consumers which tend to expedite an orderly flow of livestock and livestock products in interstate and foreign commerce. It is therefore declared to be the policy of the United States that the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods.

Under the authority of the Acts, FSIS has prescribed rules and regulations required for establishments slaughtering and handling livestock, as required by 9 CFR Part 313. FSIS has also developed the Rules of Practice regarding administrative enforcement, 9 CFR Part 500. The Rules of Practice describe the types of enforcement actions that FSIS may take and include procedures for taking a withholding action and/or suspension, with or without prior notification, and for filing a complaint to withdraw a grant of inspection. Specifically, 9 CFR 500.3(b) states that FSIS may impose a suspension without providing prior notification due to handling or slaughtering of animals inhumanely.

### **Findings/Basis for Action**

On February 05, 2025, at approximately 1615 hours, inspection program personnel (IPP) was enroute to conduct a HATS Category IV Antemortem Inspection. As IPP was walking past the stick area, IPP observed a noncompliance with HATS VIII Stunning Effectiveness. IPP observed the establishment addressing issues identified with the (b) (4). IPP then proceeded to the shackle table to observe hogs that have already been through the CO2 stunning chamber but prior to being shackled, hoisted, and stuck. IPP observed a hog begin to intermittently gasp for air and motioned to Supervisor (b) (6) that the animal was showing signs of regaining consciousness. IPP kept observing the animal and it began to blink its eyes and show signs of rhythmic breathing. The animal's eyes began to track. From lying on its right side, the animal tried to lift its head. Supervisor (b) (6) then attempted to apply a handheld captive bolt (HHCB) stun to the animal behind the right ear. After the HHCB discharged, the animal righted itself onto its front legs and vocalized. Supervisor (b) (6) immediately grabbed the animal by its ear and applied a 2nd HHCB stun to the center of the animal's forehead, rendering the animal unconscious.

IPP initiated regulatory control action by notifying Superintendent (b) (6) not to place any additional animals into the (b) (4) at this time, effectively halting stunning of animals. IPP allowed the establishment to empty the (b) (4) without additional incident. IPP applied U.S. Reject tag B36667297 to the drive alley leading to the (b) (4).

This is in noncompliance with 9 CFR 313.5(a)(3) and 313.15(a)(3). U.S. Reject Tags B42276688 and B42276687 were placed on both CO2 stunners. IPP then contacted the Frontline Supervisor and District Office for additional direction.

On September 9, 2004, FSIS published "*Humane Handling and Slaughter Requirements and the Merits of a Systematic Approach to Meet Such Requirements*" in the Federal Register (69 FR 54625). On September 24, 2020, FSIS released FSIS Directive 6900.2 Revision 3, entitled, "*Humane Handling and Slaughter of Livestock*." Additionally, on October 23, 2013, FSIS introduced new guidance, titled "*FSIS Compliance Guide for a Systematic Approach to the Humane Handling of Livestock*." Within the guidance material is information intended to better ensure the humane treatment of livestock presented for slaughter. The guidance material provides a set of practices designed to minimize excitement, discomfort, and accidental injury regarding the humane handling of livestock to include the four components of a robust systematic approach to humane handling.

When an establishment maintains a robust humane handling program, FSIS can exercise regulatory discretion when an inhumane handling or slaughter incident is observed. Although your establishment has previously developed and implemented a systematic approach to humane handling that was considered robust, you have failed to effectively implement your program accordingly.

### **Summary and Conclusion**

Provisions of the FMIA outline FSIS' ability to refuse to render inspection and indefinitely withdraw inspection from an establishment, provided the establishment is afforded the right to an administrative hearing, when conditions exist where the slaughter and/or handling of livestock was not by a method in accordance with the Act(s). Evidence demonstrates your failure to meet regulatory requirements addressed in 9 CFR 313.5(a)(3) and 313.15(a)(3) constituting a violation of the humane slaughter requirements, and supporting the conclusion that your handling of livestock violated the provisions of the FMIA and HMSA.

Please provide a written response, inclusive of written corrective action and preventative measures, by addressing the following:

- Evaluate and identify the nature, cause of the incident.
- Describe the specific actions taken to eliminate the cause of the incident and prevent future recurrences.
- Describe specific monitoring activities planned to ensure future compliance.
- Provide any supporting documentation and records maintained and/or associated with the proposed corrective actions and preventative measures.

A determination of further administrative action will be made upon receipt and review of your submitted corrective actions and preventative measures. You are reminded that, as an operator of a federally inspected establishment, you are expected to comply with FSIS regulations and take appropriate actions to prevent the inhumane handling and slaughter of livestock at your establishment. Please be advised that your failure to respond adequately to these issues may result in our initiating action to withdraw inspection from your establishment.

### **Appeal and Hearing Rights**

(b) (6), General Manager  
Swift Pork Company, Est. M85O

Notice of Intended Enforcement  
February 5, 2025

You have the right to appeal this matter and can do so by contacting:

Robert Q. Bane  
Executive Associate for Regulatory Operations  
Office of Field Operations  
4700 S. Thompson, Bldg. B, Ste. 201  
Springdale, AR 72764  
Mobile: (b) (6)  
[robert.bane@usda.gov](mailto:robert.bane@usda.gov)

Pursuant to 9 CFR 500.5(d), you may also request a hearing regarding this determination. Should you request a hearing, FSIS will file a complaint that will include a request for an expedited hearing. If you wish to request a hearing regarding this determination, please contact:

Scott C. Safian, Director  
Enforcement Operations Staff (EOS)  
Office of Investigation, Enforcement and Audit (OIEA)  
Food Safety and Inspection Service  
United States Department of Agriculture  
Stop Code 3753, SB - Room 2148  
1400 Independence Avenue, SW  
Washington, DC 20250  
Telephone: (202) 418-8872  
Facsimile: (202) 245-5097  
E-mail: [AEBCorrespondence@usda.gov](mailto:AEBCorrespondence@usda.gov)

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

Sincerely,

**CAROL FORD**

Digitally signed by CAROL  
FORD  
Date: 2025.02.05 19:36:41  
-06'00'

Mr. Jeffery Jacobsen  
District Manager  
USDA FSIS OFO  
Des Moines District