



United States Department of Agriculture

Food Safety and
Inspection Service

September 3, 2020

Office of Field
Operations
Des Moines District
Office

Digital copy hand delivered

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Joseph Mach, Plant Manger
Swift Pork Company
600 South Iowa Avenue
Ottumwa, Iowa 52501

Voice 515.727.8960
Fax 515.727.8991

NOTICE OF SUSPENSION HELD IN ABEYANCE

Dear Mr. Mach:

On September 2, 2020 your establishment received verbal notification, followed by official written notification, from the Food Safety and Inspection Service (FSIS) of the suspension of assignment of FSIS inspection program personnel (IPP), for slaughter operations at Swift Pork Company, Establishment M850, located at 600 South Iowa Ave., Ottumwa, IA 52501, herein referred to as your establishment. This action was taken in accordance with the Rules of Practice, 9 CFR 500.3(b), which indicates that FSIS may take a withholding action or impose a suspension without providing an establishment prior notification if it is handling or slaughtering animals inhumanely such as occurred at your establishment on September 1, 2020.

On September 2, 2020 you provided FSIS, via email, written corrective actions and preventative measures in response to the regulatory noncompliance detailed in the Notice of Suspension. The response outlined actions adequate to address the noncompliance regarding humane handling of livestock requirements, including a plan to maintain 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}.

The emails included the following documents, detailing actions immediately implemented and further proposed:

- Letter to District for Sensibility Issue (3 pages)
- SOP #11 Determining Sensibility (Bleed Chain) (2 page)
- SOP #11 Sign-Off Training Record (1 page)
- Animal Handling Audit (2 pages)
- Front End's OCP'S (1 page)
- Butina Stunning Time Screen Print (1 page)

- Stick Wound Audit (1 page)
- PDA Kill Stick (12 pages)
- Stunner INSP (4 pages)
- Stunner, CO2 South/North (4 pages)
- Kill Stick PDA Sign Off (1 page)

Based on your submitted written response, you were informed via telephone, that the suspension of the assignment of inspectors for slaughter operations at your establishment would be held in abeyance effective September 2, 2020, in accordance with 9 CFR Part 500.3(b).

The suspension will remain in abeyance pending verification by FSIS that your proposed corrective action and preventive measures have been effectively implemented. Establishment personnel should monitor operations to prevent violations of humane handling and slaughter from occurring in the future. It is also important for you to understand the responsibility of FSIS to initiate action when there is a failure to operate in accordance with 9 CFR Part 313.5 of the regulations.

FSIS will design a verification plan that will follow this notification, to assist you 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 actions proffered in your proposed corrective action and preventive measures, and that these revisions and corrective actions are effective in assuring ongoing regulatory compliance. Only FSIS can amend the verification plan and any modifications to your submitted corrective actions and preventive measures made during the abeyance period will need to be submitted in writing to FSIS for verification of compliance 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 reinstatement of the suspension of inspection at your establishment or other appropriate administrative or legal action.

We urge your cooperation and voluntary compliance. If you have questions regarding this matter, please feel free to contact (b) (6) (b) (6) or the Des Moines District Office at 515-727-8960.

Sincerely,

TODD GERWIG

Digitally signed by TODD
GERWIG

Date: 2020.09.03 14:13:46 -05'00'

for Dawn Sprouls, DVM
District Manager
Des Moines District
USDA FSIS OFO DO