



January 23, 2020

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Mr. Bruce Rundle, General Manager
Smithfield Fresh Meats Corp.
Est. M717M
1220 North 6th Street
Monmouth, IL 61462

LETTER OF DEFERRAL

Dear Mr. Rundle:

This letter serves as official notification of the Food Safety and Inspection Service's (FSIS) decision to place the Notice of Intended Enforcement (NOIE), dated January 17, 2020, into deferral. 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 January 22, 2020.

Background

On January 17, 2020, the FSIS Chicago District Office notified you of the intent to withhold the marks of inspection and suspend the assignment of inspectors from your slaughter process at Smithfield Fresh Meats Corp., located at 1220 North 6th Street in Monmouth, 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 313.5(a)(3). The Rules of Practice, 9 CFR 500.3(b), specify that FSIS may issue a suspension without providing prior notification if it is determined that an establishment is handling or slaughtering animals inhumanely.

Because your establishment maintains a written systematic approach for the humane handling of livestock consistent with the FSIS guidelines for robustness and you had previously implemented this program successfully, the decision was to issue an NOIE in lieu of a suspension.

Within the NOIE, the FSIS Chicago District Office requested that you submit a written response to this office within three (3) working days from the date of your receipt of the written NOIE. The NOIE requested that the corrective actions in your response 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 January 22, 2020, the FSIS Chicago District Office received your written response dated that same day. During your investigation of the incident, you found that the shackle table was stopped on two occasions for an extended period of time before the egregious incident occurred. During this time, the south butina continued to be emptied causing hogs to pile up before the shackle table. Additionally, your maintenance department found some variations in temperature with the horizontal heater for the vertical CO₂ tank outside. Specifically, you proposed the following as a means to restore and maintain regulatory compliance as required:

1. All appropriate employees at the shackle table area have undergone re-training regarding identification of animals transitioning to consciousness. You provided a copy of the training material and the sign off sheet.
2. Communication training between the butina operators and shackle table in order to improve your communication process as to when it is necessary to stop releasing animals from the butina to the shackle table and prevent excessive piling. You provided a copy of the sign off sheet for the training session.
3. You are in the process of getting information on replacing components in the heater system. In the meantime, maintenance is conducting manual checks throughout the day to verify the heaters are working as they should, and you will continue to do so until you can replace the automatic controls.
4. The Animal Handling Specialist or company designated personnel will perform a random verification each production period each day until January 31, 2020. During this verification check, a minimum of 50 hogs will be observed released from the butinas. The verifier will observe shackle table employees verifying insensibility prior to shackling and observe discontinuation of releasing pigs from the butina if the line is stopped during observation. This will be documented on the "Insensibility & Butina Operator/Shackle Table Communication" verification record. You provided a copy of this form.
5. The manual checks of the heater system performed by maintenance will be documented on the preventative maintenance record one time per production day. Pressure should read between 220-290. You provided a copy of the preventive maintenance form.

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

Summary and Conclusion

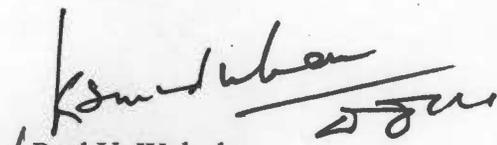
This letter serves as written notification that FSIS is deferring the decision to suspend the assignment of inspectors from the slaughter process at your establishment. The deferral of this decision will remain in effect until your proposed corrective actions are demonstrated to have been successfully implemented on a consistent and continuous basis. The corrective actions you proposed will be subject to verification by FSIS inspection program personnel (IPP) to ensure compliance with the corrective actions as well as the FMIA, HMSA, and the applicable FSIS regulations.

FSIS is committed to monitoring establishments' operations to verify compliance with the regulatory requirements. To assist in those verification activities, FSIS has developed a Verification Plan Report (VPR) based on your proposed corrective actions. The VPR will be completed by FSIS IPP as a means to verify and document regulatory compliance in conjunction with the conditions of this deferral. 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. 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 appropriate and immediate regulatory control actions.

If you have questions regarding this matter, you may contact (b) (6) [REDACTED], or this office at (630) 620-7474 or fax at (630) 620-7599.

Sincerely,



Paul V. Wolseley
District Manager
Chicago District