



United States Department of Agriculture

Food Safety and
Inspection Service

Office of Field
Operations

Springdale District

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February 27, 2020

Via Email: tmessman@smithfield.com
FedEx Tracking: 777875885023

Mr. Tim Messman, General Manager
Smithfield Fresh Meats Corp., Est. M320M
22123 Highway 5
Milan, MO 63556

NOTICE OF DEFERRAL

Dear Mr. Messman,

On February 20, 2020, the Food Safety and Inspection Service (FSIS) issued a Notice of Intended Enforcement (NOIE) to Est. M320M+V320, Smithfield Fresh Meats Corp., located at 22123 Highway 5, Milan, MO. The NOIE informed you of our intent to withhold the marks of inspection and suspend the assignment of inspection personnel with prior notification for your Slaughter process. The decision to institute this enforcement action was in accordance with Title 9 of the Code of Federal Regulations (CFR), Part 500.3(b) (Rules of Practice) due to your establishment's failure to prevent inhumane handling and slaughter of livestock at your facility as required by 9 CFR 313.2(d)(2).

On February 24, 2020, you provided a written response (Action Plan) to the NOIE, beginning a dialogue with FSIS that concluded with your final Action Plan submission on February 26, 2020.

After analyzing your Action Plan, including all information and revisions, FSIS has determined that your establishment has adequately addressed all the issues identified in the NOIE. At this time, FSIS will defer the decision on any further enforcement action pending the assessment and verification of your plan's implementation by FSIS inspection personnel to determine regulatory compliance. A copy of FSIS's Verification Plan is being shared with you to assist 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 corrective actions identified in your Action Plan, and that the measures proffered are effective in assuring ongoing regulatory compliance. It identifies the regulatory noncompliance, your actions, and FSIS verification procedures.

Please be advised that your failure to comply with the regulatory requirements, to implement the corrective actions identified in the Action Plan, and/or failure to notify this office in writing of any changes to the Action Plan may result in our initiating further regulatory action as deemed necessary at the time. **During this period of deferral, any changes made to the Action Plan need to be submitted to this office for review and comment prior to you putting the changes into place.**

Mr. Tim Messman, General Manager
Smithfield Fresh Meats Corp., Est. M320M+V320
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FSIS inspection program personnel will notify the Frontline Supervisor and the District Office immediately when modifications are made to the Action Plan and your establishment fails to notify this office.

If you have any questions, please contact this office.

Sincerely,



Robert Q. Bane
District Manager

cc: Ms. Geraldine French, Acting EARO
Dr. Evan Sumner, DDM
Dr. Don Dowdle, DDM
Mr. Jeffery Barham, DDM

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FO/Quarterly Reports

FSIS Verification Plan

Smithfield Fresh Meats Corp. (Est. M320M+V320)

Background that led to enforcement action (Bkgd)

Related Regulations (Reg)

Establishment Action Plan (AP)

Related Establishment Records (Rec)

FSIS Verification Activity (VA)

Frequency of Verification Activity (Freq)

Related PHIS Task (PHIS)

VP1	On 2/20/2020, FSIS issued an NOIE for the Slaughter process at Est. M320M+V320, Smithfield Fresh Meats Corp., located at 22123 Highway 5, Milan, MO, due to the failure to prevent inhumane handling and slaughter of livestock as required by 9 CFR 313.2(d)(2). This was because of an incident that occurred on 2/20/2020, documented in MOI VWK0113025720I, during which a non-ambulatory hog was pushed by a push gate in the Butina drive alley.
	9 CFR 313.2(d)(2)
	All employees and management working in the Butina alleyways and with the automated gates have undergone re-training regarding disengaging the gate in the event a pig is not standing and mobile. The Milan plant does not allow new animal handling employees to work independently without having training first.
	Training Module: Butina Push Gates; Training Sign-off: butina Push Gate Re-Training; Section 7.1 Smithfield Animal Welfare & Handling Quality Management Plan
	Verify that there are no new employees handling animals without having received training in accordance with Section 7.1 Smithfield Animal Welfare & Handling Quality Management Plan. This is a combination of observing employees handling animals and -- for any new employees -- verifying via records that they have received the training.
	Twice per week.
	Livestock Humane Handling
VP2	On 2/20/2020, FSIS issued an NOIE for the Slaughter process at Est. M320M+V320, Smithfield Fresh Meats Corp., located at 22123 Highway 5, Milan, MO, due to the failure to prevent inhumane handling and slaughter of livestock as required by 9 CFR 313.2(d)(2). This was because of an incident that occurred on 2/20/2020, documented in MOI VWK0113025720I, during which a non-ambulatory hog was pushed by a push gate in the Butina drive alley.
	9 CFR 313.2(d)(2)
	Pressure settings on Butina automated gate were adjusted down to 158 kg and added to daily preventative maintenance checks of the equipment. Maintenance will verify that the max pressure of 158 kg has not been exceeded. The plant has switches in place to quickly disable the push gates if there are any signs of pushing a non-ambulatory hog. We rely on employees to use the switches to prevent issues. Maintenance will test these switches daily to ensure they are working properly.
	Preventative Work Order
	Review Preventative Work Order records for the gate pressure settings. These should support that all three Butina push gates have a maximum pressure of 158 kg.
	Twice per week.
	Livestock Humane Handling
	On 2/20/2020, FSIS issued an NOIE for the Slaughter process at Est. M320M+V320, Smithfield Fresh Meats Corp., located at 22123 Highway 5, Milan, MO, due to the failure to prevent inhumane handling and slaughter of livestock as required by 9 CFR 313.2(d)(2). This was because of an incident that occurred on 2/20/2020, documented in MOI VWK0113025720I, during which a non-ambulatory hog was pushed by a push gate in the Butina drive alley.
	9 CFR 313.2(d)(2)

VP3	Pressure settings on Butina automated gate were adjusted down to 158 kg and added to daily preventative maintenance checks of the equipment. Maintenance will verify that the max pressure of 158 kg has not been exceeded. The plant has switches in place to quickly disable the push gates if there are any signs of pushing a non-ambulatory hog. We rely on employees to use the switches to prevent issues. Maintenance will test these switches daily to ensure they are working properly.
	Preventative Work Order
	Observe the preventative maintenance check of equipment to verify that all three gates have a maximum pressure of 158 kg.
	Once per week
	Livestock Humane Handling
VP4	On 2/20/2020, FSIS issued an NOIE for the Slaughter process at Est. M320M+V320, Smithfield Fresh Meats Corp., located at 22123 Highway 5, Milan, MO, due to the failure to prevent inhumane handling and slaughter of livestock as required by 9 CFR 313.2(d)(2). This was because of an incident that occurred on 2/20/2020, documented in MOI VWK0113025720I, during which a non-ambulatory hog was pushed by a push gate in the Butina drive alley.
	9 CFR 313.2(d)(2)
	A member of management or designee will perform a random verification each production period throughout the entire FSIS verification period. During this check, a minimum of 100 hogs will be observed moving through both the North and South butina alleyways. The verifier will observe both employees and hogs to ensure all animals are up on their feet and mobile. In the event a hog is sitting or becomes non-ambulatory in the alleyway the verifier will observe that the employee disengages the gate and address the animal in question in a humane, safe manner.
	Butina Alleyway Gate verification record.
	Review Butina Alleyway Gate verification records to verify daily checks are being conducted in accordance with the proffered actions.
	Twice per week.
VP5	On 2/20/2020, FSIS issued an NOIE for the Slaughter process at Est. M320M+V320, Smithfield Fresh Meats Corp., located at 22123 Highway 5, Milan, MO, due to the failure to prevent inhumane handling and slaughter of livestock as required by 9 CFR 313.2(d)(2). This was because of an incident that occurred on 2/20/2020, documented in MOI VWK0113025720I, during which a non-ambulatory hog was pushed by a push gate in the Butina drive alley.
	9 CFR 313.2(d)(2)
	A member of management or designee will perform a random verification each production period throughout the entire FSIS verification period. During this check, a minimum of 100 hogs will be observed moving through both the North and South butina alleyways. The verifier will observe both employees and hogs to ensure all animals are up on their feet and mobile. In the event a hog is sitting or becomes non-ambulatory in the alleyway the verifier will observe that the employee disengages the gate and address the animal in question in a humane, safe manner.
	Butina Alleyway Gate verification record.
	Observe the random verification to verify that a minimum of 100 hogs are observed moving through both the North and South Butina alleyways, that both employees and hogs are observed to ensure all animals are up on their feet and mobile, and that in the event of a sitting or non-ambulatory hog the employee disengages the gate.
	Twice per week.
	Livestock Humane Handling