

From: [Lastra, Julie - FSIS](#)
To: [Hotline Responses](#)
Cc: [Summers, Nadia - FSIS](#)
Subject: Response to OIG Hotline Complaint PS-2435-00032
Date: Friday, February 3, 2023 9:12:54 AM
Attachments: [Response to OIG Hotline Complaint PS-2435-00032.pdf](#)

Good morning,

Attached is FSIS' response to OIG Hotline Complaint PS-2435-00032. FSIS did find the allegations partially substantiated and implemented a robust action plan as a result. That plan is detailed in the attached response. The plan will address the ongoing issue of implement marks at the establishment and re-evaluate the humane handling procedures at the facility. Our Frontline Supervisor of the District will be meeting with FSIS inspection personnel and establishment management to ensure implementation of the action plan identified by FSIS.

Julie Lastra

Director, Internal Affairs

Food Safety and Inspection Service, USDA

1400 Independence Avenue, SW

Washington, D.C. 20250-3766

Cell: (b)(6)

julie.lastra@usda.gov

From: [Johnson, Mark - FSIS](#)
To: [Lastra, Julie - FSIS](#)
Cc: [Summers, Nadia - FSIS](#); [FSIS - FO/DO25/Des Moines District Management Team](#)
Subject: Des Moines District Response to Office of the Inspector General Hotline Complaint (PS-2435-00032)
Date: Friday, February 3, 2023 6:25:34 AM
Attachments: [Final IA response 2-3-2023.pdf](#)
[2021-02-05 Official Correspondence Letter M85.pdf](#)
[2021-05-05 Letter to State Vet.pdf](#)

Please see attached Des Moines District Office response to the Office of the Inspector General (OIG) Hotline Complaint (PS-2435-00032). There are 2 attachments to this response for reference.

Please let us know if there are any questions.

Mark W. Johnson, DVM

Deputy District Manager
Des Moines District
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mark.johnson5@usda.gov
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District Office: 515-727-8960



United States Department of Agriculture

Food Safety and
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FOR OFFICIAL USE ONLY
February 3, 2023

TO: Julie Lastra
Director, Internal Affairs
Food Safety and Inspection Service, USDA
1400 Independence Avenue, SW
Washington, D.C. 20250-3766

SUBJECT: Des Moines District Office response to the
Office of the Inspector General Hotline Complaint (PS-2435-00032)

Dear Ms. Lastra,

On October 24, 2022, an Office of the Inspector General (OIG) Hotline Complaint (PS-2435-00032) which alleges FSIS is failing to enforce federal animal welfare laws at the JBS-owned Swift Pork plant in Ottumwa, Iowa, was received by the Des Moines District Office. This complaint was declined by the OIG and referred to FSIS for any administrative action if appropriate.

Part I of the letter describes the USDA responsibilities of "enforcing federal laws regulating the welfare of animals of slaughter." The Federal Meat Inspection Act and the Humane Methods of Slaughter Act are referenced and described. The letter focuses on the authority given to FSIS to suspend operations

Part II of the letter states their opinion, "FSIS has relinquished its responsibility to enforce federal animal welfare laws at the Swift Pork plant in Ottumwa, Iowa." In this section they summarize the MOIs documented during the time period of April 2, 2021, and September 25, 2021. The letter basically summarizes the total animals they feel have been abused, without considering the cause and/or severity of the identified postmortem findings, or the source. While FSIS does take these issues seriously, it appears the complainant may not understand FSIS does not have authority to take actions for issues occurring prior to the arrival at an official premises. For this reason, correspondence, as detailed below, was sent to the Iowa State Veterinarian from the Des Moines District Office. Following the correspondence letter, there was some limited discussion with the Iowa State Veterinarian.

Further into part II, the author of the letter questions the Agency finding of the establishment's written Animal Welfare Program being determined to have a robust systematic approach. At the time of the review, IPP determined the written program was meeting the Agency's expectations for a robust systematic approach. The

below excerpt from the August 2, 2021 MOI, summarizes the findings of this review and supports the decision of the IPP:

With respect to implement usage MOIs, [Name redacted] and the livestock management team continue to follow the SOPs developed for tool use, doing a thorough investigation for every reported incident, maintaining the establishments strict zero tolerance policy by holding in-plant employees, livestock haulers, and producers accountable for any infractions and have imposed immediate corrective actions and preventative measures for each incident. Records supporting each incident are maintained in the livestock office.

[Name redacted] has ensured the establishment is following AWS written SOPs at each level of the process from truck unloading to stick. Records support both monitoring, verification, frequency, location, time, and corrective actions as applicable pertaining to each SOP, and the employees responsible to perform each task are being implemented. Training records documenting each employees attestation of knowledge and understanding of the SOPs related to their job tasks are on file.

Part III of the letter states, "FSIS has demonstrated that it will not enforce federal animal welfare laws at the Swift Pork plant so OIG must intervene." This response outlines the past and continuous actions of FSIS, and outlines the further actions proposed by the Frontline Supervisor.

The trend of implement marks on hogs delivered for harvest was identified by in-plant personnel late in the year 2020, specifically between November 2020 through April 2021. These issues were documented on Memorandum of Interviews (MOIs) and put into the Public Health Information System (PHIS). An Official Correspondence Letter was sent to the establishment on February 5, 2021. This letter outlined the concerns of USDA-FSIS, Des Moines District Office. This letter was responded to by the establishment general manager and is detailed below.

Official Correspondence letter to the establishment:



2021-02-05 Official
Correspondence Lette

Following some initial investigations into the implement marks, a letter of Official Correspondence was sent to the Iowa State Veterinarian, dated May 5, 2021, to report and make the State of Iowa aware of the Animal Handling issues possibly occurring prior to arrival at the JBS-Owned Swift Pork plant in Ottumwa. In this letter, producers were identified to the State Veterinarian's Office.

Official Correspondence letter to the Iowa State Veterinarian:



2021-05-05 Letter to
State Vet.pdf

During the period of time mentioned in the letter from Animal Partisan, April 2, 2021, and September 25, 2021, there were 463 Livestock Humane Handling tasks performed by USDA-

FSIS inspection personnel. As noted in the complaint letter, there were 37 MOIs documented. One of the uses of an MOI is to document concerns not rising to the level of regulatory noncompliance. Postmortem findings may indicate there is a potential issue, but more investigation is needed to determine the cause and responsible party for the implement misuse. Prior to the arrival at the establishment hogs are either transported directly from the producing farm, hauled by either the producer or a trucking firm, and in some instances, hogs are transported by the producers to buying stations. The hogs from the buying stations would then be transported to the facility. Some hogs may arrive directly from the producer, while others are transported multiple times.

Enforcement history

September 1, 2020, USDA-FSIS took an enforcement action by initiating a Notice of Suspension (NOS) for a hog returning to consciousness, CO2.

December 2, 2020, USDA-FSIS took an enforcement action by initiating a Reinstatement of a Notice of Suspension (RNOS) for Stunning Effectiveness, improper usage of a Hand-Held Captive Bolt.

Following the NOS and RNOS, there were verification visits conducted on October 21, 2020, December 2, 2020, January 20, 2021, March 2, 2021, and a DVMS close-out visit conducted on April 20, 2021.

A Letter of Warning (LOW) was issued on April 21, 2021.

The initial establishment actions began in January 2021. A Standard Operating Procedure (SOP) was created, originally entitled, Standard Operating Procedure for Investigating Paddle Marks. This SOP was initiated on January 14, 2021, and has had several revisions since, including revisions dated, January 24, 2022, March 4, 2022, and January 24, 2023. This SOP is now entitled, "Standard Operating Procedure for investigating handling tool marks," which is reportedly not a part of the Animal Welfare System (AWS). This SOP provides for the investigation of carcasses identified with bruising suspected to be due to handling instruments, but the SOP doesn't indicate a routine frequency for monitoring carcasses. The responsible parties are listed as Plant Management, Producers, Procurement, and Transports. The frequency is not directly stated but the intent was for an investigation to be initiated when a carcass is identified as having bruises, "definitively due to a handling instrument." The establishment response to the Des Moines District Official Correspondence Letter, dated February 9, 2021, also outlined, and included the establishment's "SOP for Handling Tool Use," training material presented in January and February to establishment handling personnel, and the training records.

On May 7, 2021, establishment management requested IPP review their Systematic Approach to Humane Handling Program in hopes they would be recognized by IPP as maintaining a robust program. During July 2021, when the establishment's Animal Welfare System and records were being reviewed for reconsideration for robust status, the establishment's implementation of a 3rd party video auditing system was discussed. The use was proffered during the process of consideration for robust status of the Establishment's Systematic Approach to humane handling. However, this auditing system was never implemented, and at this time, the establishment has no plans to move forward with this system.

On March 2, 2022, the DVMS team, District Manager, a Deputy District Manager, and FLS met with the in-plant team and establishment management regarding concerns of continued incidents of the postmortem findings of implement usage. This meeting was conducted to correlate with the establishment and reinforce the Des Moines District Office concerns.

In January 2023, in-plant personnel requested to review the records for paddle mark investigations. It was found from 05/2022 to 11/2022 a Livestock QA on each shift performed, as part of their daily tasks, two 15-minute audits on the harvest floor for paddle/implement marks and recorded their findings on the 'Carcass Review for Animal Welfare Concerns' sheet. Pictures, if needed, were taken via cell phones, and turned in to 1st shift QA. Establishment management advised an investigation is done if there are indeed paddle marks and based on how severe, and some investigations are by email only. They added all hot shot prod marks are investigated immediately. These investigations have been reviewed by IPP and have resulted in appropriate action, i.e., suspended from being able to transport livestock to the facility. In total, the establishment has taken appropriate action against 2 truck drivers, 2 farm employees, and 4 establishment personnel

Beginning 11/2022, the Livestock QA position was eliminated, and a new position was created, Humane Handling Specialist. The Humane Handling Specialist does the same audits previously completed on the harvest floor, most days, however it was found the audit times are shorter, now approximately 5-10 minutes, usually at 0500 hours, as indicated in the records. In-plant personnel were informed if there are no findings at this time, they will not do any more audits for the day. It was also determined, there are days the audits are not completed if they are short staffed. Additionally, there is only 1 individual for this position. A split shift is done (b)(4) but otherwise they only work a single shift daily, for (b)(4) shifts of work.

The daily monitoring of Animal Handling and implement use is described in the establishment's Animal Welfare System. There are varying audits for unloading calmly, minimal use of paddles, usage of rattle paddles, sort boards, and other acceptable tools, and evaluation of "Willful Acts of Abuse." These audits are completed (b)(4) per shift, and the establishment considers there to be (b)(4) shifts for animal handling. There is also a specific SOP for Paddle Usage (SOP#22). USDA-FSIS routinely verifies performance of these tasks.

There are some findings of implement tool marks by the establishment. In the most recent months, November 2022 through January 2023, the establishment identified 24 instances of implement marks. The majority of these were determined to be "slight." In addition to those identified by the establishment, USDA-FSIS identified 15, which were also determined to be slight. There were 2 recent investigations, one resulting in a suspended trucker, and the other inconclusive with no findings and closed. When IPP document and issue an MOI for implement mark concerns, the establishment acts in accordance with same referenced SOP, "Standard Operating Procedure for Investigating Handling Tool Marks."

Since late November 2022, when IPP have identified suspected implement marks during postmortem inspection, pictures have been taken of the marks by the establishment. These pictures have been routinely reviewed and discussed with USDA-FSIS in a meeting following the Establishment Weekly Meeting with the USDA. During each meeting, the investigation status is requested by USDA-FSIS and the establishment has the opportunity to provide this information. These discussions regarding individual instances have not included any corrective actions or preventative measures proffered by the establishment.

The establishment has indicated that it is very challenging to identify if and how an animal has been subjected to implement abuse or if a particular bruise is caused by abuse. It could be from any point from the producing farm, trucking company, buying station, or even the establishment. FSIS inspection has increased observations in the yards at the establishment, with these observations showing compliance with the Humane Handling regulatory requirement, except when noted in the documented MOIs and Noncompliance Records. Humane Animal Tracking System (HATS) activities have increased, over time, in the livestock yards, particularly in the "implement use" category.

A District Veterinary Medical Specialist (DVMS) routine visit was conducted for both shifts at Establishment M850 Swift Pork Company, Ottumwa, IA on October 4-5, 2022. This visit was prior to the complaint, with the report for this visit being completed after the complaint was received. The on-going implement marks concern was noted in the DVMS report.

The in-plant team concluded in August 2021 to reinstate the robust status for the establishment. In hindsight, there were items taken into consideration where the establishment did not follow through with items to completion, and other ongoing issues of compliance with their established SOP. The robust status for this establishment is currently being reconsidered, see details below.

Recent discussions have been held with the Frontline Supervisor, DVMSs, and the District Management Team (DMT). The concerns raised were an impression the establishment is no longer pursuing investigation of implement marks as originally intended in their SOP. Many instances are determined to be "slight" and not investigated, there are "no findings," or the investigation is incomplete, but closed. Additionally, the establishment has not implemented the 3rd party video surveillance as proffered and has not considered any additional activities in lieu of this decision. Finally, the establishment is no longer conducting an analysis of those suspected of inappropriate implement use to determine if there are repetitive issues. The Animal Welfare Manager, in the past, kept a spreadsheet for each driver associated with a paddle mark investigation for tracking purposes. This is no longer being done and there is no analysis performed to determine any trends or repetitive issues.

In a review of the most recent actions by the establishment, reporting of the in-plant team, and analysis by the DVMSs and DMT, there are concerns to be addressed and we have worked with the Frontline Supervisor to implement the below action plan.

FLS Action plan:

Goals:

Address the ongoing issue of implement marks at Est. 85-0.
Re-evaluate the Robust status of Humane Handling.

Challenges:

The establishment has an ongoing issue of implement marks being observed by IPP. The establishment has determined that some of the implement marks have come from the truck drivers, but the majority of the documentation states that the marks have occurred at producer level. A part of their SOP says that they will review camera footage, however, they frequently document that the camera footage has "lapsed" (the footage is only available for 10 days back for the older cameras, and 40 days back for the new cameras, and they apparently did not follow up in time to view the footage). They have taken appropriate action against 2 truck

drivers, 2 farm employees, and 4 establishment personnel, however, the majority of investigations seem to be closed at producer level without any corrective actions being documented. The company had planned to put additional cameras in the yards and have it audited by a third party. That plan has been abandoned as the company says they have financial restrictions. Another issue is that the company does not have a clearly stated program which addresses any monitoring for implement marks done by the establishment.

In-plant / SPHV actions:

In December, IPP began to meet with the establishment to follow up on MOIs created due to implement marks and inquiring as to the status of the investigations.

- IPP noted the company has taken pictures where they were unable to present the picture during the company meeting
 - SPHVs will visually confirm a picture has been taken and ensure it accurately reflects the lesion. A blue retain tag will be placed on the carcass for identification purposes prior to a picture being taken.
- The primary answer provided by the company is that the investigation is at the producer level, or the investigation closed without a determination of a root cause.
- IPP will be asking further questions:
 - such as, who is the producer?
 - Is it the same producer (repetitive)?
 - What has the company done to address this with the producer?
- IPP will also have a correlation with the company to present pictures of obvious implement marks and stress it is their responsibility to investigate and determine the cause and responsible party for the marks.
- IPP will assure any concerns that do not rise to the level of an NR, but which may be indications of implement over-use (continual light tapping even when animals are moving, animals being rushed, vocalizations) are documented in an MOI rather than verbal notification without follow up documentation. This will be monitored by the FLS.
- IPP will assure situations of regulatory noncompliance are documented on an NR. This will be monitored by the FLS.

FLS Actions:

The FLS will have a meeting with establishment management and SPHVs.

During this meeting the FLS will discuss that the implement mark findings have not improved.

- Examples (inconclusive findings, no findings, no CAs or PMs.)
- The situations where an investigation is not initiated
- "lapse of video" availability. Why? Are the investigations not being immediately initiated?

Many establishment investigations have not been successful at determining a root cause and preventing further occurrences.

Review of the documentation reflects that the majority of investigations seem to stall at the producer level.

Also covered will be the concern that the company may not have adequate camera coverage and has been slow to investigate which has resulted in lapsed camera footage.

The establishment will be asked how they are assuring these events are not occurring in the establishment as they continue to use paddles.

- What is being done to assure the implement marks are not an internal problem?
Establishment needs something to demonstrate this. (ex. Situation where the producers and truckers use rattle bats, but rattle paddle marks were identified).

Also addressed will be they have no written frequency for monitoring for implement marks and do not have anyone delegated as responsible for the monitoring within the written program. Monitoring is random or stumble upon. The monitoring they do at 5 am, if possible, and is not part of their SOP.

It will be explained to the company the failure to address these concerns immediately may directly affect their Robust status.

The points covered will be provided in writing to the Establishment as due process to inform them of the potential for withdrawal of Robust status.

Sincerely,

MARK
JOHNSON

Digitally signed by
MARK JOHNSON

Date: 2023.02.03

05:21:06 -06'00'

(for)

Dr. Dawn Sprouls
District Manager
Des Moines, Iowa



United States Department of Agriculture

Food Safety and
Inspection Service

February 5, 2021

Signed copy hand-delivered

Office of Field
Operations
Des Moines District
Office

Joe Mach, Establishment Manager
Swift Pork Company, Est. M85O
6000 South Iowa Avenue
Ottumwa, IA 52501

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

OFFICIAL CORRESPONDENCE LETTER

Dear Mr. Mach:

Voice 515.727.8960
Fax 515.727.8991

This letter is to alert you of the Food Safety and Inspection Service (FSIS) Des Moines District Office's (DMDO) growing concern of what appears to be your inability or unwillingness to process, implement, and/or maintain your humane handling program, assuring FSIS that your humane handling program is adequately implemented to ensure animals are humanely handled or slaughtered.

As of November 30, 2020, the in-plant inspection team has documented concerns with the handling of swine at your establishment, including ante-mortem and post-mortem findings related to implement use at or before arriving at your establishment. Below is a summary of the humane handling and other Public Health Information System (PHIS) memorandum of interviews (MOIs) related to animal handling and implement use:

- 11/30/2020 (HEM4311114230G): Concerns with implement use from the barn to the single-file walkway prior to the Butina® with raising bats above the shoulder level repeatedly (on the same hog) was documented by the in-plant inspection team.
- 12/12/2020 (HEM4809123112G): The in-plant inspection team documented concerns and discussions about implement marks found on post-mortem inspection (PM) on multiple hogs from multiple lots observed on multiple days (2020-12-08, 09, 10).
- 12/24/2020 (HEM4415122024G): The in-plant inspection team documented observations and notification to the establishment about implement marks found on ante-mortem inspection (AM) on multiple days (2020-12-21, 23).
- 1/4/2021 (HEM2716013604G): The in-plant inspection team documented observations and notification to the establishment about implement marks found on one hog on PM on 2020-12-30.
- 1/7/2021 (HEM3809010507G): The in-plant inspection team documented observations and notification to the establishment about implement marks found on PM of multiple hogs with same tattoo number on 2021-01-02.
- 1/7/2021 (HEM5909013607G): The in-plant inspection team documented observations and notification to the establishment about implement marks found on PM with multiple tattoo numbers on 2021-01-04.
- 1/11/2021 (HEM4616014911G): The in-plant inspection team documented observations and notification to the establishment about implement marks found on PM on multiple hogs with multiple tattoo numbers on 2021-01-09.

- 1/12/2021 (HEM1119014112G): The in-plant inspection team documented observations and notification to the establishment about implement marks found on PM on multiple hogs with multiple tattoo numbers on 2021-01-11.
- 1/13/2021 (HEM2208014713G): The in-plant inspection team documented observations and notification to the establishment about implement marks found on PM on multiple hogs with multiple tattoo numbers on 2021-01-09.
- 1/13/2021 (HEM3615010013G): The in-plant inspection team documented observations and notification to the establishment about implement marks found on PM on multiple hogs with multiple tattoo numbers on 2021-01-12.
- 1/14/2021 (HEM4219013514G): The in-plant inspection team documented observations and notification to the establishment about implement marks found on PM on multiple hogs with multiple tattoo numbers on 2021-01-13.
- 1/14/2021 (HEM4419015314G): The in-plant inspection team documented observations and notification to the establishment about implement marks found on PM on multiple hogs with multiple tattoo numbers on 2021-01-14.
- 1/16/2021 (HEM1416010816G): The in-plant inspection team documented observations and notification to the establishment about implement marks found on one hog on PM on 2021-01-15.
- 1/18/2021 (HEM3322015118G): The in-plant inspection team documented observations and notification to the establishment about implement marks found on PM on multiple hogs with multiple tattoo numbers on 2021-01-16.
- 1/18/2021 (HEM0620014518G): The in-plant inspection team documented observations and notification to the establishment about implement marks found on PM on multiple hogs with multiple tattoo numbers on 2021-01-18.
- 1/19/2021 (HEM1711012719G): The in-plant inspection team documented observations and notification to the establishment about implement marks found on PM on multiple hogs with multiple tattoo numbers on 2021-01-16.
- 1/19/2021 (HEM3010015019G): The in-plant inspection team documented observations and notification to the establishment about implement marks found on PM on multiple hogs with multiple tattoo numbers on 2021-01-18.
- 1/20/2021 (HEM2321014420G): The in-plant inspection team documented observations and notification to the establishment about implement marks found on PM on multiple hogs with multiple tattoo numbers on 2021-01-19.
- 1/21/2021 (HEM4019011121G): The in-plant inspection team documented observations and notification to the establishment about implement marks found on PM on multiple hogs with multiple tattoo numbers on 2021-01-20.
- 1/21/2021 (HEM4219011321G): The in-plant inspection team documented observations and notification to the establishment about implement marks found on PM on multiple hogs with multiple tattoo numbers on 2021-01-21.
- 1/25/2021 (HEM0921012225G): The in-plant inspection team documented observations and notification to the establishment about implement marks found on PM on multiple hogs with multiple tattoo numbers on 2021-01-22.
- 1/26/2021 (HEM0816014326G): The in-plant inspection team documented observations and notification to the establishment about implement marks found on PM on multiple hogs with multiple tattoo numbers on 2021-01-25.

- 1/29/2021 (HEM3819013529G) : The in-plant inspection team documented observations and notification to the establishment about implement marks found on PM on one hog 2021-01-27.
- 1/29/2021 (HEM4119013029G): The in-plant inspection team documented observations and notification to the establishment about implement marks found on PM on multiple hogs with multiple tattoo numbers on 2021-01-27.
- 1/29/2021 (HEM4319013429G): The in-plant inspection team documented observations and notification to the establishment about implement marks found on PM on multiple hogs with multiple tattoo numbers on 2021-01-28.
- 1/30/2021 (HEM3816013230G): The in-plant inspection team documented observations and notification to the establishment about implement marks found on PM on multiple hogs with multiple tattoo numbers on 2021-01-30.
- 1/31/2021 (HEM0302011931G): The in-plant inspection team documented observations and notification to the establishment about implement marks found on PM on multiple hogs one with a tattoo number and one without a tattoo number on 2021-01-30.

This letter acknowledges the repeated findings of implement misuse found on ante-mortem and post-mortem inspection occurring at or before arrival at your establishment. The DMDO is requesting a written response concerning this Official Correspondence Letter. We will determine if further steps are warranted based upon your response. Your response should include:

1. Describe any specific preventative and corrective actions that will be taken or has been taken in detail to prevent reoccurrence.
2. Describe in detail the activities (monitoring, verification, training, etc.) that your establishment will use to ensure the corrective actions and preventative measures proffered are effective.
3. Provide copies of the changes made to any of your humane handling programs and associated records.

We have received information from the in-plant inspection team that you believe the misuse handling is not occurring at your establishment and that you have contacted producers you believe to be responsible. As such, please be advised that the preceding information will be shared with our federal and state counterparts with regulatory authority as deemed appropriate.

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

Sincerely,

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



United States Department of Agriculture

Food Safety and
Inspection Service

May 5, 2021

Digitally signed copy electronically-delivered

Office of Field
Operations
Des Moines District
Office

Dr. Jeff Kaisand
State Veterinarian
Wallace Building
502 East 9th Street
Des Moines, IA 50319

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

OFFICIAL CORRESPONDENCE LETTER

Voice 515.727.8960
Fax 515.727.8991

Dear Dr. Kaisand:

This letter is to alert you to Food Safety and Inspection Service (FSIS) Des Moines District Office’s (DMDO) on-going concern with implement misuse identified at establishment M850, Swift Pork Company, in Ottumwa, IA. Inspection program personnel (IPP) identified implement misuse and handling concerns (including ante-mortem and post-mortem findings related to implement use at or before arriving at M850) starting in November 2020. IPP documented these concerns in memorandum of interviews (MOIs) identified below. The establishment provided written feedback to this concern in February 2021. The establishment has also provided IPP information that the establishment believes the majority of implement misuse findings occurred outside of the establishment either at the production facilities or during truck unloading. The establishment also provided FSIS DMDO with additional information on facilities identified as potential sources of implement misuse. This information is provided below.

The in-plant inspection team documented forty-one (41) Public Health Information System (PHIS) MOIs related to animal handling and implement use during the time frame of November 30, 2020 through April 30, 2021. During that time, three (3) MOIs were related to findings observed at the establishment. At the beginning of the data review, many of the implement markings noted on post-mortem inspection were related to rattle paddle, plastic bats, and/or electric prods similar to that utilized at the establishment. As the observations continued, other implement markings were noted that are not typically utilized at the establishment including sorting sticks, battery-powered electric prods (findings indicate that these types of implements were not consistent with implements utilized at the establishment), broken off rattle paddles, and others.

Below is a summary of the production facilities that the establishment provided to the FSIS DMDO on April 8, 2021:

(b)(4)

- 6660 – JBS 1587 Kent Avenue New Sharon, IA 50207

(b)(4)

- 6701 – JBS 1573 Gabriel Avenue Wayland, IA 52654
- 6770 – JBS 20507 County Road 669 Downing, MO 63536

(b)(4)

- 6838 – JBS 20507 County Road 669 Downing, MO 63536

(b)(4)

- 6433 – JBS 2046 170th Street Jefferson, IA 50128
- 6382 – JBS 14909 Alfalfa Avenue Unionville, IA 52594
- 6518 – JBS 1848 270th Street Fairfield, IA 52556

(b)(4)

The authority of FSIS is limited to the official establishments where federal inspection is provided. The DMDO is concerned that the implement misuse issues identified in market swine arriving at establishment M85O may be occurring outside of official premises.

If you have questions or would like to set up a meeting to discuss this matter, please feel free to contact the Des Moines District Office at 515-727-8960, (b)(6) District Veterinary Medical Specialist (DVMS), at (b)(6), or (b)(6) DVMS, at (b)(6).

Sincerely,

THOMAS BECK Digitally signed by THOMAS BECK
Date: 2021.05.05 11:04:48 -05'00'

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

From: [Hotline Referrals](#)
To: InternalAffairs@usda.gov
Subject: PS-2435-00032
Date: (b)(6); (b)(7)(C)
Attachments: PS243500032.FSIS.pdf.pdf

This Complaint was received on (b)(6); (b)(7)(C) Attached please find a Hotline complaint referred by OIG to your organization.

It is requested that your office evaluate the allegation(s) and provide a response to OIG regarding any administrative actions planned or taken as a result of your inquiry. If your inquiry reveals any additional information related to potentially criminal activity, please contact OIG as soon as practicable in accordance with USDA Departmental Regulation 1700.002 and any memorandum of understanding between your office and OIG, as applicable. All responses to OIG should be provided via (b)(6)@oig.usda.gov; please include the Hotline case number in each response message.

Thank you

Public Law 95-452, sec. 7, prohibits the unwarranted disclosure of the complainant's identity or the taking of reprisal action against the complainant. In those instances where the complainant is anonymous or wishes to remain confidential, no attempts should be made to discover the identity of the complainant. The complaint should be provided or discussed only with those who need to resolve the issues. The typed complaint should not be provided to the subject; however, you may discuss with the subject all relevant issues to completely resolve the complaint.

Hotline_Data_LOAD_Nbr=(79099) -Thu10-20-2022@9-41-21.57.txt
Below you will find information on this Hotline submission:

Submitted As: allows name to be included

Submitter Information

Name:

Will Lowrey

Address:

11357 Nuckols Road, #138

City:

Glen Allen

State:

VA

Zip:

23059

Phone:

804-307-4102

Are you employed with the USDA?:

No

What agency are you employed with?:

What is your GS Level?:

E-mail:

wlowrey@animalpartisan.org

Allegation Details

Company/Organization Status:

Company/Organization

Alleged Company/Organization Name:

Animal Partisan

List this Company/Organization address:

11357 Nuckols Road, #138

List this Company/Organization city:

Glen Allen

List this Company/Organization state:

VA

List this Company/Organization zip:
23059

Complaint Summary:

FSIS has effectively abdicated its responsibility to enforce federal animal welfare laws at the JBD-owned Swift Pork plant in Ottumwa, Iowa. For a period of 6 months in 2021, FSIS documented over 3,000 pig carcasses reflecting signs of abuse, but never took any meaningful action beyond documenting these incidents in MOIs. A detailed legal analysis and summary will be mailed to USDA, OIG Hotline, P. O. Box 23399, Washington, D.C. 20026-3399.

When did the incident(s) occur?:

JBS-owned Swift Pork plant located at 600 South Iowa Avenue, Ottumwa, Iowa 52501.

Other Actions

Has this been reported to any other organizations/agencies?:

no

If yes, which organization/agency?:

When?:

What is the status of the complaint?: