



United States
Department of
Agriculture

Food Safety
and Inspection
Service

Washington, D.C.
20250

August 14, 2007



RE: FOIA Case No.: 07-172
Humane Slaughter Act

Dear [REDACTED]:

This is in response to your Freedom of Information Act (FOIA) request dated December 13, 2006, initially submitted to the Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS). Your request was referred to us by APHIS on May 21, 2007, for processing and direct response.

In your request, you asked for copies of records involving Humane Slaughter Act violations and subsequent penalties from January 1, 2002, to December 12, 2006, "pertaining to horses that were slaughtered at the Cavel slaughter plant in DeKalb, Illinois." In a telephone conversation of June 27, 2007, with a member of our FOIA Staff, you amended your request to only include inspection reports for calendar years 2005 through 2007.

In responding to a FOIA request, USDA's Food Safety and Inspection Service (FSIS) search will include responsive records in its control on the date the search began. FSIS' search began on May 22, 2007.

Your request is granted in part at no cost to you. Enclosed are the releasable portions of inspection reports for calendar year 2005. Please be advised that a search by knowledgeable staff in FSIS' Office of Public Affairs, Education and Outreach, failed to locate any noncompliance reports which refer to humane handling violations for calendar years 2006 through 2007.

After a thorough review of these documents, I have determined that portions of them are exempt from disclosure under (b)(4), (b)(6), and (b)(7)(C) of the Freedom of Information Act of 1974, 5 U.S.C. § 552, as amended. We are releasing a total of 13 pages, all of which contain redacted material.

FOIA Exemption 4 protects "trade secrets and commercial or financial information obtained from a person that is privileged or confidential." Disclosure of this information would impair the government's ability to obtain necessary information in the future and cause substantial harm to the competitive position of the person from whom the information was obtained.

Exemptions 6 and 7(C) protect information that would constitute a clearly unwarranted invasion of personal privacy. Under Exemption 6, we have withheld the identity of lower-level Agency personnel. This exemption along with the law enforcement Exemption 7(C), affords protection to Agency enforcement personnel.



Page 2



You may appeal this determination within 45 days from the date of this letter. Your appeal should include copies of your original request and this response, as well as a discussion of the reasons supporting your appeal. The envelope should be plainly marked to indicate that it contains a Freedom of Information Act appeal. If you decide to appeal, please send your appeal to:

Alfred V. Almanza
Administrator
U.S. Department of Agriculture
Food Safety and Inspection Service
1400 Independence Avenue, SW
Room 1140 South Building
Washington, D.C. 20250-3700

For your information, your FOIA request, including your identity and the information made available, is releasable to the public under subsequent FOIA requests. In responding to these requests, FSIS does not release personal privacy information, such as home address, telephone number, or social security number, all of which are protected from disclosure under FOIA Exemption 6.

Thank you for your interest in FSIS' programs and policies.

Sincerely,

Carol L. Blake
Deputy Director
Executive Correspondence and
Issues Management Staff

Enclosures



Clean • Separate • Cook • Chill

Visit befoodsafegov.gov, askkaren.gov, or call 1-888-MPHotline.

US Department of Agriculture
FOOD SAFETY AND INSPECTION SERVICE
NONCOMPLIANCE RECORD

TYPE OF NONCOMPLIANCE

☐ Food Safety ☒ Other Consumer Protection

1. DATE 06/16/2005	2. RECORD NO. 0031-2005-8849	3. ESTABLISHMENT NO. 15849 E / 1
4. TO (Name and Title) James Tucker, General Manager		5. PERSONNEL NOTIFIED James Tucker
6. RELEVANT REGULATION(S) 313.2(e)		
7. SECTION/PAGE OF EST. PROCEDURE PLAN	HACCP	SSOP
OTHER pg 139		
8. ISP CODE 04C02	9. NONCOMPLIANCE CLASSIFICATION INDICATORS PRODUCT - Protocol (b)(5)(4)	

10. DESCRIPTION OF NONCOMPLIANCE

At approximately 8:30 am today, while performing ante mortem inspection on horses, I saw that there was no water in the water troughs in any of the ante mortem pens. The horse unloading had begun at approximately 8 am this morning and there horses in every ante mortem pen. The plug to the drain for the water through on the east end of the room was not in place. I informed the plant manager, Raul Milan of the violation. He immediately provided water to the horses and stated that he would talk to the personnel who work in the ante mortem pens and have them increase their monitoring.

9 CFR Ch. III, regulation 313.2(e) states " animals shall have access to water in all holding pens." These animals were provided no water at the time of my examination and therefore the establishment was in violation of the regulation.

11. SIGNATURE OF INSPECTION PROGRAM EMPLOYEE

(b)(6), (b)(7)(c)

You are hereby advised of your right to appeal this decision as delineated by 306.5 and/or 381.35 of 9 CFR.

12. PLANT MANAGEMENT RESPONSE (Immediate action(s)):

Plant Manager will assure that pen supervisor will turn on waters when animals arrive.

13. PLANT MANAGEMENT RESPONSE (further planned action(s)):

This document serves as written notification that your failure to comply with regulatory requirement(s) could result in additional regulatory or administrative action.

14. SIGNATURE OF PLANT MANAGEMENT

15. DATE

6/21/05

16. VERIFICATION PROGRAM EMPLOYEE

(b)(6), (b)(7)(c)

17. DATE

6/21/05



ANIMALS' ANGELS

we are there with the animals

5/11/05

TO: Mr. James Tucker, Cavel International

FROM: [REDACTED]

(b)(6), (b)(7)(c)

SUBJECT: NR 0026-2005-8243

(b)(6), (b)(7)(c)

This memorandum will serve all parties that the above NR has been rescinded based on the situation cited comes under APHIS jurisdiction.

On April 26 past Cavel Management met with Tamara Mayberry, [REDACTED] discussing the receiving of horses. Guidelines were set down at this meeting.

Once the trucks come onto the plant's premises the welfare of the animals is not only your concern, but ours too.

It is imperative that management set up times of arrival for all shippers particularly those coming long distances.

[REDACTED]

(b)(6), (b)(7)(c)

The request for this information is voluntary. It is needed to monitor defects found in this inspection system. It is used by FSIS to determine whether establishments are in compliance. 9 CFR 301 and 9 CFR 381. FORM APPROVED OMB No. 0583-0089. OMB DISCLOSURE STATEMENT: Public reporting burden for this collection of information is estimated to average 7 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, Room 404-W, Washington, DC 20250: and to the Office of Information and Regulatory Affairs, Office of Management and Budget.

US Department of Agriculture
FOOD SAFETY AND INSPECTION SERVICE
NONCOMPLIANCE RECORD

TYPE OF NONCOMPLIANCE

☐ Food Safety ☒ Other Consumer Protection

1. DATE
04/13/2005

2. RECORD NO.
0019-2005-8243

3. ESTABLISHMENT NO.
15849 E / 1

4. TO (Name and Title)
James Tucker, General Manager

5. PERSONNEL NOTIFIED
James Tucker

6. RELEVANT REGULATION(S)
313.2 (a) & (b)

7. SECTION/PAGE OF EST. PROCEDURE PLAN

HACCP

SSOP

OTHER
138

8. ISP CODE

04C02

9. NONCOMPLIANCE CLASSIFICATION INDICATORS

PRODUCT - Protocol

(b)(6)

10. DESCRIPTION OF NONCOMPLIANCE

At 11:20am while performing ante mortem examination, I observed actions that violate Regulation 313.2(a) & (b). Eight horses were in the alleyway leading directly to the knock-box. Only the last stop gate, the one behind the last horse present in the alleyway, was closed. The employee who is routinely assigned to work on the kill floor, hanging the horses on the rails, was using a riding crop to whip the horse in the alleyway closest to the knock-box. This horse continued to move backward, away from the knock-box causing the other horses behind it to be overcrowded. As the whipping continued the horses in the alleyway became extremely excited. I immediately told the employee to stop but he did not listen to me. During this time, the last horse in the alleyway attempted to jump over the alleyway wall and became stuck over the top of the wall. Eventually it had flailed around enough to fall over to the other side of the wall. I went to the kill floor to find the plant manager, could not find him, so I informed [REDACTED] in the boning room, to locate him and send him to the ante mortem pens immediately. Meanwhile two more horses fell down in the alleyway. The first was the second horse in line to the knock-box. It had fallen forward and the horse behind it began to walk on top of it as the downed horse struggled to get up. The second horse to fall was the fourth horse in line. It had flipped over backwards due to the overcrowding and was subsequently trapped and trampled by the fifth and sixth horse in line in their excitement to move forward as the one's closest to the knock-box were finally moved forward. At this time Raul Milan arrived and was informed of the situation.

11. SIGNATURE OF INSPECTION PROGRAM EMPLOYEE

(b)(6), (b)(7)(c)

4/14/05

You are hereby notified of your right to appeal this decision as delineated by 306.5 and/or 381.35 of 9 CFR.

12. PLANT MANAGEMENT RESPONSE (Immediate action(s)):

Additional training and supervision will be implemented. Also personnel will be restricted to the area. Only authorized, trained personnel will be allowed to handle horses. Line up procedures also will be changed so that only one horse will be contained in the last section of the line up before knock box.

13. PLANT MANAGEMENT RESPONSE (further planned action(s)):

The plant will work on alternative latching arrangements for the "fanny" gates. The plant will obtain and exclusively use [REDACTED] for handling horses in the pens, or buggy whips used in an appropriate manner.

(b)(4)

This document serves as written notification that your failure to comply with regulatory requirement(s) could result in additional regulatory or administrative action.

14. SIGNATURE OF PLANT MANAGEMENT

15. DATE

4/14/05

16. VERIFICATION SIGNATURE OF INSPECTION PROGRAM EMPLOYEE

17. DATE

US Department of Agriculture
FOOD SAFETY AND INSPECTION SERVICE
NONCOMPLIANCE RECORD CONTINUATION SHEET

TYPE OF NONCOMPLIANCE

☐ Food Safety ☒ Other Consumer Protection

1. DATE

04/13/2005

2. RECORD NO.

0019-2005-8243

3. ESTABLISHMENT NO.

15849 E / 1

4. TO (Name and Title)

James Tucker, General Manager

5. PERSONNEL NOTIFIED

James Tucker

6. RELEVANT REGULATION(S)

313.2 (a) &(b)

7. SECTION/PAGE OF EST. PROCEDURE PLAN

HACCP

SSOP

OTHER

138

8. ISP CODE

04C02

9. NONCOMPLIANCE CLASSIFICATION INDICATORS

PRODUCT - Protocol

10. DESCRIPTION OF NONCOMPLIANCE

He was reminded that the plant's response to the last humane handling NR was to have only appropriately trained individuals handling the horses. The employee who was whipping the initial horse was not one of those trained. Finally I required the second downed horse to be immediately rendered unconscious by a captive bolt stunner and dragged to the knock-box.

Animals are required to be handled with a minimum of excitement and discomfort, and implements employed to move the animals shall be used as little as possible in order to minimize excitement according to 9 CFR Ch.III, regulation 313.2(a) &(b) respectively. A similar violation was noted on NR 18-2005. This document serves as written notification that your failure to comply with regulatory requirements could result in additional regulatory or administrative action.

ANIMALS' ANGELS

We are there with the animals

(b)(6), (b)(7)(c)

11. SIGNATURE OF INSPECTION PROGRAM EMPLOYEE

4/14/05

Replace (b)(6), (b)(7)(c), which may be used until exhausted (7/98)

DISTRIBUTION: Original & 1 Copy to Establishment, 1 Copy to Inspector
Page 2 of 2



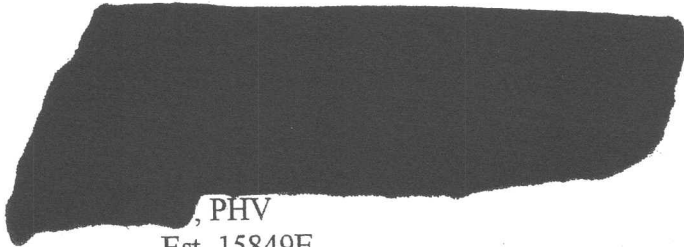
ANIMALS' ANGELS

we are there with the animals

April 19, 2005

Addendum to Noncompliance Record #18-2005 & 19-2005

It is my belief that the violations of regulation 313 (humane handling) in the above mentioned noncompliance records were the result of establishment employee actions. These actions resulted in unnecessary, elevated levels of excitement in the horses and subsequently caused injury and discomfort to the animals. While the employees' actions were not appropriate, I do not believe the mishandling was egregious or maliciously intended. Rather, I feel it was the result of a lack of training. Because of the repeated offenses and the multiple people I have witnessed handling the animals (including people not employed by the establishment), I have concluded that training of the establishment employees in humane handling is either inadequate or not being done at all.



, PHV
Est. 15849E
Chicago District

(b)(6), (b)(7)(c)

Copy

April 19, 2005

Request for Adequate Response to NR 19-2005

On April 5, 2005 I received your written response to NR 18-2005. In it you stated there would be "specific, trained personnel" in the ante mortem pens to handle the horses. On April 13, 2005 another violation of the humane handling regulations occurred with the same root cause. In both cases, personnel inappropriately handling the animals resulted in unnecessary excitement and injury to the horses. Since training should have occurred between April 4th and April 13th I have concluded that the training is inadequate or not being done. Your response to NR 19-2005 ("Additional training and supervision will be implemented.") is inadequate because it is a vague answer to a repeated violation. I am keeping the NR open until I receive a meaningful and detailed response that identifies the cause of the violation and the measures the establishment is taking to prevent recurrence. This would include identification of those employees trained in humane handling (as listed in your response to NR 18-2005) - either by providing a list names, specific uniforms, name tags, etc. Secondly what kind of "training" are these employees receiving? (Verbal, written, visual?) Who is training them? What, specifically, are they taught to ensure the animals are handled humanely? How is additional supervision going to be implemented?

If you need more information on humane handling regulations or training please contact [REDACTED] Chicago District Veterinary Medical Specialist at (614) 833-1405 ext. 229. Humane handling training DVD's are available.

[REDACTED]

(b)(6), (b)(7)(c)

Cavel International, Inc.

International Meat Exporters



ANIMALS' ANGELS

we are there with the animals

April 21, 2005

MEMO

To Dr. Rene Oleck, DVM, IIC

Re: NR 19-2005 Response

Cause of the violation: The basic cause of the original incident involved, in their motivation to speed production, kill floor personnel attempted to "help" pen personnel drive the horses to the knock box. After that incident, I have been working with pen personnel and the plant manager to have specifically trained personnel only work in the pens. Absences, (unrelated) injuries and personnel on leave have made this difficult. But some verbal training and supervision has taken place and general behavior has changed to some degree.

The specific measure the plant is taking to prevent recurrence include:

1. Limiting the personnel assigned to the pens to personnel who are experienced and trained in the task.
2. Develop a process of training for kill floor personnel who may be called on to help in the pens. This would involve verbal training by trained personnel as well as video training.
3. Personnel will be identified by name in a list maintained in the plant office.
4. Change line up procedures so that only one animal will be in the line up section prior to the knock box and that "fanny" gate will be chained closed. Subsequent sections can be used for one or two horses to control the movement backwards in the line.
5. Management will restrict the use of driving devices to [REDACTED] and [REDACTED]. Both will be used only in an appropriate manner.

(b)(4)

While it is important to handle the horses in a humane manner it is also important to move them expeditiously without danger to personnel. Sometimes it is necessary to lead a horse rather than drive it, however, personnel should never be required to lead a horse into a space where there is no egress for the person or where there is danger of being crushed by the animal, such as the knock box.

James Tucker, General Manager

The request for this information is voluntary. It is needed to monitor defects found in this inspection system. It is used by FSIS to determine whether establishments are in compliance. 9 CFR 301 and 9 CFR 381. FORM APPROVED OMB No. 0583-0089. OMB DISCLOSURE STATEMENT: Public reporting burden for this collection of information is estimated to average 7 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, Room 404-W, Washington, DC 20250: and to the Office of Information and Regulatory Affairs, Office of Management and Budget.

US Department of Agriculture
FOOD SAFETY AND INSPECTION SERVICE
NONCOMPLIANCE RECORD

TYPE OF NONCOMPLIANCE

☐ Food Safety ☒ Other Consumer Protection

1. DATE

04/04/2005

2. RECORD NO.

0018-2005-8243

3. ESTABLISHMENT NO.

15849 E / 1

4. TO (Name and Title)

James Tucker, General Manager

5. PERSONNEL NOTIFIED

James Tucker

6. RELEVANT REGULATION(S)

313.2(a)&(b), 313.1(b)

7. SECTION/PAGE OF EST. PROCEDURE PLAN

HACCP

SSOP

OTHER

138

8. ISP CODE

04C02

9. NONCOMPLIANCE CLASSIFICATION INDICATORS

PRODUCT - Protocol

10. DESCRIPTION OF NONCOMPLIANCE

At 2:25pm, after supervising the humane stunning and dragging of a horse that flipped over onto its back and was trapped in the alleyway to the stunning area, I remained in the antemortem pens to observe humane handling. I observed the plant manager, Raul Milan, herding horses into the alley way to the knock box. Nine horses were overcrowded in the alleyway causing undue excitement which was further exasperated when two more employees from the kill floor began yelling and hitting these horses causing the one in the end of the line to slip and fall. This is a violation of 9 CFR Ch.III regulation 313.2(a) & (b) which state that animals will be handled with a minimum of excitement and discomfort. Also 313.1(b) requires floors to be maintained so as to provide good footing for livestock to prevent slipping and falling. I informed Mr. Milan of the violation of these regulations and advised him that all employees handling the horses must be trained in how to handle them humanely. Continued failure to comply with regulatory requirements could result in additional or administrative actions.

11. SIGNATURE

(b)(6), (b)(7)(c)

4/4/05

You are hereby advised that you may appeal this decision as delineated by 306.5 and/or 381.35 of 9 CFR.

12. PLANT MANAGEMENT RESPONSE (Immediate action(s)):

Management and the Plant Manager will identify specific, trained personnel to carry out the line up of animals to the knock box. These employees will be trained on correct procedure.

13. PLANT MANAGEMENT RESPONSE (further planned action(s)):

This document serves as written notification that your failure to comply with regulatory requirement(s) could result in additional regulatory or administrative action.

14. SIGNATURE OF PLANT MANAGEMENT

15. DATE

4/5/05

16. VERIFICATION SIGNATURE OF INSPECTION PROGRAM EMPLOYEE

17. DATE

US Department of Agriculture
FOOD SAFETY AND INSPECTION SERVICE
NONCOMPLIANCE RECORD

TYPE OF NONCOMPLIANCE

☒ Food Safety ☐ Other Consumer Protection

1. DATE 04/04/2005	2. RECORD NO. 0017-2005-8243	3. ESTABLISHMENT NO. 15849 E / 1
4. TO (Name and Title) James Tucker, General Manager		5. PERSONNEL NOTIFIED James Tucker
6. RELEVANT REGULATION(S) 417.2(b)(1)		
7. SECTION/PAGE OF EST. PROCEDURE PLAN 622	HACCP	SSOP OTHER
8. ISP CODE 03J01	9. NONCOMPLIANCE CLASSIFICATION INDICATORS HACCP - Monitoring	

10. DESCRIPTION OF NONCOMPLIANCE

At 7:15am today while verifying the HACCP monitoring procedures for Trichinella testing, I found that muscle samples from the cheek meat of each carcass were not being obtained for Trichinella testing. Not only is this a violation of European Union export requirements, it is a violation of 9 CFR Ch.III regulation 417.2(b)(1) which states that "every establishment shall...implement a written HACCP plan...". The plant was not implementing the written procedure for the Trichinella testing CCP. I informed Raul Milan, the plant manager, and he addressed the situation.

11. SIGNATURE

[Redacted Signature]

(b)(6), (b)(7)(C)

4/04/05

You are hereby advised of your right to appeal this decision as delineated by 306.5 and/or 381.35 of 9 CFR.

12. PLANT MANAGEMENT RESPONSE (Immediate action(s)):

The plant manager was reminded of the seriousness of this procedure and was directed not to have personnel on this position on the kill floor who do not know the procedure,

13. PLANT MANAGEMENT RESPONSE (further planned action(s)):

This document serves as written notification that your failure to comply with regulatory requirement(s) could result in additional regulatory or administrative action.

14. SIGNATURE OF PLANT MANAGEMENT

16. VERIFICATION SIGNATURE OF INSPECTION PROGRAM EMPLOYEE

15. DATE

4/5/05

17. DATE

The request for this information is Voluntary. It is needed to monitor defects found in this inspection system. It is used by FSIS to determine whether establishments are in compliance. 9CFR 301 and 9CFR 381. FORM APPROVED OMB NO. 0583-0089. OMB DISCLOSURE STATEMENT: Public reporting burden for this collection of information is estimated to average 7 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, Room 404-W, Washington, D.C. 20250; and to the Office of Information and Regulatory Affairs, Office of Management and Budget.

U.S. DEPARTMENT OF AGRICULTURE FOOD SAFETY AND INSPECTION SERVICE		TYPE OF NONCOMPLIANCE	
NONCOMPLIANCE RECORD		<input type="checkbox"/> Food Safety	<input checked="" type="checkbox"/> Other Consumer Protection
1. DATE 9/8/2004	2. RECORD NO. 13-2004-6275	3. ESTABLISHMENT NO. 15849 E / 1	
4. TO (Name and Title) James Tucker, Plant Manager		5. PERSONNEL NOTIFIED James Tucker	
6. RELEVANT REGULATION(S) 9 CFR 313.1(b) 9CFR 313.2(a)			
7. RELEVANT SECTION/PAGE OF ESTABLISHMENT PROCEDURE/PLAN		HACCP	SSOP FSIS Notice 35-04
8. ISP CODE 04C02		9. NONCOMPLIANCE CLASSIFICATION INDICATORS	
PLANT PROCESS	A. <input type="checkbox"/> SSOP B. <input type="checkbox"/> HACCP	<input type="checkbox"/> Monitoring <input type="checkbox"/> Monitoring	<input type="checkbox"/> Corrective Action <input type="checkbox"/> Corrective Action
C. <input checked="" type="checkbox"/> PRODUCT	<input type="checkbox"/> Economic	<input type="checkbox"/> Misbranding	<input checked="" type="checkbox"/> Protocol
D. <input type="checkbox"/> FACILITY	<input type="checkbox"/> Lighting	<input type="checkbox"/> Structural	<input type="checkbox"/> Outside Premises
E. <input type="checkbox"/> E. COLI	<input type="checkbox"/> Other	(b)(4)	
10. DESCRIPTION OF NONCOMPLIANCE: On 9/8/04 about 1335 the last 10 horses of a kill of [redacted] were being driven from Pen 2 to an alleyway. The horses circled and ran around the pen refusing to enter the alleyway. The plant owner and 3 employees tried to halter the horses, but only haltered 4. After about an hour and twenty minutes all the horses were in the alleyway. 3 had feces, urine and sweat on the hides. They had slipped. None were bruised			
11. NAME OF INSPECTION PROGRAM EMPLOYEE [redacted]		(b)(6), (b)(7)(c)	
You are hereby advised of your right to appeal this decision as delineated by 306.5 and/or 381.35 of 9 CFR.			
12. PLANT MANAGEMENT RESPONSE (Immediate actions(s)): pen gates were installed in the pens to better drive the animals.			
13. PLANT MANAGEMENT RESPONSE (further planned actions(s)):			
This document serves as written notification that your failure to comply with regulatory requirement(s) could result in additional regulatory or administrative action.			
14. SIGNATURE OF PLANT MANAGEMENT [Signature]		15. DATE 1/27/05	
16. VERIFICATION SIGNATURE OF INSPECTION PROGRAM EMPLOYEE [Signature]		17. DATE	

The request for this information is Voluntary. It is needed to monitor defects found in this inspection system. It is used by FSIS to determine whether establishments are in compliance. 9CFR 301 and 9CFR 381. FORM APPROVED OMB NO. 0583-0089. OMB DISCLOSURE STATEMENT: Public reporting burden for this collection of information is estimated to average 7 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, Room 404-W, Washington, D.C. 20250; and to the Office of Information and Regulatory Affairs, Office of Management and Budget.

U.S. DEPARTMENT OF AGRICULTURE FOOD SAFETY AND INSPECTION SERVICE		TYPE OF NONCOMPLIANCE	
NONCOMPLIANCE RECORD		<input checked="" type="checkbox"/> Food Safety	<input type="checkbox"/> Other Consumer Protection
1. DATE 1/13/2005	2. RECORD NO. 4-2005-8243	3. ESTABLISHMENT NO. 15849 E / 1	
4. TO (Name and Title) James Tucker, Plant Manager General Manager		5. PERSONNEL NOTIFIED James Tucker	
6. RELEVANT REGULATION(S) 310.18 (a), 417.6 (e),			
7. RELEVANT SECTION/PAGE OF ESTABLISHMENT PROCEDURE/PLAN 119		HACCP	SSOP OTHER
8. ISP CODE 03J01		9. NONCOMPLIANCE CLASSIFICATION INDICATORS	
PLANT PROCESS	A. <input type="checkbox"/> SSOP B. <input checked="" type="checkbox"/> HACCP	<input type="checkbox"/> Monitoring <input checked="" type="checkbox"/> Monitoring	<input type="checkbox"/> Corrective Action <input type="checkbox"/> Corrective Action
C. <input type="checkbox"/> PRODUCT	<input type="checkbox"/> Economic	<input type="checkbox"/> Misbranding	<input type="checkbox"/> Recordkeeping <input type="checkbox"/> Recordkeeping
D. <input type="checkbox"/> FACILITY	<input type="checkbox"/> Lighting	<input type="checkbox"/> Structural	<input type="checkbox"/> Implementation <input type="checkbox"/> Plant Verification
E. <input type="checkbox"/> E. COLI	<input type="checkbox"/> Other	<input type="checkbox"/> Protocol	<input type="checkbox"/> Outside Premises <input type="checkbox"/> Product Based
10. DESCRIPTION OF NONCOMPLIANCE: At 7:10 am, while performing a 01C02 procedure in the boning room, I observed feces on a pistola that was being prepared for shipment. Multiple pieces of green-brown fibrous fecal material were found covering a 4 inch diameter area on the internal surface of the pelvic region of the pistola. The largest piece of feces was 3/4 inches in diameter. This finding directly violates regulation 310.18 (a) which states "carcasses shall be handled in a sanitary manner to prevent contamination with fecal material..." The plant manager was informed of this failure of the plant's critical control point for zero fecal tolerance. Failure to comply with regulatory requirements could			
11. SIGNATURE OF INSPECTOR (b)(6), (b)(7)(c)		12. PLANT MANAGEMENT RESPONSE (Immediate actions(s)): Paul Milan, Plant Manager, replaced the person working at the trimming, inspection station.	
13. PLANT MANAGEMENT RESPONSE (further planned actions(s)):			
This document serves as written notification that your failure to comply with regulatory requirement(s) could result in additional regulatory or administrative action.			
14. SIGNATURE OF PLANT MANAGEMENT		15. DATE 1/13/05	
16. VERIFICATION (b)(6), (b)(7)(c)		17. DATE 1/13/05	

U.S. DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE

NONCOMPLIANCE RECORD CONTINUATION SHEET

TYPE OF NONCOMPLIANCE



Food Safety




Other Consumer Protection

1. DATE 1/13/2005	2. RECORD NO. 4-2005-8243	3. ESTABLISHMENT NO. 15849 E / 1
4. TO (Name and Title) James Tucker, Plant Manager		5. PERSONNEL NOTIFIED James Tucker
6. RELEVANT REGULATION(S) 310.18 (a), 417.6 (e),		
7. RELEVANT SECTION/PAGE OF ESTABLISHMENT PROCEDURE/PLAN	HACCP 119	SSOP OTHER
8. ISP CODE 03J01	9. NONCOMPLIANCE INDICATOR HACCP Monitoring	

10. DESCRIPTION OF NONCOMPLIANCE:

result in additional regulatory or administrative action.

(b)(6), (b)(7)(c)

11. 	15. DATE 1-13-05
---	---------------------

FSIS FORM 5400-4 (7/98) replaces FSIS Form 5400-4 (9/97), which may be used until exhausted. (7/98)

DISTRIBUTION: Original & 1 copy - Establishment
1 copy - Inspector