



Food Safety and  
Inspection Service

Raleigh District Office

6020 Six Forks Road  
Raleigh, NC. 27609  
Voice: 919-844-8400  
Fax: 1-844-839-6359

May 18, 2022

**EMAIL**

James Harding, Plant Manager  
The Pork Company, Est. M20608  
892 Penny Branch Road  
Warsaw, NC 28398

## **NOTICE OF DEFERRAL**

Dear Mr. Harding,

On May 11, 2022, the Food Safety and Inspection Service (FSIS) issued a Notice of Intended Enforcement (NOIE) to your establishment, The Pork Company, Est. M20608. The NOIE provided your firm with official notification of our intent to suspend the assignment of inspectors for the slaughter process at your establishment located at 892 Penny Branch Road, Warsaw, NC, in accordance with Title 9 of the Code of Federal Regulations (9 CFR), part 500.3(b). This action was based on the egregious humane handling incident in which a large hog was observed to have regained consciousness while hanging on the bleed rail.

In the NOIE, FSIS requested the following information be provided within three working days from the date of your establishment's receipt of the NOIE letter.

1. Identify the specific reason(s) why the event occurred.
2. Describe the specific actions that will be taken to eliminate the cause of the incident and prevent future recurrences.
3. Describe the future monitoring activities that your establishment will use to ensure that the actions are effective.

On May 16 & 17, 2022, you submitted responses to the incident. After careful review of all your submitted documentation, the Raleigh District Office (RDO) determined that you adequately addressed FSIS's concerns.

This letter serves as written notification that FSIS is deferring the decision to suspend slaughter inspection at your facility. The deferral of this decision will remain in effect until your firm has demonstrated effective implementation of its proposed corrective and preventive measures, and that those measures have been verified by FSIS to ensure no repetition of noncompliance related to your facility's responsibilities for the Humane Methods of Slaughter Act and FSIS regulations.

FSIS is committed to monitoring establishment's operations to see that they are fully complying with regulatory requirements. Because of this commitment, enclosed is a copy of FSIS' Verification Plan which will be used by inspection personnel to verify

your facility's regulatory compliance in conjunction with the conditions of this Notice of Deferral. This specific Verification Plan is designed to verify that your establishment fully implements corrective measures proffered and that these actions are effective in assuring ongoing regulatory compliance. It identifies specific elements of your corrective measures and the relevant regulatory requirements that Inspection Program Personnel will verify until FSIS determines that your establishment has effectively implemented its proposed corrective and preventive measures. Our verification includes the expectation that you meet any timeframe commitments you have identified in your proposed corrective actions. Should your firm fail to operate in accordance with its commitments, or to comply with the regulatory requirements, FSIS will take immediate and appropriate regulatory control actions.

You are reminded that as an operator of a federally inspected facility, you are expected to fully comply with all FSIS regulations and to take appropriate corrective actions to prevent the inhumane treatment and slaughter of livestock. The Humane Methods of Slaughter Act of 1978 (Section 1901, 1902, and 1906) states that the slaughtering and handling of livestock are to be carried out only by humane methods. 9 CFR 313 contains the FSIS regulatory requirements that were promulgated based on the HMSA and the Federal Meat Inspection Act (FMIA). It is fully expected that you comply with the HMSA, FMIA, and the regulatory requirements of Part 313, and that you carry out each of the corrective and preventive actions you proffered in response to the egregious incident. Failure to comply could result in the suspension at your facility or other appropriate administrative or legal actions. We urge your company's cooperation and voluntary compliance.

If you have any questions, you may call me at 919-208-2945 or contact me via email at [todd.furey2@usda.gov](mailto:todd.furey2@usda.gov). You may also contact Mr. Mark Roling, Deputy District Manager, at 919-208-2935.

Sincerely,

**MARK ROLING** Digitally signed by MARK ROLING  
Date: 2022.05.18 08:12:46 -04'00'

Todd Furey  
District Manager  
Raleigh, NC

cc:

P. Bronstein, AA/FO

H. Sidrak, DAA/FO

S. Johnson, EARO/FO

P. Wolseley, EARO/FO

S. Safian, ELD/OIEA

L. Hortert, RD/CID/OIEA

R. Murphy, DDM/RDO/FO

M. Roling, DDM/RDO/FO

A. Thompson, DDM/RDO/FO

(b) (6)

Quarterly Enforcement Report  
Establishment File (Est. M20608)

**Establishment Name: The Pork Company**  
**Establishment Number: M20608**  
**Two-Week Period Ending: \_\_\_\_\_**

Reason for Verification: On 05/11/2022, Establishment M20608 was issued an NOIE for failure to meet 9 CFR 313 of the regulations. On 05/18/2022, the establishment was issued a NOD after submitting acceptable corrective actions and preventive measures.

Information for Establishment Management: This verification plan was created from the corrective actions and preventive measures which were submitted to, and which were accepted by, the Raleigh District Office. As such, any changes to these corrective actions and preventive measures needs to be approved by the Raleigh District Office prior to implementation.

**Instructions for completion of Humane Handling and Slaughter Verification form:**

1. "Results of Verification" column should be recorded as "Acceptable", "Unacceptable", or "N/A"
2. "Inspection Actions" column should be used to document unacceptable findings or any additional corrective actions taken in compliance with 9 CFR 313.
3. The implementation and effectiveness of the establishment's corrective actions should be verified at the frequencies stated below. The in-plant inspection team (IPP) can request, through supervisory channels, a change in the frequencies when the determination is made that the establishment has effectively implemented the corrective actions.
4. Each day verification activities are performed, IPP should add a Directed Livestock Humane Handling Verification task in PHIS and use the justification "Verification Plan for Enforcement Actions" to justify the scheduling of the Directed task.
5. IPP will provide bi-weekly verification updates detailing the results of verification activities and submit to the SPHV/FLS for review.
6. The completed bi-weekly report will be submitted via email to (b) (6), (b) (6), and to (b) (6).

Items to Verify	Results of Verification	Inspection Actions
1. Verify that stunner and operator retraining have been completed for all employees responsible for this task. <b>(Once)</b>		

<p>2. Verify that employees have been re-trained on how to recognize an effective stun. <b>(Once)</b></p>		
<p>3. Verify that for a period of 30 working days, Production employees perform hourly checks for stunning effectiveness. <b>(Daily, for each slaughter day)</b></p>		
<p>4. Verify that for a period of 30 working days, QA employees perform twice per shift verification of the Production monitoring and review the stunner report throughout the day. <b>(Daily, for each slaughter day)</b></p>		
<p>5. Verify that for a period of 30 working days, QA employees review the stunner report throughout the day. <b>(Daily, for each slaughter day)</b></p>		
<p>6. Verify that beginning 05/18, documented refresher meetings for stunning, sticking, bleeding, and captive bolt are held weekly for Production employees. <b>(Daily, for each slaughter day)</b></p>		

**Comments and Recommendations**  
**Two-Week Period Ending:**

IIC Comments/Recommendation:

SPHV Comments/Recommendation (if not the IIC):

FLS Comments/Recommendation: