



United States Department of Agriculture

Food Safety and
Inspection Service

Raleigh District Office

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

October 16, 2022

EMAIL

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

NOTICE OF REINSTATEMENT OF SUSPENSION

Dear Mr. Kraii,

This letter confirms the verbal notification given on October 14, 2022, at approximately 1645 hours, by the Food Safety and Inspection Service (FSIS) Inspection Program Personnel (IPP) of the reinstatement of suspension of the assignment of inspectors for slaughter operations at The Pork Company, Est. M20608, herein after referred to as “your establishment.” This action was initiated in accordance with Title 9 of the Code of Federal Regulations (9 CFR) 500.3, after FSIS determined that your establishment failed to slaughter and handle animals humanely.

Background/Authority

The Federal Meat Inspection Act (FMIA) (Title 21 of the United States Code {21 U.S.C.} 603 et seq.) provides that for the purpose of preventing the inhumane slaughtering of livestock, the Secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of the methods by which cattle, sheep, swine, goats, horses, mules, or other equines are slaughtered and handled in connection with slaughter in the slaughtering establishments inspected under this Act. The Secretary may refuse to provide inspection to a new slaughtering establishment or may cause slaughtering to be temporarily suspended at a slaughtering establishment if the Secretary finds that any cattle, sheep, swine, goats, horses, mules, or other equines have been slaughtered or handled in connection with slaughter at such establishments by any method not in accordance with sections 1901 to 1906 of Title 7 until the establishment furnishes assurances, satisfactory to the Secretary, that all slaughtering and handling in connection with slaughter of livestock shall be in accordance with such a method.

The Humane Methods of Slaughter Act of 1978 (7 U.S.C. 1901 et seq.) provides that Congress finds that the use of humane methods in the slaughter of livestock prevents needless suffering; results in safer and better working conditions for persons engaged in the slaughtering industry; brings about improvement of products and economies in slaughtering operations; and produces other benefits for producers, processors, and consumers which tend to expedite an orderly flow of livestock and livestock products in interstate and foreign commerce. It is therefore declared to be the policy of the United States that the slaughtering

of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods.

Findings/Basis for Suspension

At approximately 1620 hours on Friday, October 14, 2022, at The Pork Company, Est. M20608, IPP identified an egregious humane handling non-compliance in which an employee required multiple attempts to render a hog unconscious. According to IPP, a pig that had been stunned using an electrical stunning device exited the electrical stunner to the shackling area belt and was showing signs of consciousness; it was looking around and tracking its surroundings. A production employee used a hand-held captive bolt stunning device (HHCB) to apply a secondary stun attempt. The hog was shackled and was beginning to be hoisted, but it tried to right itself and continued its tracking head motions. The employee applied a second stun using the HHCB (3rd overall stun attempt), and as the line advanced, the hoisted animal continued trying to right itself and tracking its surroundings. IPP and a production employee further verified consciousness by checking for a palpebral response; the hog responded by blinking, trying to pull away from the employees, and continuing to try to right itself. A production lead employee then brought a different HHCB and applied a third HHCB stun to the hog (4th overall stun attempt) and rendered the hog unconscious. IPP applied U.S. Reject tag No. B34722943 to the gate and alleyway which leads to the stunner. IPP then notified the Plant Manager of the noncompliance and pending Suspension of slaughter inspection.

This incident represents a violation of 9 CFR 313.30(a)(1) which says in part “The electric current shall be administered so as to produce, at a minimum, surgical anesthesia, i.e., a state where the animal feels no painful sensation. The animals shall be either stunned or killed before they are shackled, hoisted, thrown, cast, or cut. They shall be exposed to the electric current in a way that will accomplish the desired result quickly and effectively, with a minimum of excitement and discomfort.” The incident also represents a violation of 313.30(a)(3), which says, in part, “The quality and location of the electrical shock shall be such as to produce immediate insensibility to pain in the exposed animal.” This incident is considered egregious because there were multiple attempts (i.e., more than one attempt) to stun the animal with a failure to apply an immediate corrective action. The establishment is currently operating under an Abeyance for a previous HH incident for failure to render a hog unconscious using a HHCB. Prior to that incident, the establishment was operating under a Deferral for another incident in which a hog regained consciousness after being stunned.

The reinstated suspension action will remain in effect until you provide the Raleigh District Office with adequate written assurances, including corrective actions and further planned preventive measures, to assure that livestock at your establishment are slaughtered humanely. In order to resume inspected operations, you must submit corrective actions to my attention at the District Office. These corrective actions should include at a minimum the following:

1. Identify the assessment process used to determine the nature and cause of the noncompliances.
2. Identify what the assessment revealed as the likely cause of the system failure.
3. Describe the specific actions that will be taken to eliminate the cause of the failures.
4. Describe the future monitoring activities you will use to ensure that changes are implemented and are effective.

You are reminded that, as an operator of a federally inspected plant, you are expected to comply with FSIS regulations and to take appropriate corrective actions to prevent inhumane handling of livestock at your establishment. Please be advised that your failure to respond adequately to these issues may result in our

initiating action to withdraw inspection from your establishment. Please also be advised that you have the right to appeal this matter.

In accordance with 9 CFR 500.5(a)(5), you may appeal this action by contacting:

Sherri Johnson
Executive Associate for Regulatory Operations
Office of Field Operations
Food Safety and Inspection Service
United States Department of Agriculture
1400 Independence Avenue, SW
South Building, Room 3154
Washington, DC 20250
Phone: (202) 205-0001

In addition, you may also request a hearing regarding this determination pursuant to FSIS' Rules of Practice (9 CFR 500.). The rules of Practice were published in the Federal Register, Vol. 64, No. 228, on November 29, 1999. As specified in Section 500.5(d), should you request a hearing, FSIS will file a complaint that will include a request for an expedited hearing. If you wish to request a hearing regarding this determination, you should contact:

Scott C. Safian, Branch Chief
Enforcement Operations Branch
Office of Investigation, Enforcement and Audit
Food Safety and Inspection Service
Stop Code 3753, PP3, Cubicle 9-235-A
1400 Independence Avenue, SW
Washington, D.C. 20250
Voice: (202) 418-8872
Fax: (202) 245-5097

It is our hope that this matter can be resolved quickly. If you have any questions, you may call me at 919-208-2945 or contact me via email at todd.furey2@usda.gov. You may also contact Mr. Mark Roling, Deputy District Manager, at 919-208-2935. We urge your cooperation and voluntary compliance.

Sincerely,

MACIEJ
NOWICKI
Todd Furey
District Manager
Raleigh, NC

Digitally signed by
MAC EJ NOWICKI
Date: 2022.10.17
07:38:15 -0400

cc:

P. Bronstein, AA/FO

H. Sidrak, DAA/FO

S. Johnson, EARO/FO

P. Wolseley, EARO/FO

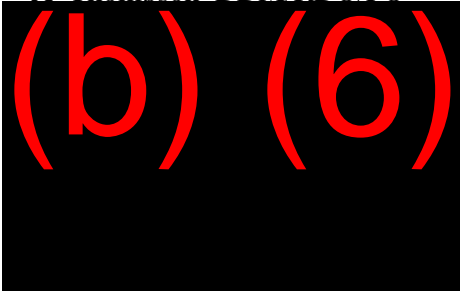
S. Safian, ELD/OIEA

L. Hortert, RD/CID/OIEA

R. Murphy, DDM/RDO/FO

M. Roling, DDM/RDO/FO

A. Thompson, DDM/RDO/FO



Quarterly Enforcement Report
Establishment File (Est. M20608)