

**Before the Food Safety and Inspection Service,  
U.S. Department of Agriculture**

**Comment Regarding Petition No. 17-05**

**Submitted by:**



**September 20th, 2017**

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**TO:**

Ms. Carmen Rottenberg  
Acting Deputy Under Secretary for Food Safety  
Food Safety and Inspection Service  
U.S. Department of Agriculture  
331-E Jamie L. Whitten Federal Bldg.  
1400 Independence Ave. SW  
Washington, DC 20250-3700

**CC:**

Ms. Roberta Wagner  
Assistant Administrator, Office of Policy and Program Development  
Ms. Rachel Edelstein  
Director, Policy Issuances Division  
Food Safety and Inspection Service  
U.S. Department of Agriculture  
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1400 Independence Ave. SW  
Washington, DC 20250-3700

**RE: Comments in Opposition to Petition No. 17-05 Submitted by National Chicken Council**

Dear Acting Deputy Under Secretary Rottenberg:

We, the undersigned, on behalf of our combined tens of millions of supporters, submit the following comments<sup>1</sup> in response to the petition submitted by National Chicken Council (NCC) requesting implementation of a waiver system under New Poultry Inspection System (NPIS) and *Salmonella* Initiative Program (SIP) to permit establishments to run at any line speed they wish. For the reasons discussed below, we urge you to deny the petition.

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<sup>1</sup> Pursuant to 9 C.F.R. § 392.7.

Authorizing line speeds in excess of 140 or 175 birds per minute, as already authorized at certain plants, presents unacceptable risks to animal welfare and worker safety<sup>2</sup> without meaningful gains in food safety or any of the other considerations and obligations of FSIS. In fact, the proposed action runs counter to FSIS's goals, responsibilities, and duties under Poultry Products Inspection Act (PPIA).<sup>3</sup>

FSIS should deny NCC's ill-conceived policy proposal for the following reasons:

1. The requested action would probably result in losses of process control due to fast line speeds.
2. The requested action would increase the likelihood of inhumane handling, which in turn would increase the risk that birds would "be bruised or die other than by slaughter" and result in adulterated product.
3. The requested action would risk worker safety and welfare by increasing the likelihood of injuries for establishment workers and inspection personnel at establishments operating under unregulated line speeds. High worker turnover, or workers on the job while injured or sick, can in turn cause loss of process control.

## **I. NCC's Requested Action Is Guaranteed to Result in Losses of Process Control**

As explained in greater detail below, there is a clear correlation between high line speeds and loss of process control. The NCC petition argues that the industry should not be restricted in terms of line speed because it is capable of maintaining control over the slaughtering and processing of chickens, even at recklessly high speeds. There are limits to the speed at which humans and equipment can function, however. The higher the line speed, the greater the risk of loss of process control. Thousands of USDA records (memorandums of interview and noncompliance records) document loss of

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<sup>2</sup> Many of the reasons were already presented to FSIS in response to this aspect of the 2012 proposed rule on the implementation of NPIS.

<sup>3</sup> 21 U.S.C. § 451, et seq. The petition's weak proposal to have establishments "develop a process" for maintaining process control fails to address this risk. Moreover, the petition fails to acknowledge the obvious regulatory burdens this would place on the agency; FSIS would probably have to review, verify, monitor, and enforce each establishment's individual process for maintaining process control under whichever line speed(s) the plant may attempt to operate to ensure that the plan is sufficient to maintain process control.

process control incidents related to inhumane handling at major U.S. chicken plants.<sup>4</sup> These situations jeopardize animal welfare, worker health and safety, and food safety. Moreover, in many of these incidents, it is the government inspector—not plant personnel—who note the loss of control. Unfortunately, under New Poultry Inspection System fewer government inspectors will be available at chicken slaughtering establishments to monitor for loss of process control and to order corrective action to regain control if it is lost.

NCC's petition exaggerates the regulatory burdens of the maximum authorized line speed under NPIS. As FSIS stated in the final rule, NPIS already gives establishments "greater control over their lines and greater flexibility over their production process."<sup>5</sup> The main reason for NCC's requested action is to increase production. However, as FSIS has already pointed out, line speed is just one of several factors affecting production levels and establishments can increase production by operating more inspection lines.<sup>6</sup> In sum, the risk to maintaining process control outweighs any asserted gain to the U.S. poultry industry, especially when there are viable solutions that would enable a plant to increase production without further compromising process control, animal welfare, and worker safety.

## **II. NCC's Requested Action Would Increase Risk of Inhumane Handling and Adulteration of Poultry Products**

Though the issue of live handling and animal welfare in high-speed poultry slaughter establishments is glaringly absent from NCC's petition, the requested action would have a serious impact on the billions of chickens and hundreds of millions of turkeys who would be slaughtered at speeds higher than the current maximum authorized speed.

For over 12 years, FSIS has recognized that "poultry products are more likely to be adulterated [under the Poultry Products Inspection Act (PPIA)] if, among other circumstances, they are produced from birds who have not been treated humanely, because such birds are more likely to be bruised or to die other than by slaughter."<sup>7</sup> In

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<sup>4</sup> Copies of some of these records are attached hereto.

<sup>5</sup> 79 Fed. Reg. 49590.

<sup>6</sup> 79 Fed. Reg. 49590.

<sup>7</sup> FSIS, Final Rule, Modernization of Poultry Slaughter Inspection, 79 FED. REG. 49565, 49609 (Aug. 21, 2014) (quoting FSIS, Treatment of Live Poultry Before Slaughter, 70 FED. REG. 56624 [Sept. 28, 2005]).

addition to the problem of adulteration, in reviewing the petition, FSIS must consider the link between animal handling and meat quality. Dozens of research articles document the link between inhumane handling and damaged and poor-quality product.<sup>8</sup> The poultry industry also acknowledges this fact.<sup>9</sup> Thus, the proposed action also bears risks of increasing costs to the industry and ultimately consumers from poor meat quality.

As stated, inhumane handling can violate PPIA because it causes birds to bruise or to die other than by slaughter. Specifically, increased line speeds pose a risk of inhumane handling in the following ways:

- Workers stressed by the demands of increased speed may act out their frustrations by physically abusing live birds, resulting in injuries to birds, such as bruises and fractures.<sup>10</sup>
- Faster shackling of live birds may lead to less care in handling and increased incidence of bruising or broken and dislocated bones.<sup>11</sup>

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<sup>8</sup> S. Barbut, *Pale, Soft and Exudative Poultry Meat—Reviewing Ways to Manage at the Processing Plant*, 88 *POULTRY SCI.* 1506 (2009) (stress from handling before slaughter and during stunning recommended as ways to reduce incidence of poor quality, pale, soft, and exudative meat); C.M. Owens, *Research Developments in Pale, Soft, and Exudative Turkey Meat in North America*, 88 *POULTRY SCI.* 1513 (2009) (birds killed in an excited state has profound implications for the quality of their meat); M. Debut, et al., *Variation of Chicken Technological Meat Quality in Relation to Genotype and Pre-Slaughter Stress Conditions*, 82 *POULTRY SCI.* 1829 (2003) (high-stress environments leading to more wing flapping on the shackle could be detrimental to quality of breast meat); R.L. Woelfel, et al., *The Characterization and Incidence of Pale, Soft and Exudative Broiler Meat in a Commercial Processing Plant*, 81 *POULTRY SCI.* 579 (2002) (stressors including pre-slaughter handling practices and stunning methods can result in pale, soft and exudative meat).

<sup>9</sup> W. Schilling, *How Animal Care Affects Meat Quality*, MEATINGPLACE (Apr. 21, 2014) (“Optimizing welfare conditions during catching, transport, holding, unloading, stunning and slaughter is crucial to the poultry industry for the good of the bird and because stress between loading on the farm and slaughter contributes to decreased meat quality.”).

<sup>10</sup> Animal Welfare Institute, *The Welfare of Birds at Slaughter in the United States* 12 (2016), <https://awionline.org/sites/default/files/products/FA-Poultry-Slaughter-Report-2016.pdf>.

<sup>11</sup> U.K. Department for Environment, Food and Rural Affairs (DEFRA), *The Welfare of Poultry at Slaughter or Killing* 30 (Dec. 2007); *see also* Temple Grandin, *Welfare During Transport of Livestock and Poultry*, in Temple Grandin, ed., *IMPROVING ANIMAL WELFARE: A PRACTICAL APPROACH* 115-38 (2010) (“The author has observed that rough shackling is a major cause of bruised drumsticks. The people doing the shackling squeeze the legs too hard when they put the birds on the shackles. An understaffed shackle line where people have to hurry is one cause of bruised legs.”).

- Less time for birds to settle after being shackled may result in increased flapping at the entrance to the water-bath stunner, which may lead to pre-stun shocks, delayed or interrupted stunning, and birds missing the stunner altogether.<sup>12</sup>
- Faster line speeds will lessen the time available to administer a back-up stun if needed. This may lead more birds to miss the throat-cutting machine (and the back-up throat cutter) and enter the scalding tank while still alive—and thereby die other than by slaughter.<sup>13</sup>
- Faster shackling of live birds may increase the incidence of improper shackling, such as shackling by one leg, a wing, or the head. Improper shackling may result in improperly stunned birds, which leads more birds to miss the cutter and enter the scalding tank alive.<sup>14</sup>

FSIS's own Poultry Good Commercial Practices (GCP) non-compliance records concerning inhumane handling of birds from high line speeds at chicken slaughter establishments demonstrate these risks. Each of the incidents documented in non-compliance records represents a loss of process control, and thus does not capture the full picture of animal mistreatment occurring in poultry slaughter establishments. The following are just a few examples of these records:

- At Tyson Foods Inc. (P325) on two occasions in August and September 2016, the inspector found numerous red cadavers, and the inspector determined that the birds were alive when they entered the scalding tank. During the September incident, the back-up killer failed to stop the line for live birds as should occur under the plant's process control plan. On each occasion, the line was operating at a reduced speed to comply with a corrective action. The inspector noted this was a repeat issue. (MOIs # YDM3010081602N and YDM2821093919N).
- At Gold'n Plump Poultry (M322A) on February 14, 2016, the inspector found a total of 79 cadavers, each bright red, indicating the birds had entered the scalding tank alive or not fully bled out. The inspector directly observed three live birds on the line enter the scalding tank, two flapping their wings and one also vocalizing. Regulatory control action stopped the line. (MOI # CNC 0022023415N-1).

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<sup>12</sup> DEFRA, *supra* note 11; see also Sarah Shields and Mohan Raj, *A Critical Review of Electrical Water-Bath Stun Systems for Poultry Slaughter and Recent Developments in Alternative Technologies*, 13:4 J. APP. ANIMAL WELFARE SCI. 281, 284 (2010) (citing literature that wing flapping at the entrance to the stunner can lead to painful pre-stun shocks); J. Gatcliffe, *Electrical Waterbath Stunning of Turkeys* (technical article), Aviagen Turkeys Ltd., (no date).

<sup>13</sup> Federation of Veterinarians of Europe, *Welfare of Animals at Slaughter and Killing* at 7–8, FVE/06/033 (Oct. 2007).

<sup>14</sup> Animal Welfare Institute, *The Welfare of Birds at Slaughter in the United States* 9 (2016), <https://awionline.org/sites/default/files/products/FA-Poultry-Slaughter-Report-2016.pdf>.

- At Simmons Prepared Foods Inc. (P550) on August 16, 2016, the inspector found severe bruising and pooled blood on 32 carcasses, most with bruising on over half the body. Dislocated legs and broken wings were the most prevalent causes of bruising. Regulatory control action stopped the line three separate times during the shift. (MOI # XWN1520083016G).
- At OK Foods Inc. (P165S) on January 6, 2016, the inspector found 10 birds hung on the shackles, each by one leg. Some of these birds were “not rendered insensible and had the dangling leg dismembered by the head removal saw” while alive and conscious. Minutes later, another 10 birds were observed, each hung by one leg. Regulatory control action reduced line speed, but 20 minutes later four more birds were observed hanging, each by just one leg. A similar incident had occurred three weeks prior. The plant was written up again on January 25 for the same issue; the inspector saw four birds, each hung by only one leg, miss the electric stunner and have the dangling leg cut off by the head removal saw while the birds were alive and conscious. (no MOI number).

Whistleblower accounts have also repeatedly documented similar incidents, as well as workers egregiously abusing live birds in high-speed poultry slaughter establishments.<sup>15</sup> The following are just a few examples:

- A 2015 investigation at Butterfield Foods (P215) documented 45 live birds entering the scalding tank in less than 30 minutes.<sup>16</sup>
- A 2015 investigation at Mountaire Farms Chicken (P7470) recorded workers violently throwing birds, punching hanging birds, slamming birds into leg shackles, and throwing live birds into piles with dead birds.<sup>17</sup>
- A 2015 investigation at Tyson Foods (P758) recorded workers punching live, hanging birds; ripping the heads off live birds; and violently slamming birds into shackles.<sup>18</sup>
- A 2015 investigation at Foster Farms (P5137A) recorded workers violently slamming live birds into shackles; workers punching and beating live, hanging

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<sup>15</sup> These incidents occur in the first processing segment of the processing plant, precisely the aspect of poultry slaughter that the NCC petition acknowledges would be most impacted by increases in line speeds. NCC Petition (No. 17-05), at 10.

<sup>16</sup> Humane Society of the United States, Spent Hen Slaughter Exposé: Birds Abused and Scalded Alive (2015), [https://www.youtube.com/watch?v=eM-JsyyfSmE&has\\_verified=1](https://www.youtube.com/watch?v=eM-JsyyfSmE&has_verified=1) (last visited Sept. 13, 2017).

<sup>17</sup> Compassion Over Killing Uncovers Abuse to Birds at Mountaire Farms Chicken Slaughterhouse, <http://cok.net/inv/mountaire/> (last visited Sept 13, 2017).

<sup>18</sup> Mercy For Animals, Tyson Caught on Hidden Camera Ripping Heads Off Live Animals, [https://www.youtube.com/watch?v=0L2mGC4zezM&has\\_verified=1](https://www.youtube.com/watch?v=0L2mGC4zezM&has_verified=1) (last visited Sept. 13, 2017).

chickens; and improperly shackled birds missing the electric stun bath and being scalded alive.<sup>19</sup>

- A 2015 investigation at Tyson Foods (P7044) recorded workers violently slamming live birds into shackles; workers hanging dead birds for slaughter and processing; and recurring equipment malfunctions that resulted in mass deaths of hundreds of chickens.<sup>20</sup>

As the GCP records and these investigations illustrate, line speed can contribute not only to process control failure but also to the establishment's failure to take immediate corrective action (e.g., stopping the line before live chickens enter the scald).

### III. NCC's Requested Action Would Increase Risk of Worker Injury

Granting NCC's requested action would greatly increase risk to worker health and safety in the establishments operating under line speed waivers and would expose workers to hazards that have not even been studied.

According to the National Institute for Occupational Safety and Health (NIOSH), line speed is a key factor in musculoskeletal disorders.<sup>21</sup> In a study of a HIMP poultry establishment, NIOSH investigators "found an alarming 42% prevalence of carpal tunnel syndrome in exposed workers."<sup>22</sup> According to OSHA statistics, poultry processing, even at current speeds, is a seriously dangerous industry for workers. The poultry industry's Days Away, Restrictions, and Transfers rates are almost double the rate in private industry, the incidence of occupational illness is more than six times the average rate in private industry, and the incidence of carpal tunnel syndrome is more than seven times the national average.<sup>23</sup>

The poultry industry's commitment to worker safety is dubious. In NIOSH's study of a poultry plant operating under HIMP, NIOSH made 31 health and safety

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<sup>19</sup> Mercy For Animals, Shocking Animal Abuse Exposed at "American Humane Certified" Foster Farms Slaughterhouse (2015), [https://www.youtube.com/watch?v=0L2mGC4zezM&has\\_verified=1](https://www.youtube.com/watch?v=0L2mGC4zezM&has_verified=1) (last visited Sept. 13, 2017).

<sup>20</sup> Animal Legal Defense Fund, ALDF Investigation Exposes Tyson Cruelty, [https://www.youtube.com/watch?time\\_continue=1&v=d8PO3MQaDts](https://www.youtube.com/watch?time_continue=1&v=d8PO3MQaDts) (last visited Sept. 13, 2017).

<sup>21</sup> Letter from NIOSH to FSIS (April 7, 2014), <https://www.cdc.gov/niosh/topics/poultry/letterapril72014.html>.

<sup>22</sup> Letter from NIOSH, *supra* note 21.

<sup>23</sup> OSHA, Inspection Guidance for Poultry Slaughtering (Oct. 28, 2015), [https://www.osha.gov/dep/enforcement/poultry\\_processing\\_10282015.html](https://www.osha.gov/dep/enforcement/poultry_processing_10282015.html).

recommendations to help prevent worker injuries. Ten months later, most of those 31 recommendations had not been implemented by the plant.<sup>24</sup> A NIOSH study of a different HIMP poultry establishment found that, although 64 workers had carpal tunnel syndrome, only four cases were reported on the plant's OSHA 300 log.<sup>25</sup> Additionally, 20 out of 30 employees (66%) reported at least one work-related injury or illness that met OSHA reporting criteria, *but only one* was reported on the OSHA 300 log.<sup>26</sup> Many of the injured workers interviewed had reported their injury or illness to a supervisor, manager, the plant nurse, or other company employee.<sup>27</sup> NIOSH's findings of underreporting are consistent with the findings of NGO reports based on in-depth interviews with poultry slaughterhouse workers.<sup>28</sup>

To arrive at the maximum authorized line speed for NPIS, FSIS reviewed the NIOSH studies and consulted with OSHA to address worker safety issues.<sup>29</sup> NCC's petition seeks to sidestep all that consultation.<sup>30</sup>

#### IV. Conclusion

In conclusion, NCC's requested action, if granted, would create unacceptably high risks of (1) loss of process control from recklessly high line speeds; (2) inhumane handling of birds, leading to a correlated risk of adulterated poultry products entering the food supply; and (3) injuries to poultry slaughter workers. NCC's petition, on behalf of a 90

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<sup>24</sup> Letter from NIOSH, *supra* note 21.

<sup>25</sup> Jessica G. Ramsey, et al., NIOSH, HHE Report No. 2014-0040-3232: Evaluation of Carpal Tunnel Syndrome and Other Musculoskeletal Disorders Among Employees at a Poultry Processing Plant 10, 13 (2015), <https://www.cdc.gov/niosh/hhe/reports/pdfs/2014-0040-3232.pdf>.

<sup>26</sup> Ramsey, et al., *supra* note 25 at 13.

<sup>27</sup> Ramsey, et al., *supra* note 25 at 17.

<sup>28</sup> See, e.g., Human Rights Watch, Blood Sweat and Fear 52–54, 61–66 (2005), <https://www.hrw.org/report/2005/01/24/blood-sweat-and-fear/workers-rights-us-meat-and-poultry-plants>; Alabama Appleseed and Southern Poverty Law Center, Unsafe at These Speeds 12–13, 15 (2013), [https://www.splcenter.org/sites/default/files/Unsafe at These Speeds web.pdf](https://www.splcenter.org/sites/default/files/Unsafe%20at%20These%20Speeds%20web.pdf).

<sup>29</sup> 79 Fed. Reg. 49596–49597.

<sup>30</sup> We are also greatly concerned that FSIS would consider NCC's proposed action as a policy change rather than a rulemaking. We strongly urge FSIS, if it does not deny NCC's petition, to provide the opportunity for notice and public comment on the proposed action. FSIS is aware that this issue is of great public concern since "the vast majority of comments that the Agency received in response to the proposed [NPIS] rule were on [the effects of increased line speeds on worker safety]." 79 Fed. Reg. 49598.

billion dollar<sup>31</sup> industry, seeks to increase profits at the expense of important policy considerations. For these reasons, we ask that you deny NCC's petition for policy change. If you have any questions, please contact Stefanie Wilson, staff attorney for Mercy For Animals, at [StefanieW@MercyForAnimals.org](mailto:StefanieW@MercyForAnimals.org) or 510-926-2813.

Signed,

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<sup>31</sup> NCC, Broiler Chicken Industry Key Facts 2016, <http://www.nationalchickencouncil.org/about-the-industry/statistics/broiler-chicken-industry-key-facts/> (last visited Sept. 15, 2017).

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Comment in Opposition to Petition #17-05

**Attachment: FSIS Poultry Slaughter Good Commercial  
Practices Records, 2011-2016**

Samples of FSIS inspector records documenting process control losses  
involving inhumane handling of birds

Table: Noncompliance Records(NRs) for FOIA 2017-0086

EstNbr	EstName	NR#	Date	Task	Regs	Description
P4734	New Lee's Live Poultry Market Inc.	XKD530 809510 3N	09/03/2016	04C05	381.65(b)	<p>Today 09/03/2016, approximately 06.32 while walk through the kill area I observed the following. The birds killers were killing the birds and throwing them direct in plastic barrel instead let them bleed in cones. Immediately I stopped him and called the (b)(6) (b)(6) and told him about the non-compliance. I applied a USDA retain tag no B39794940. There were 20 birds in the barrel I told (b)(6) to denature those birds and sanitize the barrel. A corrective action was taken immediately, I removed the USDA retain tag and allow them to operate. This is a non-compliance with 9 CFR 381.65(b) POULTRY MUST BE SLAUGHTERED IN A MANNER THAT WILL RESULT IN THROUGH BLEEDING OF THE BIRDS. Continued failure to meet regulatory requirements would lead in to further enforcement action.</p>
P15724	Case Farms of Ohio, Inc	EVC410 808130 4N	08/04/2016	04C05	381.65(b)	<p>At approximately 0840 hours on August 4, 2016 while performing the review and observation component of the poultry good commercial practices task (b)(6) made the following observation. In the picking room (b)(6) observed two cherry red birds on adjacent shackles. Upon further observation of the birds mentioned above no cut was present on the neck of the birds. (b)(6) then proceeded to observe the contents of the inedible barrels next to the re-hang belt in the evisceration area and observed an additional 12 birds that were cherry red in color. Upon closer inspection on the 12 additional birds no cut was present on the neck to facilitate bleeding. (b)(6) stopped the evisceration line and verbally notified (b)(6) to cease hanging birds and to stop the kill. (b)(6) and (b)(6) were advised by (b)(6) of the regulatory non compliance with 9CFR 381.65(b) and were shown the cadaver birds. (b)(6) advised management that corrective actions needed to be implemented prior to restarting the hanging of birds and the kill line.</p>

District	EstNbr	EstName	MOI#	Date	Status	Description
35	P550	Simmons Prepared Foods, Inc.	XWN48200 85711G	2016-08-11	Finalized	<p>Est. P550 Simmon's Food Inc., August 10, 2016, 20:30 hours. In attendance: (b)(6), an (b)(6). The following is a synopsis of the events regarding severely bruised carcasses presenting to inspection personnel: On August 8, 2016, at approximately 21:00 hours while performing veterinary dispositions on carcasses on Line 1 and 2, (b)(6) and (b)(6) retained nine carcasses in which half of the carcass had dark-red to purple bruising. Upon examination, the femoral head was dislocated from the acetabulum and there was a large amount of pooled blood between the skin and the breast. When the skin was ripped over the breast, approximately 20-30 mL of blood drained out. All the carcasses were shown to establishment management. On August 9, 2016, between approximately 20:00 and 22:00 hours while performing veterinary dispositions on carcasses on Line 2 and (b)(6) and (b)(6) had retained approximately nine carcasses in which half of the carcass had dark-red to purple bruising. Upon examination, the femoral head was dislocated from the acetabulum and there was a large amount of pooled blood between the skin and the breast. When the skin was ripped over the breast, approximately 20-30 mL of blood drained out. All the carcasses were shown to establishment management. Establishment elected to save the carcasses and take photographs for live haul management. On August 10, 2016, between 19:45 hours and 21:00 hours, thirteen carcasses were retained for veterinary disposition by (b)(6), (b)(6), and (b)(6). One carcass had dark red to purple bruising affecting a quarter of the carcass with no dislocation of the femoral head. Another carcass had a compound fracture of the femur. The ulna bone of the wing was also fractured and accompanied by dark red bruising but the ulna bone had not punctured through the skin. The other eleven carcasses had dark red to purple bruising. Upon further examination in nine of the eleven carcasses, the femoral head was dislocated from the acetabulum and a large amount of pooled blood between the skin and breast. When the skin was ripped over the breast, approximately</p>

District	EstNbr	EstName	MOI#	Date	Status	Description
35	M7100	Tyson Foods, Inc.	ZHB322207 3005G	2016-07-05	Finalized	<p>Est. P7100, Tyson Foods, July 5, 2016, 21:35 hours. In attendance: (b)(6)</p> <p>(b)(6) At approximately 18:54, while performing GCP Task for injuries prior to scald, within the first one and a half minutes of observation, the first bird, hung by one leg, exited the rinse cabinet fully conscious, flapping and curling its body up toward the shackle without a cut on its neck; the second bird, hung by both legs, exited the rinse cabinet fully conscious, flapping and blinking as it looked around without a cut on its neck. Both birds entered the first scald awake, alive, and conscious and therefore died by other than slaughter. When I stopped the slaughter line, the Back-Up Killer was not at the station for that position. I notified (b)(6) and (b)(6), of the occurrences. I reminded them that allowing poultry to die by other than slaughter is not consistent with good commercial practices. (b)(6) stated that he would ensure that the Back-up Killer performed as required. I met with (b)(6) and acting temporary Evisceration GPM, who was able to relay that the back-up killer had been counselled on the performance of that position and that the supervisors would randomly check the picking room personnel positions and performance to prevent any further birds dying by other than slaughter. I notified (b)(6) that this MOI will be forwarded to Springdale District Office and the District Veterinary Medical Specialist (DVMS) in case additional follow-up is recommended. On July 6, 2016, at 23:35, I met with (b)(6) again. I informed him that according to Lot Tally sheets for Lot 5N on July 5, 2016, there were 3 cadavers. I also appraised him that I would reissue the MOI including this information. Respectfully, (b)(6) P7100 Tyson Foods</p>

**Table: Noncompliance Records(NRs)in Response to FOIA 2016-00248**

EstNbr	EstName	NR#	Date	Task	Regs	Description
P44826	Case Farms Processing, Inc	000070 706121 7N	06/17/2016	04C05	381.65(b)	At approximately 1400hrs on 6-16-2016 I observed multiple cadavers coming through the evisceration department. None of the observed cadavers had a neck cut and the heads were still intact. Inspectors on all 6 stands reported that they had each received multiple cadavers. At that time I went back to the live hang department in the area of the stunner, kill machine and bleed tanks. By the time I got there the process was under control. I spoke with the live hang supervisor and informed him that we had multiple cadavers (totaled up later =50) in evisceration. The supervisor informed me that a bird had gotten stuck in the kill machine and multiple birds did not get cut. Consequently the employee functioning as the back up cutter could not keep up with the uncut birds and failed to stop the line once he realized that he could not get them all. This resulted in multiple birds that were not slaughtered in accordance with good commercial practices. This document serves as notice of the establishment's failure to comply with 9 CFR 381.65(b).

Table: Noncompliance Records(NRs)in Response to FOIA 2016-00248

EstNbr	EstName	NR#	Date	Task	Regs	Description
P550	Simmons Prepared Foods, Inc.	XWN09 200641 21N	06/19/2016	04C05	381.65(b)	<p>On June 20, 2016, at approximately 04:15 hours while performing veterinary dispositions on Line 2, I observed approximately 6 carcasses presented to inspection in a relatively short amount of time with red to purple discoloration of the skin of the neck. The muscle also had large areas of ecchymoses and also was purple in color. The carcasses were condemned and recorded as cadavers on FSIS Form 6000-16. Due to the large number of cadavers, I immediately went back to Kill Line 2 and observed carcasses entering the east scalding. Within approximately 30 seconds, a carcass with no visible cut proceeded into the scalding. As I observed carcasses exiting the scalding waiting for the carcass to exit, I observed a single carcass with the red to purple discoloration of the skin of the head and neck. Approximately 2-3 birds, there were another two carcasses with red to purple discoloration of the skin of the head and neck. After the carcasses exited the pickers, I hit the stop button for the kill line allowing me to remove the carcasses from the line. As soon as the carcasses were removed from the line, I immediately restarted the line and proceeded to the back-up killer. Over approximately 30 seconds, I observed 10-12 carcasses not killed by the kill machine and the back-up killer was struggling. The line had to be stopped once due to a carcass missed by the back-up killer. The back-up killer kept looking behind him at the other back-up killer and nearly missed several carcasses. The large number of carcasses presented to inspection station along with carcasses entering the scalding without being thoroughly bled out to ensure that breathing had stopped in addition to the back-up killer struggling to perform kill cuts indicates a loss of process control and noncompliance with 38.65(b). I immediately informed (b) (6) and (b) (6), that I was taking a regulatory control action due to loss of process control and slowing the kill line down to (b) birds per (b). Since it was the end of my shift, I informed dayshift (b) (6) of the issues with good commercial practices and that kill line 2 was decreased. At approximately 05:00, (b) (6) increased the line speed from (b) birds per minute to (b) birds per (b). There was a total of 13 carcasses condemned and recorded on FSIS Form 6000-16 over the entire shift due to red to purple head, neck, and breast that indicated the carcasses were not thoroughly bled out to ensure that breathing had stopped prior to</p>

Table: Noncompliance Records(NRs)in Response to FOIA 2016-00248

EstNbr	EstName	NR#	Date	Task	Regs	Description
						scalding. Nine of these carcasses were during approximately the last hour of production. This noncompliance is associated to noncompliance record, XWN2223061703N, documented on June 3, 2016, for the same root cause. The preventative measure has stated by establishment management is "Instructed new employee that if he need assistance that he needs to turn the light on for quick response." This measure was either ineffective or not implemented as of today's regulatory failure.
P7091	Pilgrim's Pride Corporation	SBF2010041912N	04/12/2016	04C05	381.65(b)	On April 12, 2016 at approximately 0745 hours, (b) (6) hung back a carcass for veterinary disposition at USDA inspection station #4. The bird had its' head attached and was engorged with blood from the head, to the neck and into the carcass. There was no cut to the neck to allow the severing of the major arteries. There was a slight sliver/cut to the beak area, less than ¼ inch in length. (b) (6) was verbally notified and shown the carcass which was condemned as a cadaver, per CFR 381.90. (b) (6) was instructed to reduce line speed 10% to (b) (4) until acceptable written Corrective Action was submitted to USDA. At approximately 0748 hours corrective action was submitted by the Establishment and accepted by USDA. The line speed was released back to the establishment at (b) (4). The requirements for CFR 381.65(b) were not met.

Table: Noncompliance Records(NRs)in Response to FOIA 2016-00248

EstNbr	EstName	NR#	Date	Task	Regs	Description
P550	Simmons Prepared Foods, Inc.	XWN22 230617 03N	06/03/2016	04C05	381.65(b)	<p>On June 3, 2016, at approximately 02:05 hours while performing Good Commercial Practices verification, I observed a single carcass with no visible cut on the neck just before the east scalding (Kill Line 2). The carcass was removed from the line. Then, I proceeded to the back-up killer stations. As I was observing the back-up killer on the east kill line (Kill Line 1), I observed approximately 25 birds being missed by the kill machine over approximately a minute and a half. During this time, the back-up killer kept pointing to the birds being missed by the kill machine and then speaking toward me. The back-up killer acted upset with the number of birds being missed by the kill machine. I informed him he needed to speak with his supervisor/plant management. The back-up killer continued to speak toward me and point toward the birds with no kill cut. At approximately one and half minutes, the back-up killer stopped the east kill line pointed and counted the number of missed birds (seven) which appeared to be in an exasperated manner. Then, he repeated it again. With the line being stopped for a significant manner, (b) (6), appeared and asked what the issue was. At that moment, the back-up killer started the line without performing kill cuts on any carcasses. I immediately took a regulatory control action and stopped the east kill line. Then, I asked (b) (6) to notify (b) (6), or (b) (6). When (b) (6) appeared, the back-up killer had walked behind the kill machine and I informed (b) (6) of my observations. (b) (6) performed kill cuts on the 4-5 birds at the kill station and I thought the back-up killer was performing kill cuts on the first three birds and the line was restarted. Then, I proceeded to the scalders to ensure all carcasses received a kill cut. I observed a carcass with the bright red to purple head, neck, and breast as it exited the scalding. I followed the carcass through the pickers and removed the carcass along with the next two carcasses that also had the bright red to purple head, neck, and breast indicating that the carcass was not thoroughly bled out to ensure that breathing had stopped prior to scalding. As I continued observing carcasses exit the scalding, a fourth carcass with the red to purple head, neck, and breast was observed. I visually and verbally informed (b) (6) of the noncompliance with 381.65(b). All four carcasses were condemned and recorded on FSIS Form 6000-16 as cadavers. There was a total of 16</p>

**Table: Noncompliance Records(NRs)in Response to FOIA 2016-00248**

EstNbr	EstName	NR#	Date	Task	Regs	Description
						carcasses condemned and recorded on FSIS Form 6000-16 due to red to purple head, neck, and breast that indicated the carcasses were not thoroughly bled out to ensure that breathing had stopped prior to scalding. This noncompliance is linked to noncompliance record, XWN0721060702, documented on June 2, 2016, for the same root cause. This noncompliance has not yet been returned and therefore, it cannot adequately be determined if the preventative measure was ineffective or not implemented as of today's regulatory failure.

Table: Noncompliance Records(NRs)in Response to FOIA 2016-00248

EstNbr	EstName	NR#	Date	Task	Regs	Description
						<p>product for human consumption. The failure to correct the cause of poorly bled out carcasses and continuing to allow the carcasses to inspection demonstrates a noncompliance of 9 CFR 381.65(b). Follow-up investigation led to identifying a 15-minute down time in the live-haul area where birds were in the stunner beyond the 8-10 minute stun time. The event occurred during a lot/shift change, and of the two lots affected, a total of 73 cadaver birds were identified by USDA Food Inspectors between the lots (44 from on one lot-47.3% of condemned carcasses from lot, 29 from the other lot-11.7% of condemned carcasses from lot). This was a increase in count from the shift were previous lots were 2% and 4.7% of condemned carcasses. (b) [REDACTED] and (b) [REDACTED] were notified of the cadavers and of the forthcoming documentation.</p>
P550	Simmons Prepared Foods, Inc.	XWN55 130416 27N	04/27/2016	04C05	381.65(b)	<p>At approximately 1040 hours while in the evisceration department due to problems with grease on evisceration line 2, I noticed some chicken carcasses at the rehangar for evisceration lines [REDACTED] and [REDACTED] which appeared to be cadavers due to their bright red skin color. I was aware that the inspectors on lines [REDACTED] and [REDACTED] had identified approximately 4 cadavers as well, so I proceeded to the kill area to check on the operations there. As I observed the back-up killer, I noticed him miss a bird that had not been killed by the kill machine. Therefore, I stopped the kill line. (b) (6) [REDACTED] came to the area. I notified him of the noncompliance. The affected chicken was located and killed and the line was restarted. I returned to the evisceration area to check on the problems there. I returned to the kill area at approximately 1045 hours. (b) (6) [REDACTED] was on the stand with the back-up killer when I returned to the area. I observed the back-up killer miss another bird while talking with the supervisor. I stopped the line again and notified (b) (6) [REDACTED] of the noncompliance. The affected bird was located, killed, and the line restarted after a more experienced back-up killer was added to the line to assist the one already there who is a new back-up killer. The above described events reflect a lack of process control in the live hang and killing area. The establishment failed to meet the requirements of 9 CFR 381.65(b) which requires poultry to be slaughtered with good commercial practices that will result in thorough bleeding of the carcasses and ensure that breathing has stopped prior to scalding.</p>

**Table: Noncompliance Records(NRs)in Response to FOIA 2016-00248**

EstNbr	EstName	NR#	Date	Task	Regs	Description
P550	Simmons Prepared Foods, Inc.	XWN56 120406 28N	04/28/2016	04C05	381.65(b)	<p>At approximately 0620 hours as I was finishing giving inspectors relief breaks, I observed a chicken that was hung back for veterinary disposition by (b) (6). I determined that the chicken was a cadaver. I informed the inspector of my disposition decision. He told me that while he was on break, someone mentioned cadavers being taken off the line at the rehang table. Therefore I went to the rehang table to see if this was true. When I reached the area, I observed an employee at the rehang table pull off two birds very close together that appeared to be cadavers due to their very red skin. So I proceeded to the kill area to check on the operations there. I observed the back-up killer, which was the same new back-up killer who had been missing chickens the day before and was working by himself again. As I watched him, a more experienced back-up killer came to the area and began helping the one who was already there. So I went to the area where the birds enter the scalding. There I observed a chicken whose neck was not cut. I removed the chicken from the line and gave it to (b) (6), notifying him of the noncompliance. The above described events reflect a lack of process control in the live hang and killing area. The establishment failed to meet the requirements of 9 CFR 381.65(b) which requires poultry to be slaughtered with good commercial practices that will result in thorough bleeding of the carcasses and ensure that breathing has stopped prior to scalding. A similar noncompliance was documented on NR #5513041627/1N dated 04/27/2016. I could not determine if the preventative measure (or further planned action) enacted by plant management, if any, was either ineffective or improperly applied as the document has not yet been returned with a response.</p>

Table: Noncompliance Records(NRs)in Response to FOIA 2016-00248

EstNbr	EstName	NR#	Date	Task	Regs	Description
P550	Simmons Prepared Foods, Inc.	XWN07 210607 02N	05/31/2016	04C05	381.65(b)	<p>On May 31, 2016, at approximately 01:45 hours while performing Good Commercial Practices verification due to a large number of cadavers presenting to inspection stations, I observed a single carcass with no visible cut on the neck just before the east scalding (Kill Line 2). I followed the carcass and the carcass was removed after the pickers. Since there had been numerous cadavers presented to inspection stations on all four lines, I also observed the carcasses entering the west scalding (Kill Line 1). As I was observing the carcasses, I observed another carcass with no visible cut on the neck. I immediately informed (b) (6). I proceeded to the back-up killer stations where maintenance personnel along with (b) (6) were adjusting the kill machines. (b) (6) informed me that the speed of Kill Line 1 had been decreased to (b) (6) birds per (b) (6). As I observed over two minutes, the back-up killer had to perform kill cuts on forty birds. There were no carcasses missed by the back-up killer. The back-up killer had kill Line 2 had to perform approximately 18 cuts on birds missed by the kill machine. Since the establishment was currently addressing the issue, I continued my good commercial practice task by observing the live hangers and dumper operators. Then, I proceeded back to Kill Line 1 where the number of birds requiring a kill cut had decreased to 16 birds. Since the establishment had slowed the line and adjusted the kill machine, no regulatory control action was taken. Throughout the night, there was approximately 50 carcasses presented to inspection personnel that were retained for veterinary disposition that were condemned and recorded on FSIS Form 6000-16 as cadaver as the carcasses had not resulted in a thorough bleeding of the carcasses and ensure that breathing had stopped prior to scalding. The majority of these carcasses presented were to Line 2 (27 carcasses condemned as cadavers) and Line 4 (13 carcasses condemned as cadavers). At approximately 03:45 hours, I informed (b) (6) that these carcasses were not being slaughtered in accordance with good commercial practices. I also informed (b) (6) that a regulatory control action was not enacted as the establishment was taking steps to address the issue but there had been a large number of cadavers presented to inspection stations. This in combination with recently MOIs being issued due to birds not receiving a kill cut necessitates the issuance of a noncompliance record. Previous MOI XWN2923051829G dated May 29, 2016, was</p>

District	EstNbr	EstName	MOI#	Date	Description
35	M5842	Tyson Foods, Inc.	NPF21100 42022G	22APR2016	<p>Background concerning this Poultry Good Commercial Practice (GCP) Non-Regulatory Issue: On Monday 4/18/2016 from 0519 to 0531 (b) (6) performed a Poultry Good Commercial Practices PHIS task by observing carcasses entering the first scald tank on kill line 1 located in the picker room at Est. M5842. The 42nd carcass observed during this check was in fact a live bird that had no visible cut on its neck and was conscious, eyes open, neck curved upward looking around, panting and alert. This live bird did appear to be somewhat smaller than the majority of the carcasses in the lot of poultry being processed at this time (b) (6) removed this live bird from kill line 1 at 0520 immediately before the bird would have entered the first scald tank on kill line 1 and placed this live bird on the floor. (b) (6) then asked a plant employee present in the picker room to summon a member of plant management to the scene. The plant first shift live receiving supervisor appeared at the scene soon thereafter. (b) (6) met with him at the scene from 0520 to 0522 and told him what he'd observed and showed him the live bird on the floor. (b) (6) asked the live receiving supervisor how many back up kill persons were on-line and he told them there was 1 back up kill person covering both kill lines. The plant killing procedure calls for this 1 back up kill person to stop the line if he needs to in order to ensure that no live/uncut birds get past him. The plant killing procedure also states that the plant can put up an additional kill person thereby having 1 back up kill person covering each kill line if they deem it necessary to do so in order to control the killing process. The plant live hang supervisor then took the live bird away, presumably to the live hang room. (b) (6) conducted GCP station 1 follow up checks on kill line 1 from 0540 to 0549 then again from 0551 to 0559. There were no GCP NCs or non-regulatory concerns observed on either of these 2 follow up checks on kill line 1. (b) (6) went to the live hang room at 0608 and observed that there were 2 back up kill persons on-line, each kill person covering 1 of the 2 kill lines, at that time. (b) (6) then returned to the picker room where he performed station 1 follow up checks on kill line 2 from 0610 to 0619 and again from 0619 to 0628. There were no GCP NCs or non-regulatory concerns observed on either of these 2 follow up checks on kill line 2. (b) (6) met with the plant shift 1 live receiving supervisor from 0520 to 0522, as noted above. The plant live receiving supervisor remained at the scene with (b) (6) during all 4 follow up checks and (b) (6) met with him after each follow up check to show him the checks results. At 0630 (b) (6) went to the live hang room and observed the plant still had 2 back up kill persons on-line. During this time (b) (6) also met with the plant shift 1 evisceration manager in the live hang room and discussed this incident with him. Discussion notes for the meeting with Plant Assistant Manager on Wednesday 4/20/2016 from 1256 to 1307 concerning this GCP poultry mistreatment incident: (b) (6) met with the establishment Assistant Plant Manager (APM) for Shift 1 in the APM's office from 1256 to 1307 on Wednesday 4/18/2016. They discussed the incident when 1 live bird was removed from kill line 1 by IPP immediately before that live bird entered the first scald tank at 0520 on Monday 4/18/2016. (b) (6) told the APM about his observations concerning this incident as outlined above. (b) (6) told the APM at this meeting on 4/20/2016 that due to the results of the follow up checks on 4/18/2016 the 1 live bird he'd observed and removed from kill line 1 at 0520 before it entered</p>

District	EstNbr	EstName	MOI#	Date	Description
35	P46091	Ozark Mountain Poultry, Inc.	000432205 0008G	08MAY2016	<p>At approximately 2000 hours, CSI Alice Woodward notified me that she thought the stunner was not operating properly and the birds may be alive and breathing when entering the first scalding (b) (6) had notified me earlier that stunner had not been operating properly at start up, but the establishment had elected to slow the kill line speed to (b) (4) . At that time she did not observe any live birds entering the scalding. I proceeded to the kill area to observe birds exiting the stunning machine. I did not time the line at this time, but it appeared to be running at or close to maximum speed. I monitored approximately 300 birds and I observed multiple birds exiting the stunner that demonstrated the tucked wing appearance but did not have the typical arched neck indicative of proper stunning. I then proceeded to the point just prior to where the birds enter the scalding. The establishment decapitates the birds prior to entering the scalding. At approximately 2015 hours, I observed a live conscious bird heading towards the scalding. I determined this due to the fact the bird was able to hold its head up in dorsal flexion exhibiting the "righting reflex". I was able to remove the bird from the line before it could enter the scalding. The bird had gone through the kill machine, but the slaughter cut did not appear to be adequate for thorough bleeding. I immediately notified (b) (6) of my observation and allowed him to observe the bird. The bird was immediately euthanized and (b) (6) informed me that he was going check the stunner and make the proper adjustments to ensure it was working properly. At approximately 2020 hours, I observed another live conscious bird heading towards the scalding. I was able to remove this bird as well and the slaughter cut again appeared to be inadequate. I informed (b) (6) at this point that any additional live birds entering the scalding would require a regulatory control action. (b) (6) informed me he would adjust the kill machine to ensure the smaller birds would feed into the machine properly. I observed the birds for approximately an additional 8 to 10 minutes and did not observe any more live birds entering the scalding. I also reviewed the establishment records at the sorting stations on the kill line and on the evisceration line. There were 4 cadavers recorded on the kill line document and 1 cadaver recorded on the evisceration line document. I returned to the area at approximately 2245 and observed approximately 500 birds entering the scalding to verify the corrective actions. I also observed approximately 150 birds exiting the stunner and kill machine. I found all areas to be acceptable. A review of the establishment's animal welfare audits documented the malfunctioning stunner at start up, but no other deficiencies were documented. It is imperative that establishments monitor all aspects of the slaughter process and make the appropriate adjustments to ensure "Poultry are slaughtered in accordance with good commercial practices in a manner that will result in thorough bleeding of the carcasses and ensure that breathing has stopped prior to scalding." Clusters of birds or repeated occurrences of birds that are conscious or breathing when entering the scalding can be an indication of a loss of process control. This is especially true when the establishment is aware the slaughter equipment may not be functioning properly.</p> <p>(b) (6) Est. P-46091</p>

Table: Memorandums of Interview (MOIs) in Response to FOIA 2016-00248

District	EstNbr	EstName	MOI#	Date	Description
35	P550	Simmons Prepared Foods, Inc.	XWN1019053510G	10MAY2016	<p>Est. P550 Simmon's Food Inc., May 9, 2016, 0415 hours. In attendance: (b) (6), and (b) (6). On May 9, 2016, at approximately 04:00 while performing Good Commercial Practices verification, I observed the back-up killer struggling to perform kill cuts on the thirty birds missed by the kill machine. The back-up killer missed four or five birds but was alerting another back-up killer stationed along the blood tunnel to perform kill cuts. At approximately 04:10 hours, I observed a single bird with no visible cut on the neck just before the east scalding (Kill Line 2). Due to no stop button in close proximity, the bird was unable to be removed from the line. Approximately 16 seconds later, I observed another bird with no visible cut on the neck. After exiting the scalding, both carcasses were followed through the pickers and removed from the line. The carcass had a dark red to purple neck and skin over the breast muscles. The carcass was shown to (b) (6) and (b) (6). The carcasses were condemned and recorded on FSIS Form 6000-15 as cadavers. The meeting was adjourned at approximately 04:20 hours. Previous MOI XWN4400123411G dated December 11, 2015, was issued due to birds entering the scalding with no visible cut.</p>
35	P550	Simmons Prepared Foods, Inc.	XWN2923051829G	29MAY2016	<p>Est. P550 Simmon's Food Inc., May 23, 2016, 2015 hours. In attendance: (b) (6) and (b) (6). On May 23, 2016, at approximately 20:05 hours while performing Good Commercial Practices verification, I observed a single carcass with no visible cut on the neck just before the east scalding (Kill Line 2). (b) (6) was standing beside me along with another RKP employee. The RKP employee removed the bird prior to it entering the scalding. As (b) (6) and I continued to watch, another two carcasses passed by with no visible cut on the neck. (b) (6) removed both birds from the line prior to entering the scalding. I immediately inquire about what the establishment was doing to ensure these birds did not enter the scalding alive. (b) (6) informed me that an additional back-up killer would be added to the line. After observing the carcasses entering the scalding, I proceeded to observe the back-up killers. Maintenance was already adjusting the kill machine and the establishment had added a second back-up killer. Therefore, no regulatory control action was enacted. There were no additional carcasses missed by either back-up killer. The meeting was adjourned at approximately 20:20 hours. Previous MOI XWN1019053510G dated May 10, 2016, was issued due to birds entering the scalding with no visible cut.</p>

District	EstNbr	EstName	MOI#	Date	Description
40	P7091	Pilgrim's Pride Corporation	SBF222305 4809G	09MAY201 6	<p>At approximately 1540 hours, (b) (6) was notified by (b) (6) that a DOA had presented at inspection station #1, Red, for postmortem inspection. She stated (b) (6) had notified Live Hang of the failure to properly sort birds considered dead-on-arrival from live birds being hung on the line for slaughter. Upon entry into the Live Hang Receiving/Sorting area, approximately 20 birds were observed on the floor behind the Live Hangers. There were a large number of DOAs and the hangers continued to form piles of dead and/or moribund birds on the floor. No employee was observed to be sorting the birds. A small bird, alive, was observed on the floor behind hanger #1, and two other live birds were observed on the wall behind the middle hangers (approximately hangers #2 and 3#). A QA technician standing in the area was asked to notify (b) (6) he was needed in the Live Hang area, at which time she notified me the Supervisor was on the line hanging chickens, and she would tell him. When the Supervisor was notified, an employee (approximately Hanger #4 or #5) came off the line and begins to pick the birds up and pile them at the head puller, without checking them for life. The small bird behind Hanger #1 was in that pile. I pointed it out to the QA technician, and she and another hanger removed it from the bottom of the pile and placed it back on the table to be hung. I stopped the line, at which time (b) (6) came off the line and asked if I'd stopped the line. I replied yes. He asked why and was it for the DOAs. I replied yes. (b) (6) came into the area and I spoke to Shift him about the conditions. He assigned another employee to the area to monitor the floor. The line was released to the establishment at approximately 1550 hours. It is important to treat poultry in a way that minimizes accidental injury. Employing humane methods of handling consistent with Good Commercial Practices can help produce an unadulterated product. Observing live and dead birds pile one on another throughout the Live Hang room floor is of concern with the establishment's commitment to operate under good commercial practices and to properly handle live birds, as well as its ability to properly segregate and hang live birds vs. dead birds. Plant Management is asked to prevent future occurrences. Copies of this Memorandum of Interview (MOI) will be distributed to the establishment, inspection file and District Veterinary Medical Specialist per FSIS Directive 6100.3.</p>

District	EstNbr	EstName	MOI#	Date	Description
80	P1249	George's Chicken, LLC	UVG03000 61204G	04JUN2016	<p>Poultry Good Commercial Practices Reg. 381.65(b) initially verified from approximately 17:20 to 17:43 hours on 5/30/16. This meeting, attended by (b) (6), (b) (6), (b) (6), (b) (6) and (b) (6), was held to discuss observations made by (b) (6) in the Live Hang/Receiving Department on 5/30/16. On 5/30/16 while performing the Poultry Good Commercial Practices Task, I, (b) (6), observed the following: At 17:24 hours on Line 2, I observed that a small bird not cut by the kill blade was also missed by the employee in the back up cutter position. I quickly walked around the line to see if I could catch sight of the bird but since I could not, I then went to the Evisceration Department to see if there was an ongoing problem with birds not receiving the proper kill cut. At 17:28 hours, I searched through the contents of the inedible barrel at the Evisceration Department's rehang station and found four small cadavers; birds that had not received a kill cut. Immediately I went to address the issue with (b) (6) and he assured me that he would take care of the problem. At 17:33 hours I resumed my observation of the kill cut process and saw another small bird being missed. I went to find (b) (6) again and found him heading towards the live hang area at approximately 17:35 hours. He informed me that since the current back up cutter was new to the position, he was bringing in the former back up cutter for assistance. After making observations in other areas of this department, I returned to verify that there were two back up cutters working on Line 2. I then informed (b) (6) of my findings and she instructed me to do a follow up check on this issue. Prior to dinner break, (b) (6) also went to the Live Hang Area to observe the process. At that time she saw several birds not receiving a kill cut by the initial blade due to the feet of the birds not being pulled down fully into the shackle as per the normal hanging procedure. (b) (6) then went to observe the live hangers directly. After seeing that the birds continued to be hung high in the shackles, she informed (b) (6) of the problem. (b) (6) then addressed the matter with the employee responsible for insuring that the legs were properly positioned. After discussing the issue of improper hanging with (b) (6) I made my final observations for the night from 21:00 to 21:10 hours. During three 1 minute checks, I found 7, 11 and then 17 birds per minute timed had to be cut by the back up cutters; numbers well over the occasionally missed bird. Immediately I went to the Live Hang Area and observed that even with a full staff of 13 employees on Line 2, the shackles were not full and the proper leg placement was not being achieved. Again I went to speak with (b) (6), who was in the room on the Line 1 side. In response he spoke with each employee on Line 2, instructing them to pull the legs down and thereby alleviating the problem at that time. During this meeting I stated that (b) (6) had instructed me to stop the line when a bird misses both the initial and back up kill cut and I mentioned that there appeared to be a need for better communication between the Evisceration and Live Hang Departments when cadavers were being received in Evisceration. Lastly I asked what was the frequency of verification of the kill process. (b) (6) stated that he checked the process at least three times per hour. (b) (6) stated that the process would be reviewed. On June 2nd, in the Thursday night meeting with (b) (6)</p>

District	EstNbr	EstName	MOI#	Date	Description
85	P1284	Pilgrim's	GDA53220 54925G	25MAY2016	<p>Est. P1284, Pilgrim's, May 25, 2016, 430 hours. In attendance: (b) (6), (b) (6). At approximately 0323 hours, I entered the live hang area after a cadaver was presented at inspection station two. I was observing the stunning and kill of the live birds on the picking line. The picking line was stopped by the back-up killer two times during the minutes I was observing the line. The back-up killer could not keep up with birds missing the automatic killer. I saw several birds hanging by one leg that had been missed by the automatic killer. I continued to observe the stun and kill process. I counted ten birds missed by the automatic killer in less than one minute. I proceeded to the location just before the electrostimulation unit to observe the carcasses moving along the picking line. I observed a live, uncut bird on the picking line about to enter the electrostimulation unit. Unfortunately, from my location, there is no means to safely stop the picking line using a stop button or an emergency stop cord. I proceeded to follow the picking line and observed the live bird enter the scalding tank. I followed the picking line and removed the uncut cadaver as it exited the final picker. The cadaver was brought to the attention of (b) (6) and (b) (6). I also reminded management that three cadavers had been condemned at inspection stations during the shift. These cadavers were very congested with bloody necks and appeared like the heads had been pulled off at the head puller. As immediate corrective actions, management implemented the following: An additional back-up killer was added to the line. The kill machine was lowered to accommodate the larger size of the birds. A live hanger was assigned to monitor for birds hung by one leg which were missing the stunner and automatic killer, causing issues for the back-up killer. (b) (6) stated he would be following up with management concerning the inability to safely stop the picking line at the location just prior to the electrostimulation unit. I reminded (b) (6) that the PPIA and Agency regulations do require that live poultry be handled in a manner that is consistent with good commercial practices, and that they not die from causes other than slaughter. Preventing mistreatment of poultry decreases the production of adulterated carcasses. This MOI will be forwarded to the District Office and the District Veterinary Specialist (DVMS) in the event additional follow-up is recommended. Respectfully, (b) (6)</p>
85	P1309	House of Raeford Farms Inc.	JLA420906 4506G	06JUN2016	<p>On 6/6/16 at approximately 10:15, while performing an antemortem check of the chickens being held outside, I, (b) (6) observed 1 bird crushed beneath the back right wheel of trailer #2835 which was parked underneath the furthest shed. I notified (b) (6) and showed him my findings. The issue of live birds being observed loose outside near the cage dump area and under the sheds was last discussed in the weekly meeting between FSIS IPP and establishment personnel on 5/26/16.</p>

District	EstNbr	EstName	MOI#	Date	Description
90	P17340	Pilgrim's	UQB38070 40627G	27APR2016	<p>Good Commercial Practice MOI: On April 26, 2016 @ 1335 hours, while performing the GCP task, I noticed that lines 1 and 2 had briefly stopped running. As stated in the establishment's Good Commercial Practices (GCPs), both stunners were manually lowered within two minutes. This act freed all heads from the water of the stunner, thus allowing the chickens to breathe freely. Once both lines began to move again, the backup cutter from line 1 raised the stunner to allow proper sedation of the chickens before decapitation. However, line 2 remained lowered for another 1-2 minutes. I motioned to the line 2 backup cutter, but was unable to get her attention as she was upstream of the stunner, manually cutting the heads of missed the birds. I attempted to stop line 2, but there was no way that I could have immediately stopped it from that side of the killing room. Eventually, the backup cutter for line 1 noticed my gestures (yelling "stop" and waving my flashlight) and manually raised the stunner for line 2 to the level appropriate for proper stunning of the chickens. As a result of the lowered state of the stunner for line 2, 50-75 chickens were killed without prior sedation. They were extremely agile and slinging bloods from their necks; whereas, the properly sedated chickens were relaxed immediately before and after the cutting of their necks. I alerted (b) (6) of my findings. He stated that it would be addressed. Due to similar reoccurring GCP issues, I also notified (b) (6) and (b) (6) of the situation. Since the issue is due to the fact that the release/restore operation of the stunners is manual as opposed to automatic, (b) (6) stated that he would address the stunning process and backup procedures. I stated to (b) (6) that the establishment needs to immediately address the repetitive GCPs issues. Per Federal Regulation 04-037N, poultry not permitted to die by means other than humane slaughter.</p>

Table: Noncompliance Records(NRs) for FOIA 2017-0086

EstNbr	EstName	NR#	Date	Task	Regs	Description
P51179	Sanderson Farms, Inc.	000481 308201 1N	08/10/2016	04C05	381.65(b)	<p>On August 10, 2016 at approximately 2020 hours the scalding entrance was observed while performing a Good Commercial Practices (GCP) verification task. While watching the carcasses enter the scalding on kill line 2, four carcasses in close succession entered the scalding without their necks cut. I immediately went to the kill machine area to observe conditions. While observing at the kill machine, the employee stationed as the back-up cutter was required to kill numerous birds by hand which the kill machine had missed. The employee was not adequately cutting the necks of all the missed birds and would sometimes not even cut through the skin. I observed 3 birds pass the back-up cutter without having their necks cut at all. The process was determined to be out of control. I stopped kill line 2 and notified the (b)(6) (b)(6) was also notified and immediately stationed an additional employee behind the current back up cutter to ensure no additional birds passed without being cut. (b)(6) was later informed of the incident. Live birds entering the scalding has been observed numerous times and documented on the following MOIs: 0002016074211G on July 8, 2016; 0000516063122G on June 21, 2016; 0001511044429G on May 4, 2016; and 0004914040322G on April 21, 2016. Additionally, concerns about the increasing number of cadavers were discussed with the establishment and documented by (b)(6) in MOI 0004210062010G on June 7, 2016 and MOI 0001511044429G on April 29, 2016. Concerns about cadavers and live birds entering the scalding have also been discussed at weekly exit meetings on April 21, 2016, May 9, 2016, and June 22, 2016. This incident represents an ongoing pattern of birds dying other than by slaughter, resulting in the repeated production of adulterated product. This concern has been discussed with the establishment multiple times yet the slaughter system continues to operate out of control. This represents a noncompliance with 9 CFR 381.65(b). A similar incident was recorded on NR 0002421052313N on May 13, 2016. (b)(6)</p>

Table: Noncompliance Records(NRs) for FOIA 2017-0086

EstNbr	EstName	NR#	Date	Task	Regs	Description
P7632	Zorro Leasing LLC	HYE510 310092 0N	10/20/2016	04C05	381.65(b)	<p>On the morning of 10/19/16 at 1139 hours the PHV was called to make a disposition on three suspected Dead-On-Arrival (DOA) carcasses hung back on line 1, stations # 1 and # 3. After observing the carcasses I determined they were DOAs and notified the (b)(6) [REDACTED].</p> <p>The carcasses had signs consistent with DOAs: limp neck, red to purple skin more prominent on the dorsal neck, putrid odor and dark, friable viscera. The carcasses in question were properly condemned. Dead or moribund (dying/close to death) birds are not to be hung on the line. If there is a question about the physiological status of a bird the PHV can be called to confirm or the "Live Hang" Supervisor can choose to humanely euthanize the bird and properly dispose of the carcass. It is important that all personnel working in the "Live Hang" area are careful to make accurate decisions about each bird being dead, alive or moribund. According to 9 CFR 381.71(a) birds plainly showing on ante mortem inspection any disease or condition, that under 9 CFR 381.80 to 381.93, inclusive, would cause condemnation of their carcasses on post mortem inspection, shall be condemned. Furthermore, insanitary conditions are created by allowing DOA carcasses into the processing area of the establishment. As stated above, this is a violation of 9 CFR 381.71 (a) which needs to be prevented.</p>
P244	Plainville Farms LLC	GCN52 100749 08N	07/08/2016	04C05	381.65(b)	<p>At approximately 0750 on 8 July 2016 I received a phone call from (b)(6) [REDACTED] concerning persistent unattended trim on heavy toms running at (b)(6) [REDACTED] BPM. I authorized (b)(6) [REDACTED] to reduce the line speed in accordance with 9 CFR 381.76 (b) (6) (ii) (D) and 381.1</p>

Table: Noncompliance Records(NRs) for FOIA 2017-0086

EstNbr	EstName	NR#	Date	Task	Regs	Description
M9977	Tyson Foods Inc.	YBL001 407142 7N	07/27/2016	04C05	381.65(b)	<p>On Wednesday July 27 at approximately 1:44 PM while conducting antemortem examination of chickens in the RKP area the following deviation was noted. A transport cage had a breach in the retaining bars, one of the bars was misdirected inside the holding compartment. This is a very sharp and pointed object that can harm chickens while being transported or delivered. The RKP area is the first element of the slaughter process, as outlined in 381.65(b) and if conducted outside of good commercial practices will lead to adulterated product. I immediately informed area (b)(6) and (b)(6) about the defective cage. The chickens were immediately emptied from the cage, and USDA reject tag B41147539 was applied to the cage. The cage was immediately removed from use and brought to the establishment repair shop for further disposition.</p>
M2738 9	Pitman Farms	NCO23 071120 09N	11/08/2016	04C05	381.65(b)	<p>Noncompliance Report issued by (b)(6) on 11/08/2016. While I was performing the Good Commercial Practices (GCP) task on October 8, 2016 at approximately 0339 hours, I observed two (2) sensible live chickens enter the scald tank on the live hang line. Prior to chickens entering the tank, at the time of my observation there was nobody monitoring in the live hang area to prevent the entrance of the sensible bird into the scald tank. There was nobody in live hang area present to inform at the time of the occurrence I informed (b)(6) and (b)(6) of my findings. I informed (b)(6) and (b)(6) of the forthcoming noncompliance. Previous to this finding at approximately 0205 hours and 2324 hours I had observed birds being sensible prior to entering scald tank. Establishment had an employee stationed prior to scald tank removing these sensible birds however the number of birds getting to this employee were excessive and in clusters for just one person to remove. One employee was having trouble removing and keeping up with the number of sensible birds getting to the scald tank. After informing (b)(6) and (b)(6) it was then that there was a second person added to assist. At approximately 2324 (b)(6) was present observing sensible birds before entering the scald tank. I informed (b)(6) whom was present at the time of my findings. However the line was not stopped nor action taken by QC or Management to prevent/control the entrance of the sensible birds into the scald tank. 9 CFR 381.65(b);</p>

Table: Noncompliance Records(NRs) for FOIA 2017-0086

EstNbr	EstName	NR#	Date	Task	Regs	Description
P519	Wayne Farms LLC	KMH11 030735 20N	07/14/2016	04C05	381.65(b)	<p>On July 14, 2016 at approximately 2112 hours, while performing a Good Commercial Practices verification check at Wayne Farms P-519, I observed the following noncompliance of 9 CFR 381.65(b). While observing birds on the kill line at the entrance of the 1st scalding, I witnessed 2 live birds with no visible cut present on the necks enter the scalding in a 3 minute period. Each bird was alert as evidenced by blinking eyes, rhythmic breathing, spreading and flapping of wings and raised heads as if they were trying to right themselves. (b)(6)</p> <p>(b)(6), was verbally notified at approximately 2115 hours and said he was going to investigate the cause. Also, I notified (b)(6) of my observation and at approximately 2122 hours (b)(6) and I went to the perform a follow-up GCP check and while observing birds on the kill line at the entrance of the 1st scalding, we witnessed 4 live birds with no visible cut present on the necks enter the scalding within a 40 second time span. These birds were alert as evidenced by blinking eyes, rhythmic breathing, spreading and flapping of wings and raised heads as if they were trying to right themselves. This observation along with the previous observation made at 2112 hours demonstrated that the establishment had lost control of its process for handling birds, and thus was not operating in accordance with good commercial practices. No plant supervision was present in the area; therefore, USDA took an immediate regulatory control action by stopping the kill line. Additionally, (b)(6) went to the live hang area and notified (b)(6) of the regulatory control action and took an additional regulatory control action by requesting that live hang operations be stopped until corrective actions were implemented to restore process control. Plant Management informed USDA that the cause of this noncompliance was due to the guide bar being out of adjustment on the kill machine and the normal backup killer was on vacation and the replacement backup killer was inexperienced and could not keep up. The corrective actions taken by the plant included maintenance adjusting the guide bar on the kill machine and (b)(6) working in the backup kill position for the remainder of the shift. After the corrective actions were implemented, USDA relinquished regulatory control action and allowed the establishment to resume slaughter operations. Immediately after slaughter operations had resumed, a follow-up GCP check</p>

Table: Noncompliance Records(NRs) for FOIA 2017-0086

EstNbr	EstName	NR#	Date	Task	Regs	Description
						<p>was conducted to verify that the corrective actions taken by the plant were effective. During this check, approximately 1,400 birds were observed on the kill line at the entrance of the 1st scalding, and throughout a 10 minute time span no live birds were seen entering the scalding. Three additional random GCP verification checks were conducted throughout the remainder of the shift with approximately 420 birds being observed over a 3 minute period during each check and no live birds were found entering the scalding. Based on the fact that four GCP verification checks were performed after the plant had implemented corrective actions with no live birds being observed entering the scalding demonstrated that the plant had restored process control and was currently operating in accordance with good commercial practices. This document serves as written notification that continued failure to comply with regulatory requirements could result in additional regulatory enforcement actions as described in 9 CFR 500.3.</p>
P509	Koch Foods LLC	IPG272 208060 9N	08/09/2016	04C05	381.65(b)	<p>On the 3rd shift beginning on August 9, 2016, the following noncompliance was observed. At 21:55 hours while verifying Good Commercial Practices in the live hang room on lot #1 it was observed by USDA IPP that there was a large pile of DOA birds at the end of the live bird conveyor. The pile of DOA birds was as high as the conveyor (approximately 3 ft) and approximately 8 ft in diameter and growing. At the time of observation there was only one plant employee trying to maintain the rapidly deteriorating situation (b)(6) and (b)(6) were notified of the noncompliance and USDA Tag # B19896539 was applied to the live bird cage dumper and live hang operations were stopped. After all of the birds were properly disposed of and the area was cleaned up, the USDA Tag was removed and operations resumed under a slower line speed until bird conditions improved.</p>

Table: Noncompliance Records(NRs) for FOIA 2017-0086

EstNbr	EstName	NR#	Date	Task	Regs	Description
P325	Tyson Foods, Inc.	YDM30 100816 02N	08/02/2016	04C05	381.65(b)	<p>At approximately 0835 on 8/2/16 while observing conditions at the rehang station the following non-compliance was observed: 12 bright red carcasses were seen on the rehang station, the overflow bin, and the condemned barrels at rehang. The majority of the carcasses still had their heads attached and with no neck cut. The carcasses that had their heads removed were very bloody at the neck stump. Given the appearances of the carcasses, those birds were alive when entering the scald tanks and as such died by means other than slaughter. The regulations require that poultry be slaughtered in accordance with good commercial practices, in a manner that results in thorough bleeding of the poultry carcass and ensures that breathing has stopped before scalding, so that the birds do not drown (9 CFR 381.65(b)). Note that live-hang was still tagged off from a concurrent issue with process control and as such regulatory control action was already in place. (b)(6) and (b)(6) were notified of the non-compliance. (b)(6) stated that the current issue with bird size was responsible for the cadavers. (b)(6) stated that they will place two extra back up cutters in the kill room until bird size is more manageable as a preventative action. The plant has also elected to run at (b)(4) birds per minute until bird size has returned to normal. (b)(6)</p>
P325	Tyson Foods, Inc.	YDM28 210939 19N	09/19/2016	04C05	381.65(b)	<p>At about 1450, a carcass that was very bloody at the neck stump was hung back. The bird had been cut through the middle of the head rather than the neck. I checked the condemn barrel at the rehang station and found 5 cadavers. I demonstrated the cadavers to Plant Manager Matt Sherman. At about 1748, I found 2 more cadavers in the condemn barrel at the rehang station. Given the appearance of the carcasses, the birds were alive when entering the scald tanks and as such died by means other than slaughter. This is not in accordance with good commercial practices. I informed Mr. Sherman this was a noncompliance according to 9 CFR 381.65(b). The plant condemned the cadavers, and I slowed the line speed by 10% to (b)(4) birds per min. Mr. Sherman discussed the cadavers and job performance with the back up neck cutters.</p>

Table: Noncompliance Records(NRs) for FOIA 2017-0086

EstNbr	EstName	NR#	Date	Task	Regs	Description
M5842	Tyson Foods, Inc.	NPF191 909542 ON	09/08/2016	04C05	381.65(b)	<p>September 08, 2016 At approximately 2011 hours in route to the establishment's FSIS office from the evisceration department I, (b)(6) observed the following: Two plant team members were observed removing numerous young chicken carcasses from the evisceration line 2, prior to the Line 2 (b)(4) machine and FSIS inspection. The team members were tossing each carcass into a yellow condemn barrel. After seeing, numerous carcasses removed from the line and that the condemn barrel was full, I elected to look into the situation. Upon closer observation, it was noted the drums of these carcasses were cut too short. I then walked over to the rehang area and immediately observed an accumulation of, approximately 30 carcasses on the floor. With the process still running at maximum line speed of (b)(4) carcasses per minute and without interruption of plant control, team members at the rehang area were struggling to hang the carcasses from the belt to the shackles and maintain control of carcasses falling off the belt due to the short drums and falling from the transfer point. At the time of these observations, no plant control efforts were being made to maintain process control at the rehang area. I requested a member of maintenance through the evisceration lead team member, who was still pulling carcasses from the line prior to Line 2 (b)(4) While waiting for maintenance to address the short drum issue, I observed carcasses entering into the rehang area with signs indicating improper kill or cadaver, which were, heads fully intact, no indication of a kill cut and pooled blood throughout the front half of the carcass. I removed a couple of the cadaver carcasses from the line and requested the rest be removed by a rehang team member. Upon returning from retrieving the key card to access the kill department, I noticed that production on kill Line 2 had been stopped. I had accumulated approximately 25 cadaver carcasses prior to the line stoppage. 13 of the carcasses pulled from the line were observed with a cut across the lower part of the head which does not allow for proper bleed out, thus resulting in pooled blood in the lower half of the bird. I requested a supervisor or member of management to the area. At approximately 2038 hours, (b)(6) was observed to be running toward the live dock area. Several minutes later, (b)(6) returned to the area where I was waiting and observed the carcasses with which FSIS had retained. According to (b)(6) the establishment had received a load of birds with an</p>

Table: Noncompliance Records(NRs) for FOIA 2017-0086

EstNbr	EstName	NR#	Date	Task	Regs	Description
						<p>excessive amount of DOA's. I stated that DOA's cannot be hung on the line and if they were DOA's, the process should still have made the kill cut to allow a proper bleed out. (b)(6) explained that improper slaughter and/or hanging DOA's on the evisceration kill line is unacceptable. Approximately 30 minutes later, (b)(6) returned to the FSIS office to offer actual cause for the incident. It was stated that a shackle became stuck on the stunner on Line 2 causing the stunner to not function properly. According to (b)(4) production on Line 2 was stopped immediately until the corrections could be made. I stated that the line was not stopped immediately due to the fact that numerous cadavers entered into the rehang area and were retrieved by FSIS. Statements proffered to in-plant IPP by plant management on 9/9/2016 stated that the plant shift 2 Evisceration GPM observed a partially detached and hanging kill shackle drag link go through the kill line 2 live bird stunner at approximately 2012 on 9/8/2016 and at that point realized the stunner was not working. The plant back up killing person stopped kill line 2 moments later according to their plant statements. The establishment's young chicken killing process consists of 1 live bird stunner and 1 automatic, circular blade killing machine on both of the 2 establishment kill shackle lines and 1 back up killing person at a station located where the 2 kill shackle lines converge after going through the automatic killing machines. The stunned and cut young chickens then die of exsanguination on the moving kill shackle lines in the blood tunnel located immediately after the back up killing station. The back up killing person station has line stop/start buttons for both kill shackle lines. The back up killing person is instructed to stop either kill line if a bird on that kill line is about to pass the back up killing station that has not been properly stunned and/or cut as per plant policy. Apparently on 9/8/2016, this plant killing process was not under process control sometime before the plant back up killing person stopped the line at approximately 2012 as manifested by the approximately 25 cut and improperly cut bright red cadaver carcasses observed by (b)(6) in the plant rehang processing area at 2011. It should also be noted the concern with cadaver birds being presented into the evisceration process of Est. M5842 has been discussed during previous PHIS MOIs documenting weekly meetings with plant management and in previously issued PHIS GCP MOIs.</p>

Table: Noncompliance Records(NRs) for FOIA 2017-0086

EstNbr	EstName	NR#	Date	Task	Regs	Description
P550	Simmons Prepared Foods, Inc.	XWN2605122419N	12/16/2016	04C05	381.65(b)	<p>Friday December 16 2016 At approximately 0745 hours while in the evisceration area, I was asked by (b)(6) at line station 3 to look at a bird she had hung on the red shackle for veterinary disposition. I observed that the skin was very bright red and the viscera was heavily congested with blood. I determined the chicken was a cadaver, a bird that died when it entered the scalding. I decided to go to the picking room and observe the birds going into the scalding. As I watched the birds at the point where they are about to enter the scalding, I observed a bird with no neck cut on it. It had its eyes open and was alert. As I continued to watch, within approximately 30 seconds, I observed another chicken with no neck cut. There was no cut on the neck, no blood draining from it, and I observed that the head was drawn up instead of hanging down. There was no supervisor in the area and no way to stop the kill line in this area, so I headed toward the kill area to stop the line. I saw (b)(6) while I was on my way to the kill area and informed him of the noncompliance I had observed. He accompanied me to the kill area and we stopped the line. I informed him that I needed to know how he was going to prevent chickens from bypassing the kill station and entering the scalding alive. While he was talking to the back-up killer for that line, (b)(6) came to the area. I informed him of the situation and (b)(6) responded that they would put a more experienced killer with the back-up killer already in place. The above described event reflects a lack of process control in the kill area. The establishment failed to meet the requirements of 9 CFR 381.65(b) which requires poultry to be slaughtered with good commercial practices that will result in thorough bleeding of the carcasses and ensure that breathing has stopped prior to scalding."</p>

Table: Noncompliance Records(NRs) for FOIA 2017-0086

EstNbr	EstName	NR#	Date	Task	Regs	Description
						properly to prevent recurrence. Failure to provide effective corrective actions may lead to further enforcement action..
P550	Simmons Prepared Foods, Inc.	XWN17 020757 15N	07/04/2016	04C05	381.65(b)	<p>On July 5, 2016, at approximately 04:00 hours while performing Good Commercial Practices verification, I observed two carcasses with no visible cut within approximately 30 seconds of each other enter the east scalding (Kill Line 2). I immediately went to the west kill station (Kill Line 2). As I was observing the back-up killer perform kill cuts, the back-up killer kept looking behind him. At that time, a carcass with no cut from the kill machine passed by and the back-up killer did not perform a kill cut. I immediately took a regulatory control action by stopping the line at the kill station. A kill cut was performed on the bird that had been missed by the back-up killer and the line was restarted. I proceeded to inform (b)(6) of the carcasses that entered the scalding without being thoroughly bled out to ensure that breathing had stopped prior to the scalding was not in compliance with 9 CFR 31.65(b) and that I was taking a regulatory control action and slowing the kill line from (b)(6) birds per minute to (b)(6) birds per minute. Then, I proceeded to watch the carcasses enter the east scalding (Kill Line 2). I observed a single carcass with no visible cut enter the east scalding. After the carcass was retrieved after exiting the pickers, the carcass was shown to (b)(6) and (b)(6). While the establishment worked on correcting the situation, I proceeded to watch the back-up killer for Kill Line 2. The back-up killer did not miss a single carcass over two minutes (approximately (b)(4) birds) and the line speed was released to return to (b)(4) birds per minute at approximately 04:20 hours. All affected carcasses were condemned and recorded on FSIS Form 6000-16 as cadavers. This noncompliance is associated to noncompliance record, XWN0920064121N, documented on June 21, 2016, for the same root cause. The preventative measure as stated by establishment management is "Rkp supervisor was instructed to have a training held by end of shift to address Cadavers." This measure was either ineffective or not implemented as of today's regulatory failure.</p>

Table: Noncompliance Records(NRs) for FOIA 2017-0086

EstNbr	EstName	NR#	Date	Task	Regs	Description
P19514	Tyson Foods, Inc.	UMF29 140704 22N	07/21/2016	04C05	381.65(b)	<p>On Thursday, July 21st at approximately 1409, I was buzzed to the inspection floor by the Line 1, stand 1 food inspector. When I arrived on the floor, I observed that the Inspector had stopped the inspection line due to the presence of multiple cadavers and suspect birds on her stand, stand 2, stand 3, and coming from the rehang area. I requested that (b)(6) immediately notify (b)(6) that there was an issue and his presence was requested on the floor. I then proceeded to the rehang area and observed a continual stream of cadavers and suspect birds entering from the pickers while the rehang employees placed the birds in combos to prevent spillage onto the floor. I took regulatory control of the slaughter line by stopping the line until the root cause could be located. I returned to the inspection floor to speak with (b)(6) and better inspect the carcasses held for disposition by the Inspectors. (b)(6) stated that maintenance and (b)(6) were inspecting the stunners, kill blade, and head pullers to locate the problem. I returned to the rehang area on my way to inspect the stunners and kill blade when I noticed the slaughter line was moving without being released from my control. This is a violation per 9 CFR 500.1 and I informed (b)(6) of the noncompliance. At this time, (b)(6) notified me the kill blade had a loose bolt causing the neck cut to be extremely shallow and only cut the skin, trachea, esophagus, and cervical musculing on some of the affected carcasses allowing for the appearance of cadavers via poor bleed out. The first head puller on Line 1 was also clogged and prevented the removal of heads to allow bleed out past that point. I instructed the inspectors to remove all carcasses with attached heads for individual inspection and allowed the inspection line to resume. In total, approximately 1,500 pounds of whole birds were condemned for failure to adequately bleed out which is a violation of 9 CFR 381.65(b), 381.90, PPIA (21 U.S.C. 435(g)(5)) and not consistent with good commercial practices (GCPs). I verified proper slaughter and bleed out of carcasses by observing the stunners, kill blade, and neck pullers three additional times prior to the end of shift.</p>

District	EstNbr	EstName	MOI#	Date	Status	Description
80	P935	Allen Harim Foods, LLC.	YXA061707 4411G	2016-07-11	Finalized	<p>From (b)(6) Date: 7/11/2016 Subject: Mistreatment of Live Poultry Meeting Time: 10.45 Establishment: P935 - Allen Harim Foods, LLC. Reason Code: Other Other Reason Code: Comments: To: Mr. Jim Quinton, Plant Manager This memorandum of Interview serves as written notification of the 1 live bird observed entering the scalding on July 11th 2016 At approximately 10.45 hours, while performing ante mortem and Good Commercial Practices, I was walking through the picking room and stopped to observe the birds going In to the scalding, when I saw a live bird with both eyes open and breathing enter the scalding. I notified (b)(6) who was standing beside with me in the killing area of the finding. He Immediately went to the neck pulling area to observe birds without cut coming out of the scalding. We observed few cadaver birds on line one and notified (b)(6) and (b)(6) about the incidence. The Poultry Products Inspection Act (PPIA) and the agency regulations do require that poultry must be slaughtered in accordance with good commercial practices in a manner that will result in thorough bleeding of the carcasses and ensure that breathing has stopped prior to scalding so that the birds do not drown or die other than slaughter. It is the Agency's expectations that all Good Commercial Practices be correctly and effectively implemented. A copy of this Memorandum of Interview will be forwarded to Front Line Supervisor (FLS) in case additional follow-up is recommended and a copy will be placed in the official USDA file. Please feel free to contact me with any questions or concerns Sincerely (b)(6) Harbeson, DE</p>

District	EstNbr	EstName	MOI#	Date	Status	Description
80	P843	Pilgrims Pride	PZA141612 1021G	2016-12-21	Finalized	<p>At approximately 1250 hours on December 21, 2016, the following Poultry Good Commercial Practices (GCP) mistreatment incident was observed at P-843 Pilgrim's Pride in Marshville, NC. While walking back to the USDA office after performing a veterinary disposition, I observed two birds with cherry red heads and necks and red bodies in the rehang table overflow area. One of the birds had an approximately 1mm skin laceration on the neck, with no appreciable hemorrhage or laceration to major blood vessels. Both had enlarged dark purple livers with rounded edges. I notified (b)(6) of the finding. We proceeded to the kill room. Upon performing a process control check, I noticed one bird with no appreciable cut to the neck. I had the establishment stop the line and remove the bird. The bird had an approximately ½ cm cutaneous (skin only) cut to the back of the neck. After approximately 4-5 minutes, the bird was still bright and alert with no significant hemorrhage; it had not incurred hemorrhage sufficient to bleed before the bird would have entered the scalding while breathing (b)(6) was shown this bird. We both went to the kill blade and there were approximately 20 birds with no cuts to the neck going past the kill blade. The supervisors stopped the line and added an extra backup cutter to cut the necks. Maintenance began working on the kill blade. The line was started and stopped a few times to get all of these birds cut and through the machinery. In this time, I identified another bird that had gotten past the establishment's above corrective measures. I had the line stopped and the bird removed; there was no visible cut to the neck of the live bird. At this point, I instructed (b)(6) to stop hanging birds; she had already performed this action when the kill blade malfunctioned (b)(6) also had one additional bird removed from the line past the back up cutter that had not been cut; three total live birds were removed with the line that did not have cuts or cuts sufficient for bleeding thoroughly before entering the scalding. Seven more birds were identified by myself and establishment personnel as suspicious for being uncut or insufficiently cut past the back up cutter. Three were dead and had cuts that were likely sufficient for adequate bleeding. One dead bird had a</p>

District	EstNbr	EstName	MOI#	Date	Status	Description
						<p>cut to the neck with questionable likelihood for adequate bleeding. Two dead birds had small 1cm cutaneous (skin only) cuts to the back of the neck with small 2-3cm subcutaneous (below the skin) hemorrhage clots seen below a layer of connective tissue; there was no evidence of major exposed vessel laceration or evidence of flowing hemorrhage internally or externally. One dead bird had no cuts to the head or neck and no evidence as to how it died. There were multiple dead birds in this group with no evidence that they died by approved slaughter methods. At least three of these carcasses illustrate the loss of process control with the kill blade and back-up cutter as many cuts were not properly placed to ensure thorough bleeding of a carcass or were not present at all. If the birds were dead-on-arrival (DOA), while not a GCP concern, they should not be conveyed into the establishment per 9 CFR 381.71(a) and 416.4(d) to maintain sanitary conditions. At approximately 1406 hours, a meeting was held in the USDA office to discuss the above situation. The meeting was attended by (b)(6); (b)(6); and (b)(6). It was explained that the Poultry Product Inspection Act (PPIA) and Agency regulations require that live poultry be handled and slaughtered in a manner consistent with good commercial practices, and that they not die from causes other than approved slaughter methods. Per the regulation 9 CFR 381.65 (b), "Poultry must be slaughtered...in a manner that will result in thorough bleeding of the carcasses and ensure that breathing has stopped prior to scalding." (b)(6) stated that the primary cause of the issue was the kill blade malfunctioning. The investigation into the malfunction is ongoing. The establishment will be adding a backup cutter to the area for five days on first shift. This extra backup cutter will assist with slaughter and spotting any possible DOAs. A preventative measure will be addressed by the establishment upon completion of their investigation. Additionally, the establishment was notified of the trend of poultry mistreatment. Previous corrective actions have included changing back up cutters, temporary addition of a back up cutter, adjusting the kill blade, performing</p>

District	EstNbr	EstName	MOI#	Date	Status	Description
						PZA1504091805I on September 5, 2016. The establishment's actions and monitoring appeared to be effective as no further cadavers were seen by 0530.
80	P843	Pilgrims Pride	PZA410110 0526G	2016-10-26	Finalized	<p>At approximately 0150 on October 26, 2016, the following situation was observed while performing a Poultry Good Commercial Practices task at Pilgrim's Pride P-843 in Marshville, NC. Beyond the kill blade in the kill blade room, I noticed a bird that appeared to be breathing with no visible cut to the neck. I caught up with the bird and found a live hang supervisor along the way. (b)(6) followed me to the area immediately before the scalding and he was able to remove the bird from the line. Upon examination, the bird was conscious with no cut to the neck. Within a few minute window, two more birds were seen with no cut to the neck; both were removed by (b)(6) before entering the scalding. Upon further examination, there were no cuts to the neck and the birds were fully conscious. The supervisors stopped the line to address the issue and no further breathing birds were seen approaching the scalding at that time. The birds were removed from the area to be slaughtered. At approximately 0210, a meeting was held with (b)(6) in the USDA office to address the above concerns. It is reasonable to state that these birds, without intervention, would have entered the scalding and died by means other than slaughter. It was explained that the Poultry Product Inspection Act (PPIA) and Agency regulations require that live poultry be handled in a manner in line with GCPs, and that they not die from causes other than approved slaughter methods. Please notify the USDA personnel of the planned actions to address the issue. I notified (b)(6) that a copy of this Memorandum of Interview (MOI) will be forwarded to the District Veterinary Medical Specialist (DVMS) in case additional follow-up is recommended. It is noted that the following Poultry Good Commercial Practices MOIs have been generated in recent months: PZA2403074819G on 7/19/16 for a breathing bird seen entering the scalding; PZA331308090908G on 8/8/16 for a true cadaver; PZA4904095005G on 9/5/16 for a true cadaver; and PZA5703090907 on 9/7/16 for a breathing bird seen entering the scalding.</p>

District	EstNbr	EstName	MOI#	Date	Status	Description
85	P713	Gentry's Poultry Co., Inc.	HDA23150 82909G	2016-08-09	Finalized	<p>At approximately 0705 on July 19, 2016, while conducting a Good Commercial Practices inspection on the unloading dock, I observed one live chicken that was loose on the unloading dock, adjacent to the cage that was next to be unloaded. As I was trying to get the attention of the operator, the cages began moving forward. the operator said that he was not causing this, that the cages were being pushed by the forklift operator. At this time, the chicken was being moved by the cage and was in danger of being crushed. I walked to the end of the dock and told the forklift operator to stop pushing the cages. I also summoned the area (b)(6) and th (b)(6), and told them what was occurring. (b)(6) was able to remove the bird from under the cage without apparent harm and relocated it to the belt area (b)(6). (b)(6) said that the employee was new. I reminded (b)(6) that the PPIA and the Agency regulations require that live poultry be handled in a manner that is consistent with good commercial practices. This MOI will be made available to the District Veterinary Medical Specialist in case additional follow up is recommended (b)(6).</p>
85	P713	Gentry's Poultry Co., Inc.	HDA08121 00220G	2016-10-20	Finalized	<p>At approximately 0725 on October 20, 2016, while conducting a Good Commercial Practices inspection, I entered the picking room and saw that the plant employee normally assigned to the kill machine was standing in the passageway between the live hang line and the blood trough line. He immediately turned and went back to his station at the kill machine. A few minutes later I observed that one of the chickens on the blood trough line appeared to be stunned but was not cut and was about to enter the scalding tank. I pushed the stop line button and showed the live chicken to the plant employee and had him remove the chicken from the line. I then sent another plant employee to find (b)(6), and restarted the kill line. I did not see any other uncut chickens on the kill line. 9 CFR 381.90 requires that poultry carcasses showing evidence of having died from causes other than slaughter are adulterated and must be condemned. It is the plants responsibility to ensure that poultry are not mistreated and are killed only by slaughter.</p>

District	EstNbr	EstName	MOI#	Date	Status	Description
85	P687	House of Raeford	XRA161411 2522G	2016-11-22	Finalized	<p>Upon visiting the Live Hang area, I notice there were 2 chickens in a condemn barrel. One was clearly alive, laying on its back and breathing in labored manner. Between 1 -2 minutes, I showed (b)(6) the chicken as it was found. The bird was removed and placed on a cart located at the end of the conveyor for suspect DOA or DOAs. I ensured it was place on sternum/abdomen for recovery before hanging. Around 14:15 hour I informed (b)(6) of my findings and subsequently (~ 1430 hour) we met to discuss this ongoing GCP concern. I reminded him that management of live poultry should be handled in a manner that is consistent with GCP's. The given cause: the chicken had to jumped or fell off the conveyor belt into the condemn barrel. Immediate and planned corrective action: Move the condemn barrels away from the live hang conveyor table. This MOI will be forwarded to the Atlanta District Office and the District Veterinary Specialist (DVMS) in case of additional follow-up is recommended.</p>
40	P7091	Pilgrim's Pride Corporation	SBF071107 3207G	2016-07-07	Finalized	<p>On July 6, 2016 at approximately 1310 hours, while observing conditions in the live hang room, a large number of birds were piled on the floor (greater than 50). Within this mix were dead and live birds co-mingled. Operations were stopped in order to allow the employees to regain control of their process. (b)(6) was notified. (b)(6) had gone to move the DOA bin and replace another one, and in the meantime there was no receptacle for the birds to be placed. in. At approximately 1323 hours the process was deemed to be in control and live hang was resumed. The requirements for 9CFR 381.65 (b) were not met. Documented by (b)(6)</p>

District	EstNbr	EstName	MOI#	Date	Status	Description
40	P7091	Pilgrim's Pride Corporation	SBF481907 2407G	2016-07-07	Finalized	<p>On 07 06 2016 at approximately 1548 hours, (b)(6) observed birds to be covered in a dark colored material, similar to caked dirt and/or litter. The birds were also open mouth breathing and showing signs of heat stress. There were several DOAs on the truck parked at the dock (Trailer ending with #2777). (b)(6) spoke with (b)(6) and (b)(6) concerning the conditions of the birds. The grower was (b)(4) for the entire shift. At approximately 1930 hours while observing conditions in the Live Hang area, a large number of DOAs were observed to be presented for slaughter. There were approximately 40 DOAs on the floor in the Live Hang area (in two piles), and the hangers were steadily piling dead birds on the floor for disposal. Live Hang operations were stopped temporarily to allow the individuals sorting and disposing of the birds to maintain control of the process (the DOA container was full and needed to be replaced). (b)(6) spoke with (b)(6) and (b)(6) concerning the number of DOAs presenting for slaughter, specifically the concerns with heat stress and DOAs over the past several days. She walked the plant-side holding area with (b)(6) and (b)(6). There is concern that the airflow in this area is not sufficient to minimize heat stress during periods of extreme weather conditions (such as those associated with substantial heat). While in the area, (b)(6) and (b)(6) discussed the lack of fan-blown air when standing directly in front of the staged trailers. (b)(6) notified (b)(6) that he'd spoke with (b)(6) concerning a method to improve the airflow from several fans in the live holding area. He stated the belts were loose on two fans in the holding area to the right of the bird dumper. In addition, (b)(6) asked if modification could be made to create a positive air flow through the area. In addition, review of the Back Dock Report for N/s indicates the latter cage may have been overfilled. The establishment stated during an exit meeting the number of birds per cage would be reduced to approximately 16 birds or less during periods of high heat. The establishment is</p>

District	EstNbr	EstName	MOI#	Date	Status	Description
40	P584	Pilgrim's Pride Corporation	QLM1605111210G	2016-11-10	Finalized	<p>A correlation meeting was held at approximately 0430 hours on 11/10/2016 with (b)(6) and (b)(6) to discuss concerns with the establishments Good Commercial Practices. At approximately 0355 hours while performing a Good Commercial Practice task inside the live hang area, I observed a pile of approximately 25-30 DOA birds (Dead on Arrival) stacked one to three birds deep. The DOAs were located at the west end of line 1. There was one live hang employee picking up birds from the pile and decapitating them to ensure they were dead prior to putting them outside. This is consistent with the establishment procedure of decapitating every bird whether alive or dead to ensure no live birds are inadvertently placed in the DOA bin. When I looked in the pile, I noticed two birds were taking long shallow breaths, but otherwise were not moving (moribund). I took regulatory control by instructing the live hang employees to stop hanging birds on the line. I then asked one of the hangers to locate a supervisor. He located the (b)(6) and I looked through the pile of birds in order to see if there were any other live birds in the pile. The two moribund birds were euthanized. At that time I asked the foreman to radio (b)(6) and (b)(6) explained to them what I had observed. After getting the pile of DOAs sorted and placed outside and providing an acceptable preventive measure the line was released. While this does not rise to the level of noncompliance, it is important to treat poultry in a manner that minimizes undue stress, accidental injury and death. Employing humane methods of handling live birds consistent with Good Commercial Practices can help decrease accidental injury and death by means other than slaughter. This MOI serves to remind the Establishment that the PPIA and Agency regulations do require that live poultry be handled in a manner that is consistent with good commercial practices, and that they not die from causes other than slaughter. I recommended that Establishment Management review Federal Register Notice Vol. 70, No. 187, published September 2005 [Docket No. 04-037N] for FSIS recommendations concerning treatment of live poultry</p>

District	EstNbr	EstName	MOI#	Date	Status	Description
35	P550	Simmons Prepared Foods, Inc.	XWN15200 83016G	2016-08-16	Finalized	<p>Est. P550 Simmon's Food Inc., August 15, 2016, 04:15 hours. In attendance: (b)(6), and (b)(6)</p> <p>The following is a synopsis of the events regarding severely bruised carcasses presenting to inspection personnel: On August 14, 2016 at approximately 19:50 hours, Inspection personnel retained a carcass due to severe bruising. A quarter of the carcass was bruised due to dislocation of the femoral head and fracture of the wing. At approximately 20:30 hours, four carcasses were retained by inspection personnel due to severe bruising. Half of the carcass was bruised on all four carcasses with approximately 20-30 mL of pooled blood upon opening the skin. The most apparent injuries on the four carcasses respectively were dislocation of the femoral head, dislocation of the femoral head with a puncture through the ribs into the coelom, dislocation of the femoral head and fractured wing, and partial dislocation of the femoral head. At approximately 23:00 hours, inspection personnel had retained five more carcasses for severe bruising of approximately half the carcass. These carcasses also had pooled blood with the most apparent injuries respectively of dislocation of the femoral head, dislocation of the femoral head and fractured wing, partial dislocation of the femoral head, dislocation of the femoral head, and fractured tibia. At approximately 23:10 hours, two more carcasses were retained by inspection personnel for severe bruising of approximately half the carcass with approximately 20-30 mL of pooled blood upon opening the skin. The most apparent injuries in these carcasses are fractured wing and dislocation of the femoral head. While administering relief breaks, I had to take a regulatory control action on Line 2 at approximately 23:32 hours as there were not any available shackles designated for veterinary disposition on Station 1. The line was restarted at 23:33 hours. At approximately 23:35 hours, another regulatory control action of stopping the line was required due to no available shackles designated for veterinary disposition on Station 1. The line was restarted at approximately 23:36 hours. After finishing relief breaks, a total of six carcasses had been retained for severe bruising of approximately half the carcass with approximately 20-30 mL of pooled blood. The most</p>

District	EstNbr	EstName	MOI#	Date	Status	Description
						<p>apparent injuries of the six carcasses respectively were four carcasses with dislocation of the femoral head and two carcasses with fractured femurs. At approximately 03:15 hours while administering relief breaks, (b)(6) requested me to stop Line 2 as (b)(6) had taken a regulatory control action on Line Station 3. (b)(6) had retained four carcasses with severe bruising of approximately half the carcass with approximately 15-20 mL of pooled blood. The most apparent injuries of all four carcasses were dislocation of the femoral head. After finishing administering relief breaks at approximately 03:30 hours, a total of six carcasses were retained by inspection personnel. Four of the carcasses had bruising of approximately half the carcass while the other two carcasses had bruising of approximately one quarter of the carcass. The most apparent injuries in the carcasses with bruising of approximately half the carcass were dislocation of the femoral head, dislocation of the femoral head, dislocation of the femoral head, and fracture of the femur. The most apparent injuries respectively in the carcasses with bruising of approximately quarter of the carcass were fractured femur and fractured tibia. At approximately 04:15 hours, another four carcasses had been retained by inspection personnel due to severe bruising of approximately half the carcass. The most apparent injuries in all four of these carcasses were dislocation of the femoral head. An additional two carcasses were retained between 04:15 hours and 04:30 hours in which inspection personnel notified me of at approximately 04:35 hours. (b)(6) performed veterinary dispositions on these carcasses. A total of approximately 32 carcasses were retained over the shift due to severe bruising with the most apparent injury in the majority of carcasses presented as dislocation of the femoral head from the acetabulum. The following is a synopsis of the discussion regarding approximately 25 carcasses presented with approximately half of the carcass severely bruised: (b)(6) discussed with (b)(6) that these carcasses continue to be an issue and the number presented to inspection personnel has increased significantly. There have been approximately 25 carcasses presented to inspection personnel involving half of the</p>

District	EstNbr	EstName	MOI#	Date	Status	Description
90	P548	JCG Foods of Alabama, LLC	WYI112208 0323G	2016-08-23	Finalized	<p>On the date of August 23, 2016 at approximately 2155 hours, I observed less than Good Commercial Practices while performing an Ante-Mortem Inspection and Good Commercial Practices verification task at P-548, a NPIS poultry establishment. I observed a live, uncut bird at approximately 2155 hours as it was approximately two feet from entering the scald vat on Line 2. The bird was holding its head up vertically, exhibiting normal eye movements, and displaying an increased breathing pattern. After observing the bird I employed the available stop button after all other plant interventions had been surpassed, and it is reasonable to conclude that had I not intervened, the bird's entrance into the scald vat was imminent. (b)(6) [REDACTED], walked over to address the issue, then I restarted the line after corrective action had been taken. I also notified Plant Manager, Amy Patterson of the observed deficiency, and the establishment immediately initiated further corrective actions. It is pertinent to add, as of May, 2013, JCG Foods of Alabama provided the additional process forethought to provide a process for personnel to intervene and prevent birds entering the scald vat alive and dying by means other than slaughter. Line stoppage devices were installed on both lines to accommodate these circumstances. FSIS Docket No. 04-037N, Treatment of Live Poultry before Slaughter, states that under the Poultry Products Inspection Act (PPIA) and Agency regulations (9 CFR 381.65 (b)), live poultry must be handled in a manner that is consistent with good commercial practices. In order to ensure that poultry is handled and slaughtered in a manner that is consistent with good commercial practices, poultry should be treated in such a manner as to minimize excitement, discomfort, and accidental injury throughout processing. Additionally, the Poultry and Poultry Product Inspection Act states within (21 USC 10 453 (g) (5)), "For purposes of this chapter... The term "adulterated" shall apply to any poultry under one or more of the following circumstances (5) if it is, in whole or in part, the product of any poultry which has died otherwise than by slaughter." A copy of this Memorandum of Interview will be forwarded to</p>

District	EstNbr	EstName	MOI#	Date	Status	Description
25	P529	Gold'n Plump Poultry, LLC	ODE02121 03325G	2016-10-25	Finalized	At approximately 0658 (b)(6) informed me, (b)(6), that numerous cadavers were found at the re-hang table. I went to investigate further. I found 40 cadavers in a condemn barrel. I inspected the birds which were red throughout the carcass and no cut was found on any of their necks. I then proceeded to the live-hang area. When I arrived both lines were running and birds were being processed normally. I asked the Kill and Pick Supervisor what happened. He stated that the kill machine on line 1 stopped working. Later, at approximately 1000, I discussed this incident further with the First Processing Manager. He stated that the kill machine on line 1 stopped working and the back-up cutter was unable to immediately stop the line. Eventually they were able to get the line stopped. I asked him if the line was stopped before or after the 40 cadavers entered the scald. He said that he was not sure if they were already in the scald before the line was stopped or if the line was started before all the live birds were cut.
25	P544	Jennie-O Turkey Store Sales	KXJ290007 2601G	2016-07-01	Finalized	At 2300, on the night shift beginning Thursday June 30, 2016, while monitoring Good Commercial Practices, I observed a turkey flapping vigorously and moving in its shackle as it entered the scald. I walked around to where the birds come out of the pickers and observed a cadaver at approximately 2302. As I was attempting to look at the bird more closely, (b)(6) happened by and retrieved the cadaver. We could not identify an incision on the birds neck. As I continued to monitor GCP's, I observed no other birds moving or flapping as they entered the scald. At 2315, I notified night evisceration (b)(6) of what I had observed. He said that he would go and notify (b)(6).

EstNbr	Date	MOI Agenda
P20251	04MAR2016	<p>Mistreatment At 0540 hours while performing ante-mortem in the loafing shed, I, (b) (6) observed trailer T326 top front module, second section from the top, have three young chickens with their legs, at the knee joint, sticking out on the right side and one young chicken with its paw sticking out on the left side under the outside wire panel. The module appeared to be in good condition. The space between the floor and wire panel on the module sections were approximately 1/2 inch except where the birds had their legs and paw sticking out of which was approximately 1 inch. At 0613 hours, I returned to the trailer to see if the birds were still in the same position. The one bird on the left side of the module was able to move its paw back inside while the other three birds on the right side were still in the same position and signs of bruising, redness of the skin, on lower thigh of all three birds was starting to appear. I notified the establishment employee in the scale house about the three birds. By 0700 hours, the establishment employee was able to place the birds' legs back inside the module. I then notified (b) (6) of my observations and that a MOI would be issued.</p>
M248B	13JAN2016	<p>While performing a GCP task at approximately 0840 hours, I observed a cadaver bird exit the feather picker. The bird was red in color and did not have a neck slit. I pulled the bird off the line and presented it to (b) (6) who proceeded to show the bird and discuss with the kill machine attendees. Additionally, at approximately 1105 hours I observed one cadaver bird (red in color, no neck slit) in the condemn barrel behind the pinning room attendants. I discussed my finding with Juan Cervantes (Plant Manager) at approximately 1630 hours. I informed him I had not observed live birds entering the scald tank, but did see a few birds without their necks stretched out, enter the scald tank. I was, however, unable to verify whether or not they were conscious and without a neck slit from the angle of my observations. Shortly after, while performing a GCP task and ante-mortem on the last lot, at approximately 1720 hours, I observed three additional cadaver birds (red, no neck slit) in the condemn barrel behind the pinning room attendants. This is not something I have been seeing in the recent past, since the addition of the individual helping at the kill machine. The most recent incident of live birds entering the scald tank was documented in a noncompliance record on 12/11/15. It is required establishments slaughter poultry in accordance with Good Commercial Practices, through proper bleed out, thus ensuring breathing has stopped before scalding to prevent drowning.</p>
M248B	04MAR2016	<p>At approximately 1515 hours, while performing a GCP task, I observed 5 cadaver birds (with no neck slits) in the red condemn barrel behind the company employees in the pinning room. I notified (b) (6). He informed me he had changed the kill machine blade and was in the process of monitoring for issues. I then spoke to (b) (6). (b) (6) informed me he had slowed the line speed in response to the findings. I did not witness the affected birds, or any birds during my observations after the finding, enter the scald tank alive. However, it is the establishment's responsibility to ensure slaughter occurs in accordance with Good Commercial Practices, requiring birds be properly bled and breathing has stopped prior to entering the scald tank (9 CFR 381.65(b)).</p>
M32130	25JAN2016	<p>Establishment P32130, Dakota Provisions, 1/25/2016 0705 hrs. Meeting Attendance: (b) (6)  (b) (6) At approximately 0650, while performing a Poultry Good Commercial Practice task, I observed 5 conscious turkeys present at the end of the conveyor belt that returns mis-stunned birds back to the entrance of the CO2 chamber. One of the turkeys had grossly visible injuries with drooping wings, ruffled feathers, and blood on its back. The other four turkeys did not have any grossly visible injuries. At approximately 0655, I observed an establishment employee remove one of the conscious birds without visible injuries from the catch pan. Using his left hand only, the employee carried the bird by the left wing approximately 20 feet and placed him back in a cage. Although the employee's right hand was free, no attempt was made to carry the bird using both hands or stabilize the bird. Once the employee placed the bird back inside the cage, I observed a left complex wing fracture with fresh bleeding and bone protruding from the skin. I notified (b) (6).</p>

EstNbr	Date	MOI Agenda
P165S	06JAN2016	<p>On Wednesday January 6, 2016 at approximately 1550 hours, I, (b) (6) was performing a Poultry Good Commercial task. While I was observing the stun/kill area I observed ten (10) birds hung by one leg; this was during a (b) (4) time span. Some of these improperly hung birds were not rendered insensible and had the dangling leg removed by the head removal saw. I immediately returned to the Government office and asked (b) (6) to accompany me to the kill/stun area. Upon our arrival, we observed ten (10) more birds hung by one leg in less than one minute. During our observations the line speed was (b) (4) BPM. (b) (6) notified (b) (6) of our observations and asked that the line speed be reduced by ten percent. (b) (6) slowed the lines to (b) (4) BPM also; (b) (6) was notified that an MOI would be issued for this poor commercial practice. At 1610 hours (b) (6) and I observed the kill/stun area and observed four (4) birds hung by one leg during a three (3) minute time span and the lines remained at (b) (4) BPM for the remainder of the shift. Proper treatment of poultry and adherence to good commercial practices is extremely important. The observations described above are not consistent with proper treatment and good commercial practices in the production of poultry. Please provide FSIS USDA with information and assurance that poultry will not be mistreated and that good commercial practices will be followed at this establishment. A MOI was issued to the establishment on 12/14/15 for the same cause; birds being hung by one leg. The preventative actions given by the establishment were ineffective in preventing this poor commercial practice. A copy of this MOI will be forwarded to the (b) (6) and a copy will be retained on file in the Government Office. Respectfully, (b) (6) P-165S N/S</p>
P165S	25JAN2016	<p>On Monday January 25, 2016 at approximately 1605 hours, I, (b) (6) was performing a Poultry Good Commercial task. While I was observing both lines at the stun/kill area, I observed ten (10) birds hung by one leg; this was during a three (3) minute time span. Four (4) of the improperly hung birds were not rendered insensible and had the dangling leg removed by the head removal saw. I immediately returned to the Government office and informed (b) (6) of my findings. During my observations the line speed was (b) (4) BPM. I notified (b) (6) of my observations and asked that the line speed be reduced by ten percent. (b) (6) slowed the lines to (b) (4) BPM also; (b) (6) was notified that an MOI would be issued for this poor commercial practice. I revisited the kill/stun area with (b) (6) at 1745 hours and deemed the hanging of birds acceptable. The line speed was restored to (b) (4) BPM. Proper treatment of poultry and adherence to good commercial practices is extremely important. The observations described above are not consistent with proper treatment and good commercial practices in the production of poultry. Please provide FSIS USDA with information and assurance that poultry will not be mistreated and that good commercial practices will be followed at this establishment. A MOI was issued to the establishment on 1/06/16 for the same poor commercial practice; birds being hung by one leg. The preventative actions given by the establishment were ineffective in preventing this poor commercial practice. A copy of this MOI will be forwarded to the Springdale (b) (6) and a copy will be retained on file in the Government Office. Respectfully, (b) (6) P-165S N/S</p>

EstNbr	Date	MOI Agenda
M5842	29MAR2016	<p>Background/Description of this Poultry Good Commercial Practice Non-Regulatory Issue: On Friday 3/25/2016 from 0806 to 0818 CST (b) (6) performed a Poultry Good Commercial Practice (GCP) PHIS task by observing carcasses entering the first scald tank on kill line 2 located in the Picker Room at Est. M5842. The 489th carcass observed during this check was in fact a live bird that had no visible cut on its neck and was conscious, eyes open; neck curved upward looking around, panting and alert. This live bird did appear to be smaller than the majority of the carcasses in the lot of poultry being processed at this time. (b) (6) removed this live bird from kill line 2 immediately before the bird would have entered the first scald tank on kill line 2, placed this live bird on the floor, then continued the 1,000 carcass check. After the check was completed (b) (6) met with the Plant Live Hang Supervisor at approximately 0820 in the picker room and told him about this live bird. At approximately 0822 (b) (6) met with the plant Evisceration Manager on shift 1 at the scene of this GCP check and showed him the 1 live bird he had removed from kill line 2 at 0811, which was still sitting on the same spot on the floor in the picker room. The Plant Evisceration manager on shift 1 picked up the live bird and took it back to the live hang room at approximately 0823. (b) (6) went to the live hang room also and observed that the plant killing process noting that there was only 1 back up kill person on-line at 0823 who was covering both kill lines. This plant has a killing procedure that calls for 1 back up kill person to cover both kill lines where the 2 kill lines come close together at the north end of the bleed out tunnel. The plant killing procedure calls for (b) (4) . The plant killing procedure also states that (b) (4) (b) (6) then returned to the USDA Office to get more GCP station 1 check sheets. After leaving the USDA office (b) (6) went to the live hang room and observed that there was still only 1 back up kill person covering both kill lines at 0832. (b) (6) then returned back to the picker room to conduct GCP station 1 follow up checks. (b) (6) conducted follow up GCP station 1 checks on kill line 2 from 0832 to 0843 on kill line 2 then on kill line 2 again from 0845 to 0851 when the plant lunch break started. After the lunch break (b) (6) observed that there were 2 plant back up kill persons, 1 covering each of the 2 kill lines, at 1007 then resumed the station 1 follow up checks from 1008 to 1016 on kill line 2 and from 1018 to 1028 on kill line 1. There were no GCP NCs or non-regulatory concerns observed on any of these 4 station 1 follow up checks. (b) (6) met with the plant shift 1 Live Receiving Supervisor and Evisceration Manager on the scene after all of these 4 follow up checks. At 1030 (b) (6) observed that there were still 2 back up kill persons, 1 covering each kill line, at the back up kill station in the plant live hang room. Discussion notes for the meetings with plant management which is the subject meeting for this MOI: (b) (6) met with the shift 1 Live Receiving Supervisor and Evisceration Manager on the scene after the first follow up check from 0820 to 0823 on Friday 3/25/2016. During this meeting the establishment's policy of (b) (4) was discussed. The plant Evisceration manager told me that they were short handed today but he was trying to find and additional back up kill person so he could have 2 back up kill persons on-line with 1 back up kill person covering each of the 2 kill lines. (b) (6) met with the establishment Assistant Plant Manager for Shift 1 in the USDA office from 1145 to 1203 on Friday 3/25/2016. They discussed the incident when 1 live bird was removed from kill line 2 by IPP immediately before that live bird entered the first scald tank at 0811 on that day. They also discussed the plant killing process and specifically discussed the plant policy for the back up kill person(s). The Assistant Plant Manager told (b) (6) that the plant back up kill person(s) do stop the line when they see that they can not keep up and are about to let a live bird pass by their station and that plant management supports them wholeheartedly in doing so. The Assistant plant Manager also told (b) (6) that the plant is not reluctant to but 2 back up kill persons on-line, 1 covering each of the 2 kill lines, whenever they deem it is warranted.</p>

EstNbr	Date	MOI Agenda
P481	22JAN2016	<p>At approximately 2330 hours on 1/21/16, while conducting good commercial practice verification, I was observing the birds on line 2 just prior to the head puller upstream of the scalders. During a 105 bird observation I noted a conscious, unstunned bird, with no killing cut being conveyed down the line. When touched this bird vocalized and raised its head to observe my actions. I was unable to remove this bird from the line prior to the head puller. I informed the (b) (6) of my observations. He quickly sent a more experienced backup killer to cover line 2 and counseled the backup killer who had been on duty when the live bird was found. On my check of the condemn barrel at the end of line 2 rehang station I found 2 more cadavers that had occurred during the inexperienced backup killer's time on line. Both of these birds were a dark red with a deep plum colored neck and head. I brought these back to the live hang area for (b) (6) to see. Based on 9 CFR 381.90, the regulation describing the disposition of cadavers, it is described that they are "Carcasses of poultry showing evidence of having died from causes other than slaughter..." As slaughter is defined as the intentional act of killing, the head puller is not the plant's slaughter step. It is for this reason the live bird killed by the head puller has been defined as a cadaver. Periodic checks throughout the night revealed no more live birds entering the head puller and no cadavers in the condemn barrels of either line's rehang station.</p>
P481	12FEB2016	<p>At approximately 0233 hours on 2/12/16, while conducting good commercial practice verification, I observed 3 cadavers in the condemn barrel of Line 1 rehang station. Each of these birds were deep red in coloration with dark plum colored neck and heads. Alongside these cadavers were two carcasses with cuts going along the transverse plane of the skull, exposing brain matter. I brought these 5 birds into the live hang area and had (b) (6), contact (b) (6). Both (b) (6) and (b) (6), then presented themselves at live hang to observe the cadavers. Upon confirmation of my findings the plant observed the kill machine on line 1 and found the birds running over the blade to have inconsistent cut placement across their necks. A skip was then run in the line during which the plant observed the kill blade wobbling in its seating causing the variation in cut placement previously observed. It was found through further investigation that the bolt affixing the blade on the line 1 kill machine was a left handed bolt instead of the necessary right handed bolt, which caused the blade to loosen as it ran. The motor and blade were removed from the machine and securely affixed to the apparatus as to prevent further loosening during the shift. The line was tested and once found to be in correct alignment slaughter was resumed. Subsequent checks throughout the night revealed no live birds entering the scalders and no cadavers seen after the scalders.</p>
P550	08JAN2016	<p>At approximately 0800 hours, while performing a Good Commercial Practices check, I observed the operations at the dumper, the live hang area, and then the kill area. In the kill area, I observed the back-up killer for the line feeding evisceration lines 3 and 4 miss a chicken that had also been missed by the kill machine. The stunner and kill machine were operating normally, so there was not a large number of chickens for the back-up killer to have to kill. He was exercising on his stand, doing "push-ups" leaning back on the lower bar of his stand. He did not appear to be paying sufficient attention to his job. I continued to observe and approximately 45 seconds later, I observed the back-up killer miss a second chicken. At that time, I took regulatory control action by stopping the kill line. (b) (6) came to the area along with the live hang lead. They located the chickens that had been missed and the line was restarted. We observed the back-up killer for a short period longer and did not observe him miss any more chickens. I informed (b) (6) that I would be documenting this incident. He called his supervisor, (b) (6) to the area and I also informed (b) (6) of the incident. A copy of this Memorandum of Interview will be provided to establishment management and a copy placed in the official USDA file. (b) (6)</p>

**Table: Noncompliance Reports in Response to FOIA-2016-00170**

EstNbr	EstName	NR#	Date	Task	Regs	Description
P519	Wayne Farms LLC	KMH53 170221 25N-1	02/25/2016	04C05	381.65(b)	<p>At approximately 1515 hours while performing a routine Good Commercial Practices task at Wayne Farms in Laurel, MS (P-519), I witnessed 15 live birds entering the scalding water in a 3-minute period. These birds were observed exhibiting a voluntary righting motion by lifting their heads, spreading and flapping their wings excessively, and their eyes were open. Furthermore, when these birds entered the scalding water the rapidity of their wing movement and entire body movement increased until they disappeared from view. I searched in vain for a supervisor for approximately 10 minutes and, finding no one, pushed the emergency stop button for the kill line. I inspected the birds that had been cut but had yet to enter the scalding water and the cuts on their necks were very shallow and were only present on 1 side of the neck. Using my professional judgment, I determined that the live birds entering the scalding water were not properly bled out before entering the water and died by means other than slaughter, violating 9 CFR 381.65(b).</p> <p>The establishment implemented corrective actions after the line was stopped by increasing the stunner voltage and adjusting the cutting blade. After the corrective actions were performed I allowed the establishment to resume slaughter operations. I observed birds entering the scalding water for 15 minutes after the corrective actions were implemented, observing approximately (b) (4) birds, and found that none were responsive before and upon entering the scalding water. After approximately 30 minutes I performed another 3-minute check, observing roughly (b) (4) birds, and again did not find any that were responsive. Two more 3-minute checks were performed, one at approximately 1900 hours and again at 2210 hours, and no live birds were found to be entering the scalding water. I determined that the corrective actions of the establishment were acceptable for the shift's operations, however continued noncompliance could lead to further regulatory actions.</p>

**Table: Noncompliance Reports in Response to FOIA-2016-00170**

EstNbr	EstName	NR#	Date	Task	Regs	Description
P476	Pilgrim's Pride	ODA46 210124 14N-1	01/14/2016	04C05	381.65(b)	<p>At approximately 1650 hours (b) (6) blew the buzzer to notify her supervisor that she was getting several Cadavers in a row. Inspector at station #1 had 8 Cadavers, Inspector at station #2 had 7 Cadavers, Inspector station #3 had 4 Cadavers, and Inspector station #4 had 5 Cadavers. I noted approximately 12 Cadavers on the evisceration line #1. I immediately notified (b) (6) and I proceeded to the Killer in the Picking Room. It was break time and the birds had already exited the scalders and were in the last picker before entering the Evisceration department. I notified the (b) (6) of my findings and he stated that the Killer blade had stopped turning and Maintenance was notified. There was no maintenance personell in the area. I asked him why the backup killer did not stop the Picking line? He stated that Maintenance had bypassed the start/stop button for the back up killer and she could not stop the line to ensure that the bird's necks where properly cut. I informed the Live Hang Supervisor that they could not start hanging on this line until the blade was repaired. (b) (6) spoke with the Maintenance supervisor who stated that the contacts on the stop cord were faulty and he replaced it. Maintenance worked on the Killer and it was also repaired, after they had made corrections we notified them that they could resume hanging. I watched for approximately 10 minutes to ensure that the Killer was functioning properly. The establishment failed to meet 9 CFR 381.65(b), states "poultry must be slaughtered in accordance with good commercial practices in a manner that will result in thorough bleeding of the carcasses and ensure that breathing has stopped prior to scalding. Blood from the killing operation must be confined to a relatively small area, and 9 CFR 381.90, provide that poultry carcasses showing evidence of having died from causes other than slaughter are considered adulterated and must be condemned."</p>

Table: Noncompliance Reports in Response to FOIA-2016-00170

EstNbr	EstName	NR#	Date	Task	Regs	Description
						Establishment Meeting. At approximately 2055 hours (b) (6) informed me that the problem had been identified and corrected, the guide bar to the kill machine was not aligned properly, and that a different employee was performing back-up kill duties.
P325	Tyson Foods, Inc.	YDM08 120205 15N-1	02/15/2016	04C05	381.65(b)	<p>On 2/15/16, at approximately 0830, I was entering the evisceration department and observed a large number of carcasses at the rehang belt. Birds were being pushed onto the overflow table next to the rehang belt in evisceration. I saw line 2 was being stopped repeatedly and the (b) (4) machines had been stopped for viscera being caught in the machine. I then turned and saw a condemn barrel full of carcasses. Upon further observation, I observed there to be 3 carcasses lying on top with very dark red to purple colored bodies. The blood had become concentrated around the neck area and some all over the back in general. The appearance of these carcasses was consistent with cadavers. I immediately notified the (b) (6) (b) (6) said he would find out more and "write up" employees in live hang. This occurred at 0830 and I was steadily observing the area for more cadavers. At about 0840, I observed about 3 more carcasses in the metal bin which is attached to the rehang belt, these were also cadavers. These carcasses had arrived since the conversation with (b) (6). Cadavers are the result of birds who did not bleed out properly and were not bled out when they entered the scalding. I notified (b) (6) again and firmly explained cadavers are not acceptable. (b) (6) stated he would find out why this happened and he slowed the evisceration lines down. The establishment is noncompliant with 9CFR 381.65(b). - (b) (6)</p>

**Table: Noncompliance Reports in Response to FOIA-2016-00170**

EstNbr	EstName	NR#	Date	Task	Regs	Description
P19128	Case Farms of North Carolina, Inc.	FCA500 601041 9N-1	01/18/2016	04C05	381.65(b)	<p>At 1250, I performed a GCP task , I walked into the Live hang room where I observed 25 to 35 carcasses on the floor. There was a pile of carcasses lying at the end of the hanging conveyor. Carcasses were also scattered along the floor to the right of the room, in the walk space to the DOA chute door. (b) (6)</p> <p> was informed of my observations. I took regulatory control action and ordered the operation to be stopped. The piles of carcasses were examined for live birds as carcasses were removed from the floor and disposed of properly. There were live birds among the pile of carcasses at end of the conveyor. Hanging Operations were resumed at 1255 after control of the process was restored. The presence of these carcasses piled and scattered along the floor created unsafe, insanitary conditions and pointed to negligence in the plants good commercial practices. This practice subjects birds to being covered with DOAs, suffocating and dying in violation of regulation 381.65(b).</p>
P4734	New Lee's Live Poultry Market Inc.	XKD200 803142 9N-1	03/29/2016	04C05	381.65(b)	<p>On Tuesday, March 29, 2016 at approximately 8:15 am I observed the following non-compliance: Poultry in one of the barrels in the slaughter area contained birds (3) that were still moving. These birds had been slaughtered and then put into one of two barrels that contained birds that were to go into the scalding. I immediately alerted the employee responsible for slaughter and he placed these birds into the cones to allow for further bleeding and death. No bird that was still moving entered the scalding. I immediately informed (b) (6)</p> <p> of this non-compliance. He stated that he will discuss with his employees and monitor the situation. This is a non-compliance with 9 CFR 381.65(b) There was no adulterated product associated with this non-compliance and no adulterated product entered commerce.</p>

EstNbr	Date	MOI Agenda
P713	05FEB2016	<p>Gentry Poultry, P 713 February 03, 2016 11:06 AM RE: MOI for poultry mistreatment observed during a Good Commercial Practice Task While performing the daily Good Commercial Practice Task on this date, the (b) (6) observed the following situation which resulted in the mistreatment of poultry: After approximately 2 minutes observation, one (1) cadaver bird was observed to exit the scalded without a cut to the neck. The bird was shackled, head/neck was hung, I grabbed the head and neck of the bird to feel/locate a cut or blood through the feathers, to which none was observed. I released the bird to watch it go through the head puller which confirmed the presence of a cadaver. I continued to follow the bird through the process and noticed (b) (6) presence. I immediately notified him of the observation. (b) (6) investigated cause of the incident and reported the finding to the employee at the neck- cutter station as well as the live hang supervisor. (b) (6) was also notified of the situation. No other birds were found to be effected during the time of observation. This is the second finding for a similar occurrence in two days and may indicate a loss of control at this time. Agency regulations do require that live poultry be handled in a manner that is consistent with good commercial practices, and that they not die from causes other than slaughter. I notified (b) (6) that this MOI will be forwarded to the District Office and the District Veterinary Medical Specialist (DVMS) in case additional follow-up is recommended. USDA Personnel: (b) (6) Inclosure sent to: (b) (6) Plant Manager Julian Reville (b) (6)</p>
P855	23MAR2016	
P1235	29FEB2016	<p>At approximately 1802, while performing a Poultry GCP task, I observed a live bird entering the scald. I did not find the STOP button in time to stop the bird from entering the scald. Therefore, this bird died from drowning which is a means other than slaughter. I informed (b) (6) of the incident. She sent another supervisor to try and find the bird to pull it off the line.</p>
P1307	15JAN2016	<p>At approximately 10:35, I observed less than Good Commercial Practice in the live poultry area. While performing a GCP/Antemortem check, I observed one chicken carcass on the ground under the live conveyor that was mutilated and bloody, and appeared to have been caught in the chain drive of the cage dumper. The nature of the injuries to the chicken is consistent with death by means other than slaughter. I notified (b) (6) who retrieved and disposed of the carcass. I then notified (b) (6) of this finding and informed him that due to the fact that the bird died by means other than slaughter, I would be documenting this finding on a Memorandum of Information (MOI), which would be forwarded to the District Veterinary Specialist (DVMS) in case additional follow up is recommended. I also informed (b) (6) that the establishment would also be required to provide preventive measures in response to this incident. A short while later, (b) (6) notified me that he instructed the cage dump operator to physically go over to the cages after each cage is dumped to check the platform for loose birds before he allows the next cage to go to the dumper.</p>

Table: Noncompliance Reports in Response to FOIA-2016-00170

EstNbr	EstName	NR#	Date	Task	Regs	Description
M322A	Gold'n Plump Poultry, LLC	CNC030 702151 3N-1	02/13/2016	04C05	381.65(b)	At 0625, while conducting a Poultry Good Commercial Practices task, I observed the following non-compliance; While observing the scalding entrance, I observed 2 birds still breathing as they entered the scalding with 45 seconds of each other. The first bird had no cut on its neck whatsoever. The second bird did receive a cut, but was insufficient to allow the bird to bleed out completely. I immediately informed an evisceration lead, who immediately contacted the live hang lead. I then observed the kill machine and back up at the kill machine. I observed all birds had received an adequate cut from the kill machine. Per 9CFR 381.65(b) birds are to be slaughtered so they are bled out thoroughly and are not breathing when they enter the scalding. Birds that die from means other than slaughter are deemed adulterated, and are not to enter commerce.
M322A	Gold'n Plump Poultry, LLC	CNC002 202341 5N-1	02/14/2016	04C05	381.65(b)	At approximately 2125 hours, at the start of night shift production, I was summoned to the evisceration department by a food inspector. When arriving at the USDA inspection stands, the food inspector motioned to the carcasses on the evisceration lines that had not yet reached the inspection stands. Almost all of the carcasses on both of the evisceration lines were affected by the following conditions: a deep red to purple neck, reddened proximal breasts and reddened areas of the wings. There were several visible birds on the line displaying generalized bright red discoloration of the skin typical of cadavers (cherry red skin throughout the carcass). I immediately went to observe the stunning area and noted the establishment employee in the back-up kill position was cutting multiple birds that the kill machine had missed. I then went to the entrance of the first scalding. In a period of approximately 2.5 minutes, I noted three live birds entering the scalding. Two of the three birds were actively flapping their wings and one bird was vocalizing in addition to flapping its wings. I stopped the kill line and notified (b) (6) and (b) (6) of my findings. Adjustments were made to the stunner and kill machine to adjust the neck cut. The kill line was started again and I verified that no more live birds were seen entering the scalding. The total number of cadavers for this lot was 79. The aforementioned finding is not in compliance with the regulation cited in block 6 of this report. (b) (6) and (b) (6), were notified of the forthcoming noncompliance.

EstNbr	Date	MOI Agenda
P1201	02MAR2016	<p>This MOI is to document an incident of a conscious bird about to enter the scalders. At approximately 1250 on Wednesday, February 24th, I went into the picking room as part of the verification of Poultry Good Commercial Practices at P-1201. As I observed the kill lines just prior to the head puller/scalders, within 20 seconds I heard a chicken vocalizing and found a hen on line 1 that was conscious, alert, and without any evidence of the neck being cut. I removed the bird from the line and showed her to (b) (6) who was covering temporarily for the live receiving/picking supervisor. Regulation 9 CFR 381.65(b) requires that: Poultry must be slaughtered in accordance with good commercial practices in a manner that will result in thorough bleeding of the carcass and ensure that breathing has stopped prior to scalding. At a meeting between me and (b) (6) at approximately 1345, following her investigation of the incident, I told her that it is improper treatment of the animal to have it die by entering the scalders conscious. She stated that the live bird on the line was unacceptable and that the back-up killer employee on that line was covering for the regular employee who was out sick. Following a previous incident it had recently been stressed in instructions to the back-up killer employees to verify that all chickens passing them on the line have their throats properly cut and that if they miss an animal they are to stop the line to do so. Following this incident the hen was shown to the employee and the instructions were reiterated. (b) (6) also had a supervisor stationed on the back-up killer platform for the rest of the shift to make sure that the back-up killer employees were doing their jobs correctly.</p>
P1201	02MAR2016	<p>This MOI is to document concerns on Good Commercial Practices (GCP) in the slaughter process at P-1201 on March 1st. During the first USDA inspector break (0730) I notice more cadavers than normal on evisceration line 2 and informed (b) (6). During the morning I was notified by on-line inspectors of additional cadavers and discussed this with (b) (6). At the lunch break (1030) an inspector told me that she had hung back 2 cadavers that arrived at her stand on line 1 just before the lunch break. I examined the carcasses at the stand and found the skin on both to be red in color with the heads still attached. The heads, necks, wings and upper chest were congested with blood as were the viscera. The necks on both carcasses were intact with no evidence of cuts. (b) (6) and (b) (6) likewise examine the carcasses. Also of note, prior to the lunch break there had been a breakdown of the stunner on line 2. Because of this line 2 was not in use and the line had cleared. At that time I had gone to the stunning/kill area and had observed that the back-up killer employee on line 2 was assisting on line 1. Because of previous GCP issues plant management had also stationed an employee just before the scalders during the shift to verify that the birds had been properly slaughtered prior to entering the scalders. Therefore, just prior to the lunch break there were at least 3 employees (rather than the usual 1) observing line 1 and yet two obvious cadavers were presented to USDA inspection. At 1300 I met with (b) (6) and told her that birds entering the scalders alive was unacceptable, cruel and violated regulations (9CFR 381.76(b)). This is the third GCP incident documented within the last 30 days indicating the establishment's corrective actions have been ineffective or inadequate. (b) (6) said she could not be certain why the birds were not slaughtered prior to the scalders, according to her investigation the employees had not left their posts early for lunch. Her theory is that due to the plant processing 'straight run' flocks (flocks composed of both males and females) there is more variation in bird size and the smaller birds are curling up their necks and moving their upper bodies in order to avoid the stunner and the kill machine. When they pull back in this fashion they tend to slip behind the birds on either side of them and because their heads are curled up they are not readily seen. The establishment is scheduled to replace all their equipment from live receiving through the slaughter department next week. The equipment will not only be new but (b) (6) said that they will change from a 6" space from shackle center to an 8" space and go to a larger overall bird size. This will provide more space between shackles and the larger birds she thinks will have less variation in size so will be processed through the equipment more reliably with fewer birds missed. In the mean time she will assign 2 employees to the back-up killer position for each line with one of them focusing on verifying that they can see the bird on each shackle.</p>

EstNbr	Date	MOI Agenda
P419	29MAR2016	<p>At approximately 2034 hours, while observing conditions at the scald tanks, I observed one live chicken on Line 2 enter the scald tank while still breathing. The chicken was holding its head up, was blinking, and was observing its surroundings. 9 CFR 381.65(b) requires that poultry are to be properly bled out and are not breathing when they enter the scald; however, I was able to determine that this was an isolated incident and that the overall system remained in control. (b) (6) was notified and reminded that the PPIA and Agency regulations do require that live poultry be handled in a manner that is consistent with good commercial practices, and that they not die from causes other than slaughter. At 2219 Hours (b) (6) and I had a meeting and he informed me that he had retrained the backup cutter on ensuring all birds are cut and to use the stop button if necessary.</p>
P510	04FEB2016	<p>This MOI is being issued to document the finding of incompletely bled out birds entering the scald on 02/04/2016. At approximately 2350, while going to give the inspectors breaks, I observed 5 cadavers on the line. I noticed that there were approximately 20 cadavers marked on the lot tally sheets of the inspectors. While giving breaks, I condemned 2 carcasses as cadavers. After the breaks were over, I immediately went to check on the kill blade and the back up killer. I noticed that while the kill blade was cutting the birds necks, the cut was not deep enough on some of the birds. The back up killer was not attending to those birds. I walked around to observe the birds before they entered the scald and observed a bird that had been cut but was thrashing around, its eyes were blinking, and still breathing. I took regulatory control and stopped the line and informed (b) (6). He removed the bird and I restarted the line. A few minutes later, I observed another bird that was thrashing, blinking its eyes, and having agonal breaths. I again stopped the line. (b) (6) removed the bird and I restarted the line. I asked for the bird and showed (b) (6). The bird was still having agonal breaths at that time. If I had not had these birds removed, they would have entered the scald tank having not been completely bled out and still breathing. It is the establishment's responsibility to ensure that birds are slaughtered in accordance with 9 CFR 381.65(b). (b) (6) said that she would stop the line and instruct maintenance to adjust the kill blade. I went to observe birds coming out of the scald at 0100 for approximately 15 minutes and saw no cadavers. Respectfully, (b) (6)</p>
P667	02JAN2016	<p>To: Mr. Jonathan Lacy, Plant Manager (b) (6) (b) (6)  From: (b) (6) This memorandum of interview (MOI) is being written in response to a major non-conformance observed while performing Poultry Good Commercial Practices verification procedures. On January 2, 2016, at approximately 1445 hours, while inspecting the holding sheds I observed one loose bird on the ground under a parked trailer (#10513) and another loose bird on the ground behind the adjacent parked trailer (#11116). Additionally, I observed the remains of a chicken partially under and in front of the rear tire of trailer #11116, which presumably was run over by that same trailer. I immediately notified (b) (6) who sent a plant employee out to retrieve the loose birds and place them back into the holding cages. Upon review of the day's Live Holding Shed record, it showed a Dayshift employee had signed and recorded there were "0 live birds found" and "0 dead birds found" in the holding shed at 1415 hours. Confirmation with the Scale Office revealed both trailers had been present in the holding shed prior to 1400 hours. (b) (6) (b) (6), were all present during the time the records were reviewed and discussed. The National Chicken Council's Animal Welfare Guidelines state that, "transport modules must be in good repair so that no birds can be injured and none can escape during transit" and "loose birds must be picked up in a timely manner." There is a concern for the welfare of the loose birds, as they could possibly be injured or killed. The above findings were not in accordance with the industry standards of Good Commercial Practices as stated in the NCC's Animal Welfare Guidelines. It is the Agency's expectation that all Good Commercial Practices will be effectively implemented.</p>

EstNbr	Date	MOI Agenda
P1201	03FEB2016	<p>This MOI is to document live, conscious birds about to enter the scalding during third shift at P-1201. On February 1st, at 2112, after a slight delay to the start of first processing, I went to the picking room to verify good commercial practices (GCP). I was in the area just prior to the head puller and was there less than a minute when I observed a hen on the line which was not stunned nor had its throat cut, but was alert and bending its neck looking around. By doing so it was able to avoid going through the head puller completely. I removed the bird from the kill line just as it was about to go into the scalding. There was an employee nearby who observed what happened but was not involved. I showed (b) (6) the animal. Because of the delay in releasing the chiller from pre-operation sanitation inspection, the kill was stopped at about this time and in a few minutes the kill line cleared. Due to other duties it was not until 0115 just prior to my starting the second USDA inspection break that I returned to the area to verify GCP for handling of the live animals. Again after observing the kill line prior to the scalding for only a moment or two I observed another hen, on the other line, who had not undergone the slaughter procedure but was alert and moving about on the line. A nearby employee, seeing that I was trying to remove a bird from the line, stopped the line using a nearby emergency stop. I removed the bird and also showed it to (b) (6). Regulation 9 CFR 381.65(b) requires that "Poultry must be slaughtered in accordance with good commercial practices in a manner that will result in thorough bleeding of the carcass and ensure that breathing has stopped prior to scalding." I was told by (b) (6) after the first incident that the birds were smaller than normal and because of this the smaller ones were not being stunned as they were not large enough to come in contact with the stunner. These animals then did not go through the kill machine correctly leading to excessive numbers of uncut birds for the back-up killer to take care of. This agreed with what I observed when I checked the kill area immediately after the first incident. (b) (6) told me that he notified maintenance to make adjustments to the equipment to correct this. Following the second incident the problem was traced to a piece of equipment called the "foot pusher" that causes the birds to hang from the lower part of the shackles and thereby more easily come in contact with the stunner. Because it was out of adjustment not all the birds were not being stunned. This equipment was also adjusted by maintenance. The establishment's program is for the back-up killer employees to use the emergency line stop button if there are too many birds to cut manually. This was not done in either incident. I was informed by (b) (6), that he addressed this procedure with these employees, reiterating that they are to stop the kill line when needed to avoid birds that were not slaughtered correctly to proceed past their station. They can then make the cuts by hand and notify off-line people of the problem so it can be corrected. At the time of this writing further preventative measures are being decided on by senior plant management and USDA will be informed of the specifics in the near future.</p>

EstNbr	Date	MOI Agenda
M737	26JAN2016	<p>(b) (6), P-737 House of Raeford Teachey, N.C. 28464 (b) (6)</p> <p>This MOI is being issued to document two live birds I observed on 1/25/16 just before entering the scalders. At approximately 2347hrs while performing a Good Commercial Practice task, I observed a live bird exit the blood tank and continue to the first scalders. Just before entering the scalders I took control of the kill line by stopping the line. The bird at the time of my observation had a normal rhythmic breathing and eyes were open and blinking with the neck pulled up. (b) (6) entered the room after I had shut the line off and was notified of my actions and was shown the live bird. He immediately removed the bird and after further observation on the live bird it was found that there was no sign of the neck being cut. The line was started back to continue operations and then at approximately 2350, I observed another live bird exit the blood tank and make it to the beginning of the scalders and took action again by stopping the kill line. By that time (b) (6) had entered the room and was notified of my observations and shown the second bird that was on the line. She was immediately removed the live bird and after checking this bird for any cuts it was found to have none. The bird had normal rhythmic breathing and eyes were open and blinking with the neck pulled up. (b) (6) was notified of the establishments failure to comply with 9 CFR 381.65 (b). —Poultry must be slaughtered in accordance with good commercial practices in a manner that will result in through bleeding of the carcasses and ensure that breathing has stopped prior to scalding (birds do not drown in scalders). (b) (6), if you have any questions please review PPIA (21 U.S.C. 453(g)(5)), and CFR 381.90, provide that poultry carcasses showing evidence of having died from causes other than slaughter are considered adulterated and must be condemned. (b) (6) this MOI will be forwarded to the District Office and the District Veterinary Medical Specialist (DVMS) in case additional follow-up is recommended. If you have any questions or concerns regarding the above, please feel free to contact (b) (6), or (b) (6). Respectfully, (b) (6)</p>

EstNbr	Date	MOI Agenda
P1201	03FEB2016	<p>This MOI is to document live, conscious birds about to enter the scalding during third shift at P-1201. On February 1st, at 2112, after a slight delay to the start of first processing, I went to the picking room to verify good commercial practices (GCP). I was in the area just prior to the head puller and was there less than a minute when I observed a hen on the line which was not stunned nor had its throat cut, but was alert and bending its neck looking around. By doing so it was able to avoid going through the head puller completely. I removed the bird from the kill line just as it was about to go into the scalding. There was an employee nearby who observed what happened but was not involved. I showed (b) (6) the animal. Because of the delay in releasing the chiller from pre-operation sanitation inspection, the kill was stopped at about this time and in a few minutes the kill line cleared. Due to other duties it was not until 0115 just prior to my starting the second USDA inspection break that I returned to the area to verify GCP for handling of the live animals. Again after observing the kill line prior to the scalding for only a moment or two I observed another hen, on the other line, who had not undergone the slaughter procedure but was alert and moving about on the line. A nearby employee, seeing that I was trying to remove a bird from the line, stopped the line using a nearby emergency stop. I removed the bird and also showed it to (b) (6). Regulation 9 CFR 381.65(b) requires that "Poultry must be slaughtered in accordance with good commercial practices in a manner that will result in thorough bleeding of the carcass and ensure that breathing has stopped prior to scalding." I was told by (b) (6) after the first incident that the birds were smaller than normal and because of this the smaller ones were not being stunned as they were not large enough to come in contact with the stunner. These animals then did not go through the kill machine correctly leading to excessive numbers of uncut birds for the back-up killer to take care of. This agreed with what I observed when I checked the kill area immediately after the first incident. (b) (6) told me that he notified maintenance to make adjustments to the equipment to correct this. Following the second incident the problem was traced to a piece of equipment called the "foot pusher" that causes the birds to hang from the lower part of the shackles and thereby more easily come in contact with the stunner. Because it was out of adjustment not all the birds were being stunned. This equipment was also adjusted by maintenance. The establishment's program is for the back-up killer employees to use the emergency line stop button if there are too many birds to cut manually. This was not done in either incident. I was informed by (b) (6) that he addressed this procedure with these employees, reiterating that they are to stop the kill line when needed to avoid birds that were not slaughtered correctly to proceed past their station. They can then make the cuts by hand and notify off-line people of the problem so it can be corrected. At the time of this writing further preventative measures are being decided on by senior plant management and USDA will be informed of the specifics in the near future.</p>

Est Number	Establishment Name	MOI Date	MOI Text
P40183	Sanderson Farms, Inc. - Kinston	1/24/2013	<p>From picking area observed BUK on line 1 attempting to get a bird immediately prior to the scalding. He did remove the bird. Once I made it to his location I observed the bird to be emitting steam and was dead. I asked the employee what he was doing and he told me he'd tried to get the bird off because it was missed. I informed him it had already drowned. He stated it hadn't been in the water long enough to drown. I informed him the bird was dead. There was no knife cut present on the bird.</p>
P758	Tyson Foods, Inc	1/25/2013	<p>MEMORANDUM OF INTERVIEW To: (b) (6) Tyson Foods, Inc 3865 Hwy 35 North Carthage, MS 39051 From: (b) (6)</p> <p>(b) (6) Tyson Foods, Inc. 00758—P/1 3865 Hwy 35 North Carthage, MS 39051 At approximately 0653 hours, on Friday, 01/25/13, while observing condemned product at the Sorter stations on all (b) (4) Evisceration lines, I observed the following; dark red carcasses with dark red swollen necks &amp; heads still intact on line (b) (4) two at sorter station #2, one at sorter station #4, and on line #2- one bird at sorter station #3. (b) (6) was notified and observed the inadequate good commercial practice. At approximately 0758 hours, I observed four dark red carcasses with dark red swollen necks and heads still intact conveying down Evisceration Line (b) (4). I removed the carcass from the line at sorter station #1. Further observations revealed that the carcasses necks indeed had not been cut. At approximately 0803 hours, I observed two dark red carcasses with dark red swollen necks &amp; heads still intact conveying down Evisceration Line #2. (b) (6) was notified and removed the carcasses from the line before sorter #1 station. Further observations revealed that the carcasses necks indeed had not been cut. I notified (b) (6) (b) (6) who also observed the same aforementioned carcasses. I proceeded to the kill room and did not observe any live birds entering into the scalding at this time; however, the back up team members on lines #2 &amp; (b) (4) stopped the line numerous times due to uncut/inadequate cut of necks on birds. I also observed a member of management adjusting the head removal equipment. I informed and expressed to (b) (6) (b) (6) and (b) (6) of the importance of the implementation of the plant's adherence to Good Commercial Practices. The NCC Animal Welfare Guidelines states in section E (15) in part, "... A bird with uncut carotid arteries after the picker is a major non-conformance". A similar Good Commercial MOI was documented and issued on 12/31/12, and discussed in the USDA/Management weekly meeting conducted on 1/03/13. Management's preventive measure response on 1/25/13 states; "Stunner settings were changed on all three lines to ensure birds have been properly stunned and to prevent any further occurrences". This issue will be discussed in the upcoming USDA/Management weekly meeting.</p> <p>(b) (6) 00758--P</p>
P3	Mountaire Farms of Delaware	1/26/2013	<p>Today at 4:10pm while touring at Live Hang area (Kill Line 2) I have witnessed the Cage Dumper throw a bird (which was caught in outgoing cage) over another cage in to the Cage Dumpers Belt. Receiving Supervisor has also observed the incidence. It is not acceptable and Employee at receiving should focus on treating poultry in such a manner as to minimize excitement, discomfort, and accidental injury the entire time that live poultry is held in connection with the slaughter. Plant management has been notified for corrective action.</p>

Est Number	Establishment Name	MOI Date	MOI Text
P171	Allen Harim Foods	8/29/2013	<p>On 8/28/2013, at approximately 1218 hours, while conducting a GCP/humane handling check on Kill Line #1, I observed 12 birds out of approximately 100 counted going through the stunner to the auto kill blade hanging by one leg. That caused the birds to miss the automatic knife. The back-up kill person was struggling to re-hang the birds correctly by two legs and at the same time manually slaughter each bird. The one-leg birds were too numerous for the back-up kill personnel to handle appropriately and several birds were left uncut and were observed continuing down the line towards the scalding. The back-up person did not attempt to stop kill line #1. I immediately stopped the kill Line #1. (b) (6) was immediately notified. I informed (b) (6) of my observations and that corrective/preventative measures need to be implemented before allowing the kill Line #1 operation to resume. (b) (6) informed me that he would be placing an experienced hanger at the end of the line to ensure birds were hung properly and that he would instruct the back-up kill person to stop the line immediately if he is not able to keep up. (b) (6) also held a meeting with the Kill Line #1 live-hang personnel to inform them of the importance of hanging birds by two legs. After the above corrective/preventative measures were put into place, the Kill Line #1 operations resumed at approximately 1228 hours. A review of the humane handling log dated, 8/28/13, indicated that the last check for one-leg birds was performed by Q.A. personnel on Kill Line #1 at 1130 hours and was recorded as 0 out of a 500 birds check. All prior checks for the day also indicated 0 out of 500 one-leg birds observed. The concern of hanging birds by one-leg was also brought to the attention of the establishment management on 7/05/13 and documented in a weekly meeting MOI on 7/9/13. The establishments response in regards to the MOI written on 7/9/13 was, "to prevent any birds from being hung by 1 leg, the associates who are placed at the end of the rehang belt to fill empty shackles have been instructed if any 1 legged hung birds are observed, they are to let the empty shackles pass by and correct the 1 legged hangs. In addition Q.A. has increased their monitoring frequency for proper hanging". These corrective/preventative measures have either not been implemented or are ineffective in preventing reoccurrence.</p>
P44826	Case Farms Processing	8/29/2013	<p>On August 21st 2013 while conducting a poultry good commercial practices task (b) (6) observed the following: Live hang was observed with no observed deficiencies. 500 birds were observed entering the scalding. No live birds were seen entering the scalding. This is within NCC recommended guidelines Section E part 14 which state "All birds are dead before entering the scalding. Evidence that a live bird entered the scalding consists only in a finding after the picker that a bird's carotid arteries were not cut. A bird with uncut carotid arteries after the picker is a major non-conformance. 500 birds were observed immediately upon exiting the stunner. 13 birds remained unstunned. NCC guidelines Section E part 14(a) and 14(b) recommend "A) Stunning and processing equipment is monitored to insure proper functioning for humane processing. " "B). Birds are insensible to pain when euthanized. A post-stun posture that includes arched neck and wings tucked in is visual evidence of an effective stun. At least 98% of birds are properly stunned. " The observed stun percentage was 97.4%.</p>

**Table: NRs (381.65(b) for foia 2014-091 for December, 2013**

Est ID	Est Nbr	NR Number	Date	Procedure Code	Regulations	Status	Description
4567	P1307	KIL3503125 124N-1	12/23/2013	04C05	Poultry Good Commercial Practices	O	At approximately 0220 I observed the FSIS Carcass Inspector (CI) on evisceration line #2 stop the line to remove and condemn more than 5 cadavers from the line. (b)(6) was notified. I then left the CI stand and as I passed line #2 rehang, I observed several cadavers on the belt. I immediately went to an area in the picking room at the scald pot entrance of picking line #2. I observed a live bird struggle to try to right itself just prior to entering the scald pot. As I continued to watch approximately 7 other carcasses enter the scald pot, I observed a second live bird struggle to try to right itself just prior to entering the scald pot. I observed both live birds flapping their wings and moving their paws while turning their necks and bodies upwards away from the steamy hot scald pots. As I began to leave the picking area to go to the kill machine, I was met by two plant employees who were near the 1st set of pickers. The two employees and I observed two cadavers with their necks and heads int
750	P19128	FCA092312 5116N-1	12/16/2013	04C05	Poultry Good Commercial Practices	C	At approximately 2005 while performing poultry good commercial practices duties, I observed the following non-compliance. As I observed the live birds were entering the stunner device and were not being stunned. Numerous live birds were not cut by the kill machine. It appeared that approximately (b)(4) of the birds were not entering the kill machine. The back up kill person was unable to keep pace and kill all the birds that were by passing the kill machine. The back up kill person and I attempted to stop the live hang kill line with the live hang kill line stop button in the area. The button was unresponsive. At this point I saw no plant management personnel to respond to my observations. I ask the live hang crew members to stop placing birds on the live hang kill line. They stopped placing birds on the live hang kill line immediately. Within moments the live (b)(6) was in the area. I made (b)(6) aware of the situation. (b)(6) was able to find a working live hang kill line st
4568	P1353	WUM13031 20616N-1	12/16/2013	04C05	Poultry Good Commercial Practices	O	(b)(7)(C) was summoned to evisceration at 0540 hours by (b)(7)(C) on Friday December 13. (b)(7)(C) had three cadavers on the hang back rack (b)(7)(C) reported that she had seen maintenance personnel headed to the picking room with a welding machine. (b)(7)(C) proceeded to investigate and encountered (b)(6). (b)(7)(C) asked (b)(6) if there was a problem with the killer knife. He replied that there was not. (b)(7)(C) then positioned himself at the point where the birds enter the scald. (b)(7)(C) witnessed four live birds enter the scald. The birds' heads were raised and the eyes were open. (b)(7)(C) proceeded to Live Hang and took regulatory control action that stopped live hanging. (b)(7)(C) had visual control of the hanging room. (b)(7)(C) then went to retrieve the cadavers. He found seven cadavers with the typical cherry red appearance and heads intact. (b)(7)(C) then presented them to (b)(6). (b)(7)(C) informed (b)(7)(C) that the back up killer had w

**Table: NRs for humane treatment of poultry for foia 2014-171 from Jan 01, 14 through Feb 28, 2014**

Est ID	Est Nbr	NR Number	Date	Procedure Code	Regulations	Status	Description
727	M17980	ZBB1500020 904N-1	02/04/2014	04C05	Poultry Good Commercial Practices	C	Shortly after shift start on February 3rd in preparation for a routine Poultry Good Commercial Practices task, I reviewed the previous day's Lot Tally sheets and saw that there were a concerning number of cadavers condemned during the previous day's production, 29 total. At approximately 10:50 pm while performing the GCP task, I observed in the picking room multiple (greater than four) birds on the evisceration line, post -feather picking, with reddish-purple necks and or carcasses. A few minutes later, I moved to an area to observe birds entering the scald tank. At the scald tank, I and (b) (7)(C) observed several birds in the period of one minute enter the scald tank with necks cut, heads drawn up, eyes open, and beaks open and/or beaks in motion. At this time, I notified (b) (6) of the non-compliance with 9 CFR 381.65 (b) and showed him my concerns. I then asked that the line be stopped so that live birds would not continue entering the scald tank. (b) (6) began implementing corrective measures that included adjusting the neck cutting blade, adjusting the voltage on the stunner, and placing an extra person for back-up cuts. After making those adjustments, I allowed live hang to resume. As birds began to enter the scald tank, I observed that the corrective actions taken did not prevent live birds from entering the tank. My second request that the process be stopped coincided with plant break. During the plant break, (b) (6) informed me that further adjustments to the neck cutting blade would be made and that line speed would be reduced to (b)(4) . Following plant break, I returned to the scald tank in the picking room and observed that the establishment had made appropriate adjustments and that regulatory control actions were no longer warranted.
562	P445	FKA170001 0119N-1	01/18/2014	04C05	Poultry Good Commercial Practices	C	On January 18, 2014 at approximately 17:04, while performing a scheduled sanitary dressing task, I observed one live bird in the DOA Vat. The bird was on top of the pile of dead birds. Without any intervention, more dead birds would have been placed (on top of the live bird) causing it to suffocate (b) (6) , was notified of the noncompliance and the bird was removed from the vat.
3858	P1009	DSM521801 4317N-1	01/17/2014	04C05	Poultry Good Commercial Practices	C	At approximately 1835 hours when I was leaving station one in the evisceration department after giving inspection breaks, I observed a condemn barrel of dead birds in the picking room next to the offal/condemned product drain. I went into the picking room and checked the barrel of dead birds and found a live bird. The bird was upside down in the barrel and covered by two dead birds. I showed (b) (6) the live bird in the barrel. (b) (6) killed the bird. The requirements of regulation 381.65 [b] were not met. Only dead birds should be placed inside condemn barrels. The live bird would have been slaughtered inhumanely when dumped into the drain.

EstNbr	EstName	Task_ Code	MOI#	Date	Description
P7091	Pilgrim's Pride Corporation	04C05	SBF150107 1510G	2015-07-10	<p>There have been intermittent issues with individual cadavers and misbled birds over the last thirty days on N/S in the establishment. During the week of 06/22-06/26, (b) (6) was shown approximately six birds that entered the official establishment and were condemned as cadavers. Two of the birds had been presented for inspection at the USDA inspection stations and condemned as cadavers. Throughout the week, she was notified of approximately 4 additional cadaver birds that had been condemned at the evisceration line rehang table. Each bird had skin bright red in color, had an attached head, engorged with blood, and lacked a neck wound. At the time, (b) (6) was verbally advised by (b) (6) that allowing birds to enter the scald tank without a neck wound that severs the major arteries of the neck and breathing constitutes noncompliance with USDA regulations for Good Commercial Practices for Poultry. (b) (6) was also instructed that if the issue continued regulatory control action would be taken by USDA. On 07 07 2015 two birds were hung back for veterinary disposition. The birds were shown to (b) (6) and (b) (6). The birds were bright red in color; the head was attached and was engorged with blood. The birds had not received a single cut to sever the major arteries in the neck. With the evidence presented: lack of a neck wound to ensure proper bleed out, an attached head that was engorged with blood, and the bright red color of the bird, it is reasonable to assume the bird entered the scald tank improperly bled out and breathing. Establishment corrective actions on 07 07 2015 were "Line was slowed down 126, Killer will retrain back killer on the proper killing". The corrective actions were reviewed and clarified by USDA. The establishment stated that the regular backup killer would be available to provide additional training for a second back-up cutter on 07 08 2015 (b) (6) also spoke with the Evisceration Supervisors, Maintenance Supervisor and Shift Manager and explained to what is expected by USDA in regards to following Good Commercial Practices for Poultry. On 07 08 2015 a bird was hung back at Inspection Station #3 (orange) for veterinary disposition. The bird was bright red in color, had an</p>

EstNbr	EstName	Task_ Code	MOI#	Date	Description
					<p>free to contact me with any questions or concerns. Sincerely,                      (b) (6) CC:(b) (6)</p>
P935	Allen Harim Foods, LLC.	04C05	YXA382108 0207G	2015-08-07	<p>To: Bruce Bratten, Plant Manager CC:(b) (6)                      (b) (6) This memorandum of interview serves as written notification of the occurrences on August 7, 2015. At approximately 1730 hours Food Inspector on Line 1 Station 1 identified a cadaver on postmortem disposition. The head of the carcass was intact, there was no cut on the neck, and the skin was cherry red to purple in color. The bird was still breathing when entering the scald. (b) (6) was notified of the non-compliance. At approximately 2015 hours, while monitoring two knife backup employees, I observed a live bird without its neck cut pass both employees on the line. I had to initiate regulatory control by stopping the line so the knife backup employee could cut the neck. I released regulatory control and informed (b) (6) of what I observed. He exchanged the knife backup employees on the line and decreased the kill line speed. At approximately 2129 hours, while standing behind the same knife backup employees, I observed a live bird without its neck cut pass both employees on the line. I had to initiate regulatory control by stopping the line so the knife backup employee could cut the neck. I released regulatory control and again informed (b) (6) of what I observed. He then added an additional knife backup employee to the line and remained in the area monitoring the employees for the remainder of the shift. A bird that has died by means other than slaughter, results in adulterated product. Similar non-compliances have been discussed and documented on July 3, 2015 in MOI (YXA19070703G), July 8, 2015 at Weekly Establishment Meeting, and documented on non-compliance reports written on July 8, 2015 (YXA0314073509N), July 16, 2015 (YXA3108073016N), and July 17, 2015 (YXA3409072717N). To ensure that this issue is addressed, I am requesting what measures will be or have been taken by the establishment to prevent recurrence. Please feel free to contact me with any questions or concerns. Sincerely, (b) (6)                      CC:(b) (6)</p>

EstNbr	EstName	Task_ Code	MOI#	Date	Description
P727	Simmons Prepared Foods, Inc.	04C05	VCF412112 3314G	2015-12-14	<p>December 13, 2015, TO: Keith Hirsch (Plant Manager) From: (b) (6) SUBJECT: Good Commercial Practices Mr. Hirsch, At approximately 2345 hours, while performing a Sanitation Performance Standard task in the evisceration department, three cadavers were observed in approximately 20 seconds on kill line one. (b) (6) was standing beside me when this observation was made and immediately removed the cadavers from the line. After the cadavers were removed from the line I went to the live hang area for kill line one. Approximately, (b) birds per minute (bpm) were not getting their throats cut by the kill machine, which was causing the two backup killers to be ineffective at ensuring birds were dying by slaughter. After counting the number of chickens which were not having their throats cut by the kill machine in a minute's time, I attempted to perform an additional count. During my observation two chickens were observed past the backup killers without having their throats cut. On both occasions (b) (6) was shown the birds, he attempted to stop the kill line to remove the birds by hitting the line stop. The line stop button failed to stop the kill line. I implemented a Regulatory Control Action by informing (b) (6) the line needed to be slowed to an acceptable level until the line stop could be repaired and the conditions allowed the backup killers to ensure all chickens were dying by slaughter and not other means. At approximately 2358 hours, I observed two additional cadavers on kill line one in the evisceration department, (b) (6) and (b) (6) were notified of these observations. At approximately 0150 hours, I verified the stop button on both kill lines was working properly and the backup killers were able to ensure no chickens were dying by means other than by slaughter as required by 9 CFR 381.65(b). The establishment's Animal Welfare Guidelines state, in chapter VII part D, "poultry will be completely bled out and have ceased breathing prior to entering scald water". This is an ongoing issue as evidenced by MOI VCF55191002081 dated October 6, 2015 to which a response has not been received. Your attention to this matter would be greatly appreciated. Sincerely, (b) (6)</p>

EstNbr	EstName	Task_ Code	MOI#	Date	Description
P935	Allen Harim Foods, LLC.	04C05	YXA281412 0030G	2015-12-30	<p>To: Bruce Bratten, 1st Processing Plant Manager CC: (b) (6)</p> <p>(b) (6) This memorandum of interview serves as written notification of the occurrence on December 29, 2015. While performing Good Commercial Practices at approximately 1311 hours, I observed one bird not properly hung on the shackle while standing behind the back-up killer. The bird was placed in the shackle by one leg. I also observed 6 live birds on the floor in Live Hang under the small bird belt. I immediately notified (b) (6) (b) (6), and he stated he would take care of it. I continued to stand behind the back-up killer and I observed two additional birds not properly hung in the shackles. Both birds were hanging by one leg in the shackles. After observing the two additional birds, I spoke with (b) (6) again about the problem that I was continuing to observe. (b) (6) decreased the kill line speed and I continued to observe the line. (b) (6) came into the area and we discussed the problems being observed. (b) (6) decided to decrease the line speed more and I continued to observe three more birds hung by one leg in the shackle. At Approximately 1320 hours, I initiated regulatory control and the establishment stopped hanging. (b) (6) added an additional employee at the end of the line in Live Hang to correct any bird not properly hung in the shackle. Regulatory control was relinquished at approximately 1325 hours. This non-compliance was discussed at Weekly Establishment Meeting held on 12/23/15. When discussed on 12/23/15 the establishment response to the Weekly Establishment Meeting MOI was as follows: "Associate was disciplined according to company policy. Supervisor was counseled on the importance of monitoring associates to ensure that they are practicing the proper GCP procedures." The corrective action and preventative measure was not been effective in preventing recurrence. According to the establishment Animal Welfare Program, birds should be properly hung within the shackle during the hanging process, and in section 10 a(i) of the Animal Welfare Requirements and Audit Guidelines For Processing Facilities, it states "no bird hung by one leg is allowed". It is the Agency's expectations that all Good Commercial Practices be correctly and effectively implemented. Additionally these findings are</p>

**Table 1: NRs for Requested Establishments FOIA 12-206**

Est Nbr	Est Name	NR Number	DATE	Procedure Code	Regulations	Description
M17980	Pilgrim's Pride Corporation	ZBB5706040717N-1	04/16/2012	04C05	381.65(b)	<p>At approximately 1100 hours, while performing a routine Good Commercial Practices task in the slaughter area, the following noncompliance occurred. Upon entering the picking room/re-hang area, I noticed the birds on line 2 were exiting the blood tunnel and entering the scalding moving more than usual. I then proceeded to the area designated to observe the back-up killer and witnessed a majority of the birds were either partially stunned or not stunned at all. This inadequate stunning resulted in improper placement of the neck in the kill machine and prevented the back-up killer from identifying birds that needed to be re-cut. I notified [REDACTED], of my concerns over the improper stunning and he told me he would look into it. With no stoppage of the line, no decrease in line speed, or any additional personnel added, birds continued to pass the back-up killer in much the same manner. I then proceeded to scalding entrance with [REDACTED], and observed 3 live birds enter the scalding. These birds had been cut by the kill machine but, due to the improper neck placement, the cut was not sufficient to render the animal unconscious. All three birds were still breathing, had open eyes, and were attempting to raise their heads at the time they entered the scalding. [REDACTED], was notified of this noncompliance and the failure of the plant to maintain good commercial practices during the slaughter process and failure to adhere to the regulations set forth in 9 CFR 381.65(b), 381.90, and 381.1(b)(v). Regulatory control action was taken by instructing him to stop the kill line. [REDACTED] then informed me that the cause of the problem was that during a recent malfunction with the kill line, the water to the stunner had been turned off to prevent the chickens from drowning. When the line was restarted, the water was not turned back on. Once the water was turned on and allowed to reach an appropriate level in the stunner, regulatory control was released and production allowed to resume.</p>

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Est Nbr	Est Name	NR Number	DATE	Procedure Code	Regulations	Description
P622	Tyson Foods	NLB4122094122N-1	09/22/2011	04C05	381.65(b)	At 20:35, while performing good commercial practices for poultry slaughter in the Receiving area, I observed two live birds in the dead on arrival (DOA) dumper with dead birds. When I observed one live bird on the top of the dead ones, I informed the [REDACTED] to pull it out. I also instructed him to go through the dumper to see if there were any other live birds. While he was going through the dumpster, he found another live bird underneath other DOA birds smothering. The lead person removed both birds and placed them on the hanging conveyor to be hung on the picking line in my presence. [REDACTED] was also notified of the non-compliance, and the violation of exercising good commercial practice and proper slaughtering procedure.
P1362	Tyson Foods, Inc.	0384-2011-16744	09/21/2011	04C04	381.65(b)	At approximately 1438 hours while performing ISP 04C04 procedure in the Live Hang and Backup Kill Room, it was noted that there were three establishment personnel stationed down-line from the decapitator due to a malfunction. It was then observed that there were 6 birds at the rehang table in a blue tote that had no signs of a cut to sever the carotid arteries and their heads were still attached. At that time, a regulatory control action was taken by stopping the kill line until repairs could be made and the process could be brought back under control. When reviewing your time study, it shows that the time from live hang to the rehang table is 11:03 for line 2. From this time study one can reasonably conclude that your process was out of control for a significant amount of time and you failed to correct the situation to prevent the birds from dying from means other than slaughter. Regulation 9 CFR 381.65(b) states "Poultry must be slaughtered in accordance with good commercial practices in a manner that will result in thorough bleeding of the carcasses and ensure that breathing has stopped prior to scalding." Visual control was maintained until the equipment was repaired and then regulatory control was relinquished. [REDACTED] was notified of this non-compliance.

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Est Nbr	Est Name	NR Number	DATE	Procedure Code	Regulations	Description
M737	House of Raeford - Wallace Div	DHA1814075321N-1	07/21/2011	04C05	381.65(b)	<p>1322 ☐ A Good Commercial Practice procedure for live birds going into the scalding was performed in response to (b) (7)(C) notifying me that she was getting a lot of cadavers. At the time (b) (7)(C) notified me, there had been 83 cadavers recorded in that lot on the inspectors's lot tally sheets for that lot. Upon observing the birds entering the scalding, I observed a bird that had not been cut about to enter the scalding (b) (7)(C), was notified and the bird was removed (b) (7)(C) notified me that maintenance was working on the kill machine and they knew they had a problem. While (b) (7)(C) was telling me that they had a problem, 2 more uncut birds were observed about to enter the scalding. Regulatory Control Action was taken by stopping the line to prevent the live birds from entering the scalding and the 2 birds were removed from the line. (b) (7)(C), responded to the line stoppage and was informed of my findings, the Regulatory Control Action and of the failure to follow Good Commercial Practices as set forth in 9 CFR 381.65 (b). 9CFR398.65 (b) states: ☐Poultry must be slaughtered in accordance with good commercial practices in a manner that will result in thorough bleeding of the carcasses and ensure that breathing has stopped prior to scalding. Blood from the killing operation must be confined to a relatively small area. ☐(b) (6) (b) (7)(C) had returned and gave the following Corrective Action: Slow the kill line and follow the established Procedure for when live birds are found entering the scalding until maintenance can finish repairing the Kill machine and the process can be deemed in control. The following Preventative measure was also purposed by (b) (7)(C) on the proper procedures to be initiated when there are problems with the kill operations. Regulatory Control action was relinquished at 1326 and the line was restarted when personnel were in place to remove any live birds that were about to enter the scalding. A total of 17 live birds were removed from the line with either no cut or an improper cut prior to entering the scalding. In addition, the high number of cadavers was discussed during the weekly HACCP meeting on the mornings of 07/14/2011 and 07/21/2011. It was mentioned in the meeting on 07/21/2011 that if the establishment knows there is a problem, the establishment needs to implement its procedure. A similar noncompliance was written on 07/21/2011 and documented on NR DHA4414071912N / 1. The preventative measure of (b) (7)(C) will make sure that all backup killer are trained before working by their self ☐ was either not implemented or ineffective in preventing the reoccurrence of the noncompliance.</p>

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Est Nbr	Est Name	NR Number	DATE	Procedure Code	Regulations	Description
P1353	Pilgrims Pride Corporation	0166-2011-18314	07/13/2011	04C04	381.65(b)	At approximately 0740 hours, I elected to conduct a GCP check after seeing three "red birds" pass in front of my inspection station while giving the first set of breaks. At the point in the process where the birds enter the scalding, I observed one live bird enter the scalding. The bird was holding its head aloft, its eyes were open, and its feathers were free of blood stains. I notified [REDACTED] of my finding and he retrieved the cadaver from the line. While [REDACTED] was showing the cadaver to the backup killers, I observed two more cadavers exit the picking machines. One of the cadavers appeared to have a minute cut on its neck which was clearly inadequate to exsanguinate the bird. [REDACTED] informed me that he adjusted the light where the second backup killer was stationed as it had been positioned at an angle which made proper viewing of the lower halves of the birds difficult. NR#154-2011, dated 6/28/11, was written for the same root cause. Plant management's response that "Line stop switch was moved closer to the backup killers, so line could be stopped quicker if a problem arises." did not prevent today's GCP violation from occurring.
M737	House of Raeford - Wallace Div	DHA4414071912N-1	07/12/2011	04C05	381.65(b)	At approximately 2:00pm, while performing a routine Good Commercial Practice task at the scalding area, I observed 1 live bird about to enter the scalding. Upon notification the plant removed the bird. I continued to monitor the scalding area and observed 2 more live birds about to enter the scalding. Regulatory control action was taken by stopping the Kill Line prior to the birds entering the scalding. [REDACTED], were notified of their process being out of control and their failure to comply with 9 CFR 381.65 (b). [REDACTED] said that he a new employee training as the backup killer and wanted to see if he could handle the faster line speed by himself. [REDACTED] gave the following corrective actions: He would put an experience backup killer with the new employee and would place an employee at the scalding area to ensure no live birds enter the scalding. [REDACTED] preventive measure was to make sure all backup killer are trained before working by their self. There were 2 more live birds on the line that had already move passed the backup killer when the line was stopped but before the corrective action was in placed. These birds were removed from the line. Also USDA recorded 96 cadavers today and 1 cadaver was hung back at the inspection station which still had its head intact and had not been cut. This was observed prior to my observation. 2:05pm-Regulatory control was relinquished. A similar noncompliance was written on 6/21/2011 and documented on NR DHA0105065321N/1. The preventive measure given for this NR, to increase GCP checks to once every thirty minutes to ensure proper process control, was ineffective in preventing the reoccurrence of this noncompliance.

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Est Nbr	Est Name	NR Number	DATE	Procedure Code	Regulations	Description
00290 P	Townsend, Inc.	0100-2007-9517	05/08/2011	04C04	381.65(b), 381.65(b)	<p>At approximately 0400 hours while performing operational sanitation duties in the picking room I observed four birds in route to the scalding tank blinking their eyes, raising their necks, fluttering their wings and showing no evidence of being cut (blood on feathers). I immediately initiated regulatory control action and instructed the back up killer to stop the line. At this time I applied USDA tag number B36875922 to the picking line and notified [REDACTED] and [REDACTED] of my findings. Three uncut birds, approximately four feet from the scalding tank, were removed and placed on the floor where they began to walk around. I requested the hanging of live birds to cease and all live birds be removed from the picking line. I allowed the line to be restarted and stopped to accomplish this. A total of 41 uncut live conscious birds were removed from the picking line just prior to the scalding tank. It was apparent these birds would have died by drowning rather than slaughter. This is considered a poor commercial practice and is a violation of the above cited regulation which states, "Poultry must be slaughtered in accordance with good commercial practices in a manner that will result in thorough bleeding of the carcasses and ensure that breathing has stopped prior to scalding". [REDACTED] informed me that the cut machine was washed down and readjusted. He also stated that he would add an additional back up killer (total of two) and station an employee just prior to the scalding tank to check for live/conscious birds for the remainder of the shift. Regulatory control action was terminated at 0431 hours. At approximately 0500 hours while following up on this matter I noted approximately five cut birds enter the scalding tank while still breathing, after observing for four minutes. I notified [REDACTED] of my finding and informed him of the regulatory requirement. At this time he slowed down the speed of the picking line. Further investigation into this matter showed no evidence of this establishment addressing Good Commercial Practices in the handling of live poultry in their Good Manufacturing Practice policy or any other written plans. This document serves as written notification that your failure to comply with regulatory requirement(s) could result in additional regulatory or administrative action.</p>

**Table 1: NRs for Requested Establishments FOIA 12-206**

Est Nbr	Est Name	NR Number	DATE	Procedure Code	Regulations	Description
P383	Pilgrims Pride Corporation	0063-2011-18119	04/08/2011	04C04	381.65(b)	<p>At approximately 1715 hours (b) (7)(C) was called to line one, station one, by (b) (7)(C) informed me that she was condemning a large number of cadavers. She informed me she was receiving a cluster of cadavers within a short time frame. I asked (b) (7)(C) across the line on line two, station two, if he was seeing cadavers. (b) (7)(C) informed me that he was seeing multiple cadavers as well. Upon further investigation I went into the pinning room and I observed all birds exiting the first scalding, on the north kill line, with their wings in full motion and necks were rising up. I informed (b) (7)(C) of the situation. At approx. 1740 (b) (7)(C) conducted a barrel correlation and validated a significant number of cadavers. (b) (7)(C) agreed that adjustments must be made to reduce cadaver numbers. At approximately 1800, I was informed that a possible cause was that the South line kill machine had been down during the time period in question and line speed on the North kill Line had been increased to compensate. The plant made correctives of replacing and adjusting the blades on the South kill line and slowing down the North kill line. By 1830, the cluster of cadavers had ceased. Between 1430 and 1830, USDA inspection personnel had condemned 106 cadavers with the majority of these occurring between 1700 and 1830. Only five more birds were condemned the remainder of the night. This compares to only two cadavers for the entire shift the previous night and three the night before. In the Pilgrim Pride's Animal Welfare Program it states that (b) (4)</p> <p>Also in the Pilgrim Pride Animal Welfare Program it states the (b) (4)</p> <p>As per Federal Register Notice Docket No. 04-037N dated September 28, 2005, "Treatment of Live Poultry Before Slaughter," the Food Safety Inspection Service (FSIS) strongly encourages all establishments engaged in the slaughter of poultry to make every effort to treat poultry humanely and abide by the Good Commercial Practices (GCP) as described by industry guidelines. This is not comply with regulations 381.64(b) and 381.90. This also does not comply with the Pilgrim's Pride Animal Humane Handling Program. A similar noncompliance was documented on 03/20/2011 with NR#0054-2011-14311. This document serves as written notification that your failure to comply with regulatory requirement(s) could result in additional regulatory or administrative action as stated in 9CFR 500.2.</p>

**Table1: NRs for Requested Establishments FOIA 12-206**

Est Nbr	Est Name	NR Number	DATE	Procedure Code	Regulations	Description
P383	Pilgrims Pride Corporation	0054-2011-14311	03/20/2011	04C04	381.65(b)	<p>At approximately 2220 on 3-20-2011, (b) (7)(C) responded to a request by (b) (7)(C) to assess a cluster of six birds from line [redacted] which she had pulled as suspected cadavers (within about a 15 minute window). (b) (7)(C) examined the birds. All were dark red to purple in color, but showed no signs of pathology. (b) (7)(C) determined that these were cadavers which had partially bled out, but not fully. All birds were condemned as cadavers. (b) (7)(C) notified (b) (6) [redacted], of the situation and he said that he would check the kill machine. [redacted] informed her that it seemed to be working fine. After (b) (7)(C) finished giving breaks to line inspectors, she and [redacted] examined the north line kill machine to confirm that it was corrected. During the initial observation of the kill machine, it appeared that a relatively high number of birds coming out of the first scalding on the north line had not had their throats cut adequately, and there seemed to be excessive movement of birds exiting the first scalding. (b) (7)(C) informed the live hang room to cease hanging birds on the north line while (b) (7)(C) notified [redacted]. [redacted] corrected the situation by having maintenance adjust the machinery to allow a more thorough cut, and slowing the line to allow the birds to fully bleed out prior to entering the scalding. After adjustments, the necks were being cut properly, movement out of the scalding had ceased, and no additional cadavers were noted. This is in noncompliance with CFR 9, 381.65(b): Poultry must be slaughtered in accordance with good commercial practices in a manner that will result in thorough bleeding of the carcasses and ensure that breathing has stopped prior to scalding.</p>

**Table 1: NRs for Requested Establishments FOIA 12-206**

Est Nbr	Est Name	NR Number	DATE	Procedure Code	Regulations	Description
00040 P	Pilgrim's Pride Corporation	0189-2010-17190	12/01/2010	04C04	381.65(b)	At 0612 hours I observed what appeared to be two cadavers coming down the line in the evisceration department and before reaching inspection personnel. I proceeded to the picking room and observed two more birds on the picking line without neck cuts having the classic appearance. At 0614 while observing birds just prior to the entering the scalders, I observed five live birds without neck cuts within a minute and a half. As I touched each bird's neck to examine for a cut, the birds opened their eyes and started flailing as they came into contact with the scalders water. I was unable to safely position myself to remove the birds at rapid line speed before entering the scalders. I attempted to stop the line using the buttons next to the area but determined the buttons were not associated with that line. I proceeded to observe the automatic and backup killer and noticed there were numerous amounts of birds missing the automatic knife and the backup killer was not able to keep up. At that time [REDACTED] entered the area with a cadaver in hand. I stopped the line at the backup killer. I notified [REDACTED] that the process was out of control and the backup killer was not able to keep up. Adjustments were made to the automatic knife and a person was added to assist in backup kill and I restarted the line. This improved the situation and no further live birds entered the scalders. Further adjustments were made to the automatic knife as well as the stunner until the process was completely under control at 0643.
P19514	Tyson Foods, Inc.	0345-2010-16159	12/01/2010	04C04	381.65(b)	At approximately 1948 hours, while performing an 04C04 procedure for GOOD Commercial Practices, I observed a pile of DOA birds lying in the floor of the pit area. I went down into the pit to get a better view. I saw something moving in the pile. I moved some DOA birds from the pile and found two gasping birds buried beneath the pile. One bird became bright and alert. The other bird was still alive but not so alert. [REDACTED] had the live bird return to process flow. This is an example of a bird being killed by a means other than by approved slaughter methods. [REDACTED] was informed that this is a failure to meet regulatory requirements.

**Table1: NRs for Requested Establishments FOIA 12-206**

Est Nbr	Est Name	NR Number	DATE	Procedure Code	Regulations	Description
00165H P	OK Foods, Inc.	0228-2010-15599	10/18/2010	04C04	381.65(b)	<p>At approximately 0741 while performing a good commercial practice check (04C04) just prior to the line 1 scalding I observed a sensible carcass (still breathing, eyes open, moving head around). I notified [REDACTED] of my finding. At approximately 0753 I returned to my previous location just prior to the line one scalding and began another evaluation of the system. I observed an additional sensible carcass. I immediately notified plant management of the additional finding. Plant management informed me that the regular back-up killer for line 1 had phoned in sick and that they were training a replacement. At approximately 0808 I began another evaluation immediately prior to the line one scalding and observed zero sensible carcasses. At that time I notified plant management that I would perform an additional evaluation at a later time. At approximately 1014 I performed a follow up evaluation to ensure the process was under control. At that time I observed two carcasses immediately prior to the line 1 scalding that were sensible. Unable to locate a supervisor, I notified Lead person Francisco to stop hanging live birds on line 1. I went back to the live hang room and observed plant personnel still hanging live birds on line 1. I immediately motioned for the live hangers to cease hanging on line 1 to which they complied. I then attached US reject tag # B38656407 to the line 1 side of the hanging table. Shortly thereafter I was able to notify [REDACTED] and later [REDACTED] of my findings and the resulting regulatory control action [REDACTED] proposed a corrective action and I relinquished regulatory control at approximately 1024. I returned to the location immediately prior to the line 1 scalding and began a check for sensible carcass. At that time I observed another sensible carcass. I immediately returned to the live hang area; instructed the live hangers to cease hanging birds; rejected the line 1 side of the table with the previously used reject tag and notified plant management of my findings. [REDACTED] proposed to place the lead in the back up killers position; remove the trainee and reduce the line speed by 10%. I notified [REDACTED] that the kill line speed needed to be reduced to [REDACTED] bpm and would be gradually increased as the plant demonstrated process control. At approximately 1042 I released the line 1 side of the hanging table and performed an evaluation which was acceptable. Three follow up evaluations were performed and found acceptable. Incremental line speed increases were allowed following each acceptable check. At approximately 1439 I completely relinquished all regulatory control. The requirements of 9CFR 381.65(b) which states "Poultry shall be slaughtered in accordance with good commercial practices in a manner that will result in thorough bleeding of the carcasses and assure that breathing has stopped prior to scalding. Blood from the killing operation shall be confined to a relatively small area." were not met. A similar incident with the same cause (employee related) was documented in NR 191-10. The preventive measure provided for NR 191 which states "Live Production Manager re-instructed employee's on animal welfare concerns, also increased checks in holding sheds for loose birds to prevent reoccurrences" appears to have not been</p>