

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

TYPE OF NONCOMPLIANCE

Food Safety Other Consumer Protection

1. DATE

03/02/2006

2. RECORD NO.

0016-2006-8897

3. ESTABLISHMENT NO.

04653A.M/1

4. TO (Name and Title)

5. PERSONNEL NOTIFIED

(b)(6)

309.1

7. SECTION/PAGE OF EST. PROCEDURE PLAN

HACCP

SSOP

OTHER

9 CFR 309.13; 416.4

8. ISP CODE

03J01

9. NONCOMPLIANCE CLASSIFICATION INDICATORS

HACCP - Monitoring

10. DESCRIPTION OF NONCOMPLIANCE

me that it had been slaughtered and that a plant employee had brought the carcass number to the USDA office.

I immediately stopped the slaughter line and located the carcass, viscera, feet and head. The head had not yet been processed and remained in tact. Unable to locate [redacted] in his office, I informed [redacted] of the very serious noncompliance that had occurred. He accompanied me to the kill floor. The brain stem from the condemned animal was then removed for BSE sampling. All oxtails, feet, hearts, tripe and livers, processed on the slaughter floor after the carcass entered same was then identified and retained with US Retain/Reject tag # B35839724. The carcasses that had been processed after the carcass entered the establishment were then identified and retained with US Retain/Reject tag # 858024 (Carcass #'s 463-503). The affected carcass and hide was placed in a combo with the head and retained with Retain/Reject tag #B35858497.

The retained tripe, oxtails, feet, hearts, livers, carcass, hide and associated tissues were then placed in a trailer outside the facility under government lock and seal # 4874008.

9 CFR 309.13(a) states, "...Livestock identified as US Condemned shall be killed by the official establishment, if not already dead. Such animals shall not be taken into the official establishment to be slaughtered or dressed....."

9 CFR 416.4 (d) states: "Product must be protected from adulteration during processing, ...".

Agriprocessor's Standard Operating Procedures for Beef Kill Slaughtering and Dressing of Beef Carcasses, on page 14, states,

[redacted]

EMPLOYEE

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

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

US Department of Agriculture
FOOD SAFETY AND INSPECTION SERVICE
NONCOMPLIANCE RECORD

TYPE OF NONCOMPLIANCE

Food Safety Other Consumer Protection

1. DATE

2. RECORD NO.

3. ESTABLISHMENT NO.

03/05/2006

0017-2006-8897

04653A M/1

4. FOLIO NAME AND TITLE

5. PERSONNEL NUMBER

(b)(6)

6. RELEVANT REGULATION(S)

417.3(b)(1); 417.3(b)(2)

7. SECTION/PAGE OF EST. PROCEDURE PLAN

HACCP

SSOP

OTHER

p.14

8. ISP CODE

03J01

9. NONCOMPLIANCE CLASSIFICATION INDICATORS

HACCP - Corrective Action

10. DESCRIPTION OF NONCOMPLIANCE

On March 2, 2006, a heifer condemned on ante mortem was found on the kill floor. As part of the corrective actions for this unforeseen hazard all carcasses processed after the condemned heifer carcass was allowed on the slaughter floor were to be segregated and held until their acceptability to enter commerce was determined. These carcasses were identified with US Retain/Reject Tag #'s B35858024 and B35858397 at approximately 1535 hours on March 2, 2006.

At approximately 0630 hours March 5, 2006, I proceeded to cooler #1 to verify that the carcasses remained retained. Inspection of the carcasses at this time revealed that all 40 of the retained carcasses had been ribbed on one side and 11 of the 40 had been ribbed on both sides.

I advised plant employees in the cooler immediately to refrain from any further activity on these carcasses until they had been released and the US Retain Tags removed. [redacted] was then advised of the regulatory control action infraction.

[redacted] then gave me the following corrective actions:

1. All rib incisions will be trimmed under the supervision of a QC technician and verified by FSIS personnel.

BC

(b)(6)

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

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

Product (40 carcasses) were retrimmed in a process that was verified by USDA inspection personnel. The supervision present in the operation during this infraction received a documented disciplinary warning for failure to honor the retain tags.

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

All cooler personnel received documented training on the company policies regarding USDA and O. Q.A tags. Attached - Copies of 1. Disciplinary Notice; 2. Training Signoff sheet.

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

14. SIGNATURE OF PLANT MANAGEMENT

William J. Perrain

15. DATE

04-12-06

PROGRAM EMPLOYEE

17. DATE

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

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

TYPE OF NONCOMPLIANCE

Food Safety Other Consumer Protection

1. DATE

03/05/2006

2. RECORD NO.

0017-2006-8897

3. ESTABLISHMENT NO.

04653A M / 1

4. TO (Name and Title)

5. PERSONNEL NOTIFIED

(b)(6)

6. RELEVANT REGULATION(S)

417.3(b)(1); 417.3(b)(2)

7. SECTION/PAGE OF EST. PROCEDURE PLAN

HACCP

SSOP

OTHER

p.14

8. ISP CODE

03J01

9. NONCOMPLIANCE CLASSIFICATION INDICATORS

HACCP - Corrective Action

10. DESCRIPTION OF NONCOMPLIANCE

- 2. The supervisors involved will be disciplined.
- 3. Plant personnel involved will be retrained.

9 CFR 417.3 (b)(1) States in part, " If a deviation not covered by a specified corrective action occurs, or if another unforeseen hazard arises, the establishment shall:

- (1) Segregate and hold the affected product, at least until the requirements of paragraphs (b)(2) and (b)(3) of this section are met.
- (2) Perform a review to determine the acceptability of the affected product for distribution."

This NR is linked to NR # 0016-2006-8897 of a like cause.

11. SIGNATURE OF INSPECTION PROGRAM EMPLOYEE

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

... needed to monitor defects found in this inspection system. It is used by FSIS to determine whether establishm...
 maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of
 collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, Room 404-W, Washington, DC
 20250; and to the Office of Information and Regulatory Affairs, Office of Management and Budget.

US Department of Agriculture
FOOD SAFETY AND INSPECTION SERVICE
NONCOMPLIANCE RECORD

TYPE OF NONCOMPLIANCE
 Food Safety Other Consumer Protection

1. DATE
 04/02/2006

2. RECORD NO.
 0050-2006-8897

3. ESTABLISHMENT NO.
 04653A-M/1

4. TO (Name and Title)

5. PERSONNEL NOTIFIED

6. RELEVANT REGULATION(S)
 416.13(c)

7. SECTION/PAGE OF EST. PROCEDURE PLAN

HACCP

SSOP

OTHER

8. ISP CODE

01C02

9. NONCOMPLIANCE CLASSIFICATION INDICATORS
 SSOP - Monitoring

10. DESCRIPTION OF NONCOMPLIANCE

At 1415 hr. on April 2 2006, [redacted] State [redacted] Lee informed me that the spinal cords were not being removed before the carcasses
 (b) (4) [redacted] the cooler. The SSOP [redacted] At this time the line was stopped. Carlos was informed of the problem. Upon
 (6) [redacted] entering the cooler it was found that a large amount of the carcasses still had pieces of spinal cord in place. At that time Brent
 [redacted] instruct [redacted] over see the carcasses and reinspect the days production for spinal cords and remove them
 in a sanitary way.

11. SIGNATURE OF INSPECTION PROGRAM EMPLOYEE

BG/PTC

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

12. PLANT MANAGEMENT RESPONSE

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

all carcasses under inspection were inspected & corrections made as necessary under Q.A. [redacted] The SOP's cited in this n/r were not the most recent edition, which was changed on 4-8-06 to reflect necessary requirements for Canadian Export.

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

SIGNATURE OF PLANT MANAGEMENT

VERIFICATION SIGNATURE OF INSPECTION PROGRAM EMPLOYEE

15. DATE

4/7/06 4/7/06

17. DATE

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

US Department of Agriculture
FOOD SAFETY AND INSPECTION SERVICE
NONCOMPLIANCE RECORD

TYPE OF NONCOMPLIANCE

Food Safety Other Consumer Protection

1. DATE

05/16/2006

2. RECORD NO.

0084-2006-8897

3. ESTABLISHMENT NO.

04653A M / 1

4. TO (Name and Title)

5. PERSONNEL NOTIFIED

6. RELEVANT REGULATION(S)

416.13(c)

7. SECTION/PAGE OF EST. PROCEDURE PLAN

HACCP

SSOP

OTHER

1

8. ISP CODE

01C01

9. NONCOMPLIANCE CLASSIFICATION INDICATORS

SSOP - Monitoring

10. DESCRIPTION OF NONCOMPLIANCE

On May 16, 2006, after reviewing the SOPs for Beef Slaughter Operation at 13:44 Hours I went to finish my 01C02 tasks on the beef slaughter floor, I observed the following deficiencies. The person dropping heads was only using one knife to skin the head and joint the neck. Agriprocessors beef slaughter SOP requires the [redacted]. The plant employee did not check the teeth for age to identify 30 month old cattle until after the head was dropped. The SOP also states that [redacted] of 30 [redacted] employees [redacted] green colored handle knife. At this time I stopped the Beef evis line and informed [redacted] of the deficiency. [redacted] called [redacted], plant superintendent, who was not aware of the separate knife requirement by the Establishment SOP's [redacted] and I went to the Government office to discuss the problem with the [redacted]. At this time we reviewed the SOP together and out line these deviations from the beef slaughter SOP.

[redacted] have verbal corrective and preventative measures. (a) Immediate implementation of the use of a separate knife to joint the neck on all cattle. (b) Retraining of plant employees in the Sop's regarding head drop and aging cattle prior to head drop. (c) Since this part of the SSOP is specified for an Agriprocessors customer and the plant employ sanitizes his knife regularly their is no risk of contaminated of adulterated product entering comers (d) plant management will document retraining

11. SIGNATURE OF INSPECTION PROGRAM EMPLOYEE

[redacted signature] 5-16-06 BCB

You are hereby advised of your right to appeal this decision as delineated by 306.5 and/or 381.33 of 9 CFR.

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

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

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

14. SIGNATURE OF PLANT MANAGEMENT

15. DATE

16. VERIFICATION SIGNATURE OF INSPECTION PROGRAM EMPLOYEE

17. DATE

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

TYPE OF NONCOMPLIANCE

Food Safety Other Consumer Protection

1. DATE

05/16/2006

2. RECORD NO.

0084-2006-8897

3. ESTABLISHMENT NO.

04653A.M/1

4. TO (Name and Title)

[REDACTED]

5. PERSONNEL NOTIFIED

[REDACTED] *BC*

6. RELEVANT REGULATION(S)

416.13(c)

7. SECTION/PAGE OF EST. PROCEDURE PLAN

HACCP

SSOP

OTHER

1

8. ISP CODE

01C01

9. NONCOMPLIANCE CLASSIFICATION INDICATORS

SSOP - Monitoring

10. DESCRIPTION OF NONCOMPLIANCE

employees in SSOP procedures for beef head drop to prevent further deficiencies.

9CFR 416.14 (c) States " Each official establishment shall monitor daily the implementation of the procedures in the Sanitation SOP's".

11. SIGNATURE OF INSPECTION PROGRAM EMPLOYEE

[REDACTED SIGNATURE]

BC 1157C

5-16-06

US Department of Agriculture
FOOD SAFETY AND INSPECTION SERVICE
NONCOMPLIANCE RECORD

TYPE OF NONCOMPLIANCE

Food Safety Other Consumer Protection

1. DATE 09/18/2006
2. RECORD NO. 0171-2006-8897
3. ESTABLISHMENT NO. 04653A M / 1

4. TO (Name and Title) Mr. Bill Kiernan, technical services director
5. PERSONNEL NOTIFIED [REDACTED]

6. RELEVANT REGULATION(S) 310.22(a); 310.22(b)

7. SECTION/PAGE OF EST. PROCEDURE PLAN
HACCP SSOP OTHER
SSOP

8. ISP CODE 03J01
9. NONCOMPLIANCE CLASSIFICATION INDICATORS HACCP - Monitoring

10. DESCRIPTION OF NONCOMPLIANCE
When finishing the beef kill after 16:00 today, I noticed 2 heads sitting in the window of the head chute, with teeth exposed - and the head from carcass # 500 had all 4 medial adult incisors, exactly as in the schematic of Notice 05-04 from 1-12-04, indicating a carcass well over 30 mo. old. No stickers were attached neither to the carcass, nor to the head, to indicate cattle older than 30 mo. So I rang the bell at approx. 16:20 and informed 2 lead persons ("green hats") about this non-compliance and they attached stickers "over 30 mo. old" to the carcass and its head.
In the meantime [REDACTED] showed up, so a few minutes later I informed him about this in the middle of the kill floor, as well.
Agriprocessors, Inc.'s SSOPs from 5-18-06 state under #2 [REDACTED]

Both 310.22(b) and the Notice 05-04 requires the removal of the specified risk materials (SRMs), and to achieve this, Agriprocessors, Inc. chose to use the age identification and segregation of cattle older than 30 months.

11. SIGNATURE OF INSPECTION PROGRAM EMPLOYEE [REDACTED] (b)(6), (b)(7)(c)

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

12. PLANT MANAGEMENT RESPONSE (Immediate action(s)):
Event occurred on last evening of shift so a complete cleanup of all work surfaces and tools occurred before the next shift. The affected carcass was properly identified as was the head prior to leaving. No trace for export status was being searched. The employees who failed to perform the dentition I-D. task were disciplined.

13. PLANT MANAGEMENT RESPONSE (further planned action(s)):
Retrain was done for affected employees. An additional employee was added to perform this check. All D documents are attached.

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

14. SIGNATURE OF PLANT MANAGEMENT [Signature] 15. DATE 10-11-06
16. VERIFICATION SIGNATURE [Signature] PROGRAM EMPLOYEE 17. DATE 10-11-06

The request for this information is voluntary. It is needed to monitor defects found in this inspection system. It is used by FSIS to determine whether establishments are in compliance. 9 CFR 301 and 8 CFR 381. FORM APPROVED OMB No. 0583-0088. OMB DISCLOSURE STATEMENT: Public reporting burden for this collection of information is estimated to average 7 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, Room 404-W, Washington, DC 20250; and to the Office of Information and Regulatory Affairs, Office of Management and Budget.

US Department of Agriculture
FOOD SAFETY AND INSPECTION SERVICE
NONCOMPLIANCE RECORD

TYPE OF NONCOMPLIANCE

Food Safety Other Consumer Protection

1. DATE: 10/06/2006 2. RECORD NO.: 0189-2006-8897 3. ESTABLISHMENT NO.: 04653A M / 1

4. TO (Name and Title): Mr. Bill Kiernan, technical services director 5. PERSONNEL NOTIFIED: Mr. Bill Kiernan

6. RELEVANT REGULATION(S): 310.22(d)(1); 310.22(d)(2)

7. SECTION/PAGE OF EST. PROCEDURE PLAN: HACCP SSOP OTHER: SSOP BK-4

8. ISP CODE: 01C02 9. NONCOMPLIANCE CLASSIFICATION INDICATORS: SSOP - Monitoring

10. DESCRIPTION OF NONCOMPLIANCE

At approximately 0745 on 10/06/2006 while providing government breaks on the beef slaughter floor, I observed the following noncompliance. I noticed a beef head with 4 permanent incisors indicating it was 30 months or older with no 30+ identification tag placed on it. At this time I took regulatory action and stopped the beef line to verify that the associated viscera and carcass were not tagged either. I immediately notified [redacted] the floor supervisor of this noncompliance. Brent Beebe was also available and was notified. Under FSIS supervision the affected product (product processed following the unidentified 30+ carcass until the line was stopped) was reconditioned and all contact surfaces cleaned and sanitized before returning to normal operations.

[Redacted block]

The corrective action was given by [redacted] to suspend the employee in charge of this and train someone else. There

371

B6

11. SIGNATURE OF INSPECTION PROGRAM EMPLOYEE

[Redacted signature]

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

You are hereby advised of your right to appeal this decision as delineated by 306.3 and/or 381.35 of 9 CFR.

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

No product affected was being saved for any export orders. Affected surfaces + tools were cleaned and sanitized prior to restarting kill floor. Employees who failed to perform 30 month I.D. procedures

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

As noted in "Beef Kill Floor Operating Procedures" document were disciplined. The disciplinary documents are attached. A kill floor quality and document employee was trained to audit all heads at the track and tag them as "OK" if acceptable as a final check for dentition. This process will remain in effect for 1 month and then be re-evaluated. This document serves as written notification that your failure to comply with regulatory requirement(s) could result in additional regulatory or administrative action.

14. SIGNATURE OF PLANT MANAGEMENT

[Redacted signature] William J. Kiernan

15. DATE

10-11-06

16. VERIFICATION SIGNATURE OF INSPECTION PROGRAM EMPLOYEE

[Redacted signature]

17. DATE

11-17-06

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

TYPE OF NONCOMPLIANCE

Food Safety Other Consumer Protection

1. DATE

10/06/2006

2. RECORD NO.

0189-2006-8897

3. ESTABLISHMENT NO.

04653A M / 1

4. TO (Name and Title)

Mr. Bill Kiernan, technical services director

5. PERSONNEL NOTIFIED

Mr. Bill Kiernan

6. RELEVANT REGULATION(S)

310.22(d)(1); 310.22(d)(2)

7. SECTION/PAGE OF EST. PROCEDURE PLAN

HACCP

SSOP

OTHER

SSOP BK-4

8. ISP CODE

01C02

9. NONCOMPLIANCE CLASSIFICATION INDICATORS

SSOP - Monitoring

10. DESCRIPTION OF NONCOMPLIANCE

will also be another person trained that will verify every head.

11. SIGNATURE OF INSPECTION PROGRAM EMPLOYEE

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

FSIS FORM 5400-4 (7/98)

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

DISTRIBUTION: Original & 1 Copy to Establishment, 1 Copy to Inspector
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