

# **Food Safety Concerns At Agriprocessors' Postville, Iowa Processing Plant**

**Report Prepared by the United Food and Commercial  
Workers International Union  
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# Agriprocessors: Food Safety Report

## Summary

Documents recently obtained by the United Food and Commercial Workers (UFCW) through Freedom of Information Act (FOIA) requests have revealed numerous violations of Federal food safety procedures at Agriprocessors, Inc., one of the world's largest kosher meat processors, based in Postville, Iowa. The FOIA documents primarily consist of USDA/FSIS non-compliance records (NRs) and Letters of Warning issued during the period of 2004 to 2007. Noncompliance records are issued when Food Safety and Inspection Service (FSIS) personnel determine that an establishment has failed to meet one or more regulatory requirements.<sup>i</sup> NRs may be more or less serious in nature.

Between the period of January 1, 2006 to January 24, 2007, over two-hundred and fifty NRs were issued by the FSIS to Agriprocessors. The documents revealed numerous violations that may have increased the risk to consumers of possible food-borne illnesses. Documents also show repeated problems with plant monitoring for bovine spongiform encephalopathy (BSE), or "mad cow" disease.

This report was prepared by the UFCW, and last updated in August of 2007.

## Background

With at least twenty different recalls in the U.S. meat industry for 2007 alone, and with recent press reports about the safety of food imports, food safety is a critical concern.<sup>ii</sup> In addition, this is a particularly sensitive time for the US beef industry which has once more begun to export to important markets such as Japan and South Korea.<sup>iii</sup> E. coli, Salmonella and Listeria outbreaks have lead to public health emergencies with illnesses, miscarriages and deaths linked to consuming tainted meat.<sup>iv</sup> Along with E. coli, Salmonella and Listeria, another significant threat to the U.S. beef supply is BSE.

BSE is thought by experts to be transmittable to humans, where it is termed variant Creutzfeldt-Jakob disease (vCJD). According to the CDC, "There is now strong scientific evidence that the agent responsible for the outbreak of prion disease in cows, BSE, is the same agent responsible for the outbreak of vCJD in humans."<sup>v</sup> The disease is incurable and "invariably fatal."<sup>vi</sup> The "mad cow" outbreak in Great Britian left the number of dead from definite or probable vCJD at 161.<sup>vii</sup> The number may continue to rise due to the long incubation period typical of BSE. Symptoms include dementia, memory loss, hallucinations, abrupt movements, balance and loss of coordination.<sup>viii</sup>

The first case of BSE was discovered in the U.S. on December 23, 2003. Since then, two more cases have been identified, including one as recently as March 13, 2006.<sup>ix</sup> In total, 14 cases have been diagnosed in North America.<sup>x</sup> Due to BSE concerns, the USDA and Food Safety and Inspection Service (FSIS) implemented new BSE detection and prevention requirements for US meatpacking plants.

Because the BSE incubation period is 30 months and beyond, the USDA/FSIS rules

apply to cattle 30 months or older.<sup>xi</sup> The USDA requires each plant to develop a monitoring and screening plan for BSE. A major component of the plan is screening for cattle over 30 months old, which are deemed to be a higher risk for BSE. Once a plant develops a plan, it must be confirmed as adequate by the USDA. Typically, a plan calls for specific employees to be trained using the company's now USDA-certified operational plan to monitor the age of cattle coming through the plant for the various phases of slaughter and processing. This is done through the process of dentition which consists of examining the teeth of cattle to determine age.<sup>xii</sup> After the cattle have been slaughtered, a specially trained employee examines the teeth of the slaughtered cow. If the employee determines the cattle is over 30 months, supervisors are informed and the appropriate action is taken, which may include stopping the line, sanitization and the elimination of "specific risk material" (SRM). SRMs are areas of the cattle where BSE infectivity resides, including the brain, spinal cord and ganglia. If a cattle is determined to be 30 months or older, the plant must take action to eliminate and dispose of SRMs.<sup>xiii</sup>

The effect of a new "mad cow" outbreak to an industry attempting to reestablish presence in overseas markets could be substantial. According to a report from the Kansas State University Agricultural Experiment Station and Cooperative Extension Service, the ban following the first confirmed BSE case in the U.S. cost the beef industry between \$3.2 billion and \$4.7 billion in 2004 alone.<sup>xiv</sup>

#### **Food Safety at Agriprocessors, Inc.**

On March 2, 2006, the FSIS sent a Letter of Warning (LOW) to Agriprocessors, following up on a Notice of Intended Enforcement (NOIE) issued on November 23, 2005. In the Letter of Warning, the FSIS stated that Agriprocessors had failed to include a hazard analysis of SRM risks from cattle over 30 months in their "Hazard Analysis and Critical Control Point" plan. The same letter states that Agriprocessors had also failed to "describe how beef heads from cattle that are 30 months of age or older will be segregated and processed" in their sanitary operation plans. At the conclusion of the LOW, the USDA/FSIS District Manager states: "Although the Notice of Intended Enforcement in deferral at establishment 4653A is no longer in effect, please be advised that we consider violations of this type as serious in nature."

Moreover, in the space of less than eight months the company was cited by the FSIS for possible BSE/30 month rule violations on at least five different occasions, including one violation the inspector deemed "very serious." A sixth violation dated 4/02/2006 concerning spinal cords, a SRM, may also be related, although this is not clear due to the redacted state of the document we received from the FSIS as a result the FOIA request.

#### **Non-compliance violations as reported by the FSIS:**

03/02/2006 – A FSIS inspector ante mortem (before death) condemns a heifer for possible BSE and further testing. It is later found by the same inspector to have been slaughtered on the line despite the condemnation. The inspector notes this infraction as "very serious." Carcasses processed after the slaughter are identified and retained by the FSIS with a US Retain/Reject tag.

- 03/05/2006 – Related to the preceding violation, a FSIS inspector finds 40 carcasses segregated and held for possible BSE contamination were “ribbed,” a further processing step.
- 04/02/2006 – A FSIS inspector reports that spinal cords are not being removed according to procedures. Large parts of the citation are redacted, leaving it unclear if the citation is specifically BSE related.
- 05/16/2006 – A FSIS inspector observes an employee failing to inspect teeth prior to head drop and failing to switch knives appropriately.
- 09/18/2006 – The FSIS inspector on duty finds two cattle heads “well over” 30 months old with no identification stickers.
- 10/06/2006 – The FSIS inspector on duty finds one cattle head obviously over 30 months old with no identification tag.

On January 1<sup>st</sup>, 2007, an FSIS inspector issued a non-compliance report noting “serious mislabeling noncompliance” by Agriprocessors which had shipped beef product with the label “for cooking only.” The FSIS inspector states:

Labeling products with instructional (e.g., “for cooking only”) or disclaimer statements (e.g., “not tested for E. Coli 0157:H7”) is not a means to control pathogens. These statements should not be used to justify a determination that E. Coli 0157:H7 is not a hazard.

On July 6<sup>th</sup>, 2007, a large recall of 35,860 pounds of frozen beef and chicken Agriprocessors products was begun due to mislabeling. Agriprocessors failed to properly document, on the label, the possibility of these products containing egg albumen, a known allergen.<sup>xv</sup> This recall was labeled “Class I.” According to the FSIS a Class I recall is “a health hazard situation where there is a reasonable probability that the use of the product will cause serious, adverse health consequences or death.”<sup>xvi</sup>

A previous recall, on January 23<sup>rd</sup>, 2007, was also Class I. The three-state recall concerned 2700 lbs of Agriprocessors-produced frankfurters recalled due to possible underprocessing.<sup>xvii</sup>

Other problems revealed by the FOIA documents during the period of February 19, 2006 to January 18, 2007 are sanitary in nature and include over seventeen citations for rodent problems, fecal and bile contamination of beef and poultry along with foreign objects, some metallic, found during sausage and poultry production. In one Letter of Warning, dated September 19, 2006, which in part detailed deficient sanitation procedures at the plant, the FSIS stated “These findings lead us to question your ability to maintain sanitary conditions, and to produce a safe and wholesome product.”

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<sup>i</sup> Food Safety Inspection Service (FSIS), [http://askfsis.custhelp.com/cgi-bin/askfsis.cfg/php/enduser/std\\_adp.php?p\\_faqid=1&p\\_created=1163424883&p\\_sid=A\\*3xMVHi&p\\_accessibility=0&p\\_redirect=&p\\_lva=&p\\_sp=cF9zcmNoPTEmcF9zb3J0X2J5PSZwX2dyaWRzb3J0PSZwX3Jvd](http://askfsis.custhelp.com/cgi-bin/askfsis.cfg/php/enduser/std_adp.php?p_faqid=1&p_created=1163424883&p_sid=A*3xMVHi&p_accessibility=0&p_redirect=&p_lva=&p_sp=cF9zcmNoPTEmcF9zb3J0X2J5PSZwX2dyaWRzb3J0PSZwX3Jvd)

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<sup>ii</sup> Food Safety Inspection Service (FSIS),

[http://www.fsis.usda.gov/FSIS\\_Recalls/Recall\\_Case\\_Archive/index.asp](http://www.fsis.usda.gov/FSIS_Recalls/Recall_Case_Archive/index.asp).

<sup>iii</sup> US State Department, “South Korea Agrees to Lift Partially Ban on U.S. Beef Exports,”

<http://usinfo.state.gov/eap/Archive/2006/Jan/13-465523.html> and Farm Week, “U.S. beef markets reopen; is South Korea next?,” <http://farmweek.ilfb.org/viewdocument.asp?did=8712&drvid=115&r=0.9767115>.

<sup>iv</sup> U.S. News and World Report, “Timeline: Deaths and Illnesses Caused by Food Contamination,”

<http://health.usnews.com/usnews/health/articles/070520/28food.timeline.htm>.

<sup>v</sup> CDC, “vCJD (Variant Creutzfeldt-Jakob Disease),” <http://www.cdc.gov/ncidod/dvrd/vcjd/index.htm>.

<sup>vi</sup> Ibid.

<sup>vii</sup> The National Creutzfeldt-Jakob Disease Surveillance Unit, “CJD Stastics,”

<http://www.cjd.ed.ac.uk/figures.htm>.

<sup>viii</sup> eMedicineHealth, “Mad Cow Disease and Variant Creutzfeldt-Jakob Disease,”

[http://www.emedicinehealth.com/mad\\_cow\\_disease\\_and\\_variant\\_creutzfeldt-jakob\\_dis/article\\_em.htm#Mad%20Cow%20Disease%20Overview](http://www.emedicinehealth.com/mad_cow_disease_and_variant_creutzfeldt-jakob_dis/article_em.htm#Mad%20Cow%20Disease%20Overview).

<sup>ix</sup> Centers for Disease Control and Prevention (CDC), <http://www.cdc.gov/ncidod/dvrd/bse/index.htm>.

<sup>x</sup> Ibid.

<sup>xi</sup> FSIS, “Bovine Spongiform Encephalopathy – ‘Mad Cow Disease,’”

[http://www.fsis.usda.gov/Fact\\_Sheets/Bovine\\_Spongiform\\_Encephalopathy\\_Mad\\_Cow\\_Disease/index.asp](http://www.fsis.usda.gov/Fact_Sheets/Bovine_Spongiform_Encephalopathy_Mad_Cow_Disease/index.asp).

<sup>xii</sup> FSIS, “Using Dentition to Age Cattle,”

[http://www.fsis.usda.gov/Frame/FrameRedirect.asp?main=http://www.fsis.usda.gov/fofo/tsc/bse\\_informatio](http://www.fsis.usda.gov/Frame/FrameRedirect.asp?main=http://www.fsis.usda.gov/fofo/tsc/bse_informatio)

[n.htm](http://www.fsis.usda.gov/fofo/tsc/bse_informatio).

<sup>xiii</sup> FSIS, “Bovine Spongiform Encephalopathy – ‘Mad Cow Disease,’”

[http://www.fsis.usda.gov/Fact\\_Sheets/Bovine\\_Spongiform\\_Encephalopathy\\_Mad\\_Cow\\_Disease/index.asp](http://www.fsis.usda.gov/Fact_Sheets/Bovine_Spongiform_Encephalopathy_Mad_Cow_Disease/index.asp).

<sup>xiv</sup> Kansas State University Agricultural Experiment Station and Cooperative Extension Service, “The Economic Impact of BSE on the U.S. Beef Industry: Product Losses, Regulatory Costs, and Consumer Reactions,” p. 6, retrieved from <http://www.oznet.ksu.edu/library/agec2/MF2678.pdf>.

<sup>xv</sup> FSIS News Release, “Iowa Firm Recalls Beef and Chicken Products Due to Mislabeling,”

[http://www.fsis.usda.gov/News\\_&\\_Events/Recall\\_032\\_2007\\_Release/index.asp](http://www.fsis.usda.gov/News_&_Events/Recall_032_2007_Release/index.asp).

<sup>xvi</sup> FSIS, “Colorado Firm Recalls Beef Trim and Ground Beef Products for Possible *E. coli* 0157:H7,”

<http://www.fsis.usda.gov/OA/recalls/prelease/pr055-2002.htm>.

<sup>xvii</sup> FSIS News Release, “Iowa Firm Recalls Frankfurters Due To Possible Underprocessing,”

[http://www.fsis.usda.gov/News\\_&\\_Events/Recall\\_004\\_2007\\_Release/index.asp](http://www.fsis.usda.gov/News_&_Events/Recall_004_2007_Release/index.asp).