

Congress of the United States

House of Representatives

Washington, DC 20515

January 19, 2016

The Honorable Tom Vilsack
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Dear Secretary Vilsack,

We write to urge you to delay releasing a proposed modernization of hog slaughter inspection rule until the USDA addresses public health concerns related to the hog Hazard Analysis and Critical Control Point-based Inspection Models Project's (HIMP). Until data from the recent implementation of poultry HIMP can be analyzed, we believe it is too early to expand this regulatory regime.

While we strongly support modernizing our food safety system and making it more efficient, modernization should not occur at the expense of public health, worker safety, or animal welfare. According to the North American Meat Institute, in 2013, 113 million hogs were processed into pork products and consumption of pork in the United States is estimated to be 49 pounds per person in 2016. We are concerned that these new rules are being pushed by the industry to increase profits at the expense of public health.

According to the Centers for Disease Control and Prevention (CDC), every year, *Salmonella* is estimated to cause 1 million illnesses in the United States, and is the country's leading foodborne killer with 19,000 hospitalizations and 380 deaths. *Campylobacter* is one of the most common causes of diarrheal illnesses in the United States, affecting over 2.4 million people every year. It is estimated that each year approximately 100 persons with *Campylobacter* infections die. In addition, this food-borne illness is associated with Guillain-Barré Syndrome, a condition that causes temporary or permanent paralysis. Both *Salmonella* and *Campylobacter* are concerning for two other reasons: 1) these pathogens are developing multi-drug resistant strains that will make treating ill patients more difficult and 2) these pathogens are a major concern for children's health, since most of those sickened by *Salmonella* and *Campylobacter* are under 10 years of age.¹

We must improve hog inspection and reduce contamination from pathogens associated with pork such as *Salmonella* and *Campylobacter*. However, FSIS has not demonstrated that its hog slaughter pilot program actually reduces contamination, and therefore illness, rates. To the

¹ Shea KM et al. American Academy of Pediatrics Committee on Environmental Health and AAP Committee on Infectious Diseases. Non-therapeutic use of antimicrobial agents in animal agriculture: Implications for pediatrics. *Pediatrics*, Sept 2004; 118 (2): 195-200.

contrary, the available evidence suggests that hog HIMP will undermine food safety. In 2013, both the U.S. Government Accountability Office (GAO) and the USDA Office of Inspector General (OIG) issued reports questioning the efficacy of hog HIMP, and the adequacy of USDA's evaluation of the program.² The OIG, which issued its report first, concluded that FSIS "did not adequately oversee" the hog HIMP program, and that the agency "could not determine whether [food safety and plant efficiency] goals were met."³ OIG further noted that "3 of the 10 plants cited with the most NRs [noncompliance records] from FYs 2008 to 2011 were HIMP plants," and that "HIMP plants that are continually noncompliant—such as the swine plant with the most NRs nationwide—have less assurance of food safety than a traditional plant."⁴ For its part, the GAO, which considered poultry as well as hog HIMP, concluded that "[w]ithout collecting and analyzing additional data, it will be difficult for USDA to draw conclusions about whether the pilot project at young hog plants is meeting its purpose."⁵

Following the GAO and OIG reports, FSIS issued an evaluation of hog HIMP plants that purports to demonstrate the program is "meeting FSIS expectations."⁶ However, the evaluation does not support that conclusion. Rather, it makes three sets of findings that are either irrelevant to HIMP plants' food safety performance, or lack an adequate evidentiary basis.

First, the FSIS evaluation indicates that because company sorters and USDA on-line inspectors condemn a comparable number of carcasses, they perform a comparable inspection function. But company sorters may condemn a similar number of hogs, and nevertheless miss the ones that threaten food safety. FSIS does not require HIMP plants to train company sorters, in contrast to USDA inspectors, who undergo extensive classroom instruction and hands-on practice. The evaluation also suggests that HIMP and non-HIMP plants must have comparable condemnation rates. However, unique characteristics of HIMP plants—e.g. higher line speeds—could plausibly result in a higher rate of contamination and other factors that lead to more condemnations.

Second, the FSIS evaluation assumes that "the number of inspection tasks performed per establishment is correlated with production of a safe product," but it does not justify that assumption. Comparing off-line inspection tasks at HIMP and traditional facilities is an apples to oranges comparison. A HIMP plant's management may become adept at avoiding NRs during more frequent off-line inspections, but through means other than thorough online inspection and generally assuring a safe product. In its report, OIG cited stakeholder concerns that increased off-line inspections would not compensate for inadequate training of sorters, higher line speeds, and government inspectors' reduced ability to see potential defects and to enforce standards such as zero-tolerance for fecal contamination.⁷

² See GAO, "More Disclosure and Data Needed to Clarify Impact of Changes to Poultry and Hog Inspections" GAO-13-775: Published: Aug 22, 2013. Publicly Released: Sep 4, 2013, available at: <http://gao.gov/products/GAO-13-775>; USDA OIG, "Inspection and Enforcement Activities at Swine Slaughter Plants" available at: <http://www.usda.gov/oig/webdocs/24601-0001-41.pdf>

³ OIG Report at 17.

⁴ *Id.* at 17-18.

⁵ *Id.* at 1.

⁶ United States Department of Agriculture Food Safety and Inspection Service. Evaluation of HACCP Inspection Models Project (HIMP) for Market Hogs, Final Report (November 2014). Available at: <http://www.fsis.usda.gov/wps/wcm/connect/f7be3e74-552f-4239-ac4c-59a024fd0ec2/Evaluation-HIMP-Market-Hogs.pdf?MOD=AJPERES>

⁷ OIG Report at 20.

Third, the FSIS presents data in its evaluation showing an “exceedingly small” level of fecal contamination and other food safety and consumer protection defects at HIMP plants. Yet the agency does not attempt to compare similar data from non-HIMP plants, referring only to a baseline study conducted in 1998 to suggest that HIMP plants exceed the 75th percentile of slaughter facilities’ food safety performance. This comparison assumes that non-HIMP hog slaughter facilities failed to make any improvement in reducing food safety defects over a 14-year period. At the same time, the evaluation presents impressive performance gains tallied by HIMP plants during the two-year period between the “snapshots” considered in the study.⁸ The evaluation also touts lower numbers of chemical residue violations in HIMP plants as evidence of better operational controls, without mentioning that participants in the HIMP program must agree to source younger, more uniform animals that are less likely to receive treatments with persistent residues. And the evaluation concedes that its *Salmonella* testing regime, which the agency discontinued in 2011, did not reveal any statistically significant improvements in HIMP plants, in part because of small sample sizes.

Before expanding the HIMP program to hog slaughter facilities across the country, FSIS should provide some assurance that removing government inspectors from these facilities, and relying on company employees to take over many of their duties, would not lead to process control shortcuts, increased fecal and other adulteration of meat products, higher incidences of microbial contamination, and ultimately, a rise in foodborne illness. Thus far it has not provided such assurance.

In addition to general public health considerations, the work environment in slaughterhouses poses “risks greater than those faced by workers in many other manufacturing operations,” according to the U.S. Government Accountability Office (GAO). A 2005 GAO report acknowledged that underreporting in official records does not disguise the fact that “the meat and poultry industry still has one of the highest rates of injury and illness of any industry.” FSIS has claimed that hog production in HIMP plants is between 1,085-1,295 hogs per hour; regular hog processing plants run between 571-1,106 hogs per hour according to the Agency. However, we recently learned of a HIMP plant operating at 1,400 hogs per hour. According to a Human Rights Watch Report, the single largest factor contributing to worker injuries is the speed at which the animals are killed and processed. The thousands of disabling injuries that result are well-documented including cuts, lacerations, and musculoskeletal disorders. Infections in workers as a result of lacerations and exposure to pathogens may be exacerbated by the speed of the line.

Additionally, it appears that the FSIS has not given adequate consideration to the welfare of the millions of hogs slaughtered annually. Rapid line speeds present one of the greatest risks of inhumane treatment, as workers are often pressured to take violent shortcuts to keep up. By law, hogs must be rendered insensible to pain prior to being slaughtered. However, faster lines carrying more hogs increase the chance of error during the critical stunning process, which can leave hogs conscious further down the line. Rough handling before hogs reach the stunning area is also a concern, as workers face immense pressure to move large numbers of animals that are frequently disoriented. These very sorts of violations causing unnecessary animal pain and potential worker safety issues were recently exposed through an investigation at a HIMP hog plant covered by the Washington Post and other outlets: hogs unable to walk being dragged by

⁸ GAO criticized a similar “snapshot” methodology in its analysis of the FSIS’ poultry HIMP evaluation. GAO Report at 11.

workers, hogs improperly stunned writhing after having their throats cut, and hogs trying to right themselves while hanging upside down from shackles. Such welfare violations are not simply a cost of doing business at higher speeds—they are illegal under the Humane Methods of Slaughter Act.

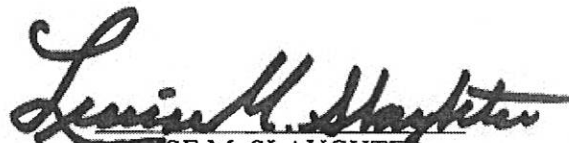
We question the degree to which FSIS has studied the effectiveness and impact of the hog HIMP inspection model on the humane slaughter of hogs, food safety and worker safety. Furthermore, we have yet to see the short- and long-term consequences of the recently implemented poultry HIMP plants. Due to these concerns, we urge FSIS to delay publishing a proposed rule until the agency has thoroughly addressed the hog HIMP inspection model's impact on the public, workers, and animals. We look forward to working with you to ensure that the modernization of hog inspection truly improves public health and the integrity of our food system.

CC:

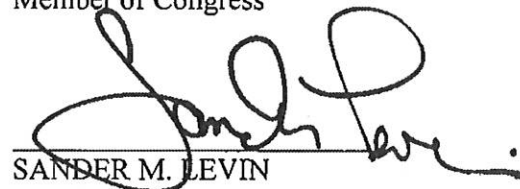
Alfred V. Almanza, Deputy Under Secretary for Food Safety
Brian Ronholm, Deputy Under Secretary for Food Safety


Sincerely,

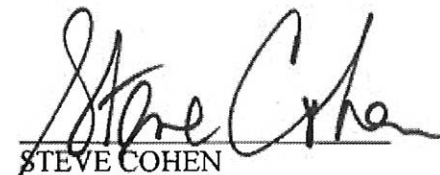

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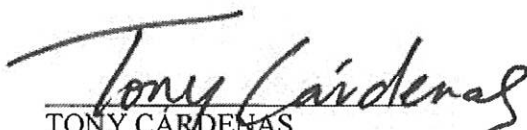

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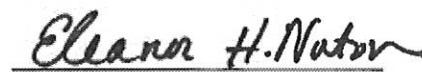

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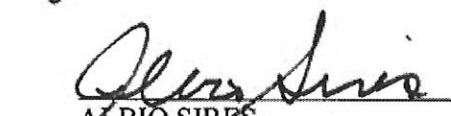

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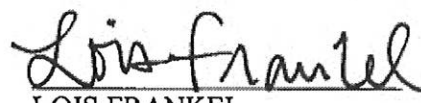

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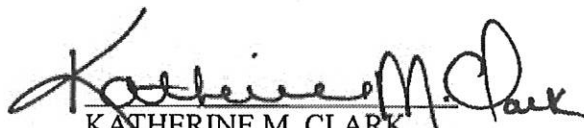

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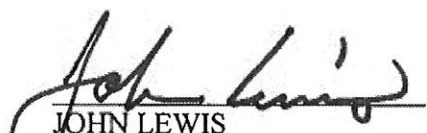

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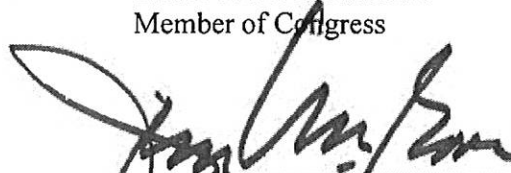

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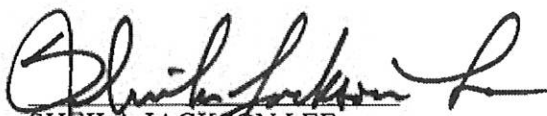

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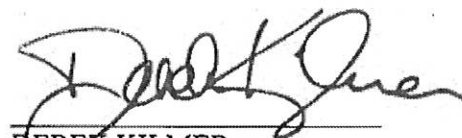

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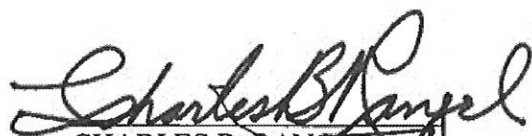

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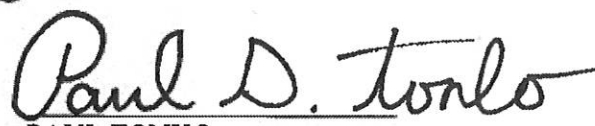

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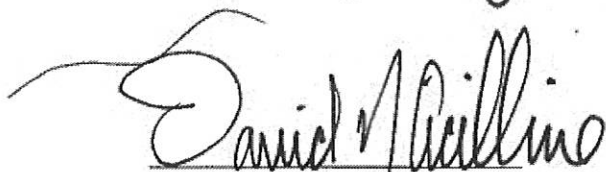

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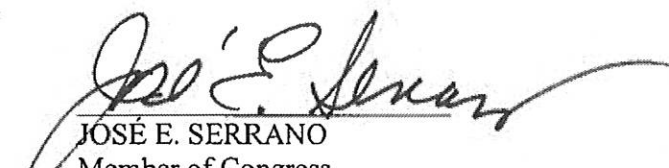

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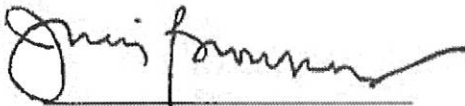

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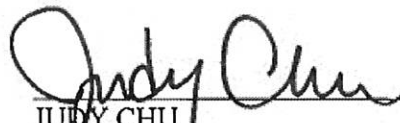

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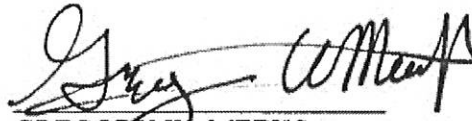
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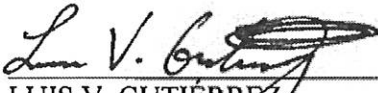
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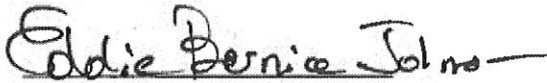
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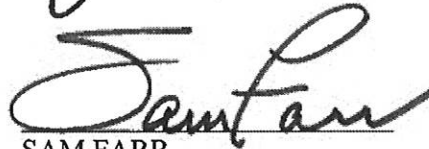
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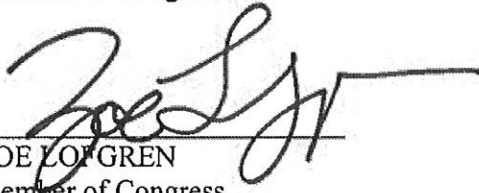
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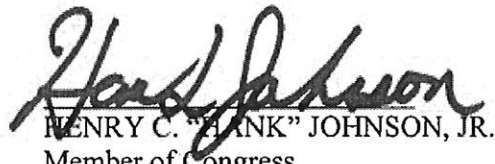
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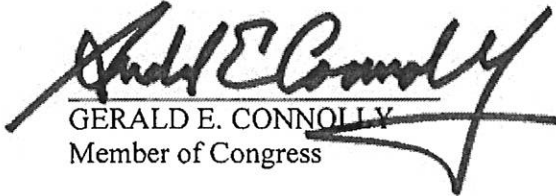
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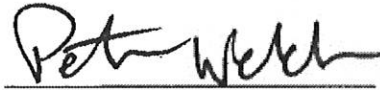
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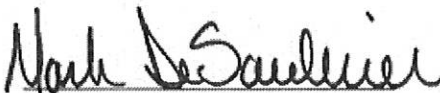
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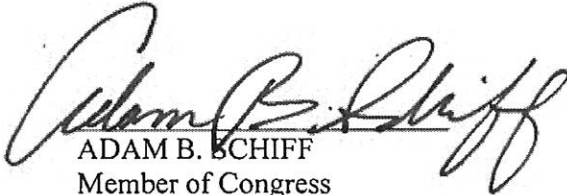
PETER WELCH
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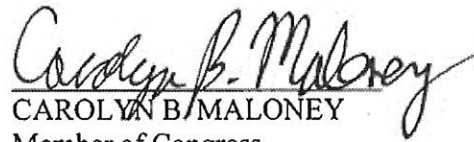
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CAROLYN B. MALONEY
Member of Congress

Table: Noncompliance Reports in Response to FOIA_2017_00055

EstNbr	EstName	NR#	Date	Task	Regs	Description	Shift
M85B	Swift Pork Company	GYM30 160654 09N-1	06/09/2015	01D0 1	310.18(a), 416.4(d)	<p>On 6/9/15 at approximately 1615 hours I, (b)(6), was performing a postmortem verification in the VI position when CI 1 (b)(6) observed a clump of ingesta on the 6th head of the 1st set. The ingesta was about 1" long by 2mm wide, yellowish-green in color and was located near the left eye on the head. The head had not been marked by FSQR HIMP monitors and (b)(6) took a regulatory control action and stopped the line after it had passed the final trimmer. The head was removed and the line restarted. The ingesta was verified by (b)(6) and (b)(6) as well as (b)(6).</p> <p>The presence of ingesta creates an insanitary condition due to the possibility of cross contaminating to another carcass or food contact surface later in the slaughter process. I notified (b)(6) that a noncompliance would be issued. A similar noncompliance (GYM4820050212) was written on 5/12/15. At this time no response has been issued.</p>	2
M85B	Swift Pork Company	GYM56 090607 10N-1	06/10/2015	04A0 5	318.2	<p>At approximately 7:30 AM, I observed a combo of boneless picnics in a labeled shipping combo at the combo scale at the east side of the cut department waiting to be weighed to complete mandatory labeling requirements. On top of the combo, I observed three pieces of attached skin, approximately 1/2" X 1", 1/2" X 1-1/4", and 3/4" X 1-1/2". (b)(6) was notified.</p> <p>On further inspection, I observed five pieces of skin in a second combo, approximately 1/2" X 1", 3/4" X 1-1/2", 1" X 2", 1" X 1-1/2" and 1-1/4" X 2". This exceeds the plant on-line boneless meats re-inspection limit of 2 minor defects per sample. (b)(6) retained all product in the area with TS HOLD tags (5 combos) for rework. A similar noncompliance was documented on NR GYM1310051926N/1, dated 5/26/2015, for which a reply has not been received at this time.</p>	1

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EstNbr	EstName	NR#	Date	Task	Regs	Description	Shift
M360	Clougherty Packing LLC	DAM52 151139 03N-1	11/03/2015	01D0 1	416.2(a)	Today (11/03/2015) while verifying the effectiveness of the establishment's sanitation performance standards Inspection Program Personnel (IPP) observed the following regulatory non-compliance; At approximately 1300 hours on the 3rd floor, in the box storage room (near pickle room) IPP observed a dead mosquito, fly and bird's feathers on a pallet of boxes. There were bird's feathers scattered around the room in several areas. IPP also, observed a dead roach on the west wall of the box storage room. This is a non-compliance with 9 CFR 416.2(a): The grounds and pest control. IPP informed (b)(6) of the deficiency. (b)(6) instructed an employee to clean the room. This issue will be discussed at the next USDA weekly meeting.	1
M360	Clougherty Packing LLC	DAM28 101127 05N-1	11/05/2015	03J02	310.18(a)	On Thursday, November 05, 2015 at approximately 0732 am, I observed the following noncompliance at the USDA final rail station: One carcass had a yellow substance on the left side neck area of the carcass. The area with the indicative ingesta contamination measured approximately 1/8 inch by 1/8 inch. This carcass had been railed out and trimmed by the establishment employees. The QA-HIMP Auditor on the viscera rail out trim line had inspected and passed this carcass. After the carcass was inspected by Quality Assurance-HIMP Auditor, it was railed back into the production line. A second Quality Assurance-HIMP Auditor inspection was performed just before the final rail, and the second QA- HIMP Auditor also failed to observe the yellow indicative ingesta contamination. The carcass was passed to the USDA final rail inspection station where I railed it out from the line. (b)(6), and (b)(6) observed the noncompliance. The contamination was removed, and the carcass was placed back on the line for further processing	1

Table: Noncompliance Reports in Response to FOIA_2017_00055

EstNbr	EstName	NR#	Date	Task	Regs	Description	Shift
M791	Clemens Food Group, LLC	MXL49 090749 18N-1	07/18/2016	03J03	310.18(a), 417.2(c)(4)	<p>Today, Monday July 18, 2016, at approximately 0940 hours while performing the review and observe component of the Livestock Zero Tolerance Verification task on the kill floor (room 2495) after the establishment's critical control point for Zero-Tolerance (04-CCP15 Final Trim zero tolerance CCP monitoring) and prior to the final carcass wash, I observed a carcass showing evidence of the following noncompliance: a smear of ingesta material yellowish in color and fibrous in texture approximately 1 and 1/4 inch long, by 1/2 inch wide on the right side of the carcass, adjacent to the xiphoid cartilage, on the fat between the skin and the sternum. A company employee immediately removed the carcass from the production line. (b)(6) as notified verbally and in writing with this noncompliance record of the establishment's failure to comply with regulatory requirements §9 CFR 417.2(c)(4) and 310.18(a) as well as the establishment's HACCP Plan for Pork Slaughter dated 7/11/2016 which states on the HACCP Master Sheet-Slaughter for 04-CCP15 (Final Trim - Zero Tolerance) under the HACCP Master Plan tab, critical limit (b)(4)</p> <p>Review of Est. 791's HACCP record 04-CCP15 Final Trim Zero Tolerance CCP for 7/18/2016 showed no critical limit failure prior to my observation.</p>	1

Table: Noncompliance Reports in Response to FOIA_2017_00055

EstNbr	EstName	NR#	Date	Task	Regs	Description	Shift
						9 CFR 416.13(c) of the SSOP regulations were not met.	
M199N	Hormel Foods Corp.	NZK391 101190 9N-1	01/09/2016	03J03	310.18(a), 417.2(c)(4)	Hog Processing Department: At approximately 11:06 hours while performing a routine Livestock Zero Tolerance task I observed the following noncompliance. Fecal (identifiable by the green fibrous texture) was observed on the leaf lard of carcass #24. The area involved was approximately 1 1/2 " by 1 1/2 " with one solid patch approximately 1/2" diameter with at least 6 other pieces ranging in size from 1/16" to 1/4" . The carcass had already moved past the final rail Quality Control Auditor and was randomly selected and railed out prior to the post evisceration wash cabinet (b) [REDACTED] was covering the area and was notified and visually verified the noncompliance. The affected area of the carcass was trimmed free of the fecal with the trimmings disposed to inedible rendering in my presence. I reinspected and passed the affected carcass. The requirements of, but not limited to, 9CFR 310.18 and 417.2(c)(4) were not met. A similar monitoring noncompliance #NZK2214014802N1 was documented on 1/02/2016. That document has not been answered by the company and remains open.	1

Table: Noncompliance Reports in Response to FOIA_2017_00055




EstNbr	EstName	NR#	Date	Task	Regs	Description	Shift
M1620	Quality Pork Processors	QMO55 140720 07N-1	07/01/2015	04A0 5	318.2(a)	On 6/01/15, 6/03/15, 6/15/15, and 6/29/15 the establishment exceeded the OCP-3 performance standard set under the HIMP Draft. Table 1 in this Draft states that 7 OCP-3 findings is the maximum allowable defects and Table 2 states within a 25 day period, the establishment may exceed this standard 3 days. Please make the necessary changes and/or adjustments in your program to correct this deficiency.	1
M1620	Quality Pork Processors	QMO16 120759 02N-1	07/02/2015	01B02	416.13(c)	While conducting pre-op sanitation on the cut floor I identified the following deficiency: 1) The west belly alignment belt on the lower cut had two pieces of fat approximately 1/8th inch by 1/8th inch. This belt also had a buildup of fat on an area approximately 12 inches by 16 inches. I informed (b)(6) of my findings and informed (b)(6) that I would be documenting this finding in a NR. The belt was cleaned before the start of production.	1
M1620	Quality Pork Processors	QMO17 180749 03N-1	07/02/2015	03J02	311.16, 417.2(c)(4)	At approximately 12:30 a.m. on the July 2, 2015 production day, the FSIS inspector at the 03 station retained a carcass with USDA retain tag B26350902. The carcass was railed out at the lard rail for veterinary disposition. Upon examination, I observed the carcass contained one kidney. The kidney was swollen, light-colored and contained numerous petechiae throughout the parenchyma. The stifle joints had been marked for arthritis and removed prior to the 03 station. The elbow joints were swollen and contained proliferative joint capsule tissue. The internal iliac lymph nodes were hemorrhagic. Based on these findings, the affected carcass and parts were condemned for septicemia. This is a failure of the establishment's CCP #2 monitoring procedure in the slaughter HACCP plan. The establishment performed corrective actions.	2

MeatingPlace

September 13, 2013

USDA official defends 15-year pork inspection trial

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By [Rita Jane Gabbett](#) on 9/13/2013

More than three months after USDA's Office of the Inspector General [took the agency to task](#) for lax oversight of the HACCP-Based Inspection Models Project (HIMP) operating for the past 15 years in five U.S. pork plants, an agency official is defending the program in the face of [a Washington Post article](#) that also calls the program into question.

In an interview with **Meatingplace**, Phil Derfler, deputy administrator of USDA's Food Safety and Inspection Service, said that there is no cause for concern about the program, that USDA is evaluating it between now and March 2014 and that until the evaluation is completed, there will be no decision on either proposing a rule to expand the program across all U.S. pork plants (as the agency has for poultry) or shut the program down.

He took issue with the headline the Post used — “USDA pilot program fails to stop contaminated meat” — as flat-out wrong, adding that the article itself notes that contaminated meat did not leave plants because it was caught at the end of the processing line by government inspectors.

The OIG report in May had noted, “Although HIMP was intended to improve food safety, we found that three of the 10 plants cited with the most NRs (noncompliance records) from fiscal years 2008 to 2011 were HIMP plants. In fact, the swine plant with the most NRs during this timeframe was a HIMP plant — with nearly 50 percent more NRs than the plant with the next highest number.”

The more you check, the more you find

Derfler said the reason inspectors are finding more fecal material on products (which are then removed from the processing line) is that, relieved of non-food safety tasks that are re-assigned to company employees in HIMP plants, the government inspectors are actually making more checks for fecal material and therefore are finding more of it.

“Because of the way HIMP plants are structured, because of the way the sorting is done up the line, our inspectors get to focus on food safety issues,” Derfler said. “We do many, many, many more checks for fecal material in HIMP plants than we do in traditional plants, so it is not surprising that we are finding more in HIMP plants because that is what our inspection personnel are focusing on. [The Post] article is a testament in some ways that the system is working, rather than the opposite.”

When it comes to fecal material, if you divide the findings at the HIMP plants by the number of checks done, the rate is the same as it is in non-HIMP swine plants, a USDA spokeswoman added.

Similar to the HIMP inspection system USDA has proposed for poultry, the pilot program in the pork plants allows for faster line speeds and reduces the number of inspectors on the line. For high-speed swine kill lines, there are four inspectors in a HIMP plant, compared to seven in a traditional plant. Three of those inspectors are stationed at the head, viscera and rail, respectively, and one inspector is offline, according to a USDA spokeswoman. Line speeds at the HIMP pork plants (which USDA declined to identify) average 100- to 200-head-per-hour faster, with the highest speed so far at 1,210 head per hour.

Oversight

Derfler also defended USDA’s perceived lack of oversight of the HIMP pork pilot program, which has never been formally evaluated.

The OIG report in May stated:

In 1997, FSIS began a pilot program called the HACCP-based Inspection Models Project (HIMP) for swine, which allowed five large plants to have faster line speeds with fewer FSIS on-line inspectors. Although program goals were to increase food safety and plant efficiency, FSIS could not determine whether these goals were met because it did not adequately oversee the program. Specifically, FSIS (1) did not evaluate whether the program resulted in a measurable improvement to the inspection process, (2) allowed one HIMP plant to forgo the standard FSIS policy to manually inspect viscera, and (3) did not have formal agreements with the HIMP plants. This occurred because FSIS’ focus was on other issues, and it did not consider the swine HIMP program a priority. Since FSIS did not provide adequate oversight, HIMP plants may have a higher potential for food safety risks. Nationwide, 3 of the 10 plants cited with the most NRs continue to participate in the HIMP program.

In response to the OIG report, USDA has committed to evaluating the program by March 2014. Meanwhile, Derfler said there is no reason for concern.

“What we know is that the plants are operating okay. There is no basis for any concern, so therefore we have allowed the system to go as we focused on poultry,” he said. “We have inspection personnel there every day doing carcass-by-carcass inspections. And they are able to find on a carcass-by-carcass basis [that] the carcasses are not adulterated and they are able to put

the mark of inspection on it. We have confidence in our inspection personnel. We have confidence in the jobs they are doing.”

Earlier this month the Government Accounting Office (GAO) issued a review of the HIMP programs in poultry and pork plants. Relative to pork, the report concluded USDA would need to collect and analyze more data to determine if the pilot project is meeting its purpose of deploying inspection resources more efficiently and in accordance with food safety requirements before considering if it makes sense for implementation across the 608 U.S. hog slaughter plants.

Derfler noted, however, that because the inspection protocols are different in HIMP plants than in traditional plants, it’s difficult to get comparable data.

“In a traditional plant, [government inspectors] are sorting for all types of product defects — food safety as well as non-food safety. We have structured it in HIMP so that their focus is on food safety: toxemia, septicemia, fecal material,” he said, explaining that plant employees are sorting product for other types of defects before they are observed by government inspectors. “If any of these types of [food safety] defects manage to slip through the plant’s initial sorting, then it is obviously and readily determinable by our inspection personnel. They are focused on this and so therefore it is not surprising they are finding it,” he added.

Not saying

Despite piloting the concept for 15 years, USDA officials hesitate to even acknowledge they are considering a HIMP-type inspection model for pork.

In May, Under Secretary for Food Safety Elisabeth Hagen said that USDA was not considering HIMP-type inspection for either pork or beef, in an interview with *Food Chemical News*.

“All I can tell you is that obviously we are doing the review of the data,” said Derfler. “We committed to that, and the OIG and GAO is aware of it. We are going to do our review and then we are going to make our decision at the time. I can’t indicate one way or the other.”

Asked why else there would there be a 15-year pilot unless USDA was contemplating the program for U.S. pork plants, Derfler said, “You can draw your own conclusion.”

Equivalency

The Washington Post article also called into question whether or not USDA had used the protocols in its HIMP pilot programs as a model for approving equivalency of food safety inspection programs in Canada, Australia and New Zealand.

“That’s not true,” said Derfler. “We do it on the basis of our system compared to their system — not our HIMP system, our system as a whole. And it is an equivalence decision. It doesn’t have to be exactly the same.”

He acknowledged USDA has approved Canada's HIMP-type system for beef inspection, but said that proves his point. "If it was the case that it was only HIMP to HIMP, we would never be able to do that, but that's not the case... We are doing it on a system-to-system basis."

- See more at: <http://meatingplace.com/Industry/News/Details/44663#sthash.UbXfgOzE.dpuf>

PLAGUE



"A plague on both your houses!" is how Mercutio spreads the plentiful blame around in Shakespeare's classic, "Romeo & Juliet." He says it as he is dying, stabbed while defending his best friend, Romeo, and his murder is a catalyst to the events that lead to several others' demise as the story plays out.

There's plenty of blame to go around in the 15-year-long swine HIMP pilot program, as well, so I'll just say it: A plague on both FSIS and the industry. In recent audit reports from the OIG and GAO, the agency looks like it has no idea what it's doing and the industry looks like it's co-opted the regulators.

Just as the activists accuse the industry of doing.

The blame, it should be said, is not for putting contaminated product in commerce. No evidence suggests that anyone has gotten sick as a result of pork processed through the swine HIMP program. Nor do the reports in any way say that FSIS inspectors actually made decisions based on personal relationships with the executives they regulate.

What the reports do say, however, is that:

- The OIG found lack of adequate oversight over the inspectors in the plant and a tendency on inspectors' part not to issue citations or take action in keeping with the seriousness of some violations.
- As well, the steps taken in response to repeat violations did not get progressively stronger, just more of the same. Why? Because, the report says, "as long as [there was progress] ... and no immediate public health risk, FSIS officials did not feel the need to pursue progressive stronger enforcement action."
- Certain processing issues that were noted in the 2013 OIG report had been noted in previous reports in 2012 and 2007, indicating that FSIS and its inspectors have failed to address some problems at the plants enrolled in this program for years.
- While the pilot program has been underway for 15 years, "FSIS [has] not critically assess[ed] whether the new inspection process had measurably improved food safety at each swine HIMP plant — a key goal of the HIMP program." It can't honestly be said that the program is worse, or better; FSIS has

never even asked the question.

In an exclusive interview that ran on Sept. 13, available on *Meatingplace.com*, FSIS's Phil Derfler defended the program, explaining that data from the HIMP program can't be compared to other inspection programs to gauge effectiveness, because the HIMP program protocols are different. That's pretzel logic: A program launched using new and different protocols designed to improve food safety can't be judged on its effectiveness because it uses different protocols.

And Derfler said that the fact that some plants are swimming in NRs, even NRs for repeat violations, is an indication that inspectors are doing their jobs. Nonsense. If they were doing their jobs — and if the HIMP program were achieving its "better food safety" goals, the NRs would be for different and presumably less serious violations.

The industry doesn't come off innocent in these reports either. Although neither oversight agency named the companies participating in the program, the OIG report lists the location of the processing facilities its auditors visited, and clearly several of the industry's largest players have been involved. I wouldn't expect the companies to do FSIS's job for them, but in sum, the whole program looks like a 15-year-long wink-wink nudge-nudge fest.

The kerfuffle over the HIMP program would have made a much larger splash if tainted pork had actually gotten into commerce, and if someone had actually been sickened or died. The food safety net in this case held up well. Reading the reports, though, I got a familiar sense of dread: I've seen this play, and I know how it ends. Badly.

FSIS and industry need to work on a rewrite. ©

Lisa M. Keefe, editor

THE AGENCY LOOKS LIKE IT HAS NO IDEA WHAT IT'S DOING and the industry looks like it's co-opted the regulators.



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Food Safety and
Inspection Service

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20250

Mr. Tony Corbo
Food & Water Watch
1616 P Street, NW
Suite 300
Washington, D.C. 20036

DEC 03 2015

RE: FOIA-2016-00045

Dear Mr. Corbo:

This letter is the final response to your Freedom of Information Act (FOIA) request, dated November 20, 2015, to the Department of Agriculture's Food Safety and Inspection Service (FSIS), in which you requested a copy of the list of the pork facilities in Canada under HIP that export to the United States.

In responding to a FOIA request, FSIS' search will include responsive records in its control on the date the search began. We have located one page that is responsive to your request and are releasing this record in its entirety. Please note that the copy provided is the most recent version of the list we have available.

You may appeal this determination within 45 days from the date of this letter. Your appeal should include copies of your original request and this response, as well as a discussion of the reasons supporting your appeal. The envelope should be plainly marked to indicate that it contains a FOIA appeal. If you decide to appeal this determination, please send your appeal to:

Alfred V. Almanza
Acting Administrator
Department of Agriculture
Food Safety and Inspection Service
1400 Independence Avenue, SW.
Room 2168, South Building
Washington, D.C. 20250-3700

Your FOIA request, including your identity and the information made available, is releasable to the public under subsequent FOIA requests. In responding to these requests, FSIS does not release personal privacy information, such as home

Tony Corbo
Page 2

addresses, telephone numbers, or Social Security Numbers, all of which are protected from disclosure under FOIA Exemption 6.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arianne M. Perkins".

Arianne M. Perkins
Director, Freedom of Information Act Office
Food Safety and Inspection Service

Enclosure

Be Food Safe: **CLEAN:** Wash Hands and Surfaces Often **SEPARATE:** Separate Raw Meats from Other Foods
COOK: Cook To The Right Temperature **CHILL:** Refrigerate Food Promptly

An Equal Opportunity Provider and Employer

Establishment Area Name	Establishment Number	US Eligible
Ontario	004	Yes
Ontario	391	Yes
Quebec	009	Yes
Quebec	010	Yes
Quebec	012	Yes
Quebec	080	Yes
Quebec	129	Yes
Quebec	147	Yes
Quebec	468	Yes
Quebec	484	Yes
Quebec	524	Yes
Quebec	735	Yes
Quebec	147C	Yes
Western	007	Yes
Western	126	Yes
Western	394	Yes
Western	513	Yes
Western	604	Yes
Western	001A	Yes
Western	270A	Yes
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