

INVESTIGATIVE PLAN

**Pretend Poultry Plant, Establishment #P000
555 County Road 55
Nowhere, ST 55555**

File Number: _____

Subject: Pretend Poultry Plant, Est. 000P of Nowhere ST located at 555 County Road 55 Nowhere, AT 55555, Phone (555) 555-5555. The Firm operates as a large poultry slaughter facility (young chicken). The facility operates under the New Poultry Inspection System (NPIS) with 3 slaughter lines on a single shift. Approximately 180, 000 poultry are processed per day at the facility.

Allegation/ Violation:

The allegations involve poultry mistreatment at a federally inspected (USDA-FSIS) poultry slaughter facility. This Investigative Plan is developed by USDA for investigation of activities under the statutory authority of the Poultry Products Inspection Act.

On Monday, October 24, 2016, District Manager, Great Manager of the USDA-FSIS-OFO Specific District Office received email notification from Assistant Administrator Great Admin, at approximately 9:45 AM EDT, of allegations of animal (poultry) mistreatment at the Pretend Poultry Plant facility from a NOORG Investigative Specialist. The animal mistreatment NOORG allegations are:

- Live-hang workers, including one known as "Noname," extinguished cigarettes on live shackled chickens' breasts.
- Workers punched and pulled the wings of shackled chickens so violently that the birds bled. After being pecked by a chicken on October 13, a worker removed the bird from the shackles, slammed him or her against the wall, and left him or her to die slowly on the floor.
- Some incoming birds are crushed on conveyor belts and "busted open and bleeding" by the time they're shackled. When live-hang workers arrive at 6 a.m., birds have already been dumped in piles for an unknown period of time.
- Live-hang workers allegedly shackle birds that are dead on arrival (DOA) and visibly sick. Several dozen DOA birds were reportedly shackled on October 17 for slaughter.
- Chickens are left on parked trucks in the full sun for at least two hours before they're unloaded.
- Noname reportedly smokes marijuana in the plant bathroom with other employees, who allegedly drink and smoke tobacco on the line.

We are told that a plant supervisor named Nobody has seen much of the above but allows it to continue and that an assistant plant manager named Noone does not put a stop to "horseplay" that includes a game of throwing chicken heads at other workers. The complainant(s) stated that FSIS inspectors were never seen near the loading docks or live-hang area, where much of the above activity occurs.

As 21 USC 453(g)(5) defines poultry that have died by means other than slaughter as “adulterated”, any birds alleged to have died other than by slaughter should not be allowed to be introduced into USDA federally inspected slaughter facilities at any time. Pretend Poultry Plant slaughter operations and recordkeeping should demonstrate that no dead birds are introduced into the slaughter facility and also support that no such adulterated product derived from such dead birds entered commerce. Additionally, as the facility has been found to operate under a Systematic Approach of animal welfare for handling live poultry that arrive at the facility, by routine DVMO verification visits, the facility has routinely been encouraged by USDA-FSIS to adhere to the principles described in Federal Register Docket #04-037N for Poultry Good Commercial Practices and that it also meets or exceeds the National Chicken Council’s industry standards for disposition, through an industry and American Veterinary Medical Association (AVMA) approved methodology, of any culling or euthanasia of any live poultry on the regulated premises of the Pretend Poultry Plant establishment. The basis for these expectations is that the establishment has routinely proffered to USDA-FSIS-OFO personnel, including but not limited to the USDA-FSIS (PHVs), Frontline Supervisor (FLS), and District Veterinary Medical Officer (DVMO), that it operates under all of the aforementioned principles and guidelines.

Pre-Visit PHIS analysis

PHIS analysis of the 2016 year to date reveal no NRs associated with 9 CFR 381.65(b) and only one recent MOI related to loose live birds near the live hang area near lines 2&3. PHIS reports of DOAs are consistently under 0.2% and pose no cause for concern. For additional pre-investigative visit, I recommend additional “directed” GCP tasks performed by increasing the single documented task per day to 2 or 3 tasks completed until the Investigative team arrive to conduct the in-depth review of the mistreatment allegations. Preliminary assessment is there is no OFO history of mistreatment nor is there any indication of trending patterns of DOAs. There was one weekly MOI that addressed and increased numbers of broken wings from the field catching, but no additional follow-up. While there is little if any evidence of bird mistreatment, and in-depth review should be conducted on –site to verify the establishment is complying with the PPIA, regulations and its own policies for bird handling and sanitary operations. (See Figures 1, 2 & 3 on last page of Plan.)

Scope of the Investigation:

The investigation will cover:

(Note- As this Investigation Plan has been initiated by USDA-FSIS-OFO personnel, the Scope of said Investigation will expand to include officials of the USDA-FSIS- Office of Investigation, Enforcement, and Audit (USDA-FSIS-OIEA), or others as deemed necessary and appropriate.

- Interviews with NOORG Officials alleging said allegations and attempt to ascertain if there is/are any direct evidence to the alleged animal mistreatment, statements, affidavits, and/or video evidence to support the claims of said mistreatment. (OIEA)
- Conduct food safety investigation and GCP Assessment to determine whether adulterated product was introduced into the facility and/or food supply (commerce). (OFO)
- Investigate and determine if Pretend Poultry Plant has a recent history of USDA In Plant Personnel (IPP) observing direct bird mistreatment, consistent with the allegations. Obtain signed statements of those who state awareness and/or have direct evidence supporting evidence of ongoing mistreatment. (OFO & OIEA)

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- Request, review, and analyze any available video made by Pretend Poultry Plant, during the alleged time frame (if time frame is offered or determined) of said allegation and determine if such actions are captured on establishment cameras, as practicable. OFO & OIEA
- Request and review any third (3rd) party audits and/or any contracted off-site video surveillance of areas of alleged animal abuse, if available. OFO& OIEA
- Review any and all training documents of the live animal handling, Good Commercial Practices Procedures, procedures for type of training and for signatures and dates of relevant and identifiable employees confirming that they have had the training. Document if none exist as well. OFO
- Review any and all employee training documents of Pretend Poultry Plant for procedures for culling/euthanasia of birds found ineligible for slaughter and review any evidence of said delivery of training such as dates, initials, and/or signatures. Document if none exist as well. OFO& OIEA
- Request information from Pretend Poultry Plant Management as to any known acts of animal abuse on said premises. Can establishment confirm if any personnel have been disciplined or terminated for animal abuse of a related or similar nature? OFO & OIEA
- Request and conduct interviews with Plant Managers' Noone and Nobody and take signed statement of their awareness of the alleged events reported. OIEA
- Conduct interviews of live animal handling employees of Pretend Poultry Plant, seeking specific or direct awareness of the truthfulness of the alleged incident of bird mistreatment and take signed statements or document MOIs of all Pretend Poultry Plant personnel who state awareness and/or have direct evidence that report allegations are truthful, which may involve meeting with former employees as well as present employees, as practicable. OIEA
- Collect and review any and all USDA MOIs, NRs, Letters of Concern that have been issued to the Pretend Poultry Plant facility over the past twelve (12) months and determine if there is or was any trend or similar root cause event to the alleged animal mistreatment and whether such was documented FSIS records. OFO

Investigative Steps:

The OFO –OIEA team will initiate the following actions, analyzing and verifying all documents to determine the applicable process flow, as well as how animals and animal products move through that flow, in order to determine if those animals and animal products are identified, controlled and disposed of properly. The teams will prioritize their investigation concentrating on the following issues.

- Request interview with NOORG Officials to gather supportive evidence to support the claims made.
- At each arrival to Pretend Poultry Plant establishment, and as deemed appropriate, Investigative Team(s) will conduct Entrance/Exit Meetings with establishment management, where the scope of the investigation will be explained.
- Ante-Mortem and Post-Mortem tracing, control, and disposition observations.

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- Criteria and methodology for culling/euthanasia and employee decisional disposition training. (verification of Pretend Poultry Plant's SOP for adequate disposal/condemnation practices)
- Tracking of employee training and associated recordkeeping to support the immediately above; verification of Pretend Poultry Plant's SOP for adequate disposal/condemnation practices
- Good Commercial Practices employee training (live animal handling) at Pretend Poultry Plant.
- Tracking of all live animal area employee training with associated recordkeeping to support the immediately above; Good Commercial Practices employee training (live animal handling) at Pretend Poultry Plant

Investigative Techniques:

Review the following:

- NOORG complaint regarding alleged poultry mistreatment at Pretend Poultry Plant
- PHIS Profile and Verification History
- Contact the Specific District Office and obtain, if applicable, prior administrative actions as well as the Application for Federal Meat Poultry Inspection and Grant of Inspection.
- FSIS reviews documentation on file for this establishment to demonstrate if there is any supportive documentation of animal mistreatment trends of non-compliance.
- Training Procedures including disciplinary actions.
- Live Animal Handling and GCPs and related Procedures or SOPs.
- List of employees working in the area including terminated employees or employees who left voluntarily, as available.
- Condemnation Rate. (over previous 12 months)
- Culling/euthanasia SOP, Accepted Pretend Poultry Plant practices for such.
- Flow Chart.
- Review FSIS Directive 6100.3 (Antemortem, Postmortem, and GCP Guidance Directive)
- Review FSIS Form 6000-32 and Narrative for past 12 months for DVMO's report perspective.
- Collect and Review any Good Commercial Practices MOIs, NRs, and DVMO's Letters of Concern issued to the establishment within the past 12 months. Determine if there is any support or trend to support the alleged animal mistreatment.
- Interview Live Haul Truck Drivers (live bird delivery drivers)
- Review and collect any relevant Pretend Poultry Plant kill records.
- Review and collect any available APHIS VS Records, if applicable and practicable.
- Review and collect any GCP in-house Logs and related records.

Topics to address:

***Investigators should develop a list of questions for interviews to include but not limited to the topics are listed below.

- Frequency of loose birds on outside premises at back dock and dumping system.
- Transport Cage condition permitting birds to fall loose onto conveyor during the dumping process.

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- Frequency of Conveyor/ dumping system malfunction
- Frequency of live birds near the Dead on Arrival (DOA) vat/container.
- Employee training or inadequate training identified and documented that displays Pretend Poultry Plant's loose bird handling and disposition SOP(s) and associated supportive training records. To be gathered for each live animal handling area (General Premises, Holding Shed, Back Dock & Dumping System, DOA Vat Area, and Live Hang Areas, respectively).
- Pretend Poultry Plant poultry culling practice/plant procedure (i.e.-cervical disarticulation, decapitation, etc.)
- Pretend Poultry Plant's records of employee training and observations on this culling/euthanasia activity.
- Ascertain/Verify if there have been any other recent animal mistreatment allegations at Pretend Poultry Plant.
- Any other food safety violations
- Has Pretend Poultry Plant had any animal welfare enforcement actions or similar for food safety concerns of producing or allowing into commerce, adulterated product?

Interviews should include but not limited to:

- TO BE DECIDED (TBD) AND LISTED HEREIN BY INVESTIGATIVE TEAM.

Next Steps:

Reach out for investigative assistance, additional plan input, and/or additional guidance.

Assign Investigators.

Set Dates for Investigative activities.

Instruct USDA FSIS OFO personnel at each level to assemble all relevant records to Pretend Poultry Plant and specifically to this complaint.

Make attempts to ascertain from complainant if there are specific target dates for the alleged activities to allow capture of relevant security video footage that may be relevant to said complaint.

ADDITIONALLY-TBD

Resources:

CID Investigators:

Names and cell phone numbers of all personnel involved in the investigation should be provided to the OIG.

Investigative Liaisons:

Investigator Safety – TBD
 Public Health Concerns- TBD
 Food Security Issues – TBD
 General Liaisons – TBD

Figure # 1 PHIS – Cadaver report Est 000 Jan 2016 to date.

Shift 1 Young Chicken										
Slaughter Month/Year	Cadavers	DOA Number	AM Weight Condemned	Poultry Live Weight	Poultry Head Count	PM Dispositions	AM Dispositions	% of Cadavers Head Count*	% AM Weight Condemned**	% DOA of Head Count
1 / 2016	0	8,275	33,048	16,943,980	4,260,891	0	21	0.000%	0.195%	0.19%
2 / 2016	0	8,475	33,935	18,496,600	4,704,994	0	0	0.000%	0.183%	0.18%
3 / 2016	0	7,913	31,395	20,213,340	5,123,457	0	0	0.000%	0.155%	0.15%
4 / 2016	0	9,231	37,395	19,282,700	4,774,323	0	0	0.000%	0.194%	0.19%
5 / 2016	0	8,587	34,348	19,190,480	4,795,032	0	0	0.000%	0.179%	0.18%
6 / 2016	0	7,608	30,632	19,326,020	4,836,856	0	0	0.000%	0.159%	0.16%
7 / 2016	0	6,919	28,591	19,405,720	4,719,846	0	0	0.000%	0.147%	0.15%
8 / 2016	0	6,449	7,926	20,384,020	5,123,483	0	0	0.000%	0.039%	0.13%
9 / 2016	0	7,832	0	20,134,340	4,954,091	0	0	0.000%	0.000%	0.16%
10 / 2016	0	3,802	0	12,766,560	3,172,602	0	0	0.000%	0.000%	0.12%
Total:	0	75,091	237,270	186,143,760	46,465,575	0	21	0.000%	0.127%	0.16%

Total per Est.:	Cadavers: 0	DOA Number: 75,091	AM Condemned Weight 237,270	Poultry Live Weight: 186,143,760	Head Count: 46,465,575	PM Dispositions: 0	AM Dispositions 21	Percent of Cadavers: 0.000%	% AM Weight Condemned: 0.127%	% of DOA 0.162%
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Figure # 2 PHIS Est 000 Citations for 9 CFR 381.65(b)

Economic/Wholesomeness Tasks								
Regulation	Regulation Description	Routine Tasks: Number Verified	Routine Tasks: Number Non-Compliant	Directed Tasks: Number Verified	Directed Tasks: Number Non-Compliant	Total Non-Compliant Regulations	Total Number Tasks Verified	Non-Compliant Percentage of Verification Activity
381.65(b)	Good Commercial Practices For Poultry Slaughter	205	0	1	0	0	206	0.00%
Total:		205	0	1	0	0	206	0.00%

	Routine - Performed Compliant Regulations	Routine Tasks: Number Non-Compliant Regulations	Directed - Performed Compliant Regulations	Directed Tasks: Number Non-Compliant Regulations	Total Count of Reg Cited	Total Regulations Verified	Non-Compliant Percentage of Verification Activity
Grand Total:	205	0	1	0	0	206	0.00%

