UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	
	)	PPIA Docket No. 05 - 0002
House of Raeford Farms	)	
of Louisiana, L.L.C.,	)	
	)	
Respondent	)	AMENDED CONSENT DECISION
	)	AND ORDER
	)	
	)	

These proceedings were initiated pursuant to the Rules of Practice governing formal adjudicatory proceedings instituted by the Secretary under various statutes (7 C.F.R. § 1.130 et seq.) and the Supplemental Rules of Practice (9 C.F.R. § 500 et seq.) to withdraw inspection services from House of Raeford Farms of Louisiana, L.L.C., by the filing of an Amended Complaint for Withdrawal of Federal Poultry Inspection on March 31, 2005, by the Administrator of the Food Safety and Inspection Service (FSIS), United States Department of Agriculture (USDA), which is responsible for the administration of Federal meat and poultry inspection services. That complaint alleged that Respondent does not maintain sanitary conditions or operate in a manner sufficient to prevent the adulteration of poultry and poultry products, as required by Sections 7 and 18 of the Poultry Products Inspection Act (PPIA) (21 U.S.C. §§ 456 and 467) and the regulations promulgated thereunder (9 C.F.R. Parts 381, 416 and 417). The parties have now agreed that this proceeding should be terminated by entry of the Consent Decision and Order set forth below and have agreed to the following stipulations:

1. For the purpose of this Consent Decision only, Respondent admits all the jurisdictional allegations of the complaint, and waives:

a. Any further procedural steps;

b. Any requirement that the final decision in this proceeding contain any findings and conclusions with respect to all material issues of fact, law, or discretion, as well as the reasons or bases thereof; and

c. All rights to seek judicial review or to otherwise challenge or contest the validity of this decision.

2. This Consent Decision is for settlement in these proceedings only and does not otherwise constitute an admission or denial by Respondent that Respondents violated the regulations or statutes involved.

3. Respondent waives any action against the USDA under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 et seq.) for fees and other expenses incurred by the respondent in connection with this proceeding.

4. Respondent, its owners, officers, directors, partners, successors, assigns, and affiliates waive, in addition to the action waived in paragraph three above, any other action against USDA or its employees in connection with these proceedings.

5. Notwithstanding any of the foregoing, the Respondent reserves the right to raise any and all defenses to a withdrawal of inspection services pursuant to this Consent Order, including without limitation, any due process issues as a result of the Respondent's request for an expedited hearing and the lack of such hearing prior to entry of this Consent Order.

FINDING OF FACTS

1. The Respondent is now, and at all times material herein was, a corporation, organized and existing under the laws of the State of Louisiana, operating a poultry slaughter and processing operation at its establishment located at 3867 Second Street, Arcadia, Louisiana 71001. The Respondent also does business as Columbia Farms, Raeford Farms of Louisiana,

and House of Raeford, and has a business mailing address of House of Raeford Farms of Louisiana, P.O. Box 707, Arcadia, LA 71001.

2. The Respondent was granted federal inspection, pursuant to the Poultry Products Inspection Act (21 U.S.C. § 451 et seq.) (PPIA), since on or about September 25, 2000, at the above named establishment that was designated Official Establishment Number 19865-P.

3. On or about May 31, 2001, FSIS issued to Respondent a Notice of Intended Enforcement (NOIE), in accordance with Section 500.4 of Title 9 of the Code of Federal Regulations (9 CFR 500.4), based on the Respondent's failure to, *inter alia*, implement and maintain Sanitation Standard Operating Procedures (SSOP) and Hazard Analysis and Critical Control Point (HACCP) systems, as required by Section 7(a) of the PPIA (21 U.S.C. § 456(a)) and Parts 416 and 417 of Title 9 of the Code of Federal Regulations (9 C.F.R. Parts 416 and 417). The NOIE provided written notice to Respondent of proposed enforcement action and the opportunity to demonstrate or achieve compliance.

4. On or about June 5, 2001, the Respondent provided written responses to the NOIE, including its plans for corrective and preventive actions to reassess and reevaluate its HACCP and SSOP plans, and to change procedures for slaughter operations, operational sanitation procedures, and pre-operational sanitation protocol.

5. On or about June 6, 2001, FSIS held the decision to implement proposed enforcement action in abeyance, pending assessment and verification by FSIS personnel that the Respondent effectively implemented and executed its proposed corrective and preventive actions. The written notice advised the Respondent that failure to maintain regulatory compliance could result in the suspension of inspected operations.

6. On or about July 31, 2001, FSIS verbally notified and issued a written Notice of Suspension to Respondent, in accordance with Section 500.4 of Title 9 of the Code of Federal Regulations (9 CFR § 500.4), suspending inspected operations at the establishment, based on,

inter alia, Respondent's failure to effectively implement corrective actions, and failure to maintain effective SSOP and HACCP systems.

7. On or about August 1 and 2, 2001, the Respondent provided written responses to the Notice of Suspension, including its plans for corrective and preventive actions.

8. On or about August 2, 2001, based upon Respondent's assurances, FSIS placed the suspension action in abeyance, in accordance with Section 500.5(e) of the Code of Federal Regulations (9 C.F.R. § 500.5(e)), enabling the plant to resume operations based on its stated dedication to perform corrective actions. The written notice advised the Respondent that failure to effectively implement and execute its proposed actions and maintain regulatory compliance could result in the suspension of inspected operations.

9. On or about December 14, 2001, FSIS issued to Respondent written Notice of Reinstatement of Suspension, in accordance with Section 500.4 of Title 9 of the Code of Federal Regulations (9 CFR § 500.4), suspending inspected operations at the establishment. The reinstatement of inspection was based upon review of the Respondent's operations since July, 2001 and the finding that, *inter alia*, the Respondent failed to effectively implement corrective actions, failed to maintain effective SSOP and HACCP systems, failed to collect and analyze samples and record results for *Escherichia coli* (*E.coli*) Biotype I as required by Section 381.94(a) of Title 9 of the Code of Federal Regulations (9 C.F.R. § 381.94(b)), failed to prevent insanitary conditions or contamination of product or product contact surfaces.

10. On or about December 17, 19, and 20, 2001, the Respondent provided written responses to the Notice of Reinstatement of Suspension, including corrective and preventive actions.

11. On or about December 21, 2001, FSIS placed the suspension action in abeyance, in accordance with Section 500.5(e) of the Code of Federal Regulations (9 C.F.R. § 500.5(e)), enabling the plant to resume operations based on its stated dedication to perform corrective actions. The written notice advised the Respondent that failure to effectively implement and

execute its proposed actions and maintain regulatory compliance could result in the suspension of inspected operations.

12. On or about February 21, 2002, FSIS issued to Respondent additional written notice advising that FSIS assessment and verification showed, *inter alia*, concerns with the design and execution of the Respondent's required SSOP and HACCP systems. The notice provided the Respondent with the opportunity to demonstrate or achieve compliance.

13. On or about August 13, 2002, FSIS issued to Respondent a Letter of Warning, closing the suspension action previously held in abeyance when additional FSIS assessment and verification activities showed that the Respondent had implemented its revised HACCP, SSOP and *E.coli* testing programs and other corrective actions. The written notices reminded the Respondent of the serious nature of the violations, that compliance was required, and that future failure to comply could result in enforcement action.

14. On or about May 19, 2004, FSIS issued to Respondent a Notice of Intended Enforcement (NOIE), in accordance with Section 500.4 of Title 9 of the Code of Federal Regulations (9 CFR 500.4), based on the Respondent's continual failure to, *inter alia*, maintain sanitary conditions, prevent product contamination, and maintain SSOP and HACCP systems, as required by Section 7(a) of the PPIA (21 U.S.C. § 456(a)) and Parts 416 and 417 of Title 9 of the Code of Federal Regulations (9 C.F.R. Parts 416 and 417). The NOIE provided written notice to Respondent of proposed enforcement action and the opportunity to demonstrate or achieve compliance.

15. On or about May 21, May 27, and May 28, and June 1, 2004, the Respondent provided written responses to the NOIE, including corrective and preventive actions.

16. On or about June 3, 2004, FSIS issued to Respondent a Notice of Deferral, which deferred further enforcement pending assessment and verification by FSIS personnel that the Respondent had effectively implemented and executed its proposed corrective and preventive actions.

17. On or about July 9, 2004, FSIS issued to Respondent written notice advising that FSIS assessment and verification showed, *inter alia*, concerns with the establishment's execution of its corrective actions and continued noncompliance with the SPS and SSOP regulations.

18. On or about August 31, 2004, FSIS issued to Respondent additional written notice advising that FSIS assessment and verification showed, *inter alia*, ongoing and additional concerns with the establishment's execution of its corrective actions and continued noncompliance with the SPS and SSOP regulations, including condensation, continual roof leaks, entry of insects into the establishment and failure to control employee hygiene and product handling practices. The written notice advised the Respondent that failure to maintain regulatory compliance could result in the suspension of inspected operations or other enforcement actions.

19. On or about March 28, 2005, Respondent received a Notice of Suspension (NOS) informing Respondent that Federal Poultry Inspection services were suspended based on Respondent's failure to comply with the regulatory requirements of 9 C.F.R. Part 416 for Sanitation Performance Standards (SPS) and Sanitation Standard Operating Procedures (SSOP) and 9 C.F.R. Part 417 for Hazard Analysis Critical Control Point (HACCP).

20. On or about March 31, 2005, Complainant filed an Amended Complaint for Withdrawal of Federal Poultry Inspection, alleging that respondent does not maintain sanitary conditions or operate in a manner sufficient to prevent the adulteration of poultry and poultry parts, as required by Sections 7 and 18 of the PPIA, and the regulations promulgated thereunder.

21. On or about April 4, 2005, the Respondent mailed its Answer and Motion for Expedited Hearing. On or about April 8, 2005, Complainant's counsel received Respondent's Answer and Motion for Expedited Hearing.

22. On or about April 8, 2005, Representatives of the Respondent sent written proposals and met with FSIS representatives in Washington, D.C. Representatives of the Respondent met with FSIS representatives in Springdale, Arkansas during the week of April 11 and sent

numerous written proposals and participated on numerous conference calls thereafter to achieve the agreement reflected in this Consent Decision and Order.

ORDER

Inspection services under the PPIA for establishment 19865-P are withdrawn from Respondent, House of Raeford Farms of Louisiana, LLC, its owners, officers, directors, successors, affiliates, and assigns, directly or through any corporate device, for a period of THIRTY (30) months, beginning on May 4, 2005. The withdrawal of inspection shall be held in abeyance and inspection service provided to Respondent pursuant to a conditional grant of inspection for so long as, in addition to all other requirements of inspection, the additional conditions set forth herein below are met.

I.

Federally Inspected Facility

1. The conditional grant of inspection provided to Respondent pursuant to this Order shall be limited to facility operations within the written designated boundaries of the official establishment, and based upon the closure of the designated shut-down premise, facility, building, or areas, as identified in Respondent's amended document, titled "Designated Boundaries of Establishment 19865-P", dated May 2, 2005 and amended on December 5, 2005. Respondent shall only conduct operations requiring federal inspection within the boundaries of the official establishment as identified in Respondent's amended document, titled "Designated Boundaries of Establishment 19865-P", dated May 2, 2005 and amended on December 5, 2005.

2. Prior to and upon the resumption of operations, and subject to verification by FSIS program personnel, Respondent shall:

a. create a physical boundary for the separation of the written designated boundaries of the official establishment requiring federal inspection, from any and all other designated shut-down premise, facility, building, or area, as identified in Respondent's amended document, titled "Designated Shutdown Areas of 19865-P," dated May 2, 2005 and amended on December 5, 2005;

b. ensure that any doorways, windows, hallways, or other openings between the designated shut-down premise, facility, building, or area, and the written designated boundaries of the official establishment requiring federal inspection area, are fully and completely sealed; and

c. ensure that any repairs, construction, non-inspected operations, or any other activities in any designated shut-down premise, facility, building, or area, do not cause insanitary conditions in the official establishment.

3. Respondent shall immediately cease any and all federally inspected slaughter, processing, or other operations, if at any time after the resumption of operations, any of the conditions in paragraph 2 of this Section are not met.

II.

Food Safety Control Systems and Corrective Actions

1. Prior to the resumption of operations, and subject to verification by FSIS program personnel, Respondent shall:

a. reevaluate and revise its Sanitation Standard Operating Procedures (hereinafter, "SSOP") program to describe the procedures and monitoring activities the Respondent will

conduct, implement and maintain, on a daily and on-going basis, before, during and after operations, in accordance with 9 C.F.R. Part 416, to ensure sanitary conditions and prevent product contamination and/or adulteration. Respondent shall provide, prior to the resumption of inspection services, a copy of its SSOP to FSIS.

b. address specific procedures within its SSOP, including but not limited to, the following: (i) product handling guidelines; (ii) employee hygiene practices to prevent cross contamination; (iii) hand wash station guidelines; (iv) condensation control in the facility through an adequate ventilation system in accordance with 9 C.F.R. 416.2(d); (v) monitoring procedures for the "Plant SSOP Monitor", including the designated areas and frequency of SSOP procedures to be monitored; (vi) monitoring procedures for the "Alternate - Plant SSOP Monitor", including designated areas and frequency of SSOP procedures to be monitored; and, (vii) procedures for "condensation wipers" included in the SSOP Condensation Control Guidelines to monitor the accumulation of condensation throughout the facility, for the removal of condensation in a sanitary manner, and for documenting the condensation observed and wiped.

2. Prior to the resumption of operations, and subject to verification by FSIS program personnel, Respondent shall:

a. reassess and revise its Hazard Analysis and Critical Control Point (hereinafter, "HACCP") system to describe the process control systems and procedures Respondent will conduct, implement and maintain, on a daily and on-going basis, in accordance with 9 C.F.R. Part 417, to control and prevent the introduction of food safety hazards in processed products. Respondent shall provide, prior to the resumption of inspection services, a copy of its HACCP system to FSIS.

b. address specific process controls and procedures within its HACCP, including, but not limited to the following:

(i) address biological, chemical, and physical food safety hazards reasonably likely to occur at each process step in the production process;
(ii) identify *Salmonella* bacteria as a food safety hazard, and identify *Salmonella* as a food safety hazard that is reasonably likely to occur in the production process;
(iii) each critical control point in the production process shall provide measures to prevent, eliminate, or reduce to an acceptable level, biological, chemical or physical hazards;
(iv) assess the process steps "Scalder" and "Red Water Chiller" and conduct a hazard analysis for biological, chemical and physical hazards relating to the reuse/recirculation of water, and determine whether the reuse/recirculation of water affects the hazards, and whether additional measures are necessary to ensures that the product is not adulterated or contaminated;
(v) assess the process steps in the hazard analysis for "reprocessed birds" that are reconditioned offline using 20 – 50 ppm of chlorine rinse, and do not receive antimicrobial intervention "Cecure" treatment, which has been determined as a critical control point to prevent, eliminate, reduce to an acceptable level of pathogens, and provide supporting and decision documents;
(vi) identify in the HACCP plan all reprocessed parts as condemned, that are unable to receive the antimicrobial intervention "Cecure" treatment, unless otherwise appropriately validated measures are established, subject to verification by FSIS personnel;
(vii) address the process steps in the hazard analysis and include preventive measures or controls, where employee hygiene/practices, faulty equipment, and sanitary dressing procedures have created insanitary conditions and product contamination at those process steps;
(viii) assess the multiple interventions in the production process that are used to control food safety hazards and determine their capabilities to ensure that pathogens of concern are actually being prevented, eliminated or reduced to an acceptable level, and validate the food safety system in accordance with 9 CFR 417.4(a), to ensure that these interventions and HACCP plan are effective in producing safe and wholesome products; and

(ix) provide supporting and decision making documentation for the hazard analysis and HACCP plan, and validation protocols, including all parameters used in the validation protocols, and data to support the food safety system.

3. Prior to the resumption of operations, and subject to verification by FSIS program personnel, Respondent shall;

a. establish additional written control measures, consistent with FSIS regulations to ensure effective and continuing compliance with FSIS statutory and regulatory requirements;

b. include within the written control measures, at a minimum, written procedures to ensure sanitary conditions and compliance with the Sanitation Performance Standard (SPS) regulations (9 CFR 416.1 to 416.6) as referenced in Section IV of this Order;

c. provide, prior to the resumption of inspection services, a copy of these written control measures to FSIS.

4. Prior to the resumption of operations, and subject to verification by FSIS program personnel, Respondent shall implement and complete the facility repairs and improvements, corrective and preventive actions, and/or other action items specified in Respondent's document titled, "Facility Repairs and Improvements, Corrective and Preventative Actions Prior to Resumption of Operations," dated May 2, 2005. Respondent shall provide, prior to the resumption of inspection services, a copy of the documentation regarding the completion of these actions to FSIS.

5. Prior to the resumption of operations, and subject to verification by FSIS program personnel, Respondent shall demonstrate compliance with FSIS statutory and regulatory requirements, including, but not limited to, 9 CFR Parts 416 and 417, upon a review and examination of Respondent's (a) written SPS procedures, SSOP, HACCP plan, and other written sanitation or process controls, corrective actions or preventive actions, and (b) the physical and sanitary conditions of the establishment.

6. Upon the resumption of operations, Respondent shall:

a. provide a written Planned Improvement Program (PIP) as reference in Section IV of this Order, within fifteen (15) days from the effective date of this Order, to ensure the facility is maintained in a sanitary manner and in compliance with the SPS regulations.

b. implement and complete, subject to verification by FSIS program personnel, the additional facility repairs, improvements and/or other action items specified in Respondent's document titled, "Additional Facility Repairs, Improvements and Other Actions Upon the Resumption of Operations" dated May 2, 2005;

c. ensure, at all times, the maintenance of sanitary premises, facilities and equipment, and that any repairs, improvements, construction or other activities do not cause insanitary conditions;

d. immediately cease any and all federally inspected slaughter, processing, or other operations, if at any time, any repairs, improvements, construction or other activities cause insanitary conditions;

e. provide a copy of the documentation regarding the completion of these additional repairs or improvements to FSIS for review and/or copying within twenty-four (24) hours of such request by FSIS.

III.

Environmental Engineering Assessment

1. Prior to the resumption of operations, Respondent shall:

a. contract for an environmental engineering survey to assess the establishment's premises, facility, airflow, ventilation system, design, and other factors to ensure that slaughter, processing and other operations are conducted in a sanitary manner, in compliance with statutory and regulatory requirements, to eliminate or reduce condensation as needed to ensure regulatory compliance, and to support any physical repairs or improvements to the facility.

b. make the environmental engineering survey, assessment and report available to FSIS for review and/or copying within twenty-four (24) hours of such request by FSIS;

c. implement and complete the repairs, improvements and/or adjustments relevant, considering the effects of the temporary shutdown area recommended by the environmental survey and assessment report to ensure sanitary slaughter and processing operations and the elimination or control of condensation throughout the facility;

d. submit a time-line for completion of any facility or equipment repairs, improvements, adjustments or other actions recommended by the environmental engineer, which are in addition to or different than the physical repairs and improvements otherwise required by Section II of this Order.

2. Respondent shall contract for ongoing environmental engineering surveys and/or assessments of the establishment's premises, facility, airflow, ventilation system, design, and other factors to ensure that slaughter, processing and other operations are conducted in a sanitary manner, in compliance with statutory and regulatory requirements, to eliminate or reduce condensation as needed to ensure regulatory compliance, and to support any physical repairs or improvements to the facility.

3. Respondent shall implement such actions as recommended by the environmental engineer.

4. Said ongoing environmental engineering surveys and/or assessments shall be conducted at least semi-annually beginning within six (6) months from the effective date of the Order.

5. Respondent shall make said environmental engineering surveys and/or assessments available to FSIS for review and/or copying within twenty-four (24) hours of such request by FSIS.

IV.

Sanitation Performance Standards

1. Respondent shall operate and maintain its establishment, including its premises, facilities, equipment and outside premises, in a manner sufficient to prevent the creation of insanitary conditions and practices, comply with the requirements of the sanitation performance standard (SPS) regulations (9 CFR 416.1 to 416.6), and ensure that poultry products prepared, stored and packed are not contaminated or adulterated.

2. Respondent shall develop, implement and maintain, as required in Section II of this Order, written SPS procedures it will implement on a daily and ongoing basis to ensure sanitary conditions, compliance with SPS requirements, and maintenance of its premises, facility, equipment and outside premises in a sanitary manner. Said written SPS procedures shall include monitoring, corrective actions, preventive measures, and record-keeping components

3. Respondent shall document and maintain records regarding the daily monitoring and implementation of its written SPS procedures, and of corrective actions.

4. Respondent shall routinely assess its written SPS program to evaluate its effectiveness and make necessary improvements to the program or to the establishment premises, facility or equipment.

5. Respondent shall make all records regarding the implementation and monitoring of its written SPS and of corrective actions available to FSIS for review and/or copying within twenty-four (24) hours of such request by FSIS.

6. Respondent's written SPS procedures, as required in paragraph 2 - 5 of this Section, shall, at a minimum, include;

a. daily procedures for the monitoring of facility ceiling leaks;

b. appropriate facility repair to eliminate found ceiling leaks;

c. if leaks are found, the cessation of production operations within the affected areas until corrective actions are taken; the corrective actions taken to restore sanitary conditions; and documented findings and corrective actions which are to be made available to FSIS for review and/or copying within twenty-four (24) hours of such request by FSIS;

d. procedures for the detection and prevention of roof areas vulnerable to future leaks, and procedures to prevent product and product contact surface adulteration in the event of future roof leaks;

e. ongoing assessment and inspection of the roof structure and vulnerability, conducted at least quarterly, beginning within three (3) months from the effective date of the Order; and,

f. preventive measures to ensure the roof meets the regulatory standards and does not cause insanitary conditions or product adulteration.

7. Within fifteen (15) days of this Order, Respondent shall develop, and within thirty (30) days of this Order, Respondent shall implement and maintain, a written "plant improvement procedures" (PIP), as referenced in Section II of this Order, to ensure its premises, facility and

equipment is maintained and operated in a sanitary manner and in compliance with the SPS requirements.

a. Respondent's written PIP procedures shall include: (i) procedures to monitor the structural and mechanical conditions of the facility and equipment, (ii) procedures for monitoring frequency, for identification and recording of necessary repairs and/or improvements, (iii) procedures for immediate corrective actions, (iv) procedures for preventive actions, (v) procedures for record-keeping, (vi) procedures for stopping of production activities involving faulty equipment and in areas of inadequate facility structures, and; (vii) procedures for notification to FSIS.

b. Respondent shall monitor these procedures as outlined in the PIP program and implement necessary and appropriate repairs and improvements.

c. Respondent shall document and maintain records of such monitoring and implementation of its PIP procedures and of any repairs or improvements.

d. Respondent shall make these records available to FSIS for review and/or copying within twenty-four hours of such request by FSIS.

V.

Sanitation Standard Operating Procedures

1. Respondent shall implement and maintain its SSOP system in accordance with regulatory requirements, 9 CFR 416.11 to 416.16.

2. Respondent shall implement corrective and preventive actions, as required by 9 CFR 416.15, and routinely evaluate the effectiveness of its SSOP and implement necessary modifications, as required by 9 CFR 416.14, as necessary to ensure that regulatory requirements for the maintenance of sanitary conditions and the production and distribution of safe, wholesome, not adulterated and properly labeled products in commerce are met.

3. Respondent, as part of daily operation of its SSOP;

a. shall implement and maintain written sanitation procedures to control condensation in the facility to prevent product adulteration, contamination of direct product contact surfaces and equipment, and the creation of insanitary conditions.

b. Upon identification, either by the establishment or FSIS personnel, of formed condensate that may contaminate product or product contact surfaces, Respondent shall

implement and document immediate and effective corrective actions that meet the requirements of 9 CFR Part 416.

c. Corrective actions shall, at a minimum, include actions to: (i) stop operations in the affected area due to dripping condensation or accumulation of condensation in the facility for instances involving product and product contact surfaces of equipment; (ii) ensure appropriate disposition of product; (iii) identify the cause of, eliminate and control the sanitation failure; (iv) restore sanitary conditions; (v) provide and implement measures to prevent recurrence; and (vi) reevaluate and, if appropriate, modify, the SSOP, consistent with 9 CFR 416.15.

4. Respondent shall routinely evaluate the effectiveness of its SSOP and the procedures to prevent product contamination or adulteration, and revise both as necessary to keep effective and current, as required by 9 CFR 416.14.

5. Respondent shall, as part of daily operation of its SSOP, review establishment SSOP records and FSIS SSOP noncompliance records and determine if the establishment's SSOP plan and procedures are effective and/or whether modifications to the establishment SSOP are required.

6. Respondent shall document and maintain any decision making documents regarding SSOP evaluation and review, and make such records available to FSIS for review and/or copying within twenty-four (24) hours of such request by FSIS.

7. Respondent shall document and maintain full, complete, and accurate written records regarding the implementation and monitoring of the SSOP procedures, in compliance with 9 CFR Part 416. (b) Respondent shall make such records available to FSIS for review and/or copying within twenty-four (24) hours of such request by FSIS.

VI.

Hazard Analysis and Critical Control Point

1. Respondent shall implement, validate, and maintain a Hazard Analysis and Critical Control Points (HACCP) system in accordance with 9 CFR Part 417. Respondent shall include in its HACCP system the process controls and procedures Respondent will implement and maintain on a daily and ongoing basis, as required by 9 CFR Part 417, which shall include the procedures identified in Section II, paragraph 2 of this Order.

2. Respondent shall implement timely and appropriate corrective and preventive actions, in accordance with 9 CFR 417.3, and reassess and modify its HACCP system as necessary to

ensure that the regulatory requirements for control and prevention of pathogens, and the production and distribution of wholesome, not adulterated and properly labeled products in commerce are met, as required by 9 CFR Part 417.

3. Respondent shall conduct ongoing assessment, validation and testing of the adequacy of the critical control points, critical limits, monitoring and record-keeping procedures, and corrective actions set forth in the HACCP plan to ensure that the establishment's food safety systems remain validated over time, as required by and consistent with 9 CFR Part 417.

4. Respondent shall modify its HACCP plan, subject to verification by FSIS program personnel, whenever appropriate or required by regulation 9 CFR Part 417.

5. Respondent shall document and maintain full, complete and accurate written records regarding the implementation and monitoring of its HACCP system(s), and corrective and preventive actions, in accordance with 9 CFR Part 417.

6. Respondent shall make all plant and regulatory record(s) relative to its HACCP system(s), including supporting information and data for its hazard analysis, reassessment, validation, or other decision making documents, available to FSIS personnel for review and/or copying within twenty-four (24) hours of such request by FSIS.

VII.

"Cecure" Antimicrobial Intervention Validation

1. Respondent shall, within a minimum of ninety (90) days, require a third party to; (a) conduct the Cecure antimicrobial intervention evaluation and validation, as particular to its establishment operations; (b) evaluate and validate the Cecure antimicrobial intervention critical control point for pre-chill poultry to ensure the prevention, elimination, or reduction to an acceptable level of *Salmonella* and/or other microorganisms of concern for the production of safe and wholesome products; and (c) such evaluation and validation shall include analysis and comparison of the microbiological effectiveness of the Cecure treatment applied under continuous on-line processing to the effectiveness of off-line reprocessing.

2. Respondent shall require a third party to conduct sampling procedures and analysis of data according to its protocol "Evaluation of Cecure for Use of Continuous On-Line Processing of Pre-Chill Poultry Carcasses," prepared by the Safe Foods Corporation on February 11, 2005.

3. Respondent shall perform sampling of poultry carcasses and analyze the test results to determine the adequacy and functional capabilities of the Cecure antimicrobial intervention in the reduction of bacterial contaminates on the poultry carcasses.

4. Respondent shall document and maintain the data collected for its HACCP validation and verification, test results, supporting documents and records, and provide such documents to FSIS for review and/or copying within twenty-four (24) hours of such request by FSIS.

VIII.

HACCP Validation Procedure

1. Prior to the resumption of operations, Respondent shall develop a HACCP Validation Procedure that uses a specific statistical model and includes all parameters for the establishment equipment and process to validate the interventions used in the poultry process, and to determine the microbiological load and the amount of microbiological contamination on the poultry carcasses, and the effects that the process and interventions have on preventing, eliminating or reducing to an acceptable level, the bacterial contaminate load through the process, and including, but not limited to:

a. perform sampling at various sites/steps of the process and at the established frequencies according to the in-plant HACCP validation procedure, and analyze test result data comparing the various sites/steps to determine the prevention, elimination or reduction to an acceptable level, the microbial load on the poultry carcasses;

b. analysis used to determine the prevalence of *Salmonella*, shall be a laboratory approved method by the Association of Official Analytic Chemists International validated techniques, or other validated scientific supportable testing protocol;

c. a criteria that will give an action level at which the microbial contaminate load is not acceptable. Based on the action level, corrective actions will be taken and adjustments will be made to the production process, hazard analysis, and HACCP plan to ensure the prevention, elimination or reduction to an acceptable level, of bacterial contaminates;

d. ongoing verification sampling and product testing to demonstrate the effectiveness of the food safety system in controlling hazards; and,

e. document the data collected for validation and verification, maintain records, and provide the records to FSIS for review and/or copying within twenty-four (24) hours of such request by FSIS.

2. Respondent shall, upon resumption of operations, implement and maintain its HACCP validation procedures, as set forth in Respondent's document, titled "Proposal for verification of efficacy of intervention strategies for meeting the Hazard Analysis and Critical Control Point (HACCP) program at the House of Raeford Farms of Louisiana, L.L.C. Processing Plant in Arcadia Louisiana" dated May 2, 2005, for each of the interventions used in the poultry processing operation to ensure each intervention prevents, eliminates, or reduces to an acceptable level, *Salmonella* and microorganisms of concern.

3. Respondent shall document and maintain data collected for its HACCP validation and verification, test results, supporting documents, and records, and provide such documents to FSIS for review and/or coping within twenty-four (24) hours of such request by FSIS.

IX.

Post-chill *Salmonella* Verification Testing

1. Respondent shall develop a written, science-based control program to verify the effectiveness of its production process, and food safety and sanitation control systems in preventing, eliminating, or reducing to an acceptable level, pathogenic bacteria.

2. Respondent's science-based program shall, at a minimum, include;

a. sampling and testing for *Salmonella* in the poultry production.

b. a description of the written procedures, sampling methodology, equipment and process parameters, frequency, and analysis of test results. The sampling methodology and

analysis used to determine the incidence of *Salmonella* shall be a laboratory approved method by the Association of Official Analytic Chemists International validated techniques, or other validated scientific supportable testing protocol;

c. development of a base line for a performance target for determining the prevalence of *Salmonella*, and an action level at which the microbial contaminate load of *Salmonella* is not acceptable;

d. corrective actions the establishment will take for failure to meet its established performance target, which shall include adjustments to the production process, hazard analysis, and HACCP plan to ensure the prevention, elimination, or reduction to an acceptable level of bacterial contaminates; and

e. record-keeping procedures to document and maintain sampling data, test results, records, and other data collected as part of the sampling and testing procedures.

3. Respondent shall, upon resumption of operations, implement and maintain its post-chill *Salmonella* verification testing program to ensure the production of safe and wholesome poultry products and does not exceed its established performance target.

4. Respondent shall document and maintain data collected for verification, test results, supporting documents and records, and provide to FSIS for review and/or copying within twenty-four (24) hours of such request by FSIS.

X.

Training and Education

1. Respondent shall, prior to the resumption of operations, train and educate current employees in food safety measures and regulatory requirements, including the establishment's written SPS, SSOP, and HACCP procedures relevant to each employee's position.

2. All employees, at a minimum, shall be trained and educated in job relevant FSIS statutory and regulatory requirements, record-keeping procedures, good manufacturing practices, basic food safety and HACCP principals, and sanitation performance standard (SPS) requirements.

3. Employees responsible for sanitation also shall be trained in plant SSOP procedures and the SSOP regulations.

4. Employees responsible for HACCP monitoring, verification, record-keeping or other HACCP procedures shall be trained in plant HACCP procedures and HACCP regulatory requirements.

5. Employees responsible for sampling and testing or other aspects of the *Salmonella* control programs, whether required by the establishment's policies or FSIS regulations, shall be trained in appropriate testing program, sampling procedures and methods, and FSIS pathogen testing and sampling requirements and methodologies.

6. Establishment management and personnel responsible for SPS, SSOP and HACCP procedures shall be trained in food safety and sanitation issues relative to contamination from condensate and in monitoring, verification and corrective action procedures to prevent contamination of product contact surfaces and product adulteration from condensate.

7. Respondent shall record and maintain records regarding the completion of the training for the duration of the Order.

8. Respondent shall make the training and education materials, training records, test results, and other materials or documents available to FSIS personnel for review and/or copying within twenty-four (24) hours of such request by FSIS.

9. Within sixty (60) days from the effective date of this Order, Respondent shall develop and implement an educational, training or awareness program to ensure all managerial

employees have information regarding the terms and conditions of this Order. Respondent shall document compliance with this requirement and make such records available to FSIS for review and/or copying within twenty-four (24) hours of such request by FSIS.

10. Respondent shall train and educate any new employee(s), consistent with the requirements of paragraphs 1 and 2 of this section, within fifteen (15) working days of employment and make records of the training available to FSIS for review and/or copying within twenty-four (24) hours of such request by FSIS.

11. Respondent shall implement a mentoring system for all new employees, in accordance with Respondent's document, titled "Establishment 19865-P Mentor System" dated May 2, 2005, in order to enhance employee training and orientation. The program shall, at a minimum, (a) include a two week employee-buddy mentoring period; (b) establishment mentors (i.e., "buddies") shall be trained in all aspects of sanitation and food safety, company policy, GMPs, SSOP procedures, and safety training, and be selected by the company in accordance with Respondent's document, titled "Establishment 19865-P Mentor System" dated May 2, 2005; (c) establishment mentors and the immediate supervisor of new employees will make a written record of the mentoring and progress evaluation for new employees; and (d) Respondent shall make the training, test results, and education materials regarding the mentoring system available to FSIS personnel for review and/or copying within twenty-four (24) hours of such request by FSIS.

12. Respondent shall conduct ongoing training and education of its employees, current and new, consistent with the requirements of paragraphs 1-2 of this section on at least an annual basis, as described in Respondent's document, titled "Ongoing Employee Training" dated May 2, 2005, and Respondent shall make a record of the completion of such training, and make the records available to FSIS for review and/or copying within twenty-four (24) hours of such request by FSIS.

13. Respondent shall conduct ongoing evaluation of the effectiveness of its employee training, including by performing a trend analysis of the Respondent's "Sanitary Operations Checklist" and develop an action level for corrective actions needed for unacceptable results due to employee work performance, and Respondent shall document and maintain training evaluation records, and make such records available to FSIS for review and/or copying within twenty-four (24) hours of such request by FSIS.

14. Respondent shall adhere to its employee training, orientation and disciplinary processes, as stated in Respondent's document, titled "Employee Training, Orientation and Disciplinary Processes" dated May 2, 2005, in order to ensure the effectiveness of its orientation and training programs, and Respondent shall record and maintain records regarding this aspect of its training program, and make such records available to FSIS for review and/or copying within twenty-four (24) hours of such request by FSIS.

15. Respondent, prior to resumption of inspection services, (a) shall name in writing, with the concurrence of the Director, Evaluation and Enforcement Division (Director EED), the individual(s) responsible for the training and education of current and new employees required by this section. (b) The designated individual(s) shall have completed a course of instruction in the application of HACCP principles that complies with 9 CFR 417.7. (c) Respondent shall provide documentation that said individual(s) has completed the required HACCP certification, and make such documents available to FSIS for review and/or copying within twenty-four (24) hours of such request by FSIS. (d) Respondent may change the responsible trainers upon written notice to Director EED, provided said trainers meet the requirements of 9 CFR 417.7.

XI.

Establishment Management and Personnel

1. (a) Prior to the resumption of inspection services, Respondent shall designate, subject to the concurrence of the FSIS Springdale District Manager, one full-time person and at least two

alternates per shift responsible for overall implementation, coordination, monitoring, verification, validation, reassessment, record-keeping, review and maintenance of the establishment's SSOP, HACCP, and SPS food safety systems and the requirements of the Order. (b) Said designee(s) shall have full and independent authority to stop operations, make decisions concerning product disposition, address FSIS program personnel, answer noncompliance records (NRs), appeal inspection findings, approve product labeling, make HACCP and SSOP verification decisions, and make other daily and immediate operations and product decisions. (c) At a minimum, one such designee shall be available to FSIS program personnel whenever slaughter, processing or other inspected operations are being conducted. (d) Respondent may not conduct operations requiring inspection in the absence of said designee(s).

2. The designated employee(s) identified in paragraph 1 of this section shall have completed, prior to the resumption of inspection service, a course of instruction in the application of HACCP that complies fully with the requirements of 9 CFR 417.7.

3. (a) Respondent shall, prior to the resumption of inspection services, provide the FSIS Springdale District Manager with written documentation of the designation of the responsible official(s) required under paragraph 1 of this section. (b) Any change to said designated officials shall be made in writing to the agency.

4. Respondent shall employ "Plant SSOP Monitors" that will have the responsibility of monitoring the plant areas for compliance with Respondent's GMP and SSOP procedures, as required by Respondent's document, titled "Plant SSOP Monitor Program" dated May 2, 2005. The establishment plant SSOP monitor program shall, at a minimum, include one monitor per designated SSOP zone per production shift, and one alternate on each production shift.

5. Respondent shall maintain documentation of compliance with paragraphs 1 - 4 of this section for the duration of this Order and make such records available to FSIS personnel for review and/or copying within twenty-four (24) hours of such request by FSIS.

XII.

Audit and/or Assessment

1. (a) Respondent shall, upon resumption of operations, implement a facilities audit program, as specified in Respondent's document, titled "Facilities Audit Program" dated May 2, 2005, to verify ongoing compliance with the SPS regulations and the effectiveness of the establishment's written SPS, SSOP and other programs to ensure sanitary premises, facilities,

equipment and operations and the production of a safe, wholesome, and quality products that enter commerce. (b) Said facilities audit program shall, at a minimum, include: (i) the audit shall be performed in-plant and outside premises to identify GMP, SSOP, and PIP deficiencies or any needed repair of the facility and its grounds; (ii) the audit shall be performed a minimum of twice per month; (iii) the audit results shall be documented by the establishment; (iv) any deficiency that is documented by the Respondent shall require a written corrective action to address the deficiency; and, (v) all records pertaining to the audit, including corrective actions, shall be maintained by the Respondent, and made available to FSIS for review and/or copying within twenty-four (24) hours of such request by FSIS.

2. (a) Respondent shall, upon resumption of operations, cause to be made, by a qualified, independent third party, written audits of Respondent's (i) implementation, monitoring and maintenance of its PIP, SPS, SSOP, HACCP and other process control programs; (ii) the effectiveness of its PIP, SPS, SSOP, HACCP, and other process control programs to ensure sanitary conditions and food safety; (iii) compliance with FSIS statutory and regulatory requirements; and, (iv) compliance with the terms of this Order.

(b) The written audits required by this paragraph shall include a report of findings and recommendations, if any, of the independent third party.

(c) The first audit shall be conducted within sixty (60) days from the effective date of this Order.

(d) Thereafter, additional audits shall be conducted at each one-hundred and eighty (180) day interval.

(e) Respondent shall prepare, for each audit conducted, a written response to the third party's findings and recommendations.

(f) Respondent's written response shall identify: (i) any modifications to its PIP, SPS, SSOP, HACCP or other process control programs; (ii) any corrective actions implemented; (iii) any other actions implemented or planned in response; and (iv) supportable information for any decision by Respondent to not implement any recommendation of the third party.

(g) Respondent shall make a copy of each third party audit and a copy of Respondent's written response available to the FSIS for review and/or copying within thirty (30) days after each third party audit is completed.

(h) (i) Respondent shall, within thirty (30) days from the effective date of this Order, name in writing, subject to the concurrence of the Director EED, the independent third

party responsible for the audits required under this paragraph. (ii) The third party auditor must have successfully completed a course of instruction in the application of the seven HACCP principles, in accordance with 9 CFR 417.7. (iii) The third party auditor may not be a former or current employee of Respondent or any affiliated business or entity. (iv) Respondent may name a new third party auditor, at any time, with the written concurrence of the Director EED.

XIII.

Record keeping

1. Respondent shall record and maintain complete and accurate written records of (a) all business activities applicable to the PPIA and the regulations promulgated there under; (b) all PIP, SPS, SSOP and HACCP system records required by the PPIA, regulations or the Order; and (c) all records, whether required by regulation, this Order, or otherwise, regarding the sampling or testing of products for *Salmonella* or other pathogens and the results of such sampling, testing or laboratory analysis.

2. Respondent shall, prior to resumption of inspection services, provide the FSIS Springdale District Manager with a copy of all new record keeping forms created since March 29, 2005 to be used by Respondent in the conduct of activities regulated by the PPIA and identify the purpose and use of each form.

3. Respondent shall notify the FSIS Springdale District Manager of any changes or modifications to its record keeping forms or system upon implementing any changes and provide copies of any new or modified forms to FSIS personnel for review and/or copying within twenty-four (24) hours of such request by FSIS.

4. Respondent shall make all records applicable to public health required by (a) the PPIA, or the regulations promulgated thereunder, (b) Federal, State or local statute, or (c) this Order available to FSIS personnel for review and/or copying within twenty-four (24) hours of such request by FSIS.

XIV.

General Provisions

1. Respondent shall, upon resumption of operations, immediately notify the FSIS Springdale District Manager, in writing, of any changes or modifications to its PIP, SPS, SSOP, HACCP systems or its *Salmonella* sampling and testing programs.

2. Respondent, its officers, partners, employees, agents, or affiliates shall not: (a) commit any felony or fraudulent act; (b) violate any section of the FMIA or PPIA; (c) violate any Federal, State or local statue involving the preparation, sale, transportation, distribution or attempted distribution of any adulterated or misbranded meat, poultry or food product or article; (d) supply labeling materials bearing Respondent's official mark for unauthorized use; (e) assault, intimidate, impede, or interfere with, or threaten to assault, intimidate, impede, or interfere with any USDA or FSIS employee(s) in the performance of official duties under the FMIA or PPIA; or (f) conduct any operations requiring federal inspection outside the official hours of operation without obtaining prior written approval from FSIS program personnel.

3. Respondent shall fully and completely cooperate with any USDA or FSIS investigation, inquiry, review or examination of (a) Respondent's establishment, product or business records or (b) Respondent's compliance with the FMIA, PPIA, and the regulations promulgated there under, or (c) Respondent's compliance with this Order.

XV.

Enforcement Provisions

1. During the term of this Order, the Administrator, FSIS, may summarily withdraw federal inspection from Respondent upon a determination by the Administrator or Director, Evaluation and Enforcement Division, Office of Program Evaluation, Enforcement and Review, FSIS, that Respondent has failed to comply with the requirements of, or committed an act in violation of, Sections I through IX, XI, XII(1), XIII and XIV of this Order.

2. Respondent retains the right to request an expedited hearing, pursuant to the applicable rules of practice (7 CFR Part, subpart H and 9 CFR Part 500), concerning any suspension action or the withdrawal of inspection service.

XVI.

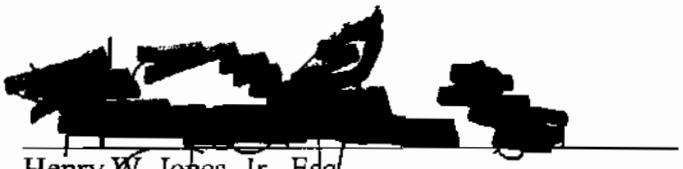
Miscellaneous Provisions

1. Nothing in this Order shall preclude (a) any future criminal, civil, regulatory or administrative action authorized by law, regulation or otherwise, including, but not limited to any action under the FSIS Rules of Practice (9 CFR Part 500) or (b) the referral of any matter to any agency for possible criminal, civil, or administrative proceedings.

2. If any provision of this Order is declared invalid, such declaration shall not affect the validity of any other provisions herein.

3. This Amended Consent Decision and Order shall become effective upon issuance by the Administrative Law Judge, and shall remain in effect until November 4, 2007.

Donald G. Taber, President, Chief Operating Officer
House of Raeford Farms, LLC



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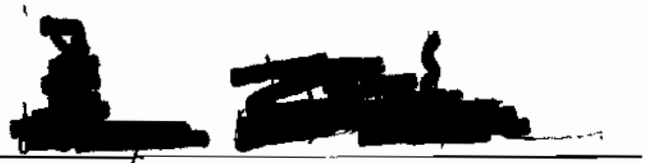
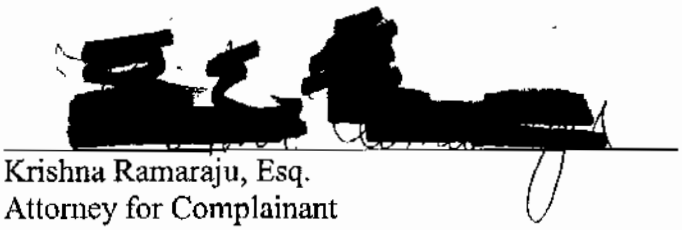
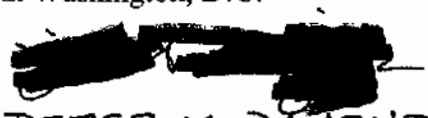
for 

Scott C. Safian, Director
Evaluation and Enforcement Division
Office of Program Evaluation,
Enforcement and Review
Food Safety and Inspection Service



Krishna Ramaraju, Esq.
Attorney for Complainant
United States Department of Agriculture
Office of the General Counsel

Issued this 17 day of Feb 2006
at Washington, D.C.



for PETER M. DAVENPORT
ADMINISTRATIVE LAW JUDGE