



**United States  
Department of  
Agriculture**

**Food Safety  
and Inspection  
Service**

**Office  
of Field  
Operations**

**Raleigh District Office  
6020 Six Forks Office  
Raleigh, NC 27609**

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**COURIER**

July 11, 2013

**(b) (6)**

Flying W Farms, LLC  
Est. # 44829  
US Route 50 East at 1721 Northwestern Turnpike  
Burlington, WV 26710

**NOTICE OF DEFERRAL**

Dear **(b) (6)**

On July 02, 2013, the Food Safety and Inspection Service (FSIS) issued you a Notice of Intended Enforcement (NOIE), because of your company's inability or unwillingness to effectively implement humane methods of slaughtering and handling of animals under The Federal Meat Inspection Act (FMIA), and in a manner that complies with FSIS regulatory requirements. This action is based on FSIS' findings that your establishment failed to comply with the requirements of 9 CFR 313.

On July 08, 2013, you provided acceptable written proposed corrective actions, which included revising your establishment's Humane Handling Program, monitoring in conjunction with the program and training of plant personnel on the revisions to your Humane Handling Program.

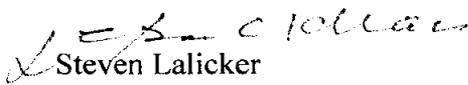
FSIS has carefully reviewed your responses. Based on the corrective actions and preventive measures you have provided, FSIS has decided to defer a decision regarding enforcement action pending verification by FSIS Personnel that your corrective actions and preventative measures are effectively implemented. FSIS will begin verification of your corrective actions immediately. Responsible plant personnel should continue to monitor your operations and verify ongoing effectiveness of your Humane Handling Program.

**A copy of the FSIS Verification Plan is enclosed to assist you in understanding the nature and importance of the Agency's verification activities. This FSIS Verification Plan is designed to verify that your establishment fully implements the corrective actions proffered in your July 08, 2013 proposal, and that these revisions and corrective actions are effective in assuring ongoing regulatory compliance. It identifies your corrective action elements, the relevant regulatory requirements, and the Inspection System Procedure code numbers under which corrective action elements will be verified.**

Please be advised that, as a federally inspected establishment, you are expected to comply with all FSIS regulations and to take appropriate corrective actions to prevent the inhumane treatment and slaughter of livestock. The regulations require establishments to take appropriate actions when either the management of the establishment, or FSIS, determines that the plant's ability to humanely slaughter animals is inadequate. Failure to comply with regulatory requirements or to implement the measures in your action plan could result in the suspension of slaughter activities at your facility or other appropriate administrative or legal actions. We urge your company's cooperation and voluntary compliance.

If you have any questions regarding this matter, please contact this office.

Sincerely,

  
Steven Lalicker  
District Manager  
Raleigh, NC

SL (b) (7)(C)

Enclosure

cc:

M. Ramzan, DDM, RDO, OFO (via email)  
M. Khan, DDM, RDO, OFO (via email)  
T. Bryant, DDM, RDO, OFO (via email)  
(b) (7)(C) OFO (via email)  
(b) (7)(C) OFO (via email)  
(b) (7)(C) / Est. 44829--M (via email)  
(b) (7)(C) / Est. 44829--M (via email)  
(b) (7)(C) Circuit 8018 (via email)  
A. Tawadrous, EARO (via email)  
Quarterly Enforcement Report (via email)  
District Office Establishment File (Est. # 44829--M)

**Establishment 44829--M Flying W Farms, LLC**

**Verification Plan**

Verification in this regard is defined as those activities, other than monitoring, that determine the validity of your corrective actions and that the system is operating according to the proposed plan. On July 02, 2013 establishment 44829--M was issued a NOIE for inhumane handling of livestock. This verification plan is designed to verify all corrective actions stated in your accepted action plan are effectively implemented.

<u>Establishment's action plan items</u>	<u>Regulation</u>	<u>ISP Procedure Code</u>
1. The establishment's action plan states that all hogs slaughtered will be recorded on the carcass log sheet in order to maintain an inventory of hogs slaughtered by Flying W Farms. Inspection personnel are to perform, <b>a one time</b> , verification to verify that corrective actions provided to the District Office are implemented. Verify implementation of said form and that it has been added to the plant's "robust" slaughter plan.	313 313.50 (c)	04C02
2. The establishment action plan states they will evaluate age and size of all hogs to determine additional risk of difficulty rendering an animal insensitive prior to stunning. Inspection personnel are to perform an <b>each occurrence</b> , hands on verification and records review to verify that corrective actions provided to the District Office are implemented. Verify the plant is monitoring these "events" at the specified frequency, and documenting findings with initials, date, time, and corrective actions as stipulated in their "robust humane handling program on the appropriate forms.	313.15 313.50 (c)	04C02
3. Perform a <b>daily</b> hands-on review of several stunned animals checking for signs of consciousness.	313.15 313.16 313.50 (c)	04C02

Inspection program personnel will perform humane handling procedures to verify the adequacy and effectiveness of the establishment's Humane Handling procedures.

**The implementation and effectiveness of the establishment's corrective actions should be verified at the frequencies stated above. The In-plant Inspection Team can request through supervisory channels a change in the specified frequencies when the determination is made that the establishment has effectively implemented the corrective actions.**

This plan is designed to verify the establishment's corrective and further-planned actions presented to the Raleigh District Office are implemented and effective. Inspection personnel should add a Directed task in PHIS each day verification activities are performed; additional HH tasks during the day should fall under the routine tasks. The Inspector-In-Charge (IIC) will provide weekly written verification updates to the Front Line Supervisor (FLS) or TA Coordinator. The FLS or TA Coordinator will review the weekly verification updates provided by the IIC and submit these in conjunction with their bi-weekly written summary of the effectiveness of the establishment's corrective actions to the Raleigh District Office. Please cc (b) (7)(C) and (b) (7)(C)

(b) (7)(C)