

# **Food Safety Concerns At Agriprocessors' Local Pride Plant**

**Report Prepared by the United Food and Commercial  
Workers International Union  
Washington, DC  
February 29, 2008**



# Agriprocessors' Local Pride Plant: Food Safety Report

## Summary

On February 17<sup>th</sup>, 2008, the USDA announced the largest beef recall in US history due to the improper implementation of bovine spongiform encephalopathy (BSE) related safeguards at the Westland/Hallmark meat plant.<sup>1</sup> In light of the recall, important questions are being raised about the safety of the nation's food supply and the ability of the United States Department of Agriculture (USDA) to protect consumers against food-borne illnesses such as BSE, or "mad cow" disease, and E. coli. In response to such questions, the USDA has stated that the food supply is safe and that "the interlocking system of safeguards in place to prevent BSE are [sic] working."<sup>2</sup>

The record of USDA inspector action at Agriprocessors, Inc., a kosher meat processor based in Postville, IA, sheds more light on this question, while at the same time raising others. One such question is how the USDA deals with companies that have repeated food safety violations. Since September of 2006, when the USDA's Federal Food Safety and Inspection Services (FSIS) warned Agriprocessors that the agency's findings "...lead us to question your ability to maintain sanitary conditions, and to produce a safe and wholesome product,"<sup>3</sup> the company has continued to be cited by the FSIS for food safety violations. In 2007, Agriprocessors was subject to two Class I recalls.<sup>1</sup> And in November 2007, food safety concerns at Agriprocessors prompted congressional representatives to write the USDA about the state of food safety at Agriprocessors and to ask what actions the agency plans to implement given the repeated nature of food safety problems at the plant. (A copy of this letter is attached).

This report is an update to an earlier study detailing food safety concerns at Agriprocessors, Inc. The first report (see attached) examined Agriprocessors' food safety record at its larger plant in Postville, IA for the period 01/01/2006 to 01/24/2007; this report examines the food safety record at the company's smaller Local Pride plant in Gordon, NE from 07/19/2005 to 03/27/2007. The Local Pride report has uncovered repeated instances of noncompliance records (NRs) issued by the FSIS, including at least seven potential failures to implement "mad cow" safeguards correctly, two E. coli sampling failures, more than thirty problems related to contamination, with eleven specifically due to fecal contamination, as well as over thirty sanitation violations, including regulatory control actions due to sewage and fly infestations.

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<sup>1</sup> Of three different recall classes, Class I is the most serious. According to the FSIS a Class I recall is "a health hazard situation where there is a reasonable probability that the use of the product will cause serious, adverse health consequences or death," <http://www.fsis.usda.gov/OA/recalls/prelease/pr055-2002.htm>

## **Background**

Agriprocessors, Inc. is the nation's largest kosher meat producer. The company sells products under various labels including Aaron's Best, David's, and is also a supplier to national brands such as Nathan's Famous Kosher Hotdogs. Agriprocessors' operates two main plants, a large 800 person plant in Postville, IA and a smaller 100-150 employee operation in Gordon, NE called Local Pride. In July 2007, the United Food and Commercial Workers (UFCW) International Union released a report on food safety issues at Agriprocessors' Postville, IA plant that documented potential areas of concern, including problems with the application of "mad cow" safety regulations.<sup>4</sup>

The purpose of this report is to provide similar information on food safety at Agriprocessors' smaller Local Pride plant in Gordon, NE. Information in this report is based on government documents received through a Freedom of Information Act (FOIA) request. This FOIA request revealed over 115 noncompliance records (NRs) issued to the Local Pride plant over the time period of 07/19/2005 to 03/27/2007. NRs are issued when Food Safety and Inspection Service (FSIS) personnel determine that an establishment has failed to meet one or more regulatory requirements. NRs may be more or less serious in nature.<sup>5</sup> The UFCW does not know of any benchmarks that would allow comparison with other plants.

## **Food Safety**

With over fifty different meat recalls in the U.S. meat industry for 2007 alone, along with the largest recall in USDA history, the Westland/Hallmark 143 million lbs recall on February 17th, 2008, food safety is a critical concern for consumers and government regulatory agencies.<sup>6</sup> Moreover, the Westland/Hallmark recall has called into question the ability of government agencies to adequately enforce safeguards to protect against bovine spongiform encephalopathy (BSE), or "mad cow" disease. Both former and current FSIS inspectors have raised concerns about "chronic staff shortages" and the ability to protect the "nation's food supply."<sup>7</sup> Concerns about the Westland recall include the failure to properly implement a safeguard intended to prevent the possibility of BSE-contaminated meat entering the food supply.<sup>8</sup> These safeguards include preventing "downer cattle," thought to be at higher risk from BSE, from entering the food supply, along with the segregation and/or removal of Specific Risk Materials (SRMs). SRMs are parts of the cattle, such as the brain and spinal cord, where BSE infectivity is thought to reside.<sup>9</sup> Along with these safeguards, the FSIS has designed age restrictions on cattle over 30 months old because they are thought to be more susceptible to BSE.<sup>10</sup> The FSIS uses a process termed "dentition" by which the teeth of cattle are examined and an age determined.<sup>11</sup> If cattle are over 30 months old, special precautions must be taken to guard against SRMs.<sup>12</sup> For more information about BSE, please see the appendix below.

A critical aspect of any food safety system is sampling for E. coli. E. coli H157 is a bacteria found in the intestines of cattle. According to the CDC, meat can be contaminated during the slaughter process.<sup>13</sup> E. coli "often causes severe bloody diarrhea and abdominal cramps" and could result in "acute kidney failure in children."<sup>14</sup> E. coli has been responsible for at least 20 recalls in 2007 alone.<sup>15</sup> According to the USDA, fecal contamination is "the principal source" for pathogens. The USDA tests for the presence

of “*Escherichia coli*, Biotype I, also called generic *E. coli*, because it is commonly found in the intestinal tract of animals” and is the main conduit for “pathogens such as *E. coli* 0157:H7, *Salmonella*, and *Campylobacter*.”<sup>16</sup> Continual testing for *E. coli* helps to “detect the presence or absence of microbiological organisms in order to determine whether the slaughter process is under control or whether carcasses are being contaminated with feces.”<sup>17</sup>

Sanitary conditions are important for reducing pathogen contamination. The FSIS asserts, “Good sanitation is a fundamental requirement of Federal meat and poultry inspection laws and is essential to preventing harmful contamination of meat and poultry products” and “there is a direct and substantial link between insanitary practices in meat and poultry plants and the likelihood of product contamination with pathogenic bacteria.”<sup>18</sup>

Hazard Analysis and Critical Control Point (HACCP) is a comprehensive food safety system designed to mitigate microbial contamination and ensure food safety. All plants must develop HACCP plans which must be approved by the USDA. The plant and the USDA then monitor the plans to assure compliance. According to the USDA, HACCP “is the most effective means available for ensuring the safety of food, including controlling and reducing harmful bacteria on raw meat and poultry products.”<sup>19</sup>

#### **“Mad Cow” Concerns at Agriprocessors’ Local Pride Plant**

An examination of inspection reports at the Local Pride plant for the period of 07/19/2005 to 03/27/2007 reveals seven NRs issued by the FSIS related to BSE safeguards. The previous report released by the UFCW on food safety at Agriprocessors’ Postville, IA plant, a much larger facility with over 800 employees, found at least five citations for possible BSE violations.<sup>20</sup>

On two occasions, Local Pride failed to identify cattle heads over 30 months old. Four of the NRs were related to irregularities surrounding the segregation and/or disposal of SRMs, including one occasion in which product containing SRM was “labeled, weighed and taped shut.” One NR was specifically related to the plant’s failure to “develop and incorporate” proper SRM procedures for the shipment of SRM-containing meat from the Local Pride plant to another processing facility. For a full description of each incident related to BSE, please see the appendix below.

#### **E. Coli Concerns at Agriprocessors’ Local Pride Plant**

On 5/23/2006 and 3/15/2007, the Local Pride plant was found to have improperly sampled for *E. coli*. On 5/23/2006, the plant did not sample any beef carcasses for “Generic *E. coli*” and did not “retain records of test results for 12 months.” On 3/15/2007, the plant was issued an NR for not testing the predominant species of animal slaughtered at the plant (cattle) and failing to collect samples randomly. For a full description of each incident related to *E. coli*, please see the appendix below.

### **Hazard Analysis and Critical Control Point (HACCP)**

Local Pride received over 20 HACCP NRs for a variety of failures surrounding the plant's HACCP plan. Six NRs were issued for problems surrounding the documentation and regulations for shipping product. On 8/28/2006 and 9/1/2006, NRs were issued for failing to document where a HACCP deviation occurred and how they eliminated the cause. On one occasion on 01/19/2006, a FSIS inspector noticed a "monitoring noncompliance" involving both beef and lamb HACCP plans. After requesting relevant documents, the inspector was informed that the plant had failed to monitor correctly for slaughter date January 17, 2006. The inspector then:

informed plant management that [he] would be taking a regulatory control action on carcasses from the slaughter date of 01/17/06 and that they were not to ship those carcasses. The Kosher fronts from beef carcasses [redacted] and all lamb carcasses from January 17, 2006 had already been shipped.

### **Sanitation Concerns at Agriprocessors' Local Pride Plant**

Over 30 citations were issued to the Gordon plant for sanitary conditions or record-keeping related to sanitary conditions. On 7/19/2006, inspectors took a regulatory control action due to overwhelming fly populations on the kill floor. On 1/15/2007, the plumbing system was found to be inadequate to convey sewage and waste, creating unsanitary conditions on the kill floor, as well as on equipment. An inspector issued a noncompliance on 8/17/2006 for unsanitary facility conditions and the inspector noted that the trash barrels "smelled like sewage." Also, on 7/12/2006 and 10/26/2006 the plant was cited for an unsanitary bathroom and/or locker room.

## Appendix

### **Bovine Spongiform Encephalopathy (BSE)**

BSE is thought by many experts to be transmittable to humans, where it is termed variant Creutzfeldt-Jakob disease (vCJD). According to the CDC, “There is now strong scientific evidence that the agent responsible for the outbreak of prion disease in cows, BSE, is the same agent responsible for the outbreak of vCJD in humans.”<sup>21</sup> The disease is incurable and “invariably fatal.”<sup>22</sup> The “mad cow” outbreak in Great Britain left the number of dead from definite or probable vCJD at 163.<sup>23</sup> The number may continue to rise due to the long incubation period typical of BSE. Symptoms include dementia, memory loss, hallucinations, abrupt movements, balance and loss of coordination.<sup>24</sup>

The first case of BSE was discovered in the U.S. on December 23, 2003. Since then, two more cases have been identified, including one as recently as March 13, 2006.<sup>25</sup> In total, 15 cases have been diagnosed in North America.<sup>26</sup> Due to BSE concerns, the USDA and Food Safety and Inspection Service (FSIS) implemented new BSE detection and prevention requirements for US meatpacking plants.

### **BSE-related noncompliance records (NRs) at Local Pride**

Agriprocessors’ Local Pride plant received seven NRs for BSE related issues. Specific instances include:

11/07/2005 – The FSIS inspector found a bovine head over 30 months old. The inspector notes that “Neither the head nor the carcass associated with it had been identified as being from that of a 30 month or older animal.” The inspector goes on to note that, “After giving the establishment all possible opportunities to identify the mature carcass...I informed Q.A. manager [redacted] of my findings, prior to the carcass leaving the kill floor, so it could be properly identified and appropriate measures could be taken to assure the removal of SRMs.”

12/20/2005 – FSIS inspector issues NR stating “The establishment did not follow their prerequisite program for SRMs.” The heavily redacted nature of the document leaves the specifics unclear, but the inspector was “called to the slaughter floor to observe the humane stunning of two animals that were inadvertently caught in the restrainer and could not be removed or ritually (Kosher) slaughtered. Both animals were humanely stunned with a captive bolt stunner, then dressed according to the plant’s procedures for Kosher slaughtered beef.” The heads from these animals were “harvested and the product saved.”

12/21/2005 – FSIS inspector issues NR to Local Pride noting that “the establishment has failed to adequately develop and incorporate written procedures into its SRM program that address the documentation of movement of beef carcasses (that contain SRMs) from this establishment to other processing establishments.” The inspector states that “This establishment has failed to meet the regulatory requirement of 310.22...which require[s] that establishments develop, implement and maintain written procedures for the removal, segregation and disposition of SRMs and that they incorporate these procedures into their food safety system.”

1/05/2006 – FSIS inspector issued a NR for failure to “document the segregation and disposal of SRMs.”

10/23/2006 – Noncompliance issued for failure to identify a carcass over 30 months old.

2/07/2007 – Noncompliance issued “involving the documentation of the implementation and monitoring of the establishment’s BSE/SRM Standard Operating Procedure (SOP).” The inspector goes on to specify that “The establishment failed to meet this regulatory requirement in that their records do not contain documentation of the monitoring of: 1) the disposal of the head (Which contains the brain, skull, eyes and trigeminal ganglia.) [sic] and spinal cord of 30 month and older cattle, 2) the disposal of the distal ileum of the small intestine, 3) the adequacy of identification of carcasses that were derived from cattle that were 30 months of age or older at the time of slaughter.”

2/19/2007 – While “verifying the effectiveness of the establishment’s segregation, removal and disposal of SRMs” an FSIS inspector issued a NR for failing to “properly implement the written procedures that they have developed for the removal of the SRM.” Specifically, the inspector noted that some product contained SRM and had “been labeled, weighed and taped shut.” After asking an employee to open a box, the inspector found that the SRM was still present.

#### **E. Coli-related noncompliance records (NRs) at Local Pride**

Agriprocessors’ Local Pride plant received two NRs for E. coli related issues. Specific instances include:

5/23/2006 - A FSIS inspector noted that during the week of 05/14/2006 to 05/20/2006 the establishment did not sample any of the beef carcasses for “Generic E. coli.” FSIS form 5000-4 included with the noncompliance report states that:

- The laboratory analyzing the samples is not using AOAC Official Method or another method that meets the criteria in paragraph (a)3).

##### Records of Test Results:

- The establishment’s process control chart or table does not show at least the most recent 13 *E.coli* test results.
- The establishment is not retaining records of test results for 12 months.

03/15/2007 - Local Pride was issued a NR for failing to properly sample for “E. coli Biotype 1.” According to the inspector, for the week of March 4 -10<sup>th</sup>, 2007, the plant “performed two sponge samples,” both on bison carcasses. The inspector notes that the “predominate type of livestock slaughtered at this establishment is cattle” and “establishments that slaughter more than one type of livestock or both livestock and poultry, shall test the type of livestock slaughtered in the greatest number.” The inspector went to conduct a review and stated:

A review of the establishment E. Coli sponge sampling records and associated process control chart dating back to October 19, 2007 indicate that the establishment is not collecting samples randomly. The dates of sampling indicates that nearly all samples were taken from cattle slaughtered on the last one or two days of the work week. Since not all carcasses from cattle slaughtered early in the week are not [sic] present during the time of random carcass selection and sampling they are not in the sampling pool and do not have a chance of being selected. This is particular [sic] true with Kosher carcasses which are shipped within 24 hours of being slaughtered.

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<sup>1</sup> Food Safety and Inspection Service (FSIS), “California Firm Recalls Beef Products Derived From Non-Ambulatory Cattle Without the Benefit of Proper Inspection,” [http://www.fsis.usda.gov/PDF/Recall\\_005-2008\\_Release.pdf](http://www.fsis.usda.gov/PDF/Recall_005-2008_Release.pdf)

<sup>2</sup> United States Department of Agriculture (USDA), “Questions and Answers Hallmark/Westland Meat Packing Co.,” [http://www.usda.gov/wps/portal/usdahome?contentidonly=true&contentid=Bovine\\_Spongiform\\_Encephalopathy\\_Control\\_Measures.xml](http://www.usda.gov/wps/portal/usdahome?contentidonly=true&contentid=Bovine_Spongiform_Encephalopathy_Control_Measures.xml)

<sup>3</sup> Letters of Warning from the Food Safety and Inspection Service, [http://www.eyeonagriprocessors.org/?zone=view\\_article.cfm&HomeID=64870](http://www.eyeonagriprocessors.org/?zone=view_article.cfm&HomeID=64870)

<sup>4</sup> Food Safety Concerns at Agriprocessors’ Postville, Iowa Processing Plant, [http://www.eyeonagriprocessors.org/?zone=view\\_article.cfm&HomeID=65843](http://www.eyeonagriprocessors.org/?zone=view_article.cfm&HomeID=65843)

<sup>5</sup> Food Safety Inspection Service (FSIS), [http://askfsis.custhelp.com/cgi-bin/askfsis.cfg/php/enduser/std\\_adp.php?p\\_faqid=1&p\\_created=1163424883&p\\_sid=A\\*3xMVHi&p\\_access](http://askfsis.custhelp.com/cgi-bin/askfsis.cfg/php/enduser/std_adp.php?p_faqid=1&p_created=1163424883&p_sid=A*3xMVHi&p_access)

<sup>6</sup> Food Safety and Inspection Service (FSIS), “FSIS Recalls,” [http://www.fsis.usda.gov/Fsis\\_Recalls/](http://www.fsis.usda.gov/Fsis_Recalls/)

<sup>7</sup> The Seattle Times, “Inspectors Say Meat Safety is Threatened,” [http://seattletimes.nwsourc.com/html/nationworld/2004193800\\_apslaughterhouseabuse21.html?syndication=rss](http://seattletimes.nwsourc.com/html/nationworld/2004193800_apslaughterhouseabuse21.html?syndication=rss)

<sup>8</sup> Food Safety and Inspection Service (FSIS), “California Firm Recalls Beef Products Derived From Non-Ambulatory Cattle Without the Benefit of Proper Inspection,” [http://www.fsis.usda.gov/PDF/Recall\\_005-2008\\_Release.pdf](http://www.fsis.usda.gov/PDF/Recall_005-2008_Release.pdf)

<sup>9</sup> Food Safety and Inspection Service (FSIS), “Bovine Spongiform Encephalopathy - "Mad Cow Disease,"” [http://www.fsis.usda.gov/Fact\\_Sheets/Bovine\\_Spongiform\\_Encephalopathy\\_Mad\\_Cow\\_Disease/index.asp](http://www.fsis.usda.gov/Fact_Sheets/Bovine_Spongiform_Encephalopathy_Mad_Cow_Disease/index.asp)

<sup>10</sup> Ibid.

<sup>11</sup> Food Safety and Inspection Service (FSIS), “Using Dentition to Age Cattle,” [http://www.fsis.usda.gov/ofotsc/bse\\_information.htm](http://www.fsis.usda.gov/ofotsc/bse_information.htm)

<sup>12</sup> Food Safety and Inspection Service (FSIS), “USDA Issues New Regulations to Address BSE,” <http://www.fsis.usda.gov/Frame/FrameRedirect.asp?main=http://www.fsis.usda.gov/oa/news/2004/bserregs.htm>

<sup>13</sup> Centers for Disease Control and Prevention, [http://www.cdc.gov/ncidod/dbmd/diseaseinfo/escherichiacoli\\_g.htm](http://www.cdc.gov/ncidod/dbmd/diseaseinfo/escherichiacoli_g.htm)

<sup>14</sup> Ibid.

<sup>15</sup> Washington Post, “Beef’s Wake-up Recalls,” <http://www.washingtonpost.com/wp-dyn/content/article/2007/12/20/AR2007122002409.html>

<sup>16</sup> Food Safety and Inspection Service (FSIS), “Pathogen Reduction – Generic E. Coli Testing,” <http://www.fsis.usda.gov/PDF/FSRE-HACCP-Ecoli.pdf>

<sup>17</sup> Ibid.

<sup>18</sup> Food Safety and Inspection Service (FSIS), “SSOP’s and Generic E. Coli Testing,” <http://www.fsis.usda.gov/oa/background/keyday1.htm>

<sup>19</sup> Food Safety and Inspection Service (FSIS), “The Final Rule on Pathogen Reduction and Hazard Analysis and Critical Control Point (HACCP) Systems,”

<http://www.fsis.usda.gov/oa/background/finalrul.htm>

<sup>20</sup> Food Safety Concerns at Agriprocessors’ Postville, Iowa Processing Plant, [http://www.eyeonagriprocessors.org/?zone=view\\_article.cfm&HomeID=65843](http://www.eyeonagriprocessors.org/?zone=view_article.cfm&HomeID=65843)

<sup>21</sup> CDC, “vCJD (Variant Creutzfeldt-Jakob Disease),” <http://www.cdc.gov/ncidod/dvrd/vcjd/index.htm>

<sup>22</sup> Ibid.

<sup>23</sup> The National Creutzfeldt-Jakob Disease Surveillance Unit, “CJD Statistics,” <http://www.cjd.ed.ac.uk/figures.htm>

<sup>24</sup> eMedicineHealth, “Mad Cow Disease and Variant Creutzfeldt-Jakob Disease,” [http://www.emedicinehealth.com/mad\\_cow\\_disease\\_and\\_variant\\_creutzfeldt-jakob\\_dis/article\\_em.htm#Mad%20Cow%20Disease%20Overview](http://www.emedicinehealth.com/mad_cow_disease_and_variant_creutzfeldt-jakob_dis/article_em.htm#Mad%20Cow%20Disease%20Overview)

<sup>25</sup> Centers for Disease Control and Prevention (CDC), <http://www.cdc.gov/ncidod/dvrd/bse/index.htm>

<sup>26</sup> Ibid.

# Congress of the United States

Washington, D.C. 20515

November 14, 2007

Chuck Conner  
Acting Secretary  
United States Department of Agriculture  
1400 Independence Ave., SW  
Washington, DC 20250

Dear Secretary Conner:

We are writing today to express our concerns about Agriprocessors, the world's largest kosher meat processor, based in Postville, Iowa. It has come to our attention that the Food Safety and Inspection Service (FSIS) has issued over 250 Noncompliance Records (NRs), as well as Letters of Warning to Agriprocessors. Those charges document a long history of repeated federal food safety violations against Agriprocessors. This includes non-compliance with processes designed to mitigate the risk of food-borne illness and Bovine Spongiform Encephalopathy (BSE), more commonly referred to as "Mad Cow."

At least one of the NRs (3/2/06) refers to a "very serious" infraction associated with the processing of a heifer that had been condemned by one of your inspectors following BSE testing. At least four other violations were related to violations of BSE procedures (3/5, 5/16, 9/18, and 10/6/06), and a fifth NR (4/2/06) documents a case of spinal cords not being removed according to procedures.

In addition, FSIS stated, in a Letter of Warning issued to Agriprocessors on September 19, 2006, that FSIS's findings "lead us to question your ability to maintain sanitary conditions, and to produce a safe and wholesome product."

This year alone, Agriprocessors has had two health hazard situations and Class I product recalls – a July 6, 2007 recall of frozen beef and chicken products and a January 23, 2007 recall of frankfurters. Class I recalls occur where there is a reasonable probability that the use of the product will cause serious, adverse health consequences or death.

We are very concerned about the safety of our food supply. We are also concerned about the repeated reports of food safety problems, health and safety problems at the plant, environmental issues and animal welfare concerns being cited at Agriprocessors. In light of all these reports, we are writing to ask for your assistance in assessing Agriprocessors' present adherence to federal food safety and animal welfare regulations.

Specifically, we would appreciate answers to the following questions about Agriprocessors and FSIS's involvement.

- Have the problems that FSIS has identified at Agriprocessors over the last few years all been remedied to the satisfaction of the agency?

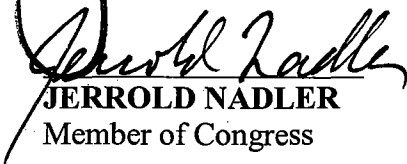
- Have any fines been issued against Agriprocessors for those problems?
- In light of the large number of citations, has FSIS increased inspection efforts at the company's plant?
- Given the repeated nature of the problems that you have identified, what assurances can consumers have that these problems will not be repeated?
- If these problems persist or continue to be repeated, what is the next step in enforcement that FSIS would consider imposing?

Food safety is a crucial issue and we look to FSIS to assure the safety of meat and poultry products. Given the history of FSIS violations at Agriprocessors, we think it is crucial that these questions be addressed. Thank you for your attention in this matter and we look forward to your response.

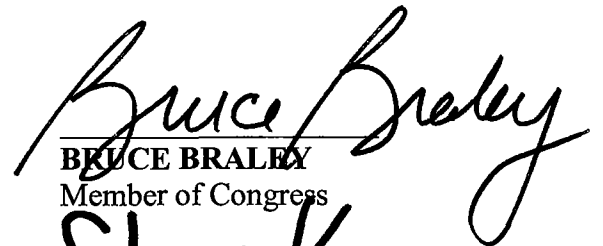
Sincerely,



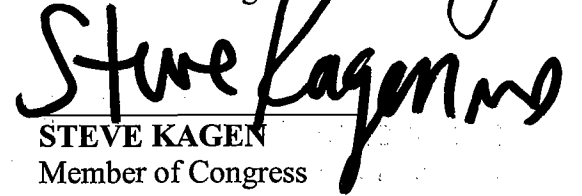
**JAN SCHAKOWSKY**  
Member of Congress



**JERROLD NADLER**  
Member of Congress



**BRUCE BRALEY**  
Member of Congress



**STEVE KAGEN**  
Member of Congress

cc: The Honorable Rosa DeLauro, Chairwoman  
Agriculture Appropriations Subcommittee