

Analysis

The following is Food & Water Watch (FWW)'s analysis of recently released USDA data pertaining to the agency's New Swine Inspection System (NSIS) rules, which were finalized in September 2019, and which initially gave swine slaughter plants until March 30, 2020 to indicate their intent to switch to the new system. The data was included as part of an amended complaint, filed on April 6, 2020, by the Center for Food Safety, Humane Farming Association, and FWW, in their ongoing lawsuit challenging the rules. **FWW's analysis reveals that federal government veterinarians were precluded and prevented from adequately inspecting animals and carcasses that had signs of diseases, recent treatment, and other abnormal food-safety and public-health-related conditions** that would render an animal or its meat not fit for human consumption in the evaluated NSIS pilot plants from 2012 to 2015.

As background, under the Federal Meat Inspection Act and the USDA's regulations and guidance governing the slaughter of swine ending up in our food supply, each and every animal arriving at a slaughter plant and showing signs of disease, recent treatment, and other abnormal food safety or public health-related conditions that would render it or its meat unfit for human consumption is flagged for greater federal government inspection. The animal must be tagged as "U.S. Suspect," before slaughter, so that it can receive a critical appraisal by trained federal government veterinarians, who examine the animal for signs of animals diseases and other conditions, such as Septicemia or African Swine Fever, that would render the meat adulterated and a threat to public health. If the animal passes this ante-mortem inspection, U.S. Suspect tags remain attached to the animal to ensure that it is slaughtered separately from other healthy-appearing animals. After slaughter, at post-mortem inspection, the "U.S. Suspect" animal's carcass is tagged as "U.S. Retained," along with all others that inspectors flag for disease and other conditions, so that all such carcasses receive a separate critical appraisal by a trained USDA veterinarian.

The USDA has argued that these long-standing requirements will not be affected under the agency's new NSIS rules. It claims that each animal showing signs of disease proceeding to slaughter will still receive a government inspection. The only difference under the new system, according to the agency, is that slaughter-plant employees (who have no prerequisite education or training requirement by USDA) would be able to sort potentially diseased and dying animals so that they are removed from the process. For other animals that the slaughter plant seeks to slaughter that show signs of disease, plant employees would place them in different "U.S. Subject" pens, where they would receive further evaluation by plant employees and government veterinarians. While these animals are not tagged and set apart for separate slaughter, federal inspectors are supposed to be able segregate these animals and place them in "U.S. Suspect" pens so that they are tagged and receive the same attention by government veterinarians as they would under traditional inspection. The agency also has maintained that the increased line speeds for carcasses during slaughter at NSIS plants do not hinder the ability of federal inspectors to perform their post-mortem inspection of each and every carcass.

Data that FWW received on February 28, 2020 as a result of a federal Freedom of Information Act lawsuit against USDA dramatically undercut these agency assertions, however. In fact, it appears that far fewer animals and carcasses showing signs of disease or other

conditions are evaluated by USDA veterinarians under the NSIS system, leaving the vast majority to be evaluated solely by un- or under-trained slaughter-plant employees.

FWW sought to evaluate the numbers of animals tagged as U.S. Suspect and U.S. Retained in both NSIS pilot plants and similarly sized traditional plants. It evaluated USDA data from the agency’s Public Health Inspection System (PHIS) system for inputting and tracking inspection data from 2012 through 2018. The data entailed all USDA veterinary “dispositions” or veterinary evaluations of animals and carcasses and their outcomes and the number of animals where federal inspectors entered in “U.S. Suspect,” “U.S. Retained,” or “U.S. Condemned” tag numbers. Not every plant reported U.S. Suspect or U.S. Retained numbers for animals and carcasses for each year over this time period, however, at least in part because PHIS only allows federal inspectors to input one tag type when reporting the numbers of veterinary dispositions per shift, even though animals and carcasses can have multiple tags per disposition.

Notwithstanding USDA’s failure to consistently track animal tagging across all slaughter plants, FWW was able to evaluate the data because the same two NSIS-pilot plants and nine similarly sized traditional plants that slaughter market swine, reported both the numbers of U.S. Suspect and U.S. Retained animals for four years, 2012 to 2015.

NSIS Pilot Plants

<u>Plant number</u>	<u>Company</u>	<u>Location</u>
M1620	Quality Pork Processors	Austin, MN
M791	Clemens Food Group, LLC	Hatfield, PA

Traditional plants

<u>Plant number</u>	<u>Company</u>	<u>Location</u>
M13597	Seaboard Foods	Guymon, OK
M17564	Indiana Packers Corporation	Delphi, IN
M17D	Smithfield Packaged Meats Corp.	Sioux Falls, SD
M18079	Smithfield Fresh Meats Corp.	Tar Heel, NC
M244I	Tyson Fresh Meats, Inc	Logansport, IN
M31965	Triumph Foods	St. Joseph, MO
M413	Smithfield Fresh Meats Corp.	Clinton, NC
M85O	Swift Pork Company	Ottumwa, IA
M995	Swift Pork Company	Louisville, KY

FWW’s analysis finds the following for market hogs prior to slaughter:

- On average, inspectors at traditional plants tagged 403 animals as U.S. Suspect per plant per year from 2012 to 2015.

- Inspectors at NSIS-pilot plants, on the other hand, averaged 39% fewer, tagging only 244 animals as U.S. Suspect per plant annually over this time period.

Thus, notwithstanding the agency’s claims to the contrary, this data indicate that under the USDA’s NSIS system, USDA veterinarians are not evaluating the same numbers of animals showing signs of disease and other conditions. This is remarkable given that USDA has claimed that these large traditional plants already maintain voluntary segregation programs similar to NSIS that allow plant employees to segregate animals suspected of diseased. If the sole effect of these voluntary sorting programs and NSIS were as USDA asserts, allowing plant employees to remove diseased and dying animals so that USDA veterinarians would have fewer animals to evaluate, the numbers of animals tagged as U.S. Suspect in these plants would be similar. Instead, it appears as if NSIS system has the dramatic effect of limiting the numbers of swine that can be inspected by trained federal veterinarians, leaving their disposition in the hands of un- and under-trained plant employees. According to FWW’s analysis, employees in all NSIS-pilot plants sorted 7.6 times more animals before slaughter than federal inspectors condemned from 2012 to 2018. USDA does not track where these sorted animals are sent to ensure that they do not spread infectious or foreign animal diseases to other animals or humans and—because they are not tagged—are not slaughtered elsewhere without a careful inspection by a USDA veterinarian before and after slaughter .

FWW’s analysis reveals the following for market hogs after slaughter:

- Federal inspectors at the nine traditional plants tagged an average of 3,797 carcasses as U.S. Retained per plant annually from 2012 to 2015.
- Inspectors at NSIS-pilot plants on average tagged as U.S. Retained a quarter of this number, 944 animals per plant per year.

While it is true that plant employees do remove some of these carcasses through their sorting, FWW’s analysis indicates that plant employees only removed .08% of them in these model plants, leaving the rest for government inspectors to evaluate at higher line speeds. FWW’s analysis shows that the un-or under-trained employees would have to be 98.88% accurate in their removal of adulterated carcasses in order for the 2,885 carcasses sorted per year in an average one of these model plants to compensate for the greater number of carcasses that were tagged to receive veterinary evaluation in the average traditional plant.

NSIS-PILOT PLANTS

YEAR/PLANT	US Suspects	Avg. Suspects	US Retained	Avg. Retained
2012	711	355.5	2566	1283
M1620	3		30	
QUALITY				
M791	708		2536	
CLEMENS				

2013	1017	508.5	2633	1316.5
M1620	4		252	
QUALITY				
M791	1013		2381	
CLEMENS				
2014	217	108.5	1213	606.5
M1620	2		228	
QUALITY				
M791	215		985	
CLEMENS				
2015	6	3	1138	569
M1620	3		230	
QUALITY				
M791	3		908	
CLEMENS				
TOTAL	1951	975.5	7550	3775
PER PLANT PER YEAR		243.88		943.75

TRADITIONAL PLANTS

YEAR/PLANT	US Suspects	Avg. Suspect	US Retained	Avg. Retained
2012	3737	415.22	48011	5334.56
M13597	71		9500	
SEABOARD				
M17564	68		1446	
INDIANA				
M17D	13		16336	
SMITHFIELD				
M18079	2201		7608	
SMITHFIELD				
M244I	1326		1085	
TYSON				
M31965	48		5852	
TRIUMPH				
M413	10		3796	
SMITHFIELD				
M850	0		2364	
SWIFT				
M995	0		24	
SWIFT				

2013	3651	405.67	31634	3514.89
M13597	56		1841	
SEABOARD				
M17564	91		937	
INDIANA				
M17D	22		13676	
SMITHFIELD				
M18079	1659		4657	
SMITHFIELD				
M244I	1170		1283	
TYSON				
M31965	20		6076	
TRIUMPH				
M413	313		837	
SMITHFIELD				
M850	0		2268	
SWIFT				
M995	320		59	
SWIFT				
2014	3919	435.44	27451	3050.11
M13597	7		3243	
SEABOARD				
M17564	51		1045	
INDIANA				
M17D	32		10211	
SMITHFIELD				
M18079	1977		2754	
SMITHFIELD				
M244I	1346		1636	
TYSON				
M31965	8		5230	
TRIUMPH				
M413	484		426	
SMITHFIELD				
M850	0		1379	
SWIFT				
M995	14		1527	
SWIFT				
2015	3201	355.67	29581	3286.78
M13597	5		3229	
SEABOARD				
M17564	30		1210	
INDIANA				
M17D	53		11767	

SMITHFIELD M18079	2408		1658	
SMITHFIELD M244I	357		3236	
TYSON M31965	15		4888	
TRIUMPH M413	326		240	
SMITHFIELD M850	0		1758	
SWIFT M995	7		1595	
SWIFT				
TOTAL	14508	1612	136677	15186.33
PER PLANT PER YEAR		403		3796.58

- In total, USDA veterinarians were able to evaluate approximately 1 in every 1,000 animals slaughtered and their resulting carcasses showing signs of adulteration in traditional plants (based on the average slaughter size for these plants), while these government inspectors are only evaluating 3 in 10,000, or 3.5-fold fewer animals slaughtered and their resulting carcasses in the model plants.

Therefore, federal inspectors are not critically appraising the same number of carcasses in NSIS-pilot plants as they are in traditional plants. This data demonstrate that government inspectors cannot and do not give the necessary critical appraisal of animals prior to slaughter and their carcasses afterwards, as is required under federal law.

One note on this data: the numbers are not a complete picture, as they would not reflect animals tagged as U.S. Suspect but entered by the inspectors into the PHIS system as U.S. Condemned (which would also include animals that weren't tagged as U.S. Suspect prior to condemnation). Further, the U.S. Retained and U.S. Suspect numbers would not include animals entered into the system by the one tag, even though they are tagged as both. Thus, the data does not present a complete picture. But FWW does not believe the large discrepancies in U.S. Suspect and U.S. Retained numbers in NPIS-pilot and similar-sized traditional plants are merely the product of data entry, as it is unaware of any reason that inspectors would systematically input data differently in pilot and traditional plants. To the extent that there are such data-entry differences, this would reflect a fundamental problem with the USDA's ability to track how agency veterinarians in the different plant types evaluate potentially diseased animals and carcasses, and this alone would flag a serious problem in the agency's oversight of the NSIS-pilot plants and NSIS.