

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

USDA  
OALJ/HCO

2004 FEB 11 P 2:41

In re: )  
)  
Industrias Avicolas de Puerto Rico, Inc., )  
dba, Empresas Picu )  
)  
)  
)  
Respondent. )

PPIA Docket No.

04-0005

RECEIVED

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 Industrias Avicolas de Puerto Rico, Inc., dba, Empresas Picu, by the filing of a complaint on January 23, 2004, 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 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;

2/9/04  
EED  
339

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.

Finding of Facts

1. Respondent, is now, and at all times material herein, a business organized and existing under the laws of Puerto Rico, operating as a poultry slaughter and further processing facility at Road 14 37.3, Coamo, Puerto Rico, with the mailing address of P.O. Box 229, Coamo, Puerto Rico, 00769
2. Respondent is now, and was at all times material herein, a poultry slaughter and processing plant under a grant of inspection pursuant to the Poultry Products Inspection Act (21 U.S.C. §§ 451 et seq.)(PPIA), designated as Official Establishment Number P-06658.

3. On or about December 16, 1997, the Food Safety and Inspection Service issued to Respondent a Notice of Warning, stating that on October 13, 1997, and other dates, Respondent did not meet the requirements of Section 381.65(e) of Title 9 of the Code of Federal Regulations that require the establishment to prevent poultry contamination with fecal material.
4. On or about April 19, 2001, FSIS issued to Respondent an official notice that Respondent's Sanitation Standard Operating Procedures (SSOP) and Hazard Analysis Critical Control Point (HACCP) plans did not meet the regulatory requirements of Parts 416 and 417 of Title 9 of the Code of Federal Regulations.
5. On or about February 4, 2002, FSIS issued to Respondent a Notice of Intended Enforcement action (NOIE), based on the establishment's continual failure to adhere to Parts 416 and 417 of Title 9 of the Code of Federal Regulations due to, *inter alia*, failing to prevent product contamination, failing to maintain their facility in a sanitary manner, and failing to implement their HACCP and SSOP plan as required.
6. On or about April 15, 2002, FSIS issued to Respondent a Notice of Suspension due to continual failure to comply with Part 416 of Title 9 of the Code of Federal Regulations, due to, *inter alia*, rodent infestation, unsanitary conditions, and the failure to implement corrective actions as required.
7. On or about July 17, 2002, an FSIS Comprehensive Food Safety Assessment revealed that Respondent failed to meet the basic requirements of SSOP, under Section 416.16(d) of Title 9 of the Code of Federal Regulations, failed to meet the Sanitation Performance Standards outlined in

FSIS Dir. 11,000.1, failed to implement corrective actions, failed to meet the requirements of Section 381.65(e), that require the establishment to prevent poultry contamination with visible fecal material, and had failed to maintain sanitary conditions as required under the PPIA.

8. On or about July 18, 2002, FSIS issued to Respondent a Notice of Reinstatement of Suspension due to failure to meet the requirements of Section 381.65(e) of Title 9 of the Code of Federal Regulations, that require the establishment to prevent poultry contamination with fecal material, and had failed to maintain sanitary conditions as required under the PPIA.
9. On or about November 19, 2002, FSIS issued to Respondent a Notice of Warning, stating the Respondent provided written documentation addressing corrective and preventive actions to control their poultry process violations, therefore closing the suspension, and notifying Respondent that the prior violations were serious in nature and that failure to comply with these requirements in the future could lead to the withholding of inspection or other appropriate actions.

### **ORDER**

Inspection services under the PPIA are refused to Respondent, Industrias Avicolas de Puerto Rico, dba Empresas Picu, its owners, officers, directors, successors, affiliates, and assigns, directly or through any corporate device, for a period of THREE (3) years, beginning on the effective date of this Order. The refusal 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.

**Sanitation Performance Standards (SPS)**

1. Respondent shall ensure its poultry slaughter and processing facility, regarding the premises, facility, equipment and operations thereof will be maintained 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 - 416.6, and ensure that product is not adulterated.

2. Respondent shall make such facility, equipment and premises repairs and improvements necessary to ensure sanitary conditions and the production and shipment of safe, wholesome and non-adulterated product. Such improvement and repair of respondent's facility and equipment shall include,

***but not be limited to:***

a) installing a multi-stage scalding within 180 days upon signature of this Order,

b) installing a post chiller SANOVA dip within 90 days upon signature of this Order,

c) replacing the "Johnsons" opener within 180 days upon signature of this Order,

d) replacing the "Johnsons" modules ("venter heads") within 180 days upon signature of this Order, and

e) repair and maintain the cropper machines at all times, including keeping common repair parts in stock on the premises at all times, and

f) develop and implement procedures to monitor the conditions and adequacy of the scalding, post chiller SANOVA dip, Johnsons opener, and Johnsons modules at all times, *including* prior to any repair or installation of new equipment, to prevent insanitary conditions and product contamination during the processing operations.

3. Respondent shall replace, repair and maintain all cooling equipment and facilities such that all chilling and freezing procedures are at all times in compliance with 9 CFR 381.66. Such chilling and freezing procedures shall include, but are not limited to,

a) all slaughtered poultry shall be chilled immediately after so that the internal temperature is reduced to 40 degrees Fahrenheit or less;

b) eviscerated poultry to be shipped from establishment in packaged form shall be maintained at 40 degrees Fahrenheit or less; and

c) poultry that is held in the plant in packaged form in excess of 24 hours shall be held in a room at a temperature of 36 degrees Fahrenheit or less.

4. Respondent shall immediately designate and document in writing to the Atlanta District Manager and Inspector-In-Charge, one full-time and one alternate plant employee knowledgeable on equipment function and repair, to be responsible for the on-going maintenance, monitoring, repair, implementation, and verification of all equipment on the premises, and shall notify FSIS in writing of any change of such designated officials. Upon discovery of any equipment in need of repair, respondent shall repair such equipment within one (1) week of discovery, unless extenuating circumstances require an extension of time. Any request for an extension of time must be first approved by the Inspector-In-Charge at respondent's facility.

5. Respondent shall, on a daily basis, clean transport cages for live birds, using an approved anti-microbial cleaning solution. Respondent shall monitor, document, and maintain such documentation of the daily cleaning process. Upon request, respondent shall provide such records to FSIS personnel for review and/or copying.

6. To prevent equipment malfunctions, insanitary conditions, and product contamination, Respondent shall:

a) implement and maintain supportable procedures to adjust eviscerating equipment and line speed according to weights of incoming lots of birds;

b) monitor weights of each incoming lot of live birds, equipment, and line speed, and document, and maintain records on a daily basis;

c) provide in-plant supporting, technical, or supporting data to show the correlation between the line speed and bird weight to effectively reduce the rate of fecal contamination,

d) provide in-plant supporting data to FSIS documenting the maximum bird weight that can be run through the plant's "Stork" evisceration machine without tearing, bursting, mangling or otherwise damaging organs such as the intestine, lung, esophagus, crop, trachea, or other organs described in 9 CFR 381.76 that would result in adulteration of the carcass; and

e) provide all the above records to FSIS personnel for review and/or copying upon request.

7. Respondent shall develop, implement and maintain "plant improvement" procedures to ensure maintenance of its premises, facility, and equipment to ensure sanitary conditions and compliance with sanitation performance standard (SPS) regulations, 9 CFR 416.1 - 416.6. Respondent shall monitor these procedures on a weekly basis and implement necessary and appropriate repairs or improvements.

Respondent shall document and maintain records of such monitoring of these procedures and any repairs or improvements made. Respondent shall make these records available for review and/or copying by FSIS personnel upon request.

## II.

### **Sanitation Standard Operation Procedures (SSOP)**

8. Respondent shall develop, implement, and maintain its Sanitation Standard Operating Procedure (SSOP) system in accordance with 9 CFR 416.11- 416.16, within thirty (30) days upon signature of this Consent Decision and Order. Respondent shall routinely evaluate the effectiveness of its SSOP and implement necessary modifications, as required by Part 416.14, which shall include corrective and preventive actions, required by and consistent with 9 CFR 416, 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.

9. Respondent shall, as part of its daily pre-operational sanitation procedures under the SSOP, maintain an environmental surveillance program to monitor contamination of product contact surfaces of equipment, and to verify the effectiveness of Respondent's sanitation cleaning procedures (i.e. ATP Luminometer Procedure). Respondent shall implement the environmental testing in its SSOP, record and take appropriate corrective and preventive actions when the test results indicate a failure of sanitation cleaning procedures, and shall maintain records consistent with agency SSOP requirements, 9 C.F.R. Part 416.

10. Respondent shall, consistent with the requirements of 9 CFR Part 416, document and meet all parts of corrective actions, including preventive actions, as required by 9 CFR 416.15, as a result of direct product contamination and/or insanitary conditions whenever either the Respondent or FSIS personnel determine that the SSOP or implementation or maintenance of the SSOP may have failed to prevent direct contamination or adulteration of product or product contact surfaces.

11. Respondent shall document and maintain full, complete and accurate records regarding the implementation and monitoring of the SSOP procedures and corrective and preventive actions taken, and maintain and provide records to FSIS personnel, as required by 9 CFR 416.16.

### III.

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

12. Respondent shall implement, validate and maintain a Hazard Analysis and Critical Control Point (HACCP) system in accordance with the requirements of 9 CFR Part 417. Respondent shall include in its HACCP the process control systems and procedures Respondent will conduct, implement and maintain on a daily basis.

13. Respondent shall reassess and implement modifications to the HACCP plan within thirty (30) days upon signature of this Consent Decision and Order, and at a minimum, make the following revisions to its HACCP system:

- a) identify *Salmonella* bacteria as a food safety hazard;
- b) reassessing its HACCP plan to determine whether the food safety hazard is reasonably likely to occur in the production process;
- c) revise the hazard analysis and HACCP plan to implement corrective and preventive actions to ensure that regulatory requirements for the control and prevention of *Salmonella* and/or other food safety hazards, and to prevent direct product contamination that presents a public health risk.
- d) revise the hazard analysis, process step “Receiving Live Birds,” to address hazards, including *Salmonella* bacteria, “prior” to receiving live birds for slaughter, in accordance with 9 CFR 417.2, which requires the hazard analysis to include food safety hazards *before*, during, and after entry into the establishment, and apply controls for those hazards that have historically occurred;
- e) revise the hazard analysis, process step “Receiving Live Birds”, to identify pre-slaughter factors affecting the contamination rate of fecal contamination during operations. Respondent shall reassess and revise the HACCP plan in accordance with regulation 9 CFR 417.4, whenever any changes occur that could affect the hazard analysis or alter the HACCP plan, such as raw materials (*the live birds*), or source of raw materials;
- f) revise the written HACCP plan to include procedures to be used in monitoring of critical limits established at CCP 1(B) – Zero Tolerance for Whole Birds, CCP 2 (B) – Carcass Chilling, and CCP 4 (B) – Cooler/Finished Product Temperature as required in regulations 9 CFR 417.2;
- g) revise the written HACCP plan to include all on-going verification activities for CCP 1 (B) –Zero Tolerance/Whole Poultry Carcasses, CCP 3 (B) – Zero Tolerance/Reprocessed Poultry Carcasses, and CCP 4 (B) – Cooler/Finished Product Temperature as required in regulation 9 CFR 417.2 and 417.4; and
- h) revise the written HACCP plan to address and include all parts of corrective action to be followed, as required by 9 CFR 417.2, and take corrective actions in the event of any deviation from a

critical limit, a deviation not covered by a specified corrective action, and the occurrence of an unforeseen hazard, as required in regulation 9 CFR 417.3 (a) and (b).

14. Respondent shall on a daily and on-going basis monitor all parts of a critical limit established for CCPs, and maintain records documenting the monitoring of the CCPs and critical limits as required by 9 CFR 417.5.

15. Respondent shall regularly conduct and reassess the adequacy of its HACCP system for any changes that have occurred that may affect the hazard analysis or alter the HACCP plan, as required in 9 CFR 417.4. The reassessment shall be performed by an individual trained in accordance with 9 CFR 417.7. The reassessment shall be completed within thirty (30) days upon signature of this Order and submitted to FSIS Atlanta District Manager and Inspector-In-Charge for review within such time period. The Respondent's operation shall reassesses the adequacy of its HACCP plan at least annually and when ever any changes occur that could effect the hazard analysis or alter its HACCP plan.

16. Respondent shall provide a copy of the reassessed and revised HACCP plan, and all HACCP records, all records relating to the poultry slaughter and processing operations, supporting documentation, and sample test results to FSIS for review and/or copying upon request.

#### IV.

#### **Hatchery, Farm, and Feed Mill**

17. Respondent shall develop and implement pre-slaughter procedures as part of its HACCP system, including corrective and preventive actions, to ensure the control of food safety hazards, including *Salmonella* bacteria, that can occur before, during, and after entry into the establishment consistent with 9 CFR 417.2. Respondent shall maintain pre-slaughter procedures at the hatchery, farm and feed mill that require monitoring of live birds, to ensure the delivery to the official establishment of live birds that are suitable for slaughter under 9 CFR 381.70 - 381.75.

18. Respondent shall implement and maintain procedures at the hatchery, including, but not limited to:

a) implement and maintain a young chicken vaccination program to provide protection against food safety hazards, including multiple strains of *Salmonella*;

b) maintain documentation from the egg suppliers, certifying that the laying hens are *Salmonella* free; and,

c) maintain the comprehensive cleaning program for each incubator, which includes increased fumigation time in each incubator and hatchery.

19. Respondent shall implement and maintain procedures at the farm, including, but not limited to:

a) implement and maintain a program to remove litter from and disinfect each chicken house between each grow-out cycle, and to subsequently conduct litter drag swab tests of the litter and chicken house after such removal and disinfection to verify the absence of pathogenic bacterium prior to the reintroduction of any poultry population. In the case of a positive finding of pathogenic bacterium, prior to the reintroduction of any poultry population, respondent shall conduct a rigorous disinfection process and conduct a repeat litter drag swab test. If such repeat litter drag swab test is found positive of pathogenic bacterium, prior to the reintroduction of any poultry population, respondent shall remove and replace the litter, and begin the litter drag swab test cycle again.

b) implement and maintain programs to monitor, measure, and control humidity, water pressure, and replace faulty equipment;

c) implement and maintain a fumigation program for each chicken house;

d) maintain anti-microbial water system for chickens to help reduce the pathogen load in the crops of chickens before slaughter, and perform water sample tests for *Salmonella* in-between each grow-out cycle and during the first flock; and

e) maintain a safety dress and equipment program applicable to all personnel and non-personnel visitors to the chicken houses, to reduce the possibility of cross contamination.

20. Respondent shall implement and maintain procedures at the feed mill, including, but not limited to:

a) maintain an anti-microbial intervention applied to the feed at the raw ingredient and/or post pellet level, and with combined heat and pressure in the pelleting process to destroy bacteria.

Respondent shall monitor temperature during the process, and perform monthly micro samples of feed for *Salmonella*;

b) maintain a pest control program to address pests and rodents, and install equipment as deterrents;

c) maintain daily facility housekeeping program to ensure unsanitary conditions are not created; and

d) maintain a weekly inspection program of trucks and loading equipment, to ensure cleanliness and good maintenance.

21. Respondent shall monitor, document and maintain records of results, and corrective action and preventive actions of all established hatchery, farm, and feed mill pre-slaughter procedures, and shall maintain and provide records to FSIS personnel upon request. Respondent shall, in good faith, make provisions for FSIS personnel to review and/or copy and observe the adequacy of the above mentioned results, corrective actions and preventative actions at the hatchery, farms and feed mill.

V.

### **Pathogen Reduction Testing Programs**

Generic E.coli Testing Program:

22. Respondent shall conduct and maintain a microbiological generic *E.coli* testing program in accordance with the requirements of 9 CFR 381.94, which describes procedures, sampling methodology, frequency, records, and analyzed sample results to determine process control for fecal contamination.

Necropsy procedures:

23. Respondent shall conduct and maintain pre-slaughter Necropsy procedures, to identify respiratory conditions, ingesta, or fecal problems associated with the live birds (i.e. the grow-out cycle). Respondent shall describe the procedures, methodology, frequency, and analyze results. Respondent shall take all corrective and preventive actions necessary to ensure the wholesomeness of product and to ensure compliance with regulations in response to unacceptable pre-slaughter Necropsy results. Respondent shall monitor, document and maintain records of results of the Necropsy procedures and the corrective and preventive actions taken, and provide records to FSIS personnel for review and/or copying upon request.

Microbial Testing Program for *Salmonella*:

24. Respondent shall implement and maintain a written, science-based control program to verify the effectiveness of its production processes and food safety and sanitation control systems. The program shall, at a minimum, require routine testing for *Salmonella* in the broiler carcass production.

25. Respondent shall describe, implement, and maintain, written procedures, sampling methodology and frequency, analysis of test results, corrective actions, and for microbial testing for *Salmonella*. A copy of the science-based control program, including all test results and other data collected as part of implementation and validation activities shall be provided to FSIS personnel for review and/or copying upon request.

Environmental Microbial Testing Program:

26. Respondent shall maintain an environmental microbiological sampling and testing program (non-product contact surfaces), including sampling and testing at least twice per week, in the following areas of the plant: evisceration, packing, tray pack, ice room, and in-house laboratory. Respondent shall analyze the sampling and testing results and take appropriate corrective actions for unacceptable test results. Respondent shall monitor, document, and maintain records of the environmental sampling and testing program, including results and corrective and preventive actions taken. Respondent shall maintain and provide records to FSIS personnel for review and/or copying upon request.

**VI.**

**Establishment Personnel:**

27. Respondent shall immediately designate in writing to the Atlanta District Manager and Inspector-In-charge, one full-time and one alternate plant official responsible for overall implementation, monitoring, verification, validation, reassessment, recordkeeping, review and maintenance of the establishment's SPS, SSOP, HACCP, generic *E.coli* testing and other food safety control systems, as required by and consistent with 9 CFR Parts 416 and 417 and 9 CFR 381.94, and shall notify FSIS in writing of any change in such designated officials. Respondent shall not conduct any slaughter, processing, packing or other operations requiring federal inspection service unless the designated official or alternate is physically present on the premises of Respondent's official establishment.

28. The designated employee and alternate identified in paragraph 27 shall have completed, prior to Respondent receiving conditional inspection service, a course of instruction in the application of HACCP that complies fully with the requirements of 9 CFR 417.7.

29. Respondent shall provide written documentation of the designation of the responsible official(s) in paragraph 27 and of the completion training required by paragraph 28 to the FSIS Atlanta

District Manager and Inspector-In-Charge within five (5) business days from the effective date of this Order.

30. Respondent shall maintain the written records of compliance with paragraphs 27 through 29 for the duration of this Order and make such records available to FSIS upon request.

## VII

### **Training and Education:**

31. Within ninety (90) days from the effective date of this Order, Respondent shall train and educate all current employees on all aspects of food safety measures and regulatory requirements of HACCP, SSOP, SPS, and generic *E.coli* sampling and testing relevant to that employees position. This training shall begin within fifteen days (15) upon signature of this Order.

32. Respondent shall train and educate all new employees, consistent with the requirements of paragraph 29 of this Order. This training shall begin within fifteen days (15) of their employment, and completed within thirty (30) days of their employment.

33. Respondent shall conduct on-going training and education of its employees, consistent with the requirements of paragraphs 31 and 32 of this Order, at least annually.

34. The training and education of current and new employees required by paragraphs 31-33 of the Order shall be done by an individual that has completed a course of instruction in the application of the HACCP principles that complies with 9 CFR 417.7. The individual may not be a current or former employee of Respondent.

35. Respondent shall record and maintain written records of the implementation and completion of such training for the duration of this Order. Respondent shall make these records available to FSIS personnel for review and/or copying upon request.

## VIII.

### Miscellaneous Provisions:

36. Respondent shall cause to be made, by a qualified, independent third party, written assessments of Respondent's implementation, monitoring and maintenance of its HACCP, sanitation and other food safety control systems, including but not limited to, Respondent's compliance with the:

- a) SPS regulations;
- b) SSOP regulations;
- c) HACCP system regulations;
- d) generic *E.coli* testing procedure requirements; and
- e) Respondent's implementation and maintenance of the additional food safety system controls required by this Order, including the plant improvement plan and the system for early *Salmonella* detection at all points in the poultry production process.

Respondent shall provide documentation to FSIS Atlanta District Manager of the third party assessment process and detailed findings and shall include information to show that the HACCP plan, SSOP, and generic *E.coli* testing meets requirements in the design and execution of the food safety system.

37. The third party written assessments conducted pursuant to paragraph 34 shall, at a minimum, address and include:

- (a) information regarding the process food chain before and after the slaughter process occurs in the plant, evaluating product and process flow, the adequacy and effectiveness of the hazard analysis and its identified control measures, and provide information of the effectiveness design and implementation of prerequisite programs (i.e. GMP's or SOP's) that support the hazard analysis and HACCP plan.

(b) information indicating the effectiveness of each CCP step and critical limits in preventing, eliminating, or reducing the food safety hazard to an acceptable level, as required in 9 CFR 417.2.

(c) information regarding the monitoring of the CCPs as a tracking system for the operation, and verification procedures used to determine the validity of the HACCP system is operating according to the HACCP plan, and that the plant personnel are performing tasks as specified in the HACCP plan, as required in regulation 9 CFR 417.2.

(d) information regarding the monitoring and effectiveness of the SSOP to prevent insanitary conditions and direct product contamination, and the adequacy of the generic *E.coli* testing program in maintaining process control, as required in 9 CFR 381.94 and 9 CFR Part 416.

(e) information indicating whether Respondent is fully implementing and documenting all parts of the corrective actions, as required by 9 CFR Parts 416 and 417.

(f) information regarding whether Respondent's generic *E.coli*, SSOP and HACCP records are being maintained, as required in regulations, 9 CFR 381.94, 416.16 and 417.5.

MS  
38. The written assessment shall include a report of findings and recommendations of the independent third party.

39. The first third party assessment will be conducted within sixty (60) days of the effective date of this order. Additional third party assessments shall be conducted at each ninety (90) day interval thereafter until the end of the effective date of this Order.

40. Respondent, after receipt of the third-party assessment, shall conduct a written response to such assessment and make such written response, and the third party assessment, available for review and/or copying by FSIS within thirty (30) days after the assessment is completed.

41. Respondent shall obtain approval from the FSIS Atlanta District Manager for the independent third party responsible for the duties under this section, *provided*, however, that the independent third party may not be a former or current employee of the Respondent or any affiliated business or entity.

## IX.

### General Provisions

42. Respondent, its officers, partners, employees, agents or affiliates shall not assault, intimidate, impede, or interfere with, or threaten to assault, intimidate, impede, or interfere with any USDA or FSIS employees in the performance of his or her official duties under the PPIA.

43. Respondent, its officers, partners, employees, agents or affiliates shall not commit any felony or fraudulent act, violate any section of the PPIA, or violate any Federal, State or local statute involving the preparation, sale, transportation, or attempted distribution of any adulterated or misbranded meat, poultry or food product or article.

44. Respondent shall record and maintain complete and accurate written records of all business activities applicable to the PPIA and the regulations promulgated thereunder, including SSOP and HACCP system records. Respondent shall comply with all applicable State and local recordkeeping requirements related to its slaughter, processing and/or other federally inspected businesses or business activities. Respondent shall make these records available to FSIS immediately upon request for review and/or copying as required by the PPIA and the regulations promulgated thereunder.

45. Respondent shall fully and completely cooperate with any FSIS investigation, inquiry, review or examination of Respondent's establishment or Respondent's compliance with the PPIA or this Order.

46. The Administrator, FSIS, may summarily withdraw federal inspection services from Respondent upon a determination by the Administrator or his/her designee that the Respondent has failed to comply with any requirements of this Order. Respondent retains the right to request an expedited hearing concerning any violation alleged as the basis summary withdrawal of inspection services.

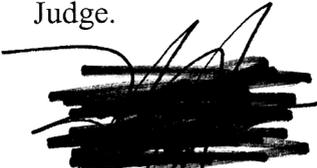
47. The provisions of this Consent Decision and Order shall be applicable for three (3) years from the effective of this Order.

48. Nothing in this Consent Decision and Order shall preclude any regulatory or administrative actions or the referral of any matter to any agency for possible criminal, civil, or administrative proceedings.

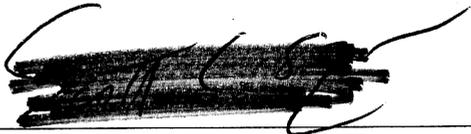
49. If any provisions of this Consent Decision and Order is declared invalid, such declaration shall not affect the validity of any other provision herein.

This Consent Decision and Order shall become effective upon issuance by the Administrative Law Judge.

Judge.

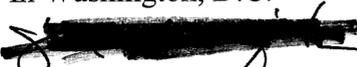
  
INDUSTRIAS AVICOLAS DE  
PUERTO RICO  
dba EMPRESAS PICU  
Respondent

  
CRISTIAN BERNASCHINA  
Attorney for Respondent  
Industrias Avicolas de  
Puerto Rico  
(787) 721-1140

  
SCOTT SAFIAN  
Director  
Program Evaluation Enforcement Review  
Food Safety and Inspection Service  
U.S. Department of Agriculture

  
MARGARET A. BURNS  
Attorney for Complainants  
Office of the General Counsel- Regulatory Division  
U.S. Department of Agriculture  
(202) 720-2510

Issued this 11 day of February, 2004  
In Washington, D.C.

  
Jill S. Clifton  
ADMINISTRATIVE LAW JUDGE