



United States Department of Agriculture

Food Safety and  
Inspection Service

1400 Independence  
Avenue, SW.  
Washington, D.C.  
20250

March 10, 2025

**Delivered via Electronic Mail**

Brian Barrett  
c/o JoNel Aleccia  
Associated Press  
200 Liberty Street  
New York, NY 10281

(b)(6) @ap.org  
[JAleccia@ap.org](mailto:JAleccia@ap.org)

RE: Final Response to Freedom of Information Act (FOIA) Appeal  
2025-FSIS-00010-A- Appeal of 2024-FSIS-00298-F

Dear Brian Barrett:

On October 24, 2024, you submitted a Freedom of Information Act (FOIA) appeal on behalf of JoNel Aleccia, to the U.S. Department of Agriculture (USDA), Food Safety and Inspection Service (FSIS). The FSIS received your appeal on October 25, 2024 ("Appeal").

The Appeal pertains to JoNel Aleccia's August 29, 2024 FOIA Request, received by our office on August 30, 2024, and assigned tracking number 2024-FSIS-00298-F ("Request").

The Request sought the following:

*"The Associated Press requests access to and copies of all FSIS inspection noncompliance reports logged for the Boar's Head Provisions Inc. production plants in Brooklyn, NY; Forrest City AR; New Castle, IN; Sarasota, FL; Edison, NJ; Holland, MI, Petersburg, VA; and Columbus, OH between Aug. 1, 2023 and Aug. 30, 2024."*

On September 26, 2024, FSIS issued its final response ("Final Response"), and notified the requester that 78 pages were identified as being responsive to this request and you were provided a link to the FSIS FOIA Reading Room for a portion of the records. The other responsive records were subject to an open investigation and were being withheld in full pursuant to 5 U.S.C. § 552(b)(7)(a) (FOIA Exemption 7(A)).

The Appeal alleges the following:

- 1.) Withholding of information under Exemption 7(A) was improper.
- 2.) FSIS did not properly demonstrate the FOIA's foreseeable harm standard.

In response to your Appeal, FSIS is removing redactions to the records that were made pursuant to FOIA Exemption 7(A).

However, upon removal of the Exemption 7(A) redactions, FSIS is now redacting certain information in the records pursuant to FOIA Exemptions 4, 5, and 6 that was previously only redacted pursuant to Exemption 7(A).

Since FSIS is not releasing all information in the records in their entirety in response to the Appeal, the Appeal is considered denied.

Having said that, pertaining to the information now redacted pursuant to 5 U.S.C. § 552 (b)(4), (b)(5), or (b)(6), we are providing new appeal rights.

#### **I. FSIS Is Removing Redactions Made Pursuant to FOIA Exemption 7(A).**

The Appeal asserts that FSIS should not have withheld the entirety of the records under FOIA Exemption 7(A).

After careful deliberation following a de novo review of the Final Response to the Request, it is the decision of FSIS to remove redactions made pursuant to FOIA Exemption 7(A).

After removal of Exemption 7(A) redactions, 71 pages of responsive records were identified. Please note, in the initial Final letter, the page count was estimated to be 78 pages. However, five (5) pages were blank, and two (2) pages were duplicates. Thus, the final page count is 71 pages.

#### **II. Certain Information Is Now Redacted Pursuant to FOIA Exemptions 4, 5, and 6.**

Upon removal of all redactions made pursuant to Exemption 7(A), and within the 71 pages of responsive records now being provided to you, certain information is now redacted pursuant to 5 U.S.C. § 552 (b)(4), (b)(5), and (b)(6).

Below is an explanation of the information that has been withheld.

#### **FOIA Exemption 4**

Exemption 4 of the FOIA protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential. This exemption is intended to protect the interests of both the government and submitters of information. The exemption covers two

distinct categories of information in federal agency records: (1) trade secrets; and (2) information that is (a) commercial or financial, (b) obtained from a person, and (c) privileged or confidential.

The information being withheld contains company testing information, proprietary technology, and company specific operating procedures. We have determined that these records contain commercial or financial information that is customarily treated as private by the business submitters. Therefore, the information is considered confidential.

Further release of the withheld information could be expected to cause Boar's Head harm because the redacted information is generally treated as private by the owner of the records. If the information was released, Boar's Head as well as other businesses would be dissuaded from submitting commercial or financial information to USDA in the future.

### **FOIA Exemption 5**

FOIA Exemption 5 protects from disclosure those "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency." This exemption applies to information which is normally privileged in the civil discovery context. The specific privilege(s) being invoked are explained in more detail below.

### **Application of Deliberative Process Privilege**

One of the frequently invoked FOIA Exemption 5 privileges is the deliberative process privilege. To fall within FOIA's deliberative process privilege, the records must be both pre-decisional and deliberative; the records must precede the adoption of an agency policy and include the opinions, recommendations, or deliberations on a legal or policy matter.

In this instance, the FSIS is withholding, under the deliberative process privilege, pre-decisional intra-agency discussions and briefings on agency actions and programs on issues relating to internal inquiries and proposed talking points.

These items are pre-decisional in that they are antecedent to any final agency decision. These items are also deliberative in that they reflect the evolving, back-and-forth process between agency employees that is so integral to the Executive Branch decision-making process; more specifically, the development of potential recommendations made by agency staff and advisors for use in making decisions.

If these pre-decisional, deliberative communications were released to the public, FSIS and other Executive Branch employees would be much more cautious in their discussions with each other, and in candidly discussing and providing all pertinent information and viewpoints in a timely manner to agency decision-makers. This lack of candor would also seriously impair the FSIS's ability to engage in forthright, internal discussions necessary for efficient and proper agency decision-making.

Additionally, the FSIS is protecting portions of draft memos because releasing evolving iterations of a draft document may not represent the agency's ultimate decision regarding enforcement memos, and release of the information contained therein may cause confusion or chill future agency decisions.

### **FOIA Exemption 6**

Exemption 6 generally is referred to as the "personal privacy" exemption. It provides that the disclosure requirements of FOIA do not apply to "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Application of the exemption involves balancing the public's interest in disclosure against individuals' privacy interests.

The information withheld under Exemption 6 consists of in plant personnel, FSIS personnel, and third-party personnel. This information qualifies as "similar files" because it is information in which individuals have a privacy interest. Moreover, releasing the information could subject the individuals to unwarranted or unsolicited communications or even harassment. Because there is a viable privacy interest that would be threatened by disclosure, Exemption 6 authorizes this office to withhold the information. Accordingly, we have determined that the public interest in the information's release does not outweigh the overriding privacy interests in keeping it confidential.

As set forth above, since FSIS is not releasing all information in the records in their entirety in response to the Appeal, the Appeal is considered denied.

If you are dissatisfied with this final decision on the Appeal, you may seek judicial review in the Federal District Court.

Prior to seeking judicial review, you may want to contact the Office of the Government Information Services (OGIS). As *part* of the 2007 FOIA amendments, OGIS was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. Please visit <https://www.archives.gov/ogis/mediation-program/request-assistance>.

### **New Appeal Rights**

Pertaining to information within the 71 pages of responsive records now redacted pursuant to 5 U.S.C. § 552 (b)(4), (b)(5), or (b)(6), we are providing new appeal rights.

You may appeal any of these redactions by email to [FSIS.FOIA@usda.gov](mailto:FSIS.FOIA@usda.gov). Your appeal must be in writing, and it must be received electronically no later than 90 days from the date of this letter. FSIS will not consider appeals received after the 90 calendar-day limit. Appeals received after 5:00 PM EST will be considered received the next business day. Your appeal

should include the FOIA tracking number, a copy of your original request, FSIS's response to your original request, as well as reasons supporting your appeal.

For quickest possible handling, please email your appeal to [FSIS.FOIA@usda.gov](mailto:FSIS.FOIA@usda.gov), and in the subject line of your email and the appeal letter, mark "Freedom of Information Act Appeal" and reference **FOIA No. 2025-FSIS-00010-A**.

If you do not have access to email, or are otherwise unable to email your appeal, you may mail your appeal to:

Dr. Denise Eblen  
Administrator  
U.S. Department of Agriculture  
Food Safety and Inspection Service  
1400 Independence Avenue SW  
Room 1175, South Building  
Washington, DC 20250-3700

You may seek dispute resolution services from the FSIS's FOIA Public Liaison, Dexter Johnson. Mr. Johnson may be reached telephonically at (202) 853-6166 or via email at [Dexter.Johnson@usda.gov](mailto:Dexter.Johnson@usda.gov).

You also have the option to seek assistance from the Office of Government Information Services (OGIS). Please visit <https://www.archives.gov/ogis/mediation-program/request-assistance> for information about how to request OGIS assistance in relation to a FOIA request.

If you have any questions regarding the processing of this request, please contact Jessica Parrish, electronically at [Jessica.Parrish@usda.gov](mailto:Jessica.Parrish@usda.gov) or [FSIS.FOIA@usda.gov](mailto:FSIS.FOIA@usda.gov). Additionally, you may contact the FOIA Director, Okechi Chigewe, via email at [Okechi.Chigewe@usda.gov](mailto:Okechi.Chigewe@usda.gov).

Thank you for your interest in FSIS programs and policies.

Sincerely,

**CAROL BLAKE** Digitally signed by CAROL BLAKE  
Date: 2025.03.10 16:34:00 -04'00'

Carol Blake  
Assistant Administrator  
Office of Public Affairs and Consumer Education

**Enclosure:** 71 pages

**From:** Furey, Todd - FSIS  
**Sent:** Mon, 29 Jul 2024 18:32:14 +0000  
**To:** Connell, JoAnn (VDACS)  
**Cc:** (b)(6) - FSIS  
**Subject:** RE: [External Email]Death's location

Hi JoAnn,

As of July 26, 2024, a total of 34 people infected with the outbreak strain of *Listeria* have been reported from 13 states (see [map](#)). Sick people's samples were collected from May 29, 2024, to July 12, 2024 (see [timeline](#)). Of 33 people with information available, all 33 have been hospitalized. One person got sick during their pregnancy and remained pregnant after recovering. **Two deaths have been reported, 1 in Illinois and 1 in New Jersey.**

<https://www.cdc.gov/listeria/outbreaks/delimeats-7-24/details.html>

Todd Furey  
District Manager  
Raleigh District Office  
Office of Field Operations  
FSIS, USDA  
6020 Six Forks Road  
Raleigh, NC 27609  
Cell Number: (b)(6)  
Email Address: [todd.furey2@usda.gov](mailto:todd.furey2@usda.gov)

---

**From:** Connell, JoAnn (VDACS) <JoAnn.Connell@vdacs.virginia.gov>  
**Sent:** Monday, July 29, 2024 2:28 PM  
**To:** Furey, Todd - FSIS <todd.furey2@usda.gov>  
**Subject:** [External Email]Death's location

**[External Email]**

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Todd, VA's State Vet's office has inquired as to where the deaths from this recall have been and if it is still 2 at this point.

Thanks,



**JoAnn Connell**

Program Manager

Virginia Department of Agriculture and Consumer Services

Cell Phone: (b)(6)

Office: (804) 786-4569

Email: [www.vdacs.virginia.gov](http://www.vdacs.virginia.gov)

Email: [joann.connell@vdacs.virginia.gov](mailto:joann.connell@vdacs.virginia.gov)

Address: 102 Governor Street - Suite 131-A

Richmond, Virginia 23219

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**From:** Furey, Todd - FSIS  
**Sent:** Tue, 30 Jul 2024 23:30:40 +0000  
**To:** (b)(6) Blakeney, Dwayne - FSIS  
**Cc:** Lilly, David - FSIS; JoAnn.Connell@vdacs.virginia.gov; (b)(6); Jolyda O. Swaim; (b)(6) - FSIS  
**Subject:** RE: [External Email]For Further Processing

(b)(6), See my responses in red below. The suspension covers the RTE production. As long as the raw products meet all applicable regs (ex. Established HACCP program), I have no concerns with your process. Please feel free to contact myself, David Lilly or (b)(6) should you need further clarification.

Todd

Todd Furey  
District Manager  
Raleigh District Office  
Office of Field Operations  
FSIS, USDA  
6020 Six Forks Road  
Raleigh, NC 27609  
Cell Number: (b)(6)  
Email Address: [todd.furey2@usda.gov](mailto:todd.furey2@usda.gov)

---

**From:** (b)(6) <(b)(6)@boarshead.com>  
**Sent:** Tuesday, July 30, 2024 2:15 PM  
**To:** Blakeney, Dwayne - FSIS <dwayne.blakeney@usda.gov>; Furey, Todd - FSIS <todd.furey2@usda.gov>  
**Cc:** Lilly, David - FSIS <david.lilly@usda.gov>; JoAnn.Connell@vdacs.virginia.gov; (b)(6) <(b)(6)@boarshead.com>; Jolyda O. Swaim <(b)(6)@ofwlaw.com>  
**Subject:** RE: [External Email]For Further Processing

Thank you Dawyne

Todd,

As a follow-up as we discussed we wanted to confirm in writing,

We are OK on shipping any raw material to our other facilities to utilize for further processing? **Yes, as long it meets all applicable regulations.**

We are planning on processing current on hand raw material and ship to our other facilities in raw form for further processing. **Yes, as long it meets all applicable regulations.**

We can continue bring in for new raw material and process raw material to ship to our other facilities to be further processed. **Yes, as long it meets all applicable regulations.**

Thank you

(b)(6) | VP R&D and Product Excellence

**Boar's Head Brand**

Office: 941-955-0994 ext. (b)(6)

Cell: (b)(6)

---

**From:** Blakeney, Dwayne - FSIS <dwayne.blakeney@usda.gov>

**Sent:** Tuesday, July 30, 2024 12:08 PM

**To:** Furey, Todd - FSIS <todd.furey2@usda.gov>; (b)(6) <(b)(6)@boarshead.com>

**Cc:** Lilly, David - FSIS <david.lilly@usda.gov>; JoAnn.Connell@vdacs.virginia.gov; (b)(6)

<(b)(6)@boarshead.com>; Jolyda O. Swaim <(b)(6)@ofwlaw.com>

**Subject:** Re: [External Email]For Further Processing

You don't often get email from [dwayne.blakeney@usda.gov](mailto:dwayne.blakeney@usda.gov). [Learn why this is important](#)

### This Message Is From an External Sender

\*Caution External Email\* If the message appears to be suspicious, please click the Report Phish button in your Outlook client.

Hi, yes, the HPP would be sufficient as long as it achieves a 5- log reduction of  $L_m$ . According to Directive 10240.3, chapter 5, part A. The establishment may reprocess or dispose of adulterated product. If the establishment reprocesses the product, IPP are to verify that it used a process that achieves adequate lethality of pathogens. FSIS considers a process that has been validated to achieve a 5-log reduction of  $L_m$  to be sufficient for reworking contaminated product. There would be a need for the receiving Establishment to have an adequate HACCP/Food safety system to be able to accept and handle adulterated products. The adulterated products also may need to be shipped under seal and the seal removed by FSIS upon arrival at the further processing Establishment.

Thanks,



**Dr. Dwayne Blakeney**

Deputy Director

Recall Management & Technical Analysis Division

Office of Field Operations

Food Safety and Inspection Service

United States Department of Agriculture

Mobile: (b)(6)

[Dwayne.Blakeney@USDA.GOV](mailto:Dwayne.Blakeney@USDA.GOV)

---

**From:** Furey, Todd - FSIS <[todd.furey2@usda.gov](mailto:todd.furey2@usda.gov)>

**Sent:** Tuesday, July 30, 2024 12:03:47 PM

**To:** (b)(6) <(b)(6)> <(b)(6)>@boarshead.com>

**Cc:** Lilly, David - FSIS <[david.lilly@usda.gov](mailto:david.lilly@usda.gov)>; JoAnn.Connell@vdacs.virginia.gov <[JoAnn.Connell@vdacs.virginia.gov](mailto:JoAnn.Connell@vdacs.virginia.gov)>; (b)(6) <(b)(6)> <(b)(6)>@boarshead.com>; Jolyda O. Swaim <(b)(6)>@ofwlaw.com>; Blakeney, Dwayne - FSIS <[dwayne.blakeney@usda.gov](mailto:dwayne.blakeney@usda.gov)>

**Subject:** RE: [External Email]For Further Processing

Thank you (b)(6). At this point, I am going to need to defer to my colleague, Dr. Blakeney. My staff is working with his staff to determine if any steps can be taken. This product may be included in the recall.

Todd Furey  
District Manager  
Raleigh District Office  
Office of Field Operations  
FSIS, USDA  
6020 Six Forks Road  
Raleigh, NC 27609  
Cell Number: (b)(6)  
Email Address: [todd.furey2@usda.gov](mailto:todd.furey2@usda.gov)

---

**From:** (b)(6) <(b)(6)> <(b)(6)>@boarshead.com>

**Sent:** Tuesday, July 30, 2024 11:38 AM

**To:** Furey, Todd - FSIS <[todd.furey2@usda.gov](mailto:todd.furey2@usda.gov)>

**Cc:** Lilly, David - FSIS <[david.lilly@usda.gov](mailto:david.lilly@usda.gov)>; JoAnn.Connell@vdacs.virginia.gov; (b)(6) <(b)(6)>@boarshead.com>; Jolyda O. Swaim <(b)(6)>@ofwlaw.com>

**Subject:** RE: [External Email]For Further Processing

Good morning Todd,

These products are produced in the Jarratt facility and sent to another facility for further processing. After processing it is goes through HPP in the finished packaging.

Thank you

(b)(6) | VP R&D and Product Excellence

**Boar's Head Brand**

Office: 941-955-0994 ext. (b)(6)

Cell (b)(6)

---

**From:** Furey, Todd - FSIS <[todd.furey2@usda.gov](mailto:todd.furey2@usda.gov)>

**Sent:** Tuesday, July 30, 2024 10:50 AM

**To:** (b)(6) <(b)(6)>@boarshead.com>

**Cc:** Lilly, David - FSIS <[david.lilly@usda.gov](mailto:david.lilly@usda.gov)>; JoAnn.Connell@vdacs.virginia.gov

**Subject:** RE: [External Email]For Further Processing

**This Message Is From an External Sender**

\*Caution External Email\* If the message appears to be suspicious, please click the Report Phish button in your Outlook client.

Good morning (b)(6)

After further conversation, I have asked David Lilly to review the support for the movement to HPP. For my clarification, are these products produced in the Jarrat processing room?

Todd Furey  
District Manager  
Raleigh District Office  
Office of Field Operations  
FSIS, USDA  
6020 Six Forks Road  
Raleigh, NC 27609  
Cell Number: (b)(6)  
Email Address: [todd.furey2@usda.gov](mailto:todd.furey2@usda.gov)

---

**From:** (b)(6) <(b)(6)>@boarshead.com>

**Sent:** Monday, July 29, 2024 6:17 PM

**To:** Furey, Todd - FSIS <[todd.furey2@usda.gov](mailto:todd.furey2@usda.gov)>

**Subject:** [External Email]For Further Processing

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Todd,

These items that we sending for further processing and as we discussed would not be apart of the recall;

54430	PRE-SLICED SMOKED HAM
54429	PRE-SLICED COOKED HAM
54432	PRE-SLICED BOLOGNA
54441	HAM STEAK
54504	PS AN TRADITIONAL HAM
54506	PS AN APPLEWD SMKD HAM
54533	PRE-SLICED HONEY HAM
54431	PRE-SLICED CAN STYL BACON

Please let me know if you have any questions.

Thank you

(b)(6) | VP R&D and Product Excellence

**Boar's Head Brand**

Office: 941-955-0994 ext. (b)(6)

Cell: (b)(6)

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**From:** Furey, Todd - FSIS  
**Sent:** Tue, 30 Jul 2024 12:45:10 +0000  
**To:** JoAnn.Connell@vdacs.virginia.gov; Ebony Jones; Morgan, Savannah (VDACS)  
**Cc:** Lilly, David - FSIS; (b)(6) - FSIS  
**Subject:** FW: [External Email]For Further Processing

Good morning everyone, Last night BH called to discuss product that was sent out of the Jarrat plant for further processing. I don't have an issue with this process.

Todd

Todd Furey  
District Manager  
Raleigh District Office  
Office of Field Operations  
FSIS, USDA  
6020 Six Forks Road  
Raleigh, NC 27609  
Cell Number: (b)(6)  
Email Address: [todd.furey2@usda.gov](mailto:todd.furey2@usda.gov)

---

**From:** (b)(6) <(b)(6)@boarshead.com>  
**Sent:** Monday, July 29, 2024 6:17 PM  
**To:** Furey, Todd - FSIS <todd.furey2@usda.gov>  
**Subject:** [External Email]For Further Processing

**[External Email]**

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Todd,

These items that we sending for further processing and as we discussed would not be apart of the recall;

54430	PRE-SLICED SMOKED HAM
54429	PRE-SLICED COOKED HAM
54432	PRE-SLICED BOLOGNA
54441	HAM STEAK
54504	PS AN TRADITIONAL HAM
54506	PS AN APPLEWD SMKD HAM
54533	PRE-SLICED HONEY HAM
54431	PRE-SLICED CAN STYL BACON

Please let me know if you have any questions.

Thank you

(b)(6) | VP R&D and Product Excellence

**Boar's Head Brand**

Office: 941-955-0994 ext. (b)(6)

Cell: (b)(6)

**From:** Furey, Todd - FSIS  
**Sent:** Mon, 29 Jul 2024 19:24:58 +0000  
**To:** (b)(6) - FSIS; Johnson, Sherri - FSIS; Sidrak, Hany - FSIS; Wolseley, Paul - FSIS; JoAnn.Connell@vdacs.virginia.gov  
**Cc:** Blakeney, Dwayne - FSIS  
**Subject:** BH NOS

All, I participated in a meeting with Dr. Blakeney and notified the establishment that a suspension covering the processing room is effective as of 1510. (b)(6) and (b)(6) were notified.

Todd

Todd Furey  
District Manager  
Raleigh District Office  
Office of Field Operations  
FSIS, USDA  
6020 Six Forks Road  
Raleigh, NC 27609  
Cell Number: (b)(6)  
Email Address: [todd.furey2@usda.gov](mailto:todd.furey2@usda.gov)

**From:** Furey, Todd - FSIS  
**Sent:** Mon, 22 Jul 2024 19:56:12 +0000  
**To:** Ebony Jones; JoAnn.Connell@vdacs.virginia.gov; Yost, Nancy - FSIS; Murphy, Roger - FSIS; (b)(6) - FSIS  
**Subject:** BH Plant

all, My staff is reporting that there has been no supervisory support at the BH plant today. The

(b)(5); (b)(5) - Deliberative Process Privilege

(b)(5); (b)(5) - Deliberative Process Privilege Given the serious nature associated with this investigation and the fact that it is under VATA, I will expect someone at the plant for the duration.

Todd

Todd Furey  
District Manager  
Raleigh District Office  
Office of Field Operations  
FSIS, USDA  
6020 Six Forks Road  
Raleigh, NC 27609  
Cell Number: (b)(6)  
Email Address: [todd.furey2@usda.gov](mailto:todd.furey2@usda.gov)

**From:** Furey, Todd - FSIS  
**Sent:** Mon, 29 Jul 2024 18:42:31 +0000  
**To:** JoAnn.Connell@vdacs.virginia.gov; Ebony Jones  
**Cc:** (b)(6) - FSIS  
**Subject:** FW: BITES - Presumptive Positive -- Listeria monocytogenes -- M12612 P12612 --  
**Held:** Yes  
**Attachments:** 103433961.pdf  
**Importance:** High

A sample from line 3 moved from screen to presumptive.

Todd Furey  
District Manager  
Raleigh District Office  
Office of Field Operations  
FSIS, USDA  
6020 Six Forks Road  
Raleigh, NC 27609  
Cell Number: (b)(6)  
Email Address: todd.furey2@usda.gov

-----Original Message-----

**From:** LIMSBITESService@fsis.usda.gov <LIMSBITESService@fsis.usda.gov>  
**Sent:** Monday, July 29, 2024 2:35 PM  
**To:** FSIS - BITES Distribution List <BITESDistributionList@usda.gov>; FSIS - BITES-AMS <BITES-AMS@usda.gov>; FSIS - FO/DO80/BITES <FODO80BITES@usda.gov>  
**Cc:** FSIS - OPHS/EL/BITES <OPHSELBITES@usda.gov>  
**Subject:** BITES - Presumptive Positive -- Listeria monocytogenes -- M12612 P12612 -- Held: Yes  
**Importance:** High

Confidential Information - See Notice at Bottom of Message

Listeria monocytogenes

Establishment: M12612 P12612 -- Boar's Head Provisions Co., Inc.  
Product Name/Site Description: Beechwood Ham  
Product Held: Yes  
Establishment State: VA  
District: 80  
Date Collected: 07/24/2024  
Project Code: INTENV\_LM\_E  
Lab: Eastern Laboratory  
Form Number: 103433961  
Laboratory Sample Number: 300616113  
Lot Number: \*\*\*  
Est. Contact: NA  
Est. Phone: NA  
Application-Lot #: NA  
Foreign Est. #: NA  
Country: NA  
Process Category: Other-Non/Product Contact Surface Sponge  
Collector: (b)(6)

Report Number: BITES\_1\_2024-07-29\_18-35-18

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U.S. DEPARTMENT OF AGRICULTURE  
 FOOD SAFETY AND INSPECTION SERVICE  
**SAMPLE ANALYSIS REQUEST FORM**

Form ID:103433961

Form No: 103433961  
 Test List: RTE LM E  
 RT24180



**COLLECTION INFORMATION**

1. SAMPLE FORM ID:	103433961	7. ESTABLISHMENT ID:	M12612 P12612
2. PROJECT CODE:	INTENV LM E	8. ESTABLISHMENT NAME:	Boar's Head Provisions Co., Inc.
3. SAMPLE SOURCE:	Other/Non/Product Contact Surface Sponge	9. COLLECTION DATE:	07/24/2024
4. ANALYSIS:	IVT-Listeria	10. SHIPMENT DATE:	07/24/2024
		11. COLLECTOR NAME:	(b)(6)
		12. COLLECTOR PHONE:	(b)(6)
5. ASSIGNED LAB:	Eastern Laboratory		(Athens,GA)
6. DISTRICT/CIRCUIT:			

**PRODUCT INFORMATION**

13. PRODUCT NAME:	Beechwood Ham
14. PRODUCTION DATE:	07/24/2024
15. LOT NUMBER:	916124
16. IS PRODUCT HELD:	Yes
17. COLLECTION REMARKS:	
18. QUESTIONNAIRE	(If Applicable)
Time of Collection (HHMM - use military time):	0947
Sample site description:	Pallet Jack SH3
Select the alternative associated with this sample:	All 3

SIGNATURE: (b)(6) TITLE: EIAO DATE: 7/24/24

**FOR LABORATORY USE ONLY**

Date Received	Analyst Code	Receipt Temperature	Not-Analyzed Code	Not-Analyzed Explain
7-25-24	1169	8.1	W	

**From:** Furey, Todd - FSIS  
**Sent:** Mon, 29 Jul 2024 18:52:11 +0000  
**To:** Jones, Ebony (VDACS); JoAnn.Connell@vdacs.virginia.gov  
**Subject:** Re: FYI

Only the operation room where line 3 and the testing took place. The VATA Nr on blast chillers will remain and should hold until we get good CAs. My understanding is that by shutting the processing room all stops

Todd Furey  
District Manager  
Raleigh District Office  
Office of Field Operations  
FSIS, USDA  
6020 Six Forks Road  
Raleigh, NC 27609  
Cell Number: (b)(6)  
Email Address: [todd.furey2@usda.gov](mailto:todd.furey2@usda.gov)

**From:** Connell, JoAnn (VDACS) <JoAnn.Connell@vdacs.virginia.gov>  
**Sent:** Monday, July 29, 2024 2:48:29 PM  
**To:** Furey, Todd - FSIS <todd.furey2@usda.gov>; Jones, Ebony (VDACS) <Ebony.Jones@vdacs.virginia.gov>  
**Subject:** Re: FYI

Will the withholding of the marks also effect the raw side of the operations?



**JoAnn Connell**  
Program Manager  
Virginia Department of Agriculture and Consumer Services

Cell Phone: (b)(6)  
Office: (804) 786-4569  
Email: [www.vdacs.virginia.gov](http://www.vdacs.virginia.gov)  
Email: [joann.connell.vdacs.virginia.gov](mailto:joann.connell.vdacs.virginia.gov)  
Address: 102 Governor Street - Suite 131-A  
Richmond, Virginia 23219

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**From:** Connell, JoAnn (VDACS) <JoAnn.Connell@vdacs.virginia.gov>  
**Sent:** Monday, July 29, 2024 2:40 PM  
**To:** Furey, Todd - FSIS <todd.furey2@usda.gov>; Jones, Ebony (VDACS) <Ebony.Jones@vdacs.virginia.gov>  
**Subject:** Re: FYI

Thanks!



**JoAnn Connell**

Program Manager

Virginia Department of Agriculture and Consumer Services

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Richmond, Virginia 23219

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**From:** Furey, Todd - FSIS <[todd.furey2@usda.gov](mailto:todd.furey2@usda.gov)>

**Sent:** Monday, July 29, 2024 2:38 PM

**To:** Connell, JoAnn (VDACS) <[JoAnn.Connell@vdacs.virginia.gov](mailto:JoAnn.Connell@vdacs.virginia.gov)>; Jones, Ebony (VDACS) <[Ebony.Jones@vdacs.virginia.gov](mailto:Ebony.Jones@vdacs.virginia.gov)>

**Subject:** FYI

I will be notifying Boars Head that we will be withholding the marks shortly. An additional NY sample has screened positive and MD sample came back with a 1 allele difference. Once I confirm the suspension, I will let you know so that we can pull back the inspection team.

Todd Furey  
District Manager  
Raleigh District Office  
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FSIS, USDA  
6020 Six Forks Road  
Raleigh, NC 27609  
Cell Number: (b)(6)  
Email Address: [todd.furey2@usda.gov](mailto:todd.furey2@usda.gov)

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**From:** Furey, Todd - FSIS  
**Sent:** Mon, 29 Jul 2024 18:42:53 +0000  
**To:** JoAnn.Connell@vdacs.virginia.gov; Ebony Jones  
**Cc:** (b)(6) - FSIS  
**Subject:** FW: Internal Touchbase: Lm Investigation 2024-02

Todd Furey  
District Manager  
Raleigh District Office  
Office of Field Operations  
FSIS, USDA  
6020 Six Forks Road  
Raleigh, NC 27609  
Cell Number: (b)(6)  
Email Address: [todd.furey2@usda.gov](mailto:todd.furey2@usda.gov)

---

**From:** Noveroske, Doug - FSIS <doug.noveroske@usda.gov>  
**Sent:** Monday, July 29, 2024 1:58 PM  
**To:** Womack, Stacy - FSIS <stacy.womack@usda.gov>; Freiman, Jennifer - FSIS <jennifer.freiman@usda.gov>; Cote, Andrea - FSIS <andrea.cote@usda.gov>; Kissler, Bonnie - FSIS <bonnie.kissler@usda.gov>; Shaw, Sheryl - FSIS <sheryl.shaw@usda.gov>; (b)(6) - FSIS <(b)(6)@usda.gov>; Mbandi, Evelyne - FSIS <evelyne.mbandi@usda.gov>; Barlow, Kristina - FSIS <kristina.barlow@usda.gov>; Merrill, Bryce - FSIS <bryce.merrill@usda.gov>; Johnson, Courtney - FSIS <courtney.johnson10@usda.gov>; McWilliams, Bailey - FSIS <Bailey.McWilliams@usda.gov>; Smith, Roxanne - FSIS <roxanne.smith@usda.gov>; Lilyestrom, Lynda - FSIS <lynda.lilyestrom@usda.gov>; Collaro, Thomas - FSIS <thomas.collaro@usda.gov>; Priore, Joseph - FSIS <joseph.priore@usda.gov>; Ehle, Scott - FSIS <scott.ehle@usda.gov>; Smith, Shaun - FSIS <shaun.smith@usda.gov>; Hortert, Larry - FSIS <larry.hortert@usda.gov>; Cabine, Krishna - FSIS <krishna.cabine@usda.gov>; FSIS - Fotas <fotas@usda.gov>; Silverman, Meryl - FSIS <meryl.silverman@usda.gov>; Webb, Brad - FSIS <brad.webb@usda.gov>; Kremer-Caldwell, Selena - FSIS <selena.kremer-caldwell@usda.gov>; Hretz, Stephanie - FSIS <stephanie.hretz@usda.gov>  
**Cc:** Morales, Cesar - FSIS <cesar.morales@usda.gov>; Berutti, Tracy - FSIS <tracy.berutti@usda.gov>; Campbell, Terry - FSIS <terry.campbell@usda.gov>; (b)(6); (b)(7)(C) - FSIS <(b)(6); (b)(7)(C)@usda.gov>; Furey, Todd - FSIS <todd.furey2@usda.gov>; (b)(6) - FSIS <(b)(6)@usda.gov>; Lilly, David - FSIS <david.lilly@usda.gov>; Murphy, Roger - FSIS <roger.murphy@usda.gov>; Havens, Heather - FSIS <heather.havens@usda.gov>; Gupton, Ariel - FSIS <Ariel.Gupton@usda.gov>; (b)(6) - FSIS <(b)(6)@usda.gov>; Johnson, Sherri - FSIS <sherri.johnson@usda.gov>  
**Subject:** RE: Internal Touchbase: Lm Investigation 2024-02

Hi everyone,

We just heard from Maryland that their lab sequenced 3 isolates from the *Lm* positive liverwurst sample that they confirmed late last week, and the isolates are 1 allele from their clinical outbreak isolates. They are working to get the sequences uploaded to PulseNet and NCBI.

Thanks,  
Doug

Doug Noveroske, MPH  
Epidemiologist  
FSIS/OPHS/AES  
United States Department of Agriculture  
Cell: (b)(6)

---

**From:** Womack, Stacy - FSIS <[stacy.womack@usda.gov](mailto:stacy.womack@usda.gov)>

**Sent:** Monday, July 29, 2024 1:29 PM

**To:** Noveroske, Doug - FSIS <[doug.noveroske@usda.gov](mailto:doug.noveroske@usda.gov)>; Freiman, Jennifer - FSIS

<[jennifer.freiman@usda.gov](mailto:jennifer.freiman@usda.gov)>; Cote, Andrea - FSIS <[andrea.cote@usda.gov](mailto:andrea.cote@usda.gov)>; Kissler, Bonnie - FSIS

<[bonnie.kissler@usda.gov](mailto:bonnie.kissler@usda.gov)>; Shaw, Sheryl - FSIS <[sheryl.shaw@usda.gov](mailto:sheryl.shaw@usda.gov)>; (b)(6) - FSIS

(b)(6)@usda.gov; Mbandi, Evelyne - FSIS <[evelyne.mbandi@usda.gov](mailto:evelyne.mbandi@usda.gov)>; Barlow, Kristina -

FSIS <[kristina.barlow@usda.gov](mailto:kristina.barlow@usda.gov)>; Merrill, Bryce - FSIS <[bryce.merrill@usda.gov](mailto:bryce.merrill@usda.gov)>; Johnson, Courtney -

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Roxanne - FSIS <[roxanne.smith@usda.gov](mailto:roxanne.smith@usda.gov)>; Lilyestrom, Lynda - FSIS <[lynda.lilyestrom@usda.gov](mailto:lynda.lilyestrom@usda.gov)>;

Collaro, Thomas - FSIS <[thomas.collaro@usda.gov](mailto:thomas.collaro@usda.gov)>; Priore, Joseph - FSIS <[joseph.priore@usda.gov](mailto:joseph.priore@usda.gov)>;

Ehle, Scott - FSIS <[scott.ehle@usda.gov](mailto:scott.ehle@usda.gov)>; Smith, Shaun - FSIS <[shaun.smith@usda.gov](mailto:shaun.smith@usda.gov)>; Hortert, Larry -

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<[fotas@usda.gov](mailto:fotas@usda.gov)>; Silverman, Meryl - FSIS <[meryl.silverman@usda.gov](mailto:meryl.silverman@usda.gov)>; Webb, Brad - FSIS

<[brad.webb@usda.gov](mailto:brad.webb@usda.gov)>; Kremer-Caldwell, Selena - FSIS <[selena.kremer-caldwell@usda.gov](mailto:selena.kremer-caldwell@usda.gov)>; Hretz,

Stephanie - FSIS <[stephanie.hretz@usda.gov](mailto:stephanie.hretz@usda.gov)>

**Cc:** Morales, Cesar - FSIS <[cesar.morales@usda.gov](mailto:cesar.morales@usda.gov)>; Berutti, Tracy - FSIS <[tracy.berutti@usda.gov](mailto:tracy.berutti@usda.gov)>;

Campbell, Terry - FSIS <[terry.campbell@usda.gov](mailto:terry.campbell@usda.gov)>; (b)(6); (b)(7)(C) - FSIS (b)(6); (b)(7)(C)@usda.gov;

Furey, Todd - FSIS <[todd.furey2@usda.gov](mailto:todd.furey2@usda.gov)>; (b)(6) - FSIS (b)(6)@usda.gov; Lilly, David -

FSIS <[david.lilly@usda.gov](mailto:david.lilly@usda.gov)>; Murphy, Roger - FSIS <[roger.murphy@usda.gov](mailto:roger.murphy@usda.gov)>; Havens, Heather - FSIS

<[heather.havens@usda.gov](mailto:heather.havens@usda.gov)>; Gupton, Ariel - FSIS <[Ariel.Gupton@usda.gov](mailto:Ariel.Gupton@usda.gov)>; (b)(6) - FSIS

(b)(6)@usda.gov; Johnson, Sherri - FSIS <[sherri.johnson@usda.gov](mailto:sherri.johnson@usda.gov)>

**Subject:** RE: Internal Touchbase: Lm Investigation 2024-02

Hello,

As discussed during today's meeting, RMTAD contacted the representatives for Boar's Head Co., Inc. Corporate Division. We followed up with them on the FSIS IVT sampling information provided this weekend and the current status of the IVT samples. Boar's Head has indicated that they are working with their team to determine their next steps but have not currently initiated any additional actions.

**Stacy E. Womack**

Food Technologist

Recall Management and Technical Analysis Division

Food Safety and Inspection Service, USDA

1400 Independence Avenue, SW, Room 1330-SB

Washington, DC 20250

Phone Number: (b)(6)

[Stacy.womack@usda.gov](mailto:Stacy.womack@usda.gov)

-----Original Appointment-----

**From:** Noveroske, Doug - FSIS <[doug.noveroske@usda.gov](mailto:doug.noveroske@usda.gov)>

**Sent:** Monday, July 29, 2024 10:25 AM

**To:** Noveroske, Doug - FSIS; Freiman, Jennifer - FSIS; Cote, Andrea - FSIS; Kissler, Bonnie - FSIS; Shaw, Sheryl - FSIS; (b)(6) - FSIS; Mbandi, Evelyne - FSIS; Barlow, Kristina - FSIS; Merrill, Bryce - FSIS; Johnson, Courtney - FSIS; McWilliams, Bailey - FSIS; Smith, Roxanne - FSIS; Lilyestrom, Lynda - FSIS; Collaro, Thomas - FSIS; Priore, Joseph - FSIS; Ehle, Scott - FSIS; Smith, Shaun - FSIS; Hortert, Larry - FSIS; Cabine, Krishna - FSIS; FSIS - Fotas; Silverman, Meryl - FSIS; Webb, Brad - FSIS; Kremer-Caldwell, Selena - FSIS; Hretz, Stephanie - FSIS

**Cc:** Morales, Cesar - FSIS; Berutti, Tracy - FSIS; Campbell, Terry - FSIS; (b)(6); (b)(7)(C) - FSIS; Furey, Todd - FSIS; (b)(6) - FSIS; Lilly, David - FSIS; Murphy, Roger - FSIS; Havens, Heather - FSIS; Gupton, Ariel - FSIS; (b)(6) - FSIS; Johnson, Sherri - FSIS

**Subject:** Internal Touchbase: Lm Investigation 2024-02

**When:** Monday, July 29, 2024 11:30 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).

**Where:** Microsoft Teams Meeting

---

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---

**From:** Furey, Todd - FSIS  
**Sent:** Mon, 29 Jul 2024 14:51:45 +0000  
**To:** JoAnn.Connell@vdacs.virginia.gov; Ebony Jones  
**Cc:** (b)(6) - FSIS  
**Subject:** FW: Laboratory Update: Multistate Listeria monocytogenes investigation  
**Attachments:** 103433961.pdf, 103433971.pdf, 103433980.pdf, 103433966.pdf, 103433968.pdf, L. monocytogenes\_Investigation\_July\_2024\_Eastern\_Lab\_Samples.xlsx

Todd Furey  
District Manager  
Raleigh District Office  
Office of Field Operations  
FSIS, USDA  
6020 Six Forks Road  
Raleigh, NC 27609  
Cell Number: (b)(6)  
Email Address: [todd.furey2@usda.gov](mailto:todd.furey2@usda.gov)

---

**From:** Blakeney, Dwayne - FSIS <dwayne.blakeney@usda.gov>  
**Sent:** Sunday, July 28, 2024 2:54 PM  
**To:** Wolseley, Paul - FSIS <paul.wolseley@usda.gov>; Sidrak, Hany - FSIS <hany.sidrak@usda.gov>; Johnson, Sherri - FSIS <sherri.johnson@usda.gov>  
**Cc:** Furey, Todd - FSIS <todd.furey2@usda.gov>  
**Subject:** Fwd: Laboratory Update: Multistate Listeria monocytogenes investigation

Please see below 3 of 5 samples collected from Line 3 the same line that the recall was initiated for have screen positive for Listeria and confirmation will come Tuesday or Wednesday. It is my recommendation (b)(5), (b)(5) - Deliberative Process Privilege

(b)(5), (b)(5) - Deliberative Process Privilege	
(b)(5), (b)(5) - Deliberative Process	My (b)(5), (b)(5) - Deliberative Process Privilege
(b)(5), (b)(5) - Deliberative Process Privilege	

Thanks,



**Dr. Dwayne Blakeney**

Deputy Director

Recall Management & Technical Analysis Division

Office of Field Operations

Food Safety and Inspection Service

United States Department of Agriculture

Mobile (b)(6)

[Dwayne.Blakeney@USDA.GOV](mailto:Dwayne.Blakeney@USDA.GOV)

---

**From:** Morales, Cesar - FSIS <[cesar.morales@usda.gov](mailto:cesar.morales@usda.gov)>

**Sent:** Sunday, July 28, 2024 2:00 PM

**To:** Outbreak Results <[OutbreakResults@usda.gov](mailto:OutbreakResults@usda.gov)>

**Cc:** Webb, Brad - FSIS <[brad.webb@usda.gov](mailto:brad.webb@usda.gov)>; Barlow, Kristina - FSIS

<[kristina.barlow@usda.gov](mailto:kristina.barlow@usda.gov)>; Silverman, Meryl - FSIS <[meryl.silverman@usda.gov](mailto:meryl.silverman@usda.gov)>; Merrill,

Bryce - FSIS <[bryce.merrill@usda.gov](mailto:bryce.merrill@usda.gov)>; Johnson, Courtney - FSIS

<[courtney.johnson10@usda.gov](mailto:courtney.johnson10@usda.gov)>; FSIS - Forecalls <[forecalls@usda.gov](mailto:forecalls@usda.gov)>; (b)(6) - FSIS

(b)(6)@usda.gov; (b)(6) - FSIS (b)(6)@usda.gov; (b)(6) -

FSIS (b)(6)@usda.gov; Gaines, Brittany - FSIS <[brittney.gaines@usda.gov](mailto:brittney.gaines@usda.gov)>

**Subject:** RE: Laboratory Update: Multistate Listeria monocytogenes investigation

**Please note: Information reported may be incomplete and should be considered preliminary. This information is to be considered confidential and is to be shared with public health and agriculture colleagues on a strict need-to-know basis.**

Everyone,

From the 7/25/2024 M12612 Sample Set, the **Non-food contact swab, Form # 103433961**, is now **Presumptive** for *Listeria monocytogenes*. The sample will move to the confirmation stage of the analysis. We will keep this distribution updated as results progress.

From the 7/26/2024 M12612 Sample Set, there are **4 samples** that are **Screen Positive** for *Listeria*:

- Form # 103433966, Liverwurst, one sub-sample has **screened Positive for Listeria** (PCR rapid screen negative, Direct Plating positive)
- Form # 103433968, Liverwurst, three sub-samples has **screened Positive for Listeria** (PCR rapid screen negative, Direct Plating positive)
- Form # 103433971, Food contact swab, has **screened Positive for Listeria** (PCR rapid screen negative, Direct Plating positive)
- Form # 103433980, Food contact swab, has **screened Positive for Listeria** (PCR rapid screen negative, Direct Plating positive)

The remaining samples from the sample set have all screened negative for *Listeria*. The sample line list has been updated with the results of the respective samples. Forms for the Presumptive and Screen Positive samples are attached.

The laboratory sample result summary to date for this investigation is as follows:

**7/25/2024 M12612 IVT Sets :**

Line ID 1

- 5 Tavern Ham, intact retail packaging. **Laboratory Result: Negative**
- 10 Food contact surface swabs. **Laboratory Result: Negative**
- 5 Non-food contact/environmental swabs. **Laboratory Result: Negative**

Line ID 2

- 5 Beechwood Ham, intact retail packaging. **Laboratory Result: Negative**
- 10 Food contact surface swabs. **Laboratory Result: Negative**
- 5 Non-food contact/environmental swabs. **Laboratory Result: 4 out 5 Negative**
  - **Form #: 103433961 is Presumptive for *Listeria monocytogenes***

**7/26/2024 M12612 IVT Sets :**

Line ID 3

- 5 Liverwurst, intact retail packaging. **Laboratory Result: 3 out 5 Negative**
  - **Form # 103433966, one sub-sample has screened Positive for *Listeria* (PCR rapid screen negative, Direct Plating positive)**
  - **Form # 103433968, three sub-samples has screened Positive for *Listeria* (PCR rapid screen negative, Direct Plating positive)**
- 10 Food contact surface swabs. **Laboratory Result: 8 out 10 Negative**
  - **Form # 103433971, Food contact swab, has screened Positive for *Listeria* (PCR rapid screen negative, Direct Plating positive)**
  - **Form # 103433980, Food contact swab, has screened Positive for *Listeria* (PCR rapid screen negative, Direct Plating positive)**
- 5 Non-food contact/environmental swabs. **Laboratory Result: Negative**

**7/27/2024 M12612 IVT Sets :**

Line ID 4

- 5 Beef Bologna, intact retail packaging. **Screen results pending.**
- 10 Food contact surface swabs. **Screen results pending.**
- 5 Non-food contact/environmental swabs. **Screen results pending.**
- 1 Water/Brine (shower water sample). **Screen results pending.**

Thanks all,

**Cesar Morales, PhD**

Microbiology Branch Chief

USDA|FSIS|OPHS|Microbiology Screening Branch

950 College Station Rd, Athens GA  
P: 706-713-5177  
C: (b)(6)  
[cesar.morales@usda.gov](mailto:cesar.morales@usda.gov)

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---

**From:** Morales, Cesar - FSIS <[cesar.morales@usda.gov](mailto:cesar.morales@usda.gov)>  
**Sent:** Saturday, July 27, 2024 3:22 PM  
**To:** Outbreak Results <[OutbreakResults@usda.gov](mailto:OutbreakResults@usda.gov)>  
**Cc:** Webb, Brad - FSIS <[brad.webb@usda.gov](mailto:brad.webb@usda.gov)>; Barlow, Kristina - FSIS <[kristina.barlow@usda.gov](mailto:kristina.barlow@usda.gov)>; Silverman, Meryl - FSIS <[meryl.silverman@usda.gov](mailto:meryl.silverman@usda.gov)>; Merrill, Bryce - FSIS <[bryce.merrill@usda.gov](mailto:bryce.merrill@usda.gov)>; Johnson, Courtney - FSIS <[courtney.johnson10@usda.gov](mailto:courtney.johnson10@usda.gov)>; FSIS - Forecalls <[forecalls@usda.gov](mailto:forecalls@usda.gov)>; (b)(6) <(b)(6)> - FSIS <(b)(6)>@usda.gov>; (b)(6) <(b)(6)> - FSIS <(b)(6)>@usda.gov>; (b)(6) <(b)(6)> - FSIS <(b)(6)>@usda.gov>; Gaines, Brittney - FSIS <[brittney.gaines@usda.gov](mailto:brittney.gaines@usda.gov)>  
**Subject:** RE: Laboratory Update: Multistate Listeria monocytogenes investigation

**Please note: Information reported may be incomplete and should be considered preliminary. This information is to be considered confidential and is to be shared with public health and agriculture colleagues on a strict need-to-know basis.**

Everyone,

From the 7/25/2024 M12612 Sample Set, we had one Non-food contact swab, Form # **103433961**, that has screened positive for *Listeria* (PCR rapid screen negative, Direct Plating positive). The sample will move to the presumptive stage of the analysis. We will keep this distribution updated as results progress.

The remaining samples from the sample set have all screened negative for *Listeria*. The sample line list has been updated with the results of the respective samples

The laboratory sample result summary to date for this investigation is as follows:

**7/25/2024 M12612 IVT Sets :**

Line ID 1

- 5 Tavern Ham, intact retail packaging. **Laboratory Result: Negative**
- 10 Food contact surface swabs. **Laboratory Result: Negative**
- 5 Non-food contact/environmental swabs. **Laboratory Result: Negative**

Line ID 2

- 5 Beechwood Ham, intact retail packaging. **Laboratory Result: Negative**
- 10 Food contact surface swabs. **Laboratory Result: Negative**
- 5 Non-food contact/environmental swabs. **Laboratory Result: 4 out 5 Negative**
  - **Form #: 103433961 has screened Positive for *Listeria* (PCR rapid screen negative, Direct Plating positive)**

**7/26/2024 M12612 IVT Sets :**

Line ID 3

- 5 Liverwurst, intact retail packaging. **Screen results pending.**
- 10 Food contact surface swabs. **Screen results pending.**
- 5 Non-food contact/environmental swabs. **Screen results pending.**

**7/27/2024 M12612 IVT Sets :**

Line ID 4

- 5 Beef Bologna, intact retail packaging. **Screen results pending.**
- 10 Food contact surface swabs. **Screen results pending.**
- 5 Non-food contact/environmental swabs. **Screen results pending.**
- 1 Water/Brine (shower water sample). **Screen results pending.**

Thanks all,

**Cesar Morales, PhD**

Microbiology Branch Chief  
USDA|FSIS|OPHS|Microbiology Screening Branch  
950 College Station Rd, Athens GA  
P: 706-713-5177  
C: (b)(6)  
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**From:** Morales, Cesar - FSIS <[cesar.morales@usda.gov](mailto:cesar.morales@usda.gov)>  
**Sent:** Saturday, July 27, 2024 12:21 PM  
**To:** Outbreak Results <[OutbreakResults@usda.gov](mailto:OutbreakResults@usda.gov)>  
**Cc:** Webb, Brad - FSIS <[brad.webb@usda.gov](mailto:brad.webb@usda.gov)>; Barlow, Kristina - FSIS <[kristina.barlow@usda.gov](mailto:kristina.barlow@usda.gov)>; Silverman, Meryl - FSIS <[meryl.silverman@usda.gov](mailto:meryl.silverman@usda.gov)>; Merrill, Bryce - FSIS <[bryce.merrill@usda.gov](mailto:bryce.merrill@usda.gov)>; Johnson, Courtney - FSIS <[courtney.johnson10@usda.gov](mailto:courtney.johnson10@usda.gov)>; FSIS - Forecalls <[forecalls@usda.gov](mailto:forecalls@usda.gov)>; (b)(6) <(b)(6)> - FSIS <(b)(6)>@usda.gov>; (b)(6) - FSIS <(b)(6)> <(b)(6)>; (b)(6) - FSIS <(b)(6)> <(b)(6)> <(b)(6)>  
**Subject:** RE: Laboratory Update: Multistate Listeria monocytogenes investigation

**Please note: Information reported may be incomplete and should be considered preliminary. This information is to be considered confidential and is to be shared with public health and agriculture colleagues on a strict need-to-know basis.**

Good afternoon,

Today, 7/27/2024, Eastern Laboratory received one IVT unit from establishment M12612. All samples arrived in acceptable condition and will be analyzed for *Listeria monocytogenes*. Initial

screen results for this sample set should be available on Monday, 7/29/2024 . The number and sample types are as follows:

**7/27/2024 M12612 IVT Sets :**

Line ID 4

- 5 Beef Bologna, intact retail packaging
- 10 Food contact surface swabs
- 5 Non-food contact/environmental swabs
- 1 Water/Brine (shower water sample)

The line list has been updated with the sample details with a new tab separated by laboratory receive date. No other sample sets from this investigation are currently expected to arrive at Eastern Lab. We will update this distribution with receipt and results as we get them.

Forms for all samples and photos of the food products are still being processed and can be made available on request.

Thanks all,

**Cesar Morales, PhD**

Microbiology Branch Chief

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---

**From:** Morales, Cesar - FSIS

**Sent:** Friday, July 26, 2024 1:54 PM

**To:** Outbreak Results <[OutbreakResults@usda.gov](mailto:OutbreakResults@usda.gov)>

**Cc:** Webb, Brad - FSIS <[brad.webb@usda.gov](mailto:brad.webb@usda.gov)>; Barlow, Kristina - FSIS <[kristina.barlow@usda.gov](mailto:kristina.barlow@usda.gov)>;

Silverman, Meryl - FSIS <[meryl.silverman@usda.gov](mailto:meryl.silverman@usda.gov)>; Merrill, Bryce - FSIS <[bryce.merrill@usda.gov](mailto:bryce.merrill@usda.gov)>;

Johnson, Courtney - FSIS <[courtney.johnson10@usda.gov](mailto:courtney.johnson10@usda.gov)>; FSIS - Forecalls <[forecalls@usda.gov](mailto:forecalls@usda.gov)>; (b)(6)

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**Subject:** RE: Laboratory Update: Multistate Listeria monocytogenes investigation

**Please note: Information reported may be incomplete and should be considered preliminary. This information is to be considered confidential and is to be shared with public health and agriculture colleagues on a strict need-to-know basis.**

Good afternoon,

Today, 7/26/2024, Eastern Laboratory received one IVT unit from establishment M12612. All samples arrived in acceptable condition and will be analyzed for *Listeria monocytogenes*. Initial screen results for this sample set should be available on Sunday, 7/28/2024. The number and sample types are as follows:

**7/26/2024 M12612 IVT Sets :**

Line ID 3

- 5 Liverwurst, intact retail packaging
- 10 Food contact surface swabs
- 5 Non-food contact/environmental swabs

The line list has been updated with the sample details with a new tab separated by laboratory receive date. One additional IVT unit from M12612 is expected to arrive on 7/27--we will update this distribution with receipt and results as we get them.

Forms for all samples and photos of the food products are still being processed and can be made available on request.

Thanks all,

**Cesar Morales, PhD**

Microbiology Branch Chief

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---

**From:** Morales, Cesar - FSIS

**Sent:** Thursday, July 25, 2024 3:48 PM

**To:** Outbreak Results <[OutbreakResults@usda.gov](mailto:OutbreakResults@usda.gov)>

**Cc:** Webb, Brad - FSIS <[brad.webb@usda.gov](mailto:brad.webb@usda.gov)>; Barlow, Kristina - FSIS <[kristina.barlow@usda.gov](mailto:kristina.barlow@usda.gov)>;

Silverman, Meryl - FSIS <[meryl.silverman@usda.gov](mailto:meryl.silverman@usda.gov)>; Merrill, Bryce - FSIS <[bryce.merrill@usda.gov](mailto:bryce.merrill@usda.gov)>;

Johnson, Courtney - FSIS <[courtney.johnson10@usda.gov](mailto:courtney.johnson10@usda.gov)>; FSIS - Forecalls <[forecalls@usda.gov](mailto:forecalls@usda.gov)>; (b)(6)

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**Subject:** Laboratory Update: Multistate *Listeria monocytogenes* investigation

**Please note: Information reported may be incomplete and should be considered preliminary. This information is to be considered confidential and is to be shared with public health and agriculture colleagues on a strict need-to-know basis.**

Good afternoon,

Today, 7/25/2024, Eastern Laboratory received two IVT units from establishment M12612. All samples arrived in acceptable condition and will be analyzed for *Listeria monocytogenes*. Initial screen results for this sample set should be available on Saturday, 7/27/2024. The number and sample types are as follows:

**7/25/2024 M12612 IVT Sets :**

Line ID 1

- 5 Tavern Ham, intact retail packaging
- 10 Food contact surface swabs
- 5 Non-food contact/environmental swabs

Line ID 2

- 5 Beechwood Ham, intact retail packaging
- 10 Food contact surface swabs
- 5 Non-food contact/environmental swabs

A line list with the sample details has been attached. Two additional IVT units from M12612 are expected to arrive on 7/26 and 7/27/2024 (one unit each day)—we will update this distribution with receipt and results as we get them.

Forms for all samples and photos of the food products are still being processed and can be made available on request.

Thanks all,

**Cesar Morales, PhD**

Microbiology Branch Chief

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Form #	DESCRIPTION	Product Name	Product Lot	Line ID	Sample Site	Laboratory Receipt Date	ESTABLISHMENTNO	Sub-samples	Screen Result		Current Lab Result
									Rapid PCR	MOX Media	
103433926	Product-RTE-Other Fully Cooked, Not Sliced-Pork	Tavern Ham	Lot # 9624	1		7/25/2024	M12612 P12612	6	Neg	No growth	Negative
103433927	Product-RTE-Other Fully Cooked, Not Sliced-Pork	Tavern Ham	Lot # 9624	1		7/25/2024	M12612 P12612	6	Neg	No growth	Negative
103433928	Product-RTE-Other Fully Cooked, Not Sliced-Pork	Tavern Ham	Lot # 9624	1		7/25/2024	M12612 P12612	6	Neg	No growth	Negative
103433929	Product-RTE-Other Fully Cooked, Not Sliced-Pork	Tavern Ham	Lot # 9624	1		7/25/2024	M12612 P12612	6	Neg	No growth	Negative
103433930	Product-RTE-Other Fully Cooked, Not Sliced-Pork	Tavern Ham	Lot 9624	1		7/25/2024	M12612 P12612	6	Neg	No growth	Negative
103433931	Other-Product Contact Surface Sponge	Tavern Ham	Lot # 9624	1	Stainless Table Line 1 South	7/25/2024	M12612 P12612	1	Neg	No growth	Negative
103433932	Other-Product Contact Surface Sponge	Tavern Ham	Lot # 9624	1	Rework Tub	7/25/2024	M12612 P12612	1	Neg	No growth	Negative
103433933	Other-Product Contact Surface Sponge	Tavern Ham	Lot # 9624	1	Stainless Table Line 1 North	7/25/2024	M12612 P12612	1	Neg	No growth	Negative
103433934	Other-Product Contact Surface Sponge	Tavern Ham	Lot 9624	1	South Auto Side Bagger	7/25/2024	M12612 P12612	1	Neg	No growth	Negative
103433935	Other-Product Contact Surface Sponge	Tavern Ham	Other-Product Contact Surface Sponge	1	South Auto Bagger Flat Surface	7/25/2024	M12612 P12612	1	Neg	No growth	Negative
103433936	Other-Product Contact Surface Sponge	Tavern Ham	Lot 9624	1	Employee Ring Knife	7/25/2024	M12612 P12612	1	Neg	No growth	Negative
103433937	Other-Product Contact Surface Sponge	Tavern Ham	Lot 9624	1	Employee Gloves	7/25/2024	M12612 P12612	1	Neg	No growth	Negative
103433938	Other-Product Contact Surface Sponge	Tavern Ham	Lot 9624	1	Product Tree (#1011) Handles	7/25/2024	M12612 P12612	1	Neg	No growth	Negative
103433939	Other-Product Contact Surface Sponge	Tavern Ham	Lot 9624	1	Splitter Belt South	7/25/2024	M12612 P12612	1	Neg	No growth	Negative
103433940	Other-Product Contact Surface Sponge	Tavern Ham	Lot 9624	1	***	7/25/2024	M12612 P12612	1	Neg	No growth	Negative
103433941	Other-Non/Product Contact Surface Sponge	Tavern Ham	Lot # 9624		Entrance Floor EQ3	7/25/2024	M12612 P12612	1	Neg	No growth	Negative
103433942	Other-Non/Product Contact Surface Sponge	Tavern Ham	Lot # 9624		Splinterwheel Wheels Line 1 North Infeed Conveyor	7/25/2024	M12612 P12612	1	Neg	No growth	Negative
103433943	Other-Non/Product Contact Surface Sponge	Tavern Ham	Lot # 9624		Drain 1 EQ2	7/25/2024	M12612 P12612	1	Neg	No growth	Negative
103433944	Other-Non/Product Contact Surface Sponge	Tavern Ham	Lot # 9624		Waterhose	7/25/2024	M12612 P12612	1	Neg	No growth	Negative
103433945	Other-Non/Product Contact Surface Sponge	Tavern Ham	Lot # 9624		Automatic Flapper door to smokehouse	7/25/2024	M12612 P12612	1	Neg	No growth	Negative
103433946	Product-RTE-Other Fully Cooked, Not Sliced-Pork	Beechwood Ham	Lot 9624	2		7/25/2024	M12612 P12612	6	Neg	No growth	Negative
103433947	Product-RTE-Other Fully Cooked, Not Sliced-Pork	Beechwood Ham	Lot 9624	2		7/25/2024	M12612 P12612	6	Neg	No growth	Negative
103433948	Product-RTE-Other Fully Cooked, Not Sliced-Pork	Beechwood Ham	Lot 9624	2		7/25/2024	M12612 P12612	6	Neg	No growth	Negative
103433949	Product-RTE-Other Fully Cooked, Not Sliced-Pork	Beechwood Ham	Lot 9624	2		7/25/2024	M12612 P12612	6	Neg	No growth	Negative
103433950	Product-RTE-Other Fully Cooked, Not Sliced-Pork	Beechwood Ham	Lot 9624	2		7/25/2024	M12612 P12612	6	Neg	No growth	Negative
103433951	Other-Product Contact Surface Sponge	Beechwood Ham	Lot Number 9624	2	***	7/25/2024	M12612 P12612	1	Neg	No growth	Negative
103433952	Other-Product Contact Surface Sponge	Beechwood Ham	Lot # 9624	2	Beechwood Sprayer Belt	7/25/2024	M12612 P12612	1	Neg	No growth	Negative
103433953	Other-Product Contact Surface Sponge	Beechwood Ham	Lot 9624	2	South Auto Bagger	7/25/2024	M12612 P12612	1	Neg	No growth	Negative
103433954	Other-Product Contact Surface Sponge	Beechwood Ham	Lot 9624	2	Water Sprayer side rail	7/25/2024	M12612 P12612	1	Neg	No growth	Negative
103433955	Other-Product Contact Surface Sponge	Beechwood Ham	Lot 9624	2	South Auto Bagger 1st Flat Surface	7/25/2024	M12612 P12612	1	Neg	No growth	Negative
103433956	Other-Product Contact Surface Sponge	Beechwood Ham	Lot 9624	2	Employee Gloves	7/25/2024	M12612 P12612	1	Neg	No growth	Negative
103433957	Other-Product Contact Surface Sponge	Beechwood Ham	Lot 9624	2	Rework Tub	7/25/2024	M12612 P12612	1	Neg	No growth	Negative
103433958	Other-Product Contact Surface Sponge	Beechwood Ham	Lot 9624	2	Product Tree 00707	7/25/2024	M12612 P12612	1	Neg	No growth	Negative
103433959	Other-Product Contact Surface Sponge	Beechwood Ham	Lot 9624	2	Stainless Table North	7/25/2024	M12612 P12612	1	Neg	No growth	Negative
103433960	Other-Product Contact Surface Sponge	Beechwood Ham	Lot 9624	2	Employee Gloves (Bagging Employee)	7/25/2024	M12612 P12612	1	Neg	No growth	Negative
103433961	Other-Non/Product Contact Surface Sponge	Beechwood Ham	Lot 9624		Pallet Jack SH3	7/25/2024	M12612 P12612	1	Neg	Typical	Presumptive
103433962	Other-Non/Product Contact Surface Sponge	Beechwood Ham	Lot 9624		Duel Infeed Belt East Stop Button for Line 1	7/25/2024	M12612 P12612	1	Neg	No growth	Negative
103433963	Other-Non/Product Contact Surface Sponge	Beechwood Ham	Lot 9624		Scale Side	7/25/2024	M12612 P12612	1	Neg	No growth	Negative
103433964	Other-Non/Product Contact Surface Sponge	Beechwood Ham	Lot 9624		Floor Squeegee	7/25/2024	M12612 P12612	1	Neg	No growth	Negative
103433965	Other-Non/Product Contact Surface Sponge	Beechwood Ham	Lot 9624		Employee Yellow Over Boots	7/25/2024	M12612 P12612	1	Neg	No growth	Negative

Form #	DESCRIPTION	Product Name	Product Lot #	Line ID	Sample Site	Laboratory Receipt Date	ESTABLISHMENTNO	Sub-Samples	Screen Result		Current Lab Result
									Rapid PCR	MOX Media	
103433966	Product-RTE-Other Fully Cooked, Not Sliced-Combination species	Liverwurst	Lot 0907 - Lot J3	Line 3		7/26/2024	M12612 P12612	6	Neg	1 sub Typical	Screen Positive
103433967	Product-RTE-Other Fully Cooked, Not Sliced-Combination species	Liverwurst	0907 - Lot J3	Line 3		7/26/2024	M12612 P12612	6	Neg	No growth	Negative
103433968	Product-RTE-Other Fully Cooked, Not Sliced-Combination species	Liverwurst	0907 - Lot J3	Line 3		7/26/2024	M12612 P12612	6	Neg	3 subs Typical	Screen Positive
103433969	Product-RTE-Other Fully Cooked, Not Sliced-Combination species	Liverwurst	0907 - Lot J3	Line 3		7/26/2024	M12612 P12612	6	Neg	No growth	Negative
103433970	Product-RTE-Other Fully Cooked, Not Sliced-Combination species	Liverwurst	0907 - Lot J3	Line 3		7/26/2024	M12612 P12612	6	Neg	No growth	Negative
103433971	Other-Product Contact Surface Sponge	Liverwurst	Lot 0907 - Lot J3	Line 3	White Cutting Board	7/26/2024	M12612 P12612	1	Neg	Typical	Screen Positive
103433972	Other-Product Contact Surface Sponge	Liverwurst	Lot 0907 - Lot J3	Line 3	Knife	7/26/2024	M12612 P12612	1	Neg	No growth	Negative
103433973	Other-Product Contact Surface Sponge	Liverwurst	Lot 0907 - Lot J3	Line 3	North Auto Bagger Line 3	7/26/2024	M12612 P12612	1	Neg	No growth	Negative
103433974	Other-Product Contact Surface Sponge	Liverwurst	Lot 0907 - Lot J3	Line 3	South Auto Bagger Line 3	7/26/2024	M12612 P12612	1	Neg	No growth	Negative
103433975	Other-Product Contact Surface Sponge	Liverwurst	Lot 0907 - Lot J3	Line 3	Employee Gloves - employee using ring knife to open rejected product at end of line	7/26/2024	M12612 P12612	1	Neg	No growth	Negative
103433976	Other-Product Contact Surface Sponge	Liverwurst	Lot 0907 - Lot J3	Line 3	Tree 0345 - upright center support	7/26/2024	M12612 P12612	1	Neg	No growth	Negative
103433977	Other-Product Contact Surface Sponge	Liverwurst	Lot 0907 - Lot J3	Line 3	White bin interior for rework south side of Line 3	7/26/2024	M12612 P12612	1	Neg	No growth	Negative
103433978	Other-Product Contact Surface Sponge	Liverwurst	Lot 0907 - Lot J3	Line 3	Interior of white rework pan	7/26/2024	M12612 P12612	1	Neg	No growth	Negative
103433979	Other-Product Contact Surface Sponge	Liverwurst	Lot 0907 - Lot J3	Line 3	Around hole in center of metal table at start of line	7/26/2024	M12612 P12612	1	Neg	No growth	Negative
103433980	Other-Product Contact Surface Sponge	Liverwurst	Lot 0907 - Lot J3	Line 3	Metal table surface edge near cutout on south side	7/26/2024	M12612 P12612	1	Neg	Typical	Screen Positive
103433981	Other-Non/Product Contact Surface Sponge	Liverwurst	0907 - Lot J3		Wheel on tree 410	7/26/2024	M12612 P12612	1	Neg	No growth	Negative
103433982	Other-Non/Product Contact Surface Sponge	Liverwurst	0907 - Lot J3		Floor to the Right of EQ4, where drain line drips and concrete is broken	7/26/2024	M12612 P12612	1	Neg	No growth	Negative
103433983	Other-Non/Product Contact Surface Sponge	Liverwurst	0907 - Lot J3		Liverwurst window frame center and over screws	7/26/2024	M12612 P12612	1	Neg	No growth	Negative
103433984	Other-Non/Product Contact Surface Sponge	Liverwurst	0907 - Lot J3		Wall behind eyewash between Lines 3 and 4, flaking concrete and paint	7/26/2024	M12612 P12612	1	Neg	No growth	Negative
103433985	Other-Non/Product Contact Surface Sponge	Liverwurst	0907 - Lot J3		Wheels on stick cart	7/26/2024	M12612 P12612	1	Neg	No growth	Negative

Form #	DESCRIPTION	Product Name	Product Lot	Line ID	Sample Site	Laboratory Receipt Date	ESTABLISHMENTNO
103433902	Product-RTE-Other Fully Cooked, Not Sliced-Beef	Beef Bologna	Sell by Sep 07 Lot J4	Line 4		7/27/2024	M12612 P12612
103433903	Product-RTE-Other Fully Cooked, Not Sliced-Beef	Beef Bologna	Sell by Sep 07 Lot J4	Line 4		7/27/2024	M12612 P12612
103433904	Product-RTE-Other Fully Cooked, Not Sliced-Beef	Beef Bologna	Sell by Sep 07 Lot J4	Line 4		7/27/2024	M12612 P12612
103433905	Product-RTE-Other Fully Cooked, Not Sliced-Beef	Beef Bologna	Sell by Sep 07 Lot J4	Line 4		7/27/2024	M12612 P12612
103433906	Product-RTE-Other Fully Cooked, Not Sliced-Beef	Beef Bologna	Sell by Sep 07 Lot J4	Line 4		7/27/2024	M12612 P12612
103433907	Other-Product Contact Surface Sponge	Beef Bologna	Sell by Sep 07 Lot J4	Line 4	Bologna Sticks	7/27/2024	M12612 P12612
103433908	Other-Product Contact Surface Sponge	Beef Bologna	Sell by Sep 07 Lot J4	Line 4	White Cutting Board	7/27/2024	M12612 P12612
103433909	Other-Product Contact Surface Sponge	Beef Bologna	Sell by Sep 07 Lot J4	Line 4	Knife used to remove clip ends on bologna	7/27/2024	M12612 P12612
103433910	Other-Product Contact Surface Sponge	Beef Bologna	Sell by Sep 07 Lot J4	Line 4	Employee Gloves	7/27/2024	M12612 P12612
103433911	Other-Product Contact Surface Sponge	Beef Bologna	Sell by Sep 07 Lot J4	Line 4	Interior of white rework pan	7/27/2024	M12612 P12612
103433912	Other-Product Contact Surface Sponge	Beef Bologna	Sell by Sep 07 Lot J4	Line 4	Center of Metal table around drain hole	7/27/2024	M12612 P12612
103433913	Other-Product Contact Surface Sponge	Beef Bologna	Sell by Sep 07 Lot J4	Line 4	Tree 395	7/27/2024	M12612 P12612
103433914	Other-Product Contact Surface Sponge	Beef Bologna	Sell by Sep 07 Lot J4	Line 4	South Auto Bagger	7/27/2024	M12612 P12612
103433915	Other-Product Contact Surface Sponge	Beef Bologna	Sell by Sep 07 Lot J4	Line 4	Stainless Steel Table corner east	7/27/2024	M12612 P12612
103433916	Other-Product Contact Surface Sponge	Beef Bologna	Sell by Sep 07 Lot J4	3	***	7/27/2024	M12612 P12612
103433917	Other-Non/Product Contact Surface Sponge	Beef Bologna	Sell by Sep 07 Lot J4		Ripped fabric on bottom of automatic door to tree wash	7/27/2024	M12612 P12612
103433918	Other-Non/Product Contact Surface Sponge	Beef Bologna	Sell by Sep 07 Lot J4		Used packaging material garbage frame legs	7/27/2024	M12612 P12612
103433919	Other-Non/Product Contact Surface Sponge	Beef Bologna	Sell by Sep 07 Lot J4		Hole in concrete floor by line 4 where concrete has lifted up	7/27/2024	M12612 P12612
103433920	Other-Non/Product Contact Surface Sponge	Beef Bologna	Sell by Sep 07 Lot J4		Line 4 Control Panel	7/27/2024	M12612 P12612
103433921	Other-Non/Product Contact Surface Sponge	Beef Bologna	Sell by Sep 07 Lot J4		Frame under dual infeed belt	7/27/2024	M12612 P12612
103433924	Nonmeat-Water/Brine		Shower water from Beef Bologna processed on Line 4, 2nd shift 7/25/24 Sell by Sep 07 Lot J4	4	Oven 23 Cooling Shower water	7/27/2024	M12612 P12612

U.S. DEPARTMENT OF AGRICULTURE  
 FOOD SAFETY AND INSPECTION SERVICE  
**SAMPLE ANALYSIS REQUEST FORM**

Form ID:103433961

Form No: 103433961  
 Test List: RTE\_LM\_E  
 RT24180

  
 02998461

  
 103433961

**COLLECTION INFORMATION**

1. SAMPLE FORM ID:	103433961	7. ESTABLISHMENT ID:	M12612 P12612
2. PROJECT CODE:	INTENV_LM_E	8. ESTABLISHMENT NAME:	Boar's Head Provisions Co., Inc.
3. SAMPLE SOURCE:	Other/Non/Product Contact Surface Sponge	9. COLLECTION DATE:	07/24/2024
4. ANALYSIS:	IVT-Listeria	10. SHIPMENT DATE:	07/24/2024
		11. COLLECTOR NAME:	(b)(6)
		12. COLLECTOR PHONE:	(b)(6)
5. ASSIGNED LAB:	Eastern Laboratory		(Athens,GA)
6. DISTRICT/CIRCUIT:			

**PRODUCT INFORMATION**

13. PRODUCT NAME:	Beechwood Ham
14. PRODUCTION DATE:	07/24/2024
15. LOT NUMBER:	916124
16. IS PRODUCT HELD:	Yes
17. COLLECTION REMARKS:	
18. QUESTIONNAIRE	(If Applicable)
Time of Collection (HHMM - use military time):	0947
Sample site description:	Pallet Jack SH3
Select the alternative associated with this sample:	All 3

SIGNATURE:  TITLE: EIAO DATE: 7/24/24

**FOR LABORATORY USE ONLY**

Date Received	Analyst Code	Receipt Temperature	Not-Analyzed Code	Not-Analyzed Explain
7-25-24	1169	8.1	W	

U.S. DEPARTMENT OF AGRICULTURE  
 FOOD SAFETY AND INSPECTION SERVICE  
**SAMPLE ANALYSIS REQUEST FORM**

Form ID:103433971

Form No: 103433971  
 Test List: RTE\_LM\_E  
 RT24234

02998926

103433971

**COLLECTION INFORMATION**

1. SAMPLE FORM ID:	103433971	7. ESTABLISHMENT ID:	M12612 P12612
2. PROJECT CODE:	INTCONT_LM_E	8. ESTABLISHMENT NAME:	Boar's Head Provisions Co., Inc.
3. SAMPLE SOURCE:	Other-Product Contact Surface Sponge	9. COLLECTION DATE:	07/25/2024
4. ANALYSIS:	IVT-Listeria	10. SHIPMENT DATE:	07/25/2024
		11. COLLECTOR NAME:	(b)(6)
		12. COLLECTOR PHONE:	(b)(6)
5. ASSIGNED LAB:	Eastern Laboratory		
	(Athens, GA)		
6. DISTRICT/CIRCUIT:			

**PRODUCT INFORMATION**

13. PRODUCT NAME: Liverwurst  
 14. PRODUCTION DATE: 07/25/2024  
 15. LOT NUMBER: 0907 Lot J3  
 16. IS PRODUCT HELD: Yes

**17. COLLECTION REMARKS:**

**18. QUESTIONNAIRE (If Applicable)**

Time of Collection (HHMM - use military time):  
 Line ID:  
 Sample site description:  
 Select the alternative associated with this sample:  
 Establishment contact name:  
 Establishment contact phone number:

: ~ 0716  
 : Line #3  
 : ~ white cutting board  
 : All 3  
 : (b)(6)  
 : (434) 535-8581 x (b)(6)

SIGNATURE

(b)(6)

TITLE:

EIAO

DATE:

7/25/24

**FOR LABORATORY USE ONLY**

Date Received	Analyst Code	Receipt Temperature	Not-Analyzed Code	Not-Analyzed Explain
7-26-24	73	12.6	02	

U.S. DEPARTMENT OF AGRICULTURE  
FOOD SAFETY AND INSPECTION SERVICE  
**SAMPLE ANALYSIS REQUEST FORM**

SIGNATURE

(b)(6)

TITLE:

EI/AO

DATE:

7/25/24

FOR LABORATORY USE ONLY

Date Received	Analyst Code	Receipt Temperature	Not-Analyzed Code	Not-Analyzed Explain
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U.S. DEPARTMENT OF AGRICULTURE  
 FOOD SAFETY AND INSPECTION SERVICE  
**SAMPLE ANALYSIS REQUEST FORM**

Form ID:103433960

Form No: 103433960  
 Test List: RTE\_LM\_E  
 RT24170

02998460

103433960

**COLLECTION INFORMATION**

1. SAMPLE FORM ID:	103433960	7. ESTABLISHMENT ID:	M12612 P12612
2. PROJECT CODE:	INTCONT_LM_E	8. ESTABLISHMENT NAME:	Boar's Head Provisions Co., Inc.
3. SAMPLE SOURCE:	Other-Product Contact Surface Sponge	9. COLLECTION DATE:	07/24/2024
4. ANALYSIS:	IVT-Listeria	10. SHIPMENT DATE:	07/24/2024
		11. COLLECTOR NAME:	(b)(6)
		12. COLLECTOR PHONE:	(b)(6)
5. ASSIGNED LAB:	Eastern Laboratory		(Athens,GA)
6. DISTRICT/CIRCUIT:	80 - Raleigh, NC / 80VA		

**PRODUCT INFORMATION**

13. PRODUCT NAME: Beechwood Ham  
 14. PRODUCTION DATE: 07/24/2024  
 15. LOT NUMBER: 916124  
 16. IS PRODUCT HELD: Yes

**17. COLLECTION REMARKS:**

**18. QUESTIONNAIRE (if Applicable)**

Time of Collection (HHMM - use military time):

Line ID:

Sample site description:

Select the alternative associated with this sample:

Establishment contact name:

\*\*\*\* 1103  
 :  
 : 02  
 :  
 : \*\*\*\* Employee gloves  
 :  
 : Alt 3  
 : (b)(6)

SIGNATURE

(b)(6)

TITLE: EIAO

DATE: 7/24/24

**FOR LABORATORY USE ONLY**

Date Received	Analyst Code	Receipt Temperature	Not-Analyzed Code	Not-Analyzed Explain
7-25-24	169	8.1	W	

U.S. DEPARTMENT OF AGRICULTURE  
FOOD SAFETY AND INSPECTION SERVICE  
**SAMPLE ANALYSIS REQUEST FORM**

Form ID:103433960

Establishment contact phone number:

(434) 535-8581 Ext. (b)(6)

SIGNATURE

(b)(6)

TITLE:

EIAO

DATE:

7/24/24

FOR LABORATORY USE ONLY

Date Received

Analyst Code

Receipt Temperature

Not-Analyzed Code

Not-Analyzed Explain

IVT

U.S. DEPARTMENT OF AGRICULTURE  
FOOD SAFETY AND INSPECTION SERVICE

Form ID:103433966

SAMPLE ANALYSIS REQUEST FORM

Form No: 103433966  
Test List: RTE LM E  
RT24226

02997934

103433966

COLLECTION INFORMATION

1. SAMPLE FORM ID:	103433966	7. ESTABLISHMENT ID:	M12612 P12612
2. PROJECT CODE:	INTPROD_LM_E	8. ESTABLISHMENT NAME:	Boar's Head Provisions Co., Inc.
3. SAMPLE SOURCE:	Product-RTE-Other Fully Cooked, Not Sliced-Combination species	9. COLLECTION DATE:	07/25/2024
4. ANALYSIS:	IVT-Listeria	10. SHIPMENT DATE:	07/25/2024
		11. COLLECTOR NAME:	(b)(6)
		12. COLLECTOR PHONE:	(b)(6)
5. ASSIGNED LAB:	Eastern Laboratory		(Athens, GA)
6. DISTRICT/CIRCUIT:			

PRODUCT INFORMATION

13. PRODUCT NAME: Liverwurst  
 14. PRODUCTION DATE: 07/25/2024  
 15. LOT NUMBER: 0907-60+J3  
 16. IS PRODUCT HELD: Yes

17. COLLECTION REMARKS:

18. QUESTIONNAIRE (If Applicable)

Time of Collection (HHMM - use military time):	:	0700
Line ID:	:	Line 3
Select the alternative associated with this sample:	:	All 3
Does this sample contain lactic acid starter culture?	:	No
Establishment contact name:	:	(b)(6)
Establishment contact phone number:	:	(434)535-8581 x (b)(6)

SIGNATURE

(b)(6)

TITLE: EICAD

DATE: 7/25/24

FOR LABORATORY USE ONLY

Date Received	Analyst Code	Receipt Temperature	Not-Analyzed Code	Not-Analyzed Explain
7-26-24	169	16.6	W	

U.S. DEPARTMENT OF AGRICULTURE  
FOOD SAFETY AND INSPECTION SERVICE  
**SAMPLE ANALYSIS REQUEST FORM**

SIGNATURE

(b)(6)

TITLE:

EIAO

DATE:

7/25/24

FOR LABORATORY USE ONLY

Date Received

Analyst Code

Receipt Temperature

Not-Analyzed Code

Not-Analyzed Explain

IVT

U.S. DEPARTMENT OF AGRICULTURE  
FOOD SAFETY AND INSPECTION SERVICE

Form ID:103433968

SAMPLE ANALYSIS REQUEST FORM



Form No: 103433968

Test List: RTE\_LM\_E

RT24228



02997932



103433968

COLLECTION INFORMATION

1. SAMPLE FORM ID:	103433968	7. ESTABLISHMENT ID:	M12612 P12612
2. PROJECT CODE:	INTPROD_LM_E	8. ESTABLISHMENT NAME:	Boar's Head Provisions Co., Inc.
3. SAMPLE SOURCE:	Product-RTE-Other Fully Cooked, Not Sliced-Combination species	9. COLLECTION DATE:	07/25/2024
4. ANALYSIS:	IVT-Listeria	10. SHIPMENT DATE:	07/25/2024
		11. COLLECTOR NAME:	(b)(6)
		12. COLLECTOR PHONE:	(b)(6)
5. ASSIGNED LAB:	Eastern Laboratory		(Athens, GA)
6. DISTRICT/CIRCUIT:			

PRODUCT INFORMATION

13. PRODUCT NAME:	Liverwurst
14. PRODUCTION DATE:	07/25/2024
15. LOT NUMBER:	** 0907-LO+J3
16. IS PRODUCT HELD:	Yes

17. COLLECTION REMARKS:

18. QUESTIONNAIRE (If Applicable)

Time of Collection (HHMM - use military time):

Line ID:

Select the alternative associated with this sample:

Does this sample contain lactic acid starter culture?

Establishment contact name:

Establishment contact phone number:

:	** 0710
:	Line 3
:	All 3
:	No
:	(b)(6)
:	(434)535-8581 x (b)(6)

SIGNATURE

(b)(6)

TITLE:

EIAO

DATE:

7/25/24

FOR LABORATORY USE ONLY

Date Received	Analyst Code	Receipt Temperature	Not-Analyzed Code	Not-Analyzed Explain
7-26-24	169	16.6	(O)	

U.S. DEPARTMENT OF AGRICULTURE  
FOOD SAFETY AND INSPECTION SERVICE  
**SAMPLE ANALYSIS REQUEST FORM**

SIGNATURE

(b)(6)

TITLE: EIAD

DATE: 7/25/24

FOR LABORATORY USE ONLY

Date Received	Analyst Code	Receipt Temperature	Not-Analyzed Code	Not-Analyzed Explain

**From:** Furey, Todd - FSIS  
**Sent:** Fri, 26 Jul 2024 13:10:12 +0000  
**To:** mike.kneeland@boarshead.com; (b)(6)@boarshead.com;  
(b)(6)@boarshead.com; (b)(6)@boarshead.com; (b)(6)@boarshead.com  
**Cc:** Murphy, Roger - FSIS; Gupton, Ariel - FSIS; Havens, Heather - FSIS;  
JoAnn.Connell@vdacs.virginia.gov; Johnson, Sherri - FSIS; Lilly, David - FSIS; (b)(6) - FSIS; (b)(6)  
(b)(6) - FSIS; (b)(6) - FSIS; (b)(6) - FSIS; Hortert, Larry - FSIS  
**Subject:** NOS  
**Attachments:** NOS Boar's Head Est. M12612.pdf

Good morning all,

Please find the attached NOS. Should you have any questions about the content of the letter, a call can be set up.

Todd

Todd Furey  
District Manager  
Raleigh District Office  
Office of Field Operations  
FSIS, USDA  
6020 Six Forks Road  
Raleigh, NC 27609  
Cell Number: (b)(6)  
Email Address: [todd.furey2@usda.gov](mailto:todd.furey2@usda.gov)



Food Safety and  
Inspection Service

Raleigh District Office

6020 Six Forks Road  
Raleigh, NC. 27609  
Voice: 919-844-8400  
Fax: 1-844-839-6360

07/26/2024

Hand Delivered by EIAO on July 26, 2024  
Electronically Submitted on July 26, 2024

Boar's Head Provisions, Co., Inc.,  
Est. M12612  
2230 Wyatts Mill Road P.O. Box 277  
Jarratt, Virginia 23867  
Mike.Kneeland@boarshead.com

Attention: Mike Kneeland, Plant Manager

### NOTICE OF SUSPENSION

This letter serves as official notification by the Food Safety and Inspection Service (FSIS) of our decision to withhold the federal marks of inspection and suspend the assignment of Inspection Program Personnel (IPP) at Boar's Head Provisions, Co., Inc., Est. M12612, located at 2230 Wyatts Mill Road P.O. Box 277 Jarratt, Virginia 23867. This letter follows verbal notification of the suspension action, provided by Ebony Jones, Inspection Manager, Virginia Department of Agriculture and Consumer Services, to (b)(6) Assistant Plant Manager, and (b)(6) Q A Manager at 5:38 pm on Thursday, July 25, 2024. This action includes all products associated with the Liverwurst Hazard Analysis Critical Control Point (HACCP) plan produced under the Fully Cooked, Not Shelf Stable HACCP category employed at your establishment. In addition, this action includes all production activities on Line 3.

The decision to institute this enforcement action is in accordance with Title 9 of the Code Federal Regulations (CFR), Rules of Practice 500.3(a)(4), based on the determination that your establishment failed to maintain sanitary conditions, as required by 9 CFR 416 *et seq.*, and 500.3(a)(1), based on the determination that your establishment produced and shipped adulterated product.

#### **Background/Authority**

The Federal Meat Inspection Act (FMIA) (21 USC 601 *et. seq*) provides it is essential to the public interest that the health and welfare of consumers be protected, by assuring meat and poultry products distributed to them are wholesome, not adulterated, and properly marked, and labeled. The Act gives FSIS the authority, as designated by the Secretary of Agriculture, to prescribe rules and regulations describing sanitation requirements for inspected establishments and provide FSIS program personnel the authority to refuse to allow meat/meat food products or poultry/poultry food products to be marked, labeled, stamped, or tagged as inspected and passed, to prevent the entry of products into commerce. This Act provides definitions for the term adulterated and further provide FSIS the authority to appoint

inspectors to examine and inspect all carcasses, parts of carcasses and products as well as the sanitary conditions of facilities.

Under the delegated authorities of this Act, FSIS has prescribed rules and regulations required for establishments producing meat/meat food products and poultry/poultry food products, including the requirements pertaining to Sanitation Standard Operating Procedures (SSOP) and Sanitation Performance Standards (SPS) (9 CFR 416) and other matters. FSIS has also developed the Rules of Practice regarding enforcement (9 CFR 500). The Rules of Practice describe the types of enforcement action that FSIS may take and include procedures for taking a withholding action and/or suspension, with or without prior notification, and for filing a complaint to withdraw a Federal Grant of Inspection. FSIS can refuse to render inspection and indefinitely withdraw inspection from an establishment, provided the establishment is afforded the right to an administrative hearing.

**Findings/Basis for Action**

**1- Liverwurst Product Tested Positive for *Listeria monocytogenes***

FSIS has been monitoring a *Listeria monocytogenes* (*Lm*) illness cluster under ongoing investigation by state partners and the Centers for Disease Control and Prevention (CDC). On July 19, 2024, the Maryland Department of Health collected an intact packaged sample from a retail location of RTE Boar's Head Strassburger Brand Liverwurst product bearing Sell By date 8/10/24 and lot code J3 09:54. The Raleigh District investigated and determined that the product was produced by Boar's Head Provisions Co., Inc., Est. M12612, located in Jarratt, Virginia. On July 25, 2024, the state partner laboratory advised the FSIS Office of Public Health Science (OPHS) that the sample tested positive for *Lm* and provided OPHS the official laboratory results.

**2- Establishment's Environmental Sites** (b)(4)

(b)(4)



(b)(4)

### 3-Establishment Noncompliances

- Product residue found on food contact surfaces and non-food contact surfaces during pre-op inspections (7/19/24, 7/6/24, 6/28/24, 5/20/24, 4/19/24, 3/22/24, 3/14/24, 2/29/24, 2/3/24)
- Product residue from previous shifts found on food contact surfaces during operational SSOP inspections (6/7/24)
- Insanitary conditions - doorway between Smokehouse 1 and liverwurst cook tanks, pipes and support beams above liverwurst cook tanks, pass through window from liverwurst cook tank to RTE side, hallway leading from the Liverwurst Cook Tank into the Netted Ham 2 cooling room, doorway into Netted Ham 2 cooling room, on base of cooling unit 23A in Netted Ham cooling room (7/24/24), in the Netted Ham 2 Holding Cooler, doorway to hallway leading to liverwurst cook tanks, and doorway into liverwurst cook tank room (7/23/24), green algal growth in standing water on the receiving dock (7/17/24), black mold on wall caulk in the pickle storage annex area (7/12/24), garbage and product debris on floors (6/26/24, 6/10/24, 3/15/24, 2/11/24), dirty inedible strainers in close proximity to clean strainers in the bologna kitchen (6/28/24), Product residue on pickle vats in Stitch Pump #1 department (6/1/24), black mold on steel vats in Stitch Pump #1 department (6/1/24), stainless steel sticks used for hanging product placed in inedible containers or left on floors (3/15/24), rancid smell in raw receiving cooler and cardboard combos heavily saturated with blood and leaking blood on floor (2/22/24), product residue on doors and door frames for Smokehouses #27, 28, and 29 (2/7/24)

- Water Leaks - water dripping from an area of the ceiling that had previously been caulked in the smokehouse alley near Smokehouses #23-29 (7/6/24), leaking hot water pipe in inedible storage (6/10/24)
- Dripping Condensation - left wet spots on bags of dextrose (7/12/24), in the packaging department (7/9/24)

- **Summary and Conclusion**

*Listeria monocytogenes* is a pathogen of public health concern especially to high-risk populations including pregnant women, newborns, elderly and people with weakened immune systems and can cause serious and often fatal infections. It has also been known to cause miscarriages and stillbirths. It is widely distributed in the environment, is spread very easily by direct food contact with contaminated surfaces and thrives in the cool, damp conditions present in food processing establishments. *Listeria monocytogenes* is of special concern in facilities that produce ready-to-eat products that are post-lethality exposed.

The wholesomeness of your product is directly dependent on the design and implementation of your sanitation program, adequate *Listeria monocytogenes* control measures and overall maintenance of your facility, including the sanitary procedures conducted in your food production. Evidence demonstrates failure to comply with regulatory requirements identified in 9 CFR 416, including SPS and SSOP requirements, as outlined above. Findings result in FSIS being unable to conclude that sanitary conditions are being maintained, resulting in your establishment's producing and shipping adulterated product. As such, product may have been prepared, packed, or held under insanitary conditions, whereby product may have become contaminated with filth or whereby product may have been rendered injurious to health, rendering the product adulterated (FMIA 21 U.S.C. 601 (m)(4)).

In accordance with 9 CFR Part 500.3(a)(4), FSIS is exercising authority to withhold the federal marks of inspection and suspend the assignment of IPP at your establishment. The withholding of the federal mark of inspection and suspension of the assignment of IPP will remain in effect for all products associated with the Liverwurst Hazard Analysis Critical Control Point (HACCP) plan produced under the Fully Cooked, Not Shelf stable HACCP category employed at your establishment and production activities on Line 3 until you provide adequate written corrective action and preventative measures to demonstrate adherence to regulatory requirements by restoring sanitary conditions.

**Note:** The Raleigh District has limited the scope of this administrative action. As more information becomes available, such as Intensified Verification Testing (IVT) results, collected at your establishment on July 24 and 25, 2024, the NOS may be expanded to include other lines or HACCP processes/categories.

You are reminded that, as an operator of a federally inspected establishment, you are expected to comply with FSIS regulations and to take appropriate corrective actions to prevent the production of contaminated or adulterated products at your establishment. Please be advised that your failure to respond adequately to these issues may result in our initiating action to withdraw inspection from your establishment.

Mike Kneeland, Plant Manager  
Boar's Head Provisions, Co., Inc.,  
Est. M12612

Notice of Suspension  
Date: 07/26/2024

**Appeal and Hearing Rights**

You have the right to appeal this matter and can do so by contacting:

Sherri N. Johnson,  
Executive Associate for Regulatory Operations  
Office of Field Operations  
Food Safety and Inspection Service  
United States Department of Agriculture  
1400 Independence Avenue, SW  
SB, Room 3154  
Washington, DC 20250  
Email: [sherri.johnson@usda.gov](mailto:sherri.johnson@usda.gov)  
Phone: 202-379-6196 (Main)

Pursuant to 9 CFR 500.5(d), you may also request a hearing regarding this determination. Should you request a hearing, FSIS will file a complaint that will include a request for an expedited hearing. If you wish to request a hearing regarding this determination, please contact:

Dr. Ashley Etue, Acting Director  
Enforcement Operations Staff (EOS)  
Office of Investigation, Enforcement and Audit (OIEA)  
Food Safety and Inspection Service  
United States Department of Agriculture  
Stop Code 3753, SB - Room 2148  
1400 Independence Avenue, SW  
Washington, DC 20250  
Telephone: (202) 418-8872  
Facsimile: (202) 245-5097  
E-mail: [AEBCorrespondence@usda.gov](mailto:AEBCorrespondence@usda.gov)

If you have any questions, please contact EIAO (b)(6) via telephone at (b)(6) (b)(6) or via electronic mail at (b)(6) @usda.gov or EIAO (b)(6) via telephone at (b)(6) or email at (b)(6) @usda.gov. Additionally, you can contact Raleigh District Office at (919) 844-8400 or by fax at 1-844-839-6360. Sincerely,

Sincerely,  
TODD Digitally signed  
by TODD FUREY  
Date: 2024.07.26  
09:04:44 -04'00'  
FUREY  
Todd Furey  
District Manager

Mike Kneeland, Plant Manager  
Boar's Head Provisions, Co., Inc.,  
Est. M12612

Notice of Suspension  
Date: 07/26/2024

Cc: S. Johnson, EARO/OFO  
T. Furey, DM/RDO  
L. Hortert, OIEA Regional Director  
A. Gupton, DDM/RDO  
R. Murphy, DDM/RDO  
H. Havens, DDM/RDO  
J. Connell, Program Manager/VATA  
E. Jones, Inspector Manager/VATA  
(b)(6), SEIAO/RDO  
D. Lilly, DCS/RDO  
(b)(6), Acting SEIAO/RDO  
(b)(6), EIAO/RDO  
(b)(6), EIAO/RDO  
IIC M12612  
FO/Quarterly Reports

**From:** Furey, Todd - FSIS  
**Sent:** Fri, 26 Jul 2024 10:33:38 +0000  
**To:** JoAnn.Connell@vdacs.virginia.gov; Ebony Jones  
**Subject:** Fwd: NOS for BH - utilize this one, I have revised to make it fit  
**Attachments:** Draft NOS Boar's Head Est. M12612.doc

Todd Furey  
District Manager  
Raleigh District Office  
Office of Field Operations  
FSIS, USDA

6020 Six Forks Road  
Raleigh, NC 27609

Cell Number: (b)(6)

Email Address: [todd.furey2@usda.gov](mailto:todd.furey2@usda.gov)

**From:** (b)(6) - FSIS <(b)(6)@usda.gov>  
**Sent:** Thursday, July 25, 2024 11:02:39 PM  
**To:** (b)(6) - FSIS <(b)(6)@usda.gov>; Lilly, David - FSIS <david.lilly@usda.gov>  
**Cc:** Furey, Todd - FSIS <todd.furey2@usda.gov>  
**Subject:** RE: NOS for BH - utilize this one, I have revised to make it fit

Todd,

Attached is the Draft NOS Boar's Head Est. M12612.

The letter was dated for tomorrow 07/26/2024 and addressed to Mike Kneeland, Plant Manager. If for any reason, the letter go tonight, it should be emailed to (b)(6) Sr. Director , Operations, and National Distribution at (b)(6)@boarshead.com.

Please let me know if you have any questions.

Thanks



(b)(6), MS  
Enforcement, Investigations and Analysis Officer  
Raleigh District Office  
USDA, FSIS, Office of Field Operations  
Mobile: (b)(6)  
(b)(6)@usda.gov

**From:** (b)(6) - FSIS <(b)(6)@usda.gov>

**Sent:** Thursday, July 25, 2024 7:44 PM

**To:** (b)(6) - FSIS (b)(6)@usda.gov; Lilly, David - FSIS <david.lilly@usda.gov>

**Cc:** Furey, Todd - FSIS <todd.furey2@usda.gov>

**Subject:** RE: NOS for BH - utilize this one, I have revised to make it fit

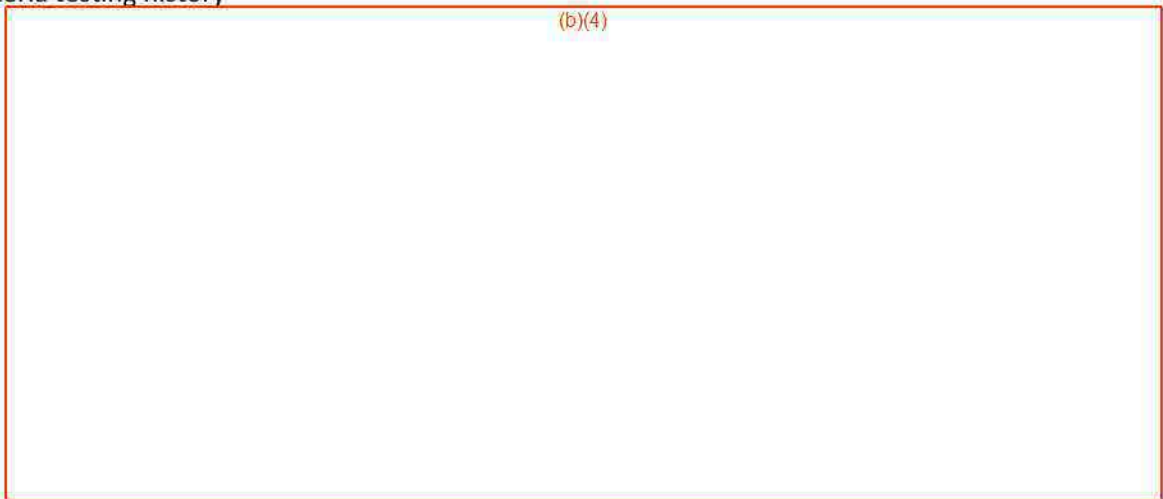
Here is the plant history for L spp testing, and summary for history of NRs, from PHRE - (b)(5), (b)(5) -

(b)(5); (b)(5)- . Read through after complete for errors etc. Now it's mostly copy paste 😊

Product positive utilize language from RMTAD OPHS what they were providing to us.

Start with product (b)(4) then L. spp then NRs

Est Listeria testing history



---

NRs

- Product residue found on food contact surfaces and non-food contact surfaces during pre-op inspections (7/19/24, 7/6/24, 6/28/24, 5/20/24, 4/19/24, 3/22/24, 3/14/24, 2/29/24, 2/3/24)
- Product residue from previous shifts found on food contact surfaces during operational SSOP inspections (6/7/24)
- Insects - in the Cure Cooler (7/17/24), in the receiving dock (7/17/24), dead flies on an opened barrel of distilled vinegar (7/12/24), 2 live flies in vat in raw side entry area (6/28/24), green flies circling denatured product in Inedible Room 1 (6/26/24), flies and gnat like insects in the pickle vat pump out room including flies going in and out of four vats of pickle solution (6/10/24), ants and flying insects in inedible storage (6/10/24), 7 ladybugs, 1 beetle like insect, and 1 cockroach like insect in cure main cooler door (6/10/24)
- Insanitary conditions - green algal growth in standing water on the receiving dock (7/17/24), black mold on wall caulk in the pickle storage annex area (7/12/24), garbage and product debris on floors (6/26/24, 6/10/24, 3/15/24, 2/11/24), dirty inedible strainers in close proximity to clean strainers in the bologna kitchen (6/28/24), Product residue on pickle vats in Stitch Pump #1 department (6/1/24), black mold on steel vats in Stitch Pump #1 department (6/1/24), stainless steel sticks used for hanging product placed in inedible containers or left on floors (3/15/24), rancid smell in raw receiving cooler and cardboard combos heavily saturated with blood and leaking blood on floor (2/22/24), product residue on doors and door frames for Smokehouses #27, 28, and 29 (2/7/24)

- Water Leaks - water dripping from an area of the ceiling that had previously been caulked in the smokehouse alley near Smokehouses #23-29 (7/6/24), leaking hot water pipe in inedible storage (6/10/24)
- Dripping Condensation - left wet spots on bags of dextrose (7/12/24), in the packaging department (7/9/24)
- Not labeling inedible product or denaturing it, and placing it in containers with the mark of inspection still on them (4/24/24, 4/8/24, 2/21/24, 2/8/24)
- Employee GMP issues - contractor wearing frock outside and not washing hands on re-entry (2/22/24)



(b)(6)  
 Supervisory EIAO  
 FSIS, OFO, Raleigh District Office  
 United States Department of Agriculture  
 Office (b)(6)  
 Mobile (b)(6)

**From:** (b)(6) - FSIS  
**Sent:** Thursday, July 25, 2024 7:34 PM  
**To:** (b)(6) - FSIS <(b)(6)@usda.gov>; Lilly, David - FSIS <david.lilly@usda.gov>  
**Cc:** Furey, Todd - FSIS <todd.furey2@usda.gov>  
**Subject:** RE: NOS for BH - utilize this one, I have revised to make it fit

In summary of findings, in addition to product positive, and history of SPS/SSOP NRs, please also (b)(5) - Deliberative Process Privilege (b)(5) - Deliberative Process Privilege ...take it from EIAOs summary



(b)(6)  
 Supervisory EIAO  
 FSIS, OFO, Raleigh District Office  
 United States Department of Agriculture  
 Office (b)(6)  
 Mobile (b)(6)

**From:** (b)(6) - FSIS  
**Sent:** Thursday, July 25, 2024 7:30 PM  
**To:** (b)(6) - FSIS <(b)(6)@usda.gov>; Lilly, David - FSIS <david.lilly@usda.gov>  
**Cc:** Furey, Todd - FSIS <todd.furey2@usda.gov>  
**Subject:** NOS for BH - utilize this one, I have revised to make it fit

Questions, let me know. (b)(5), (b)(5) - Deliberative Process Privilege  
 (b)(5); (b)(5) - Deliberative Process Privilege  
 (b)(5); (b)(5) - Deliberative Process Privilege See the attached email as well, change names from Safian to Etue. Thanks



(b)(6)

Supervisory EIAO  
FSIS, OFO, Raleigh District Office  
United States Department of Agriculture  
Office (b)(6)  
Mobile (b)(6)



United States Department of Agriculture

Food Safety and Inspection Service

Raleigh District Office

6020 Six Forks Road  
Raleigh, NC. 27609  
Voice: 919-844-8400  
Fax: 1-844-839-6360

07/26/2024

Hand Delivered by EIAO on July 26, 2024  
Electronically Submitted on July 26, 2024

Boar's Head Provisions, Co., Inc.,  
Est. M12612  
2230 Wyatts Mill Road P.O. Box 277  
Jarratt, Virginia 23867  
Mike.Kneeland@boarshead.com

Attention: Mike Kneeland, Plant Manager

**NOTICE OF SUSPENSION**

This letter serves as official notification by the Food Safety and Inspection Service (FSIS) of our decision to withhold the federal marks of inspection and suspend the assignment of Inspection Program Personnel (IPP) at Boar's Head Provisions, Co., Inc., Est. M12612, located at 2230 Wyatts Mill Road P.O. Box 277 Jarratt, Virginia 23867. This letter follows verbal notification of the suspension action, provided by Ebony Jones, Inspection Manager Virginia Department of Agriculture and Consumer Services, to (b)(6) Assistant Plant Manager, and (b)(6) Q A Manager at approximately 5:38 pm on Thursday, July 25, 2024. (b)(5), (b)(5) -

(b)(4), (b)(5), (b)(5) - Deliberative Process Privilege

The decision to institute this enforcement action is in accordance with Title 9 of the Code Federal Regulations (CFR), Rules of Practice 500.3(a)(4), based on the determination that your establishment failed to maintain sanitary conditions, as required by 9 CFR 416 *et seq.*, and 500.3(a)(1), based on the determination that your establishment produced and shipped adulterated product.

**Background/Authority**

The Federal Meat Inspection Act (FMIA) (21 USC 601 *et. seq*) provides it is essential to the public interest that the health and welfare of consumers be protected, by assuring meat and poultry products distributed to them are wholesome, not adulterated, and properly marked, and labeled. The Act gives FSIS the authority, as designated by the Secretary of Agriculture, to prescribe rules and regulations describing sanitation requirements for inspected establishments and provide FSIS program personnel the authority to refuse to allow meat/meat food products or poultry/poultry food products to be marked, labeled, stamped, or tagged as inspected and passed, to prevent the entry of products into commerce. This Act provides definitions for the term adulterated and further provide FSIS the authority to appoint inspectors to examine and inspect all carcasses, parts of carcasses and products as well as the sanitary conditions of facilities.

Mike Kneeland, Plant Manager  
Boar's Head Provisions, Co., Inc.,  
Est. M12612

Notice of Suspension  
Date: 07/26/2024

Under the delegated authorities of this Act, FSIS has prescribed rules and regulations required for establishments producing meat/meat food products and poultry/poultry food products, including the requirements pertaining to Sanitation Standard Operating Procedures (SSOP) and Sanitation Performance Standards (SPS) (9 CFR 416) and other matters. FSIS has also developed the Rules of Practice regarding enforcement (9 CFR 500). The Rules of Practice describe the types of enforcement action that FSIS may take and include procedures for taking a withholding action and/or suspension, with or without prior notification, and for filing a complaint to withdraw a Federal Grant of Inspection. FSIS can refuse to render inspection and indefinitely withdraw inspection from an establishment, provided the establishment is afforded the right to an administrative hearing.

**Findings/Basis for Action**

**1- Liverwurst Product Tested Positive for *Listeria monocytogenes***

FSIS has been monitoring a *Listeria monocytogenes* (*Lm*) illness cluster under ongoing investigation by state partners and the Centers for Disease Control and Prevention (CDC). On July 19, 2024, the Maryland Department of Health collected an intact packaged sample from a retail location of RTE Boar's Head Strassburger Brand Liverwurst product bearing Sell By date 8/10/24 and lot code J3 09:54. Raleigh District investigated and determined that the product was produced by Boar's Head Provisions Co., Inc., Est. M12612, located in Jarratt, Virginia. On July 25, 2024, the state partner laboratory advised the FSIS Office of Public Health Science (OPHS) that the sample tested positive for *Lm* and provided OPHS the official laboratory results.  
(Add text)

**2- Establishment's Environmental Sites**

(b)(4)

(b)(4)

Mike Kneeland, Plant Manager  
Boar's Head Provisions, Co., Inc.,  
Est. M12612

Notice of Suspension  
Date: 07/26/2024

(b)(4)

### 3-Establishment Noncompliances

- Product residue found on food contact surfaces and non-food contact surfaces during pre-op inspections (7/19/24, 7/6/24, 6/28/24, 5/20/24, 4/19/24, 3/22/24, 3/14/24, 2/29/24, 2/3/24)
- Product residue from previous shifts found on food contact surfaces during operational SSOP inspections (6/7/24)

(b)(5); (b)(5) - Deliberative Process Privilege

Mike Kneeland, Plant Manager  
Boar's Head Provisions, Co., Inc.,  
Est. M12612

Notice of Suspension  
Date: 07/26/2024

- Water Leaks - water dripping from an area of the ceiling that had previously been caulked in the smokehouse alley near Smokehouses #23-29 (7/6/24), leaking hot water pipe in inedible storage (6/10/24)
- Dripping Condensation - left wet spots on bags of dextrose (7/12/24), in the packaging department (7/9/24)

(b)(5), (b)(5) - Deliberative Process Privilege

- **Summary and Conclusion**

*Listeria monocytogenes* is a pathogen of public health concern especially to high-risk populations including pregnant women, newborns, elderly and people with weakened immune systems and can cause serious and often fatal infections. It has also been known to cause miscarriages and stillbirths. It is widely distributed in the environment, is spread very easily by direct food contact with contaminated surfaces and thrives in the cool, damp conditions present in food processing establishments. *Listeria monocytogenes* is of special concern in facilities that produce ready-to-eat products that are post-lethality exposed.

The wholesomeness of your product is directly dependent on the design and implementation of your sanitation program, adequate *Listeria monocytogenes* control measures and overall maintenance of your facility, including the sanitary procedures conducted in your food production. Evidence demonstrates failure to comply with regulatory requirements identified in 9 CFR 416, including SPS and SSOP requirements, as outlined above. Findings result in FSIS being unable to conclude that sanitary conditions are being maintained, resulting in your establishment's producing and shipping adulterated product. As such, product may have been prepared, packed, or held under insanitary conditions, whereby product may have become contaminated with filth or whereby product may have been rendered injurious to health, rendering the product adulterated (FMIA 21 U.S.C. 601 (m)(4)).

In accordance with 9 CFR Part 500.3(a)(4), FSIS is exercising authority to withhold the federal marks of inspection and suspend the assignment of IPP at your establishment.

(b)(5), (b)(5) -

(b)(5), (b)(5) - Deliberative Process Privilege

You are reminded that, as an operator of a federally inspected establishment, you are expected to comply with FSIS regulations and to take appropriate corrective actions to prevent the production of contaminated or adulterated products at your establishment. Please be advised that

Mike Kneeland, Plant Manager  
Boar's Head Provisions, Co., Inc.,  
Est. M12612

Notice of Suspension  
Date: 07/26/2024

your failure to respond adequately to these issues may result in our initiating action to withdraw inspection from your establishment.

**Appeal and Hearing Rights**

You have the right to appeal this matter and can do so by contacting:

Sherri N. Johnson,  
Executive Associate for Regulatory Operations  
Office of Field Operations  
Food Safety and Inspection Service  
United States Department of Agriculture  
1400 Independence Avenue, SW  
SB, Room 3154  
Washington, DC 20250  
Email: [sherri.johnson@usda.gov](mailto:sherri.johnson@usda.gov)  
Phone: 202-379-6196 (Main)

Pursuant to 9 CFR 500.5(d), you may also request a hearing regarding this determination. Should you request a hearing, FSIS will file a complaint that will include a request for an expedited hearing. If you wish to request a hearing regarding this determination, please contact:

Dr. Ashley Etue, Acting Director  
Enforcement Operations Staff (EOS)  
Office of Investigation, Enforcement and Audit (OIEA)  
Food Safety and Inspection Service  
United States Department of Agriculture  
Stop Code 3753, SB - Room 2148  
1400 Independence Avenue, SW  
Washington, DC 20250  
Telephone: (202) 418-8872  
Facsimile: (202) 245-5097  
E-mail: [AEBCorrespondence@usda.gov](mailto:AEBCorrespondence@usda.gov)

If you have any questions, please contact EIAO (b)(6) via telephone at (b)(6) (b)(6) or via electronic mail at (b)(6)@usda.gov or EIAO (b)(6) via telephone at (b)(6) or email at (b)(6)@usda.gov. Additionally, you can contact Raleigh District Office at (919) 844-8400 or by fax at 1-844-839-6360. Sincerely,

Mike Kneeland, Plant Manager  
Boar's Head Provisions, Co., Inc.,  
Est. M12612

Notice of Suspension  
Date: 07/26/2024

Sincerely  
District Manager

(b)(5), (b)(5) - Deliberative Process Privilege

**From:** Furey, Todd - FSIS  
**Sent:** Fri, 2 Aug 2024 20:31:53 +0000  
**To:** (b)(6) JoAnn.Connell@vdacs.virginia.gov; Ebony Jones; (b)(6) - FSIS; (b)(6) - FSIS; Lilly, David - FSIS; (b)(6) - FSIS  
**Cc:** (b)(6) Kneeland, Michael; Johnson, Sherri - FSIS  
**Subject:** Re: NOS Letter

Yes. Just keep records.

Todd Furey  
District Manager  
Raleigh District Office  
Office of Field Operations  
FSIS, USDA  
6020 Six Forks Road  
Raleigh, NC 27609  
Cell Number: (b)(6)  
Email Address: [todd.furey2@usda.gov](mailto:todd.furey2@usda.gov)

**From:** (b)(6) <(b)(6)@boarshead.com>  
**Sent:** Friday, August 2, 2024 2:41:24 PM  
**To:** Furey, Todd - FSIS <todd.furey2@usda.gov>; JoAnn.Connell@vdacs.virginia.gov <JoAnn.Connell@vdacs.virginia.gov>; Ebony Jones <Ebony.Jones@vdacs.virginia.gov>; (b)(6) - FSIS <(b)(6)@usda.gov>; (b)(6) - FSIS (b)(6)@usda.gov; Lilly, David - FSIS <david.lilly@usda.gov>; (b)(6) - FSIS <(b)(6)@usda.gov>  
**Cc:** (b)(6) (b)(6)@boarshead.com; Kneeland, Michael <Mike.Kneeland@boarshead.com>; Johnson, Sherri - FSIS <sherri.johnson@usda.gov>  
**Subject:** RE: NOS Letter

Todd,

Can you confirm that we have permission to dispose of all recalled product currently in our possession in our Jarratt plant and our distribution centers, as well as any product returned to us from our distributors?

(b)(6) | Director of Regulatory Affairs  
**Boar's Head Brand**  
Office: 941.955.0994 ext. (b)(6)

---

**From:** Furey, Todd - FSIS <todd.furey2@usda.gov>  
**Sent:** Wednesday, July 31, 2024 9:47 AM  
**To:** JoAnn.Connell@vdacs.virginia.gov; Ebony Jones <Ebony.Jones@vdacs.virginia.gov>; (b)(6) - FSIS <(b)(6)@usda.gov>; (b)(6) - FSIS (b)(6)@usda.gov; Lilly, David - FSIS <david.lilly@usda.gov>; (b)(6) - FSIS (b)(6)@usda.gov

**Cc:** (b)(6) (b)(6)@boarshead.com>; (b)(6) <(b)(6)@boarshead.com>;  
Kneeland, Michael <Mike.Kneeland@boarshead.com>; Johnson, Sherri - FSIS  
<sherri.johnson@usda.gov>  
**Subject:** NOS Letter

Some people who received this message don't often get email from [todd.furey2@usda.gov](mailto:todd.furey2@usda.gov). [Learn why this is important](#)

**This Message Is From an External Sender**

\*Caution External Email\* If the message appears to be suspicious, please click the Report Phish button in your Outlook client.

All,

Attached is a copy of the signed Notice of Suspension.

Todd

Todd Furey  
District Manager  
Raleigh District Office  
Office of Field Operations  
FSIS, USDA  
6020 Six Forks Road  
Raleigh, NC 27609  
Cell Number: (b)(6)  
Email Address: [todd.furey2@usda.gov](mailto:todd.furey2@usda.gov)

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Food Safety and  
Inspection Service

Raleigh District Office

6020 Six Forks Road  
Raleigh, NC. 27609  
Voice: 919-844-8400  
Fax: 1-844-839-6360

**07/31/2024**

**Hand Delivered by EIAO on July 31, 2024  
Electronically Submitted on July 31, 2024**

Boar's Head Provisions, Co., Inc.,  
Est. M12612  
2230 Wyatts Mill Road P.O. Box 277  
Jarratt, Virginia 23867  
Mike.Kneeland@boarshead.com

### **Revision of the NOTICE of SUSPENSION**

Attention: Mike Kneeland, Plant Manager

This letter serves as written notification by the Food Safety and Inspection Service (FSIS) of our decision to withhold the federal marks of inspection and suspend the operations of Ready-to-Eat (RTE) products at Boar's Head Provisions, Co., Inc., Est. M12612, located at 2230 Wyatts Mill Road P.O. Box 277 Jarratt, Virginia 23867. This letter follows verbal notification of the suspension action, provided by me to the establishment representatives at approximately 3:10 pm on Monday, July 29, 2024.

The decision to institute this enforcement action is in accordance with Title 9 of the Code Federal Regulations (CFR), Rules of Practice 500.3(a)(4), based on the determination that your establishment failed to maintain sanitary conditions, as required by 9 CFR 416 *et seq.*, and 500.3(a)(1), based on the determination that your establishment produced and shipped adulterated product.

#### **Background/Authority**

The Federal Meat Inspection Act (FMIA) (21 USC 601 *et. seq*) provides it is essential to the public interest that the health and welfare of consumers be protected, by assuring meat and poultry products distributed to them are wholesome, not adulterated, and properly marked, and labeled. The Act gives FSIS the authority, as designated by the Secretary of Agriculture, to prescribe rules and regulations describing sanitation requirements for inspected establishments and provide FSIS program personnel the authority to refuse to allow meat/meat food products or poultry/poultry food products to be marked, labeled, stamped, or tagged as inspected and passed, to prevent the entry of products into commerce. This Act provides definitions for the term adulterated and further provide FSIS the authority to appoint inspectors to examine and inspect all carcasses, parts of carcasses and products as well as the sanitary conditions of facilities.

Under the delegated authorities of this Act, FSIS has prescribed rules and regulations required for establishments producing meat/meat food products and poultry/poultry food products, including the requirements pertaining to Sanitation Standard Operating Procedures (SSOP) and Sanitation Performance Standards (SPS) (9 CFR 416) and other matters. FSIS has also developed the Rules of Practice regarding enforcement (9 CFR 500). The Rules of Practice describe the types of enforcement action that FSIS may take and include procedures for taking a withholding action and/or suspension, with or without prior notification, and for filing a complaint to withdraw a Federal Grant of Inspection. FSIS can refuse to render inspection and indefinitely withdraw inspection from an establishment, provided the establishment is afforded the right to an administrative hearing.

### **Findings/Basis for Action**

This revised notice of suspension retains all the contents of the original notice of suspension that was issued on July 26, 2024, with the addition of the findings detailed below.

Your establishment defines *Listeria monocytogenes* (*Lm*) as low risk in the ready to eat (RTE) post-lethality exposed processing environment that includes post-chill, peeling (if applicable), refrigerated, splitting (if applicable) environment due to employee practices in the GMP Plan which reduce the likelihood of product recontamination, along with monitoring employees and environment through the SSOP plan. Your program further states that “*The risk is further reduced through an SSOP Plan conforming to Alternative 3 and Listeria sampling as required in 9 CFR 430 and Directive 10,240.4. Packaging Step.*”

Your establishment produced product adulterated with *Lm* linked to an ongoing outbreak of *Lm*. As of July 30, 2024, this outbreak of *Lm* includes 34 ill people from 13 states; 33/33 (100%) of ill people with information available have been hospitalized and there are 2 reported deaths attributed to listeriosis. The Maryland Department of Health tested an unopened liverwurst product (Boar's Head Strassburger Brand Liverwurst, Sell By date 8/10/24, lot code J3 09:54) and the sample tested positive for *Lm*. On July 29, 2024, whole genome sequencing (WGS) was completed (IDs PNUSAL0022703, PNUSAL0022704, and PNUSAL0022702) and WGS data showed that the *Lm* isolated from the liverwurst sample is highly related to the *Lm* making people sick in this outbreak.

On July 24 and 25, 2024, Intensified Verification Testing (IVT) sampling was conducted, and one (1) sample, identified as non-food contact surface/environmental, tested positive for *Lm*. This sample was collected from the following location:

- Line 2: Non- Product Contact Surface Sponge, form # 103433961 confirmed positive for *Lm*, site description: Pallet Jack SH3 during the production of Beechwood Ham lot #9624.

Pallet Jack SH3 is used to move racks of product out of blast coolers to production lines in the processing room, as well as move product racks around the processing room. The processing room consists of one large open room. Processing lines 1 through 4 are located on the left side when standing with back to the coolers and Processing Lines 5 through 8 are located on the right side and used to process hot dogs and other small sausages. There are no barriers or walls that

separate the processing lines. Pallet jacks and product racks move between all processing lines and all blast coolers.

This positive *Lm* result on the pallet jack demonstrates *Lm* is present in the RTE post lethality processing environment and there are inadequate controls to prevent its spread throughout the RTE post lethality processing environment.

In addition, there is a risk of employees spreading *Lm* through the RTE post lethality processing environment. Although employees typically work on one line, when needed they may move between lines to help. Your establishment does not have a written plan to describe employee practices and use of personal protective equipment (PPE) when moving between lines. When EIAO discussed this with (b)(6) the QA Manager, she stated verbally that if employees are moving to a different line, producing a different product, they must change their disposable apron, gloves, and arm covers. If they are moving to a different line that is producing the same product, they do not have to change those items. However, this is not stated in the written program. During IVT collection, EIAOs observed employees moving racks out of coolers and between lines without changing PPE, even when interacting with different product types. They also observed employees who freely move between all lines without directly interacting with product such as those removing garbage, removing product debris from the floors, removing condensation from overhead structures, or performing maintenance.

Further insanitary conditions observed in the establishment that have the potential to spread contamination and *Lm* are as follows. On July 26, 2024, a noncompliance IDG3616071628N/ 1 was issued by In-Plant-Personnel (IPP) describing beaded condensation on the door opening and inside of the Blast Cell #12 dripping over the product. U.S. Retained tags B37563411, B37563412, B37563413, B36563414, B37563415, B37563416, B37563417, B37563419, B37563420 were applied to nine trees of Beechwood Hams (approximately 10,418lbs.). This noncompliance indicates your establishment's failure to maintain sanitary conditions during processing, handling, and storing of the RTE post-lethality exposed products.

On July 27, 2024, a noncompliance IDG3520074727N / 1 was issued by IPP on the RTE side of the plant, in the Blast Cell Hallway, next to Blast Cell #9, when clear liquid was observed falling from a square patch in the ceiling. Ten feet from the patches, a black fan was mounted to the ceiling and was blowing the leaking clear liquid into the Blast Cell Hallway, where 9 trees of uncovered Assorted Hams were stored. These 9 trees were retained by inspection personnel. This indicates your establishment's failure to maintain sanitary conditions.

In summary, the WGS IDs for these isolates from the liverwurst sample are highly related to the clinical outbreak strains, the IVT sample confirmed *Lm* positive for Pallet Jack SH3, combined with no written plans to prevent cross contamination by employees between processing lines, and the noncompliances documented on July 26 and 27, 2024 by IPP for insanitary conditions is evidence that your current SSOP programs, and *Listeria* Control Program are ineffective in supporting that *Lm* is Not Reasonably Likely to Occur (NRLTO) within your Hazard Analysis.

### **Sanitation Performance Standards (SPS)**

**NOS Item #1**

Your establishment failed to meet the requirements 9 CFR 9 CFR 416.2(b)(1) and (2), 9 CFR 416.2(d), 9 CFR 416.4(a), 9 CFR 416.4(d) and 9 CFR 416.4(b). The Maryland Department of Health Liverwurst product sample that tested positive for *Lm* and the positive *Lm* IVT environmental sample from Pallet Jack SH3 demonstrate that your establishment's current sanitation is inadequate to prevent the creation of insanitary conditions and the adulteration of products.

**Sanitation Standard Operating Procedures (SSOP)**

**NOS Item #2**

**Your establishment failed to meet the requirements of 9 CFR 416.14.**

Your establishment uses Alternative 3 to control *Lm* in post lethality exposed RTE products through the use of sanitation measures only. The positive *Lm* test results from liverwurst product in retail and the IVT environmental swab of Pallet Jack SH3 demonstrate your establishment has been operating under insanitary conditions. Therefore, you cannot support the use of sanitation alone to control *Lm*, and determine *Lm* is a hazard not reasonably likely to occur.

**HACCP**

**NOS Item #3**

**Your establishment failed to meet the requirements of 9 CFR 417.5(a)(1).**

Your establishment's Hazard Analysis has identified *Lm* as a hazard that is not reasonably likely to occur because it is controlled through SSOPs and sanitation. Positive *Lm* test results from liverwurst product in retail and the IVT environmental swab of Pallet Jack SH3 demonstrate this decision making is not supported and therefore, your Fully Cooked Not Shelf Stable HACCP plan is inadequate.

**Control of *Listeria monocytogenes* in post-lethality exposed ready-to-eat products**

**NOS Item #4**

**Your establishment failed to meet the requirements of 9 CFR 430.4(c)(3) and 9 CFR 430.4(c)(5).**

Your establishment has identified it will control exposure of post lethality exposed RTE product to *Lm* though Alternative 3, which relies on the use of sanitation measures only. Result of IVT sampling collected on July 24, 2024, form # 103433961 shows the use of Alternative 3 has been inadequate to control and prevent exposure of RTE product to *Lm*. Your establishment has failed to maintain sanitation in the post-lethality processing environment in accordance with 9 CFR 416. Your establishment uses SSOPs to designate *Lm* control measures. Your establishment has failed to adequately evaluate the effectiveness of these measures in accordance with 9 CFR 416.14.

**Summary and Conclusion**

Mike Kneeland, Plant Manager  
Boar's Head Provisions, Co., Inc.,  
Est. M12612

Revised Notice of Suspension  
Date: 07/30/2024

*Listeria monocytogenes* is a pathogen of public health concern especially to high-risk populations including pregnant women, newborns, elderly and people with weakened immune systems and can cause serious and often fatal infections. It has also been known to cause miscarriages and stillbirths. It is widely distributed in the environment, is spread very easily by direct food contact with contaminated surfaces and thrives in the cool, damp conditions present in food processing establishments. *Listeria monocytogenes* is of special concern in facilities that produce ready-to-eat products that are post-lethality exposed.

The wholesomeness of your product is directly dependent on the design and implementation of your sanitation program, adequate *Listeria monocytogenes* control measures and overall maintenance of your facility, including the sanitary procedures conducted in your food production. Evidence demonstrates failure to comply with regulatory requirements identified in 9 CFR 416, including SPS and SSOP requirements, as outlined above. Findings result in FSIS being unable to conclude that sanitary conditions are being maintained, resulting in your establishment's producing and shipping adulterated product. As such, product may have been prepared, packed, or held under insanitary conditions, whereby product may have become contaminated with filth or whereby product may have been rendered injurious to health, rendering the product adulterated (FMIA 21 U.S.C. 601 (m)(4)).

In accordance with the Rules of Practice specified in 500.3(a)(4), based on the determination that your establishment failed to maintain sanitary conditions, as required by 9 CFR 416 *et seq.*, and 500.3(a)(1), based on the determination that your establishment produced and shipped adulterated product, FSIS is notifying you of the decision to withhold the marks of inspection and expand the suspension of the assignment of inspectors at your establishment to all eight (8) lines in the RTE room under Fully Cooked, Not Shelf Stable HACCP plans. The suspension will remain in effect until you provide the Raleigh District Office with adequate written corrective and preventive measures to assure FSIS that you can demonstrate a program that meets the regulatory requirements.

In accordance with Title 9 CFR 500.5(a)(5), you have the right to appeal the basis for this proposed action by contacting:

Sherri N. Johnson,  
Executive Associate for Regulatory Operations  
Office of Field Operations  
Food Safety and Inspection Service  
United States Department of Agriculture  
1400 Independence Avenue, SW  
SB, Room 3154  
Washington, DC 20250  
Email: [sherri.johnson@usda.gov](mailto:sherri.johnson@usda.gov)  
Phone: 202-379-6196 (Main)

Mike Kneeland, Plant Manager  
Boar's Head Provisions, Co., Inc.,  
Est. M12612

Revised Notice of Suspension  
Date: 07/30/2024

Pursuant to 9 CFR 500.5(d), you may also request a hearing regarding this determination. Should you request a hearing, FSIS will file a complaint that will include a request for an expedited hearing. If you wish to request a hearing regarding this determination, please contact:

Dr. Ashley Etue, Acting Director  
Enforcement Operations Staff (EOS)  
Office of Investigation, Enforcement and Audit (OIEA)  
Food Safety and Inspection Service  
United States Department of Agriculture  
Stop Code 3753, SB - Room 2148  
1400 Independence Avenue, SW  
Washington, DC 20250  
Telephone: (202) 418-8872  
Facsimile: (202) 245-5097  
E-mail: [AEBCorrespondence@usda.gov](mailto:AEBCorrespondence@usda.gov)

If you have any questions, please contact EIAO (b)(6) via telephone at (b)(6) (b)(6) or via electronic mail at (b)(6)@usda.gov or EIAO (b)(6) via telephone at (b)(6) or email at (b)(6)@usda.gov. Additionally, you can contact Raleigh District Office at (919) 844-8400 or by fax at 1-844-839-6360. Sincerely,

Sincerely,

**TODD**  
**FUREY**  
Todd Furey  
District Manager

Digitally signed  
by TODD FUREY  
Date: 2024.07.31  
09:44:24 -04'00'

Mike Kneeland, Plant Manager  
Boar's Head Provisions, Co., Inc.,  
Est. M12612

Revised Notice of Suspension  
Date: 07/30/2024

Cc: S. Johnson, EARO/OFO  
L. Hortert, OIEA Regional Director  
A. Gupton, DDM/RDO  
R. Murphy, DDM/RDO  
H. Havens, DDM/RDO  
J. Connell, Program Manager/VATA  
E. Jones, Inspector Manager/VATA  
(b)(6) SEIAO/RDO  
D. Lilly, DCS/RDO  
(b)(6) Acting SEIAO/RDO  
(b)(6) EIAO/RDO  
(b)(6) EIAO/RDO  
(b)(6) EIAO/RDO  
(b)(6) at M12612  
FO/Quarterly Reports

**From:** Furey, Todd - FSIS  
**Sent:** Thu, 29 Aug 2024 13:18:20 +0000  
**To:** (b)(6)  
**Cc:** Seebohm, Scott - FSIS  
**Subject:** PHIS Data

(b)(6)

My colleague is going to help us expedite the request to get your data. The Jarratt facility administrator seems to have let their account lapse. Can you please respond to this message with an answer to Dr. Seebohm's question:

Confirm for me the first name, last name, and email of a Boars Head official who has an active corporate administrator role in PHIS and should have access to the Jarratt plant, you (as DM/DDM role) or any IPP role can add that person to the Facility Contacts list in the profile with the responsibility of corporate administrator and that should give them the access.

Todd

Todd Furey  
District Manager  
Raleigh District Office  
Office of Field Operations  
FSIS, USDA  
6020 Six Forks Road  
Raleigh, NC 27609  
Cell Number: (b)(6)  
Email Address: [todd.furey2@usda.gov](mailto:todd.furey2@usda.gov)

**From:** Furey, Todd - FSIS  
**Sent:** Sat, 27 Jul 2024 22:15:20 +0000  
**To:** (b)(6) Forshee, Jessica - FSIS; (b)(6)  
**Cc:** (b)(6) - FSIS; (b)(6) - FSIS; Gupton, Ariel - FSIS; Havens, Heather - FSIS; Lilly, David - FSIS; Murphy, Roger - FSIS; Ebony Jones; JoAnn.Connell@vdacs.virginia.gov  
**Subject:** Re: Screen Positive Results M12612

Yes, Dr Forshee shared the information that was shared with me. My concern is the potential movement of Lm throughout the area. I have held preliminary discussions with my team about further options.

Todd Furey  
District Manager  
Raleigh District Office  
Office of Field Operations  
FSIS, USDA  
6020 Six Forks Road  
Raleigh, NC 27609  
Cell Number: (b)(6)  
Email Address: [todd.furey2@usda.gov](mailto:todd.furey2@usda.gov)

**From:** (b)(6) <(b)(6)@boarshead.com>  
**Sent:** Saturday, July 27, 2024 5:35:06 PM  
**To:** Forshee, Jessica - FSIS <jessica.forshee@usda.gov>; (b)(6)@boarshead.com  
**Cc:** (b)(6) - FSIS (b)(6)@usda.gov; (b)(6) - FSIS (b)(6)@usda.gov; Furey, Todd - FSIS <todd.furey2@usda.gov>; Gupton, Ariel - FSIS <Ariel.Gupton@usda.gov>; Havens, Heather - FSIS <heather.havens@usda.gov>  
**Subject:** RE: Screen Positive Results M12612

Thank you Jessica,

Do you have information on the various sites? The number given (103433961) does not give us a specific site location.

Thank you

(b)(6) | VP R&D and Product Excellence  
**Boar's Head Brand**  
Office: 941-955-0994 ext. (b)(6)  
Cell: (b)(6)

---

**From:** Forshee, Jessica - FSIS <jessica.forshee@usda.gov>  
**Sent:** Saturday, July 27, 2024 4:01 PM

**To:** (b)(6) <(b)(6)@boarshead.com>; (b)(6) <(b)(6)@boarshead.com>  
**Cc:** (b)(6) - FSIS <(b)(6)@usda.gov>; (b)(6) - FSIS <(b)(6)@usda.gov>;  
Furey, Todd - FSIS <todd.furey2@usda.gov>; Gupton, Ariel - FSIS <Ariel.Gupton@usda.gov>; Havens,  
Heather - FSIS <heather.havens@usda.gov>  
**Subject:** Screen Positive Results M12612

Some people who received this message don't often get email from [jessica.forshee@usda.gov](mailto:jessica.forshee@usda.gov). [Learn why this is important](#)

### This Message Is From an External Sender

\*Caution External Email\* If the message appears to be suspicious, please click the Report Phish button in your Outlook client.

Good afternoon,

FSIS has received from the 7/25/2024 M12612 Sample Set, one Non-food contact swab, Form # **103433961**, that has screened positive for *Listeria* (PCR rapid screen negative, Direct Plating positive). The sample will move to the presumptive stage of the analysis.

#### 7/25/2024 M12612 IVT Sets :

##### Line ID 1

- 5 Tavern Ham, intact retail packaging. **Laboratory Result: Negative**
- 10 Food contact surface swabs. **Laboratory Result: Negative**
- 5 Non-food contact/environmental swabs. **Laboratory Result: Negative**

##### Line ID 2

- 5 Beechwood Ham, intact retail packaging. **Laboratory Result: Negative**
- 10 Food contact surface swabs. **Laboratory Result: Negative**
- 5 Non-food contact/environmental swabs. **Laboratory Result: 4 out 5 Negative**
  - **Form #: 103433961 has screened Positive for *Listeria* (PCR rapid screen negative, Direct Plating positive)**

#### 7/26/2024 M12612 IVT Sets :

##### Line ID 3

- 5 Liverwurst, intact retail packaging. **Screen results pending.**
- 10 Food contact surface swabs. **Screen results pending.**
- 5 Non-food contact/environmental swabs. **Screen results pending.**

#### 7/27/2024 M12612 IVT Sets :

##### Line ID 4

- 5 Beef Bologna, intact retail packaging. **Screen results pending.**
- 10 Food contact surface swabs. **Screen results pending.**
- 5 Non-food contact/environmental swabs. **Screen results pending.**
- 1 Water/Brine (shower water sample). **Screen results pending.**

***Dr. Jessica Forshee***

Recall Management and Technical Analysis Division

Office of Field Operations

Food Safety and Inspection Service, USDA

Washington, DC

Cell: (b)(6)

[Jessica.Forshee@usda.gov](mailto:Jessica.Forshee@usda.gov)

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

**From:** Furey, Todd - FSIS  
**Sent:** Fri, 26 Jul 2024 14:09:21 +0000  
**To:** (b)(6) - FSIS; Lilly, David - FSIS; JoAnn.Connell@vdacs.virginia.gov; Ebony Jones  
**Cc:** (b)(6)@boarshead.com  
**Subject:** Update

All, BH called a moment ago. I am sharing with you and them a quick synopsis of our call.

1. They intend to start operations for other products. I let them know that VATA is aware.
2. They had some completed products in cooler not subject to recall. They wish to package and hold. I am ok with this.

I included them on this note so that we are all on the same page.

Todd

Todd Furey  
District Manager  
Raleigh District Office  
Office of Field Operations  
FSIS, USDA  
6020 Six Forks Road  
Raleigh, NC 27609  
Cell Number: (b)(6)  
Email Address: [todd.furey2@usda.gov](mailto:todd.furey2@usda.gov)



United States Department of Agriculture

Food Safety and  
Inspection Service

1400 Independence  
Avenue, SW.  
Washington, D.C.  
20250

January 14, 2025

Delivered via Electronic Mail

Brian Barrett  
c/o JoNel Aleccia  
Associated Press  
200 Liberty Street  
New York, NY 10281  
(b)(6) @ap.org  
[JAleccia@ap.org](mailto:JAleccia@ap.org)

RE: Final Response to Freedom of Information Act (FOIA) Appeal  
2025-FSIS-00011-A- *Appeal of 2024-FSIS-00303-F*.

Dear Brian Barrett:

On October 24, 2024, you submitted a Freedom of Information Act (FOIA) appeal on behalf of JoNel Aleccia, to the U.S. Department of Agriculture (USDA), Food Safety and Inspection Service (FSIS). The FSIS received your appeal on October 25, 2024 (“Appeal”).

The Appeal pertains to your August 30, 2024, FOIA Request, received by our office on September 3, 2024, and assigned tracking number 2024-FSIS-00303-F (“Request”).

The Request sought the following:

*“The Associated Press requests access to and copies of all FSIS inspection noncompliance reports logged for the Boar's Head Provisions Inc. production plants in Brooklyn, NY; Forrest City AR; New Castle, IN; Sarasota, FL; Edison, NJ; Holland, MI, Petersburg, VA; and Columbus, OH between Aug. 1, 2023 and Aug. 30, 2024.”*

On, September 27, 2024, the FSIS issued its final response (“Final Response”), which indicated the records requested were withheld in full pursuant to 5 U.S.C. § 552(b)(7)(A) (FOIA Exemption 7(A)).

The Appeal alleges the following:

- 1.) Withholding of information under Exemption 7(A) was improper.

2.) FSIS did not properly demonstrate the FOIA's foreseeable harm standard.

After careful deliberation following a de novo review of the Final Response to the Request, the FOIA office posting the requested responsive records to the [USDA FSIS FOIA Frequently Requested Records](#) webpage, and providing you with a supplemental response with the requested records on Friday January 10, it has been determined that your appeal is moot with respect to the allegations concerning Exemption 7(A) where that exemption is no longer applicable, along with the foreseeable harm standard in relation to Exemption 7(A).

If you have any questions regarding this Appeal response, please contact Jessica Parrish electronically at [Jessica.Parrish@usda.gov](mailto:Jessica.Parrish@usda.gov) or [FSIS.FOIA@usda.gov](mailto:FSIS.FOIA@usda.gov).

If you are dissatisfied with this final decision on the Appeal, you may seek judicial review in the Federal District Court.

Prior to seeking judicial review, you may want to contact the Office of the Government Information Services (OGIS). As *part* of the 2007 FOIA amendments, OGIS was created to offer mediation series to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. Please visit <https://www.archives.gov/ogis/mediation-program/request-assistance>.

Thank you for your interest in FSIS programs and policies.

Sincerely,

**CAROL BLAKE**

Digitally signed by CAROL  
BLAKE  
Date: 2025.01.14 09:48:25  
-05'00'

Carol Blake  
Assistant Administrator  
Office of Public Affairs and Consumer Education