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FSIS Docket Room
USDA, FSIS, OPPD, Docket Clearance Unit
5601 Sunnyside Avenue, Stop 5272
Beltsville, MD 20705
Docket Number FSIS-2008-0039

Cooperative Inspection Programs: Interstate Shipment of Meat and Poultry Products

To Whom it May Concern:

On behalf of our 1,000 cattle producer members, thank you for the opportunity to comment on these proposed rules. Long-standing SDCA policy supports interstate shipment of state-inspected meat products, which we see as an opportunity to expand marketing and profit opportunities for smaller plants and cattlemen alike.

In order for this program to be truly successful and provide these potential benefits to small processing plants and cattle producers, the rule has to be as simple and straightforward as it can be in order to encourage participation. The South Dakota Animal Industry Board has conducted a robust state meat inspection program that's served our livestock producers well since 1969. However, we're concerned the proposed rule appears to implement a state-subsidized, federal inspection program rather than a cooperative program for the interstate shipment of state-inspected meat. We urge FSIS to implement a rule that allows us to build on the success we've had in South Dakota, rather than inhibit our state inspection program.

Today, states that administer cooperative state meat and poultry inspection (MPI) programs submit annual self-assessments to FSIS and are declared "at least equal to." According to FSIS's most recent (FY 2008) review of self-assessment reports from the 27 states with MPI programs, most state MPI programs have already incorporated Federal requirements. Therefore it's unnecessary, illogical, and financially irresponsible to require states that are currently operating a cooperative state MPI program (designated "at least equal to") to provide inspection services that are "identical to" federal standards in order to ship products across state lines. SDCA is concerned this requirement, as outlined in the rule, may be financially prohibitive for some facilities in SD and could lead to plant closures, ultimately decreasing marketing options for cattlemen.

Proposed 332.5 provides rules for establishments to participate in the cooperative interstate shipment program, requiring the establishment be in compliance with all requirements under the Act. As previously noted, this is unnecessary in states that already have a state MPI program since establishments are already operating under an inspection service which provides for food safety in a manner that is "equal to" the Federal inspection

system. Because the entire state program has already been approved, there would be no need for a selection process.

Proposed 332.6 would require a Federal mark of inspection on product which has been inspected by a state inspector under a cooperative state meat inspection program. This is counterintuitive and does not accomplish the goal of providing for interstate shipment of state inspected product. Proposed 332.6 and similar related language throughout the document must be modified to allow for product which has been inspected under a cooperative state MPI program and appropriately marked with a state legend to be sold into interstate commerce.

The rule states that deselected plants will transition to become official establishments, whereas currently a plant may switch between State inspection programs and Federal inspection, or maintain dual inspection. There appears to be no provision in the proposed rule for an establishment which has become an official establishment due to deselection to revert to a state inspected establishment. This is a potential deterrent to establishments requesting participation in a cooperative interstate shipment program.

Related to this point, if a state is found to be noncompliant in providing inspection service that is identical to Federal inspection, and if the state cannot provide a corrective action to the satisfaction of the Administrator, then all of the plants in that state that participate in the cooperative interstate shipment program are to be deselected and will transition, with assistance from the state, to become official establishments. Has USDA considered the impact de-selection and transition could potentially have on the future viability of that plant? Also, what proactive steps does FSIS propose to ensure states have the necessary resources to be eligible for the program? It would be devastating to local markets if a plant had to shut down because it is not allowed to revert back to a regular state-inspected plant.

Finally, many small and very small plants process species outside the jurisdiction of the Federal Meat Inspection Act. How would the processing of bison, elk and other species be considered under the proposed rule?

Food safety is a non-competitive issue for the beef industry and we encourage USDA to continue working with the industry, stakeholders and states to achieve our common goal of producing safe beef products. We remain committed to utilizing the best available science and technology to continually improve the genetics, animal health and welfare, efficiency of production, safety, tenderness, taste and quality of beef products. However, we believe the proposed rule raises serious questions about whether the interstate shipment of state inspected products can be achieved as intended in Section 11015 of the 2008 Farm Bill.

Thanks for your consideration of our concerns.

Regards,

Bryan Nagel
SDCA President