



FSIS Docket Clerk
Department of Agriculture Food Safety and Inspection Service
Room 2534 South Building
1400 Independence Ave.,
SW Washington, D.C. 20250-3700

10/13/2020

Dear FSIS Docket Clerk,

On Behalf of D'Artagnan LLC I submit this petition for change of Food Safety Inspection Service regulations for voluntary inspection to include allowance for imported products. Please direct all correspondence regarding this petition to Louis V. Pugliese, Quality Assurance Manager for D'Artagnan whose contact information is below

Sincerely,

Louis V. Pugliese
Quality Assurance Manager
600 Green Lane
Union NJ 07803
973-344-0565 x150
Email: louisv@dartagnan.com



Statement of Interest

D'Artagnan LLC, founded in 1985, is a small company which continues to grow. As we grow the business our product enters new states. D'Artagnan is submitting this petition because our venison ground product is having inspection issue in the 27 states that are not federally inspected. The trimmings for this product are sourced from New Zealand. As such they do not have Federal or state inspection. Current federal regulations state that those products sourced from imported trim are considered to be non-amenable species and are therefore not eligible for voluntarily inspected. Domestically sourced trim, however, is considered to be an amenable species is allowed to be voluntarily inspected. In states that perform their own inspection, imported venison is considered to be amenable. This requires the product to have inspection on it to be sold in retail. State inspection, though, is not recognized in federal inspected or other state inspected. As a result we are producing this product in a federally inspected facility without benefit of voluntary inspection. This severely limits our expansion to only those states that are federally inspected.

Statement of Action Requested

Food Safety Inspection Service at this time will only recognize domestically sourced trimmings. Petitioner respectfully requests that FSIS modify its regulations to include the voluntary inspection of imported species such as venison. Petitioner hereby requests modification to 9 C.F.R 352.2 as follows (underlined is the new requested regulatory language).

352.2 Type of service available:

Upon application, in accordance with §§ 352.3, 352.4, and 352.5, the following type of service may be furnished under the regulations in this part:

(a) Voluntary Inspection Service. An inspection and certification service for wholesomeness relating to the slaughter and processing of exotic animals and the processing of exotic animal products. All provisions of this part shall apply to the slaughter of exotic animals, and the preparation, labeling, and certification of the exotic animal meat and exotic animal products processed under this exotic animal inspection service.

(b) Only exotic animals which have had ante-mortem inspection, at either an official establishment or facility which is a USDA approved import facility, as described under this part and which are processed in official exotic animal establishments in accordance with this part may be marked inspected and passed.

(c) Exotic animals, exotic animal meat and meat food products shall be handled in an official exotic animal establishment to ensure separation and identity of the exotic animal or exotic



animal meat and meat food products until they are shipped from the official exotic animal establishment to prevent commingling with other species.

(d) Voluntary inspection shall be granted to imported exotic animals in the 27 states which find the exotic animal to be an amenable species

Support for Requested Action

Presently, non- amenable species from domestic sources are allowed under voluntary inspection. Nowhere in 9 CFR 352 the federal regulations for voluntary inspection does it stipulate that domestic is acceptable but foreign source are not. The enhancements that D'Artagnan is proposing add clarity to the regulations. Voluntary inspection is in place to ensure the wholesomeness of the products it oversees. With present regulations a product from imported source is being put into commerce without the benefit of USDA's guidance. As voluntary inspection is funded by fees paid by the requesting company there is no financial burden to the USDA.

The whole basis for the voluntary inspection regulations is The Agricultural Marketing Act of 1946. In Sec 202, the second objective of the act is for "Cooperation among Federal and State agencies, producers, industry organizations, and other in the development and effectuation of research and marketing programs to improve distribution processes." Federal denial of voluntary inspection and the State inspection not allowing for interstate commerce goes directly against Congress's objective. In Section 203 of this regulation the act outlines that the Secretary of Agriculture is directed under sub part (e) "to foster and assist in the development of new and expanded markets (domestic and foreign)".

Under an "at least equal to" cooperative agreement with FSIS, States may operate their own MPI programs if they meet and enforce requirements "at least equal to" those imposed under the Federal Meat Inspection Act, Poultry Products Inspection Act and Humane Methods of Slaughter Act of 1978. State-inspected meat and poultry products are limited to intrastate commerce only. This regulation is also in indirect conflict with the Agricultural Marketing Act of 1946. State inspection is in this case beyond Federal regulations so should be fostering the growth domestic and foreign markets through interstate.

Conclusion

As outlined in this petition, D'Artagnan requests the outlines changes in the voluntary inspection regulations. Voluntary inspection ensures the safety of the food supply while in direct support of Congress' intentions of the Agricultural Marketing Act of 1946 which are promotion of domestic and foreign market. These benefits come without any additional cost to the USDA as the inspection fees come from the company for which the service is performed.