



United States Department of Agriculture

Food Safety and
Inspection Service

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

Shawn K. Stevens
Food Industry Lawyer
Food Industry Counsel, LLC
11414 West Park Place, Suite 202
Milwaukee, WI 53224

NOV 25 2019

Dear Mr. Stevens,

The Food Safety and Inspection Service (FSIS) has completed its review of your petition dated May 15, 2018, requesting that FSIS amend 9 CFR 355.29 to broaden the types of pet food products that are eligible for certification. The petition asserts that this action is needed because the variety of pet food and pet treats for sale in commerce has increased significantly since the pet food certification regulations were first implemented. The petition also requests that FSIS amend Part 355 to add USDA inspected and passed rabbit to the list of permissible ingredients for USDA Certified pet food products and allow for generic label approval under Part 355.

After careful consideration, FSIS has decided to deny your petition because we have determined that amending the regulations as you have requested would not be an effective use of Agency resources. FSIS is the public health agency in the USDA responsible for ensuring the meat, poultry, and processed egg products are safe, wholesome, and accurately labeled. The Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*), Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*), and Egg Products Inspection Act (EPIA) (21 U.S.C. 1030 *et seq.*) require that FSIS provide inspection for all meat, poultry, and egg products sold in interstate commerce, and reinspection for imported products to ensure that they meet U.S. food safety standards. FSIS also provides voluntary, fee-for-service certification services for pet food under the Agricultural Marketing Act (AMA) (7 U.S.C. 1620 *et seq.*). The certification service is offered for marketing purposes, and not for food safety. The Food and Drug Administration (FDA) is responsible for regulating all pet food that is subject to the Federal Food, Drug, and Cosmetic Act (FFDCA).

FSIS resources for regulatory development are limited and, in general, are targeted at regulatory actions that are needed to ensure or improve food safety. We believe that conducting rulemaking to increase the types of pet food products eligible for certification would not advance the Agency's food safety mission and would divert resources from this central mission. Therefore, as stated above, we are denying your petition.

Mr. Shawn K. Stevens

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In accordance with FSIS regulations, the petition has been posted to the FSIS web site (9 CFR 392.6). We intend to post this response as well. You may contact Mary Porretta, Petitions Manager, Issuances Staff, at (202) 720-5627 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Terri Nintemann".

Terri Nintemann
Assistant Administrator
Office of Policy and Program Development