



United States Department of Agriculture

Food Safety and
Inspection Service

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

Ms. Lorna Moffatt
P.O. Box 545
Monterey, California 93942

Dear Ms. Moffat:

The Food Safety and Inspection Service (FSIS) has completed its review of the petition, dated November 3, 2015, that you submitted. The petition requests that the Agency amend its regulations that provide for the use of carbon dioxide gas in the chemical stunning of swine to include the use of inert gases such as nitrogen and argon, as humane methods of slaughtering and handling swine in connection with slaughter. To support the requested action, the petition includes references to journal articles, citations to European Commission regulations, guidelines from the American Veterinary Medical Association, and correspondence from subject matter experts that support the use of inert gases as a humane method of stunning for swine. FSIS also received two letters in support of your petition.

After evaluating the issues raised in the petition, along with the supporting data, FSIS has concluded that the available information supports the use of inert gases, such as argon and nitrogen, as a humane method of slaughtering and handling swine in connection with slaughter. Therefore, we have decided to grant your petition.

Because our resources for regulatory development are limited, however, the Agency is unable to project when it will initiate rulemaking at this time. Therefore, pending rulemaking, FSIS will consider requests from interested swine slaughter establishments to waive the chemical stunning requirements in 9 CFR 313.5 to permit the use of gases other than carbon dioxide to stun swine. Under 9 CFR 303.1(h), the FSIS Administrator may waive for limited periods provisions of the meat inspection regulations to permit experimentation so that new procedures, equipment, or processing techniques may be tested to facilitate definite improvements. Under this regulation, the Agency may allow gases or gas mixtures other than what is already allowed in the regulation to be used in chemical stunning of swine. All requests for a waiver must be submitted through the FSIS Office of Policy and Program Development, Risk and Innovations Management Division. Written permission from the Agency must be attained before proceeding with new technology use.

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In accordance with FSIS regulations, the petition and supplemental information have been posted to the FSIS Web site (9 CFR 392.6). The Agency intends to post this response as well. If you have any questions regarding the status of your petition, you may contact Mary Porretta, Petitions Manager, Issuances Staff, at (202) 720-5627.

Sincerely,



Daniel L. Engeljohn, Ph.D.
Assistant Administrator
Office of Policy and Program Development