



SEP 16 2011

William Marler, Esq.
6600 Columbia Center
701 Fifth Avenue
Seattle, WA 98104

Dear Mr. Marler:

In October 2009, you submitted a petition to the Food Safety and Inspection Service (FSIS) on behalf of Marler Clark LLP and other parties requesting that FSIS issue an interpretive rule declaring all enterohemorrhagic Shiga toxin-producing serotypes of *Escherichia coli* (*E. coli*) (STECs), including non-O157:H7 serotypes, to be adulterants within the meaning of the Federal Meat Inspection Act (FMIA). In our correspondence with you dated January 27, 2010, we explained that when the Agency had an appropriate laboratory method for conducting regulatory sampling for some non-O157 STEC and had developed a plan for how it intends to address the issues raised in your petition, it would make the plan available to the public for comment. We also indicated that at that time we would then provide a final response to your petition.

On September 20, 2011, FSIS published a notice in the *Federal Register* to announce that the Agency intends to carry out verification procedures, including sampling and testing manufacturing trim and other raw ground beef product components, to ensure control of both *E. coli* O157:H7 and six other STEC serogroups (O26, O45, O103, O111, O121, and O145). In the notice, FSIS announced that it has determined that these serogroups, as well as O157:H7, are adulterants of non-intact raw beef products and product components within the meaning of the FMIA. FSIS also announced that the Agency is publishing guidance for use in validating commercial pathogen detection test kits that may be capable of detecting the STEC of concern.

As we indicated in our initial response to your petition, the Agency is soliciting public comments on the measures that it intends to take to control the targeted STEC serogroups. FSIS intends to implement routine testing for the six additional STEC beginning March 5, 2012. We believe that the measures announced in the *Federal Register* will address the issues raised in your petition. We look forward to receiving your comments on the *Federal Register* notice.

Sincerely,

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