

FSIS Docket Room, USDA, FSIS, OPPD
Docket Clearance Unit
Docket number FSIS-2008-0039
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**Wyoming Department of Agriculture
Consumer Health Services
Comments on Docket No. FSIS-2008-0039**

Comments by the Wyoming Department of Agriculture on the proposed rules for interstate shipment of state-inspected meat and poultry products are specific to our mission within state government: Dedication to the promotion and enhancement of Wyoming's agriculture, natural resources, and quality of life.

Cooperative Inspection Programs: Interstate Shipment of Meat and Poultry Products

A. State-inspected establishments with 25 or fewer employees will be eligible to ship meat and poultry products in interstate commerce.

The proposed rules state that all employees in a state-inspected establishment must be counted when calculating the total number of employees. We feel that only those people directly involved with meat production in the plant should be counted. Those people in an establishment such as a truck driver, accountant, office staff or sales personnel should not be included in the count.

B. The statute requires that the State demonstrate that inspection services provided to selected establishments will be "the same as" the inspection services provided under the Federal program.

The starting point is the definition and subsequent implementation of the standard in Title V for establishments to be "operating in a manner that is consistent with this Act" (including regulations and policies under this Act), vs. "equal to". The background for the proposed rules make reference to the Act requiring that state meat inspection programs demonstrate that inspection services provided will be the "same as" the inspection services provided under the Federal program (page 47652 section 4). Not only is that a significant barrier, since states have their own personnel rules, regulatory enforcement processes, etc., but it appears to be an extrapolation of language that doesn't exist in the Act.

C. States must demonstrate they can provide the necessary equipment for State personnel to provide the same inspection services to selected establishments that FSIS provides to official Federal establishments including computers and supplies for collecting product samples.

A number of states currently utilize state issued laptop computers and have developed inspection systems that have been determined “equal to” by FSIS to track and report inspection activities and other required data. Each state would incur considerable cost to purchase and issue federal laptop computers to staff and incur additional training to utilize the federal inspection system.

D. The State will need to demonstrate that the laboratory services it intends to use to analyze product samples from selected establishments are capable of conducting the same chemical, microbiological, physical, and pathology testing as are required under the Federal meat and poultry products inspection programs.

The financial impact on the States to demonstrate that the laboratory services to analyze product samples from selected establishments are the same as the chemical, microbiological, physical, and pathology testing as are required under the Federal Meat and Poultry product inspection programs would be extensive. It is anticipated that most States would need to update or purchase additional lab equipment and additional lab technician training and supplies. In addition if “identical to” standards include large ISO accreditation and identical testing, it is anticipated that some laboratories would have to abandon perfectly acceptable procedures or possibly more up-to-date procedures to perform the methodology executed at the current labs. Some states would require additional personnel to perform the increased paperwork with no additional benefit in the quality or quantity of tests performed.

There are many items in Title V and in the proposed rules that are not conducive to state meat plants or state meat programs wanting to participate in this program for the interstate shipment of meat. In addition to the items noted above, the following are also deterrents:

- A Federal employee would be designated as a State coordinator to provide oversight and enforcement of the interstate shipment program. The State coordinator would also oversee the state inspector training for the plant and the inspection activities in the plant.
- If the state meat plant is in violation of any requirement of the Act, the State coordinator must immediately notify the Secretary and deselect the plant or suspend inspection in the plant.
- If a plant is deselected, it does not have the option of going back under State inspection and must be placed under Federal inspection.
- All product produced in a State plant under Title V will be required to have a Federal mark of inspection.
- With all the Federal oversight in the State plant and with the requirement of a Federal mark of inspection, the State meat program will receive not less than 60% of eligible State costs.

Thank you for the opportunity to provide comments to the proposed rules on the interstate shipment of meat.