



United States
Department of
Agriculture

Food Safety
and Inspection
Service

Washington, D.C.
20250

Bruce A Wagman, Esq.
Shiff Harden LLP
One Market, Spear Tower, 32nd Floor
San Francisco, CA 94105

MAY 1 2012

Dear Mr. Wagman:

The Food Safety and Inspection Service (FSIS) has received the petition you submitted on behalf of Frontier Range Equine Rescue and the Humane Society of the United States dated April 9, 2012. The petition requests that FSIS issue regulations to require that any horse offered for slaughter for human food be identified as "U.S. Condemned" unless the slaughter establishment receiving or buying the horse obtains: 1) an accurate record of all of the horse's prior owners; 2) a record of all drugs, treatments, and substances administered to the horse since birth; and 3) verification that the horse has at no time been exposed to any substances prohibited for use in animals intended for human food. The petition also requests that FSIS issue regulations to require that any horse or horsemeat that meets the criteria describe above be tested for the presence of all potentially dangerous substances in a manner that ensures detection of any residue or any potentially dangerous substance. The petition states that if any potentially dangerous substance is found, or if testing is not available to determine the presence of any prohibited substances, the regulations must require that the horse or horsemeat be identified as "U.S. Condemned."

The petitioners have requested that the petition be granted expedited review under 9 CFR 392.8(a) because the requested action is intended to enhance the public health by *removing or reducing foodborne pathogens or other potential food safety hazards that may be present in or on meat, specifically horsemeat.* The petitioners assert that the petition and its supporting documentation contain extensive scientific information that demonstrates that the requested action will reduce or remove foodborne pathogens or other potential food safety hazards as provided in 9 CFR 392.8(b).

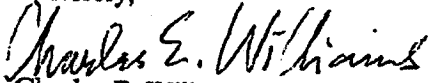
Your request is being considered as a rulemaking petition under the Administrative Procedure Act (5 U.S.C. 553(e)), USDA's administrative regulations (7 CFR 1.28), and FSIS's regulations on petitions (9 CFR part 392). Your petition has been referred to the FSIS Office of Policy and Program Development for review and has been assigned petition number 12-04. As provided in 9 CFR 392.6, your petition will be made available to the public in the FSIS docket room and will be posted on the FSIS Website at: http://www.fsis.usda.gov/regulations_&_policies/Petitions/index.asp.

Mr. Wagman

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You may contact Mary Porretta, Petitions Manager, Policy Issuances Division, at (202)
720-5625 if you have any questions regarding the status of your petition.

Sincerely,



Charles E. Williams

Director

Policy Issuances Division

Office of Policy and Program Development