



United States  
Department of  
Agriculture

Food Safety  
and Inspection  
Service

Washington, D.C.  
20250

MAR 23 2012

The Honorable Steve Pearce  
Member, U.S. House of Representatives  
1717 West 2<sup>nd</sup> Street  
Suite 110  
Roswell, New Mexico 88201

Dear Congressman Pearce:

Thank you for your letter of March 8, 2012, to the Department of Agriculture's (USDA) Food Safety and Inspection Service (FSIS), on behalf of your constituent, Mr. Ricardo De Los Santos, owner of Valley Meat Company located in Roswell, New Mexico. I appreciate the opportunity to address Mr. De Los Santos' concerns regarding his request to appeal a decision to grant a waiver under FSIS regulations.

Current FSIS regulations require equine slaughter or other preparation of products of equine to be done in establishments separate from any establishment in which cattle, sheep, swine or goats are prepared, in accordance with Title 9 of the Code of Federal Regulations (CFR), Section 305.2(b).

The Food Safety and Inspection Service (FSIS) regulations allow waivers, in certain cases, for experimenting with new procedures, equipment, or processing techniques that may be tested to facilitate specific and definite improvements in accordance with 9 CFR 303.1(h). Since the specifics of Mr. De Los Santos' request do not satisfy the conditions for granting a waiver, and would instead simply permit a practice that is prohibited under current regulations, it is not possible to honor Mr. De Los Santos' request for a waiver.

If Mr. De Los Santos wishes to request a federal Grant of Inspection for horse slaughter and processing in a facility separate from other livestock slaughter or processing, consistent with current procedures and regulations, he may request from the FSIS Denver District Office, a Grant of Inspection by filling out FSIS Form 5200-2, Application for Federal Meat and Poultry and Import Inspection. For Mr. De Los Santos' convenience, I have provided their contact information below:

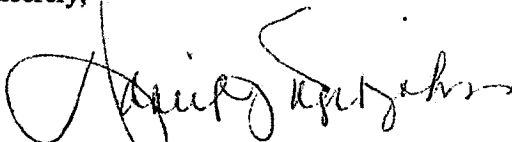
U.S. Department of Agriculture  
FSIS Denver District Office  
Denver Federal Center  
Post Office Box 25387, Building 45  
Denver, Colorado 80225  
Telephone: (303) 236-9800

The Honorable Steve Pearce  
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We encourage Mr. De Los Santos to access the FSIS Web site at <http://www.fsis.usda.gov> to keep up-to-date on the latest food safety developments.

Again, thank you for your letter. If you have further questions, or if we can be of additional assistance, please have a member of your staff contact our Congressional and Public Affairs Office at (202) 720-9113.

Sincerely,



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

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**STEVAN PEARCE**

2ND DISTRICT, NEW MEXICO

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**Congress of the United States  
House of Representatives**  
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March 8, 2012

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EMAILS: www.psr/ce.house.gov

Philip Derfler, Deputy Administrator  
U.S. Department of Agriculture  
Food Safety and Inspection Service  
Room 331 E Jamie Whitten Building  
1400 Independence Ave. SW  
Washington, DC 2025

Dear Mr. Derfler,

Mr. Ricardo De Los Santos contacted me regarding his appeal to the denial of a waiver to (9 CFR 305.2(b)).

Mr. De Los Santos would like to have the appeal process monitored by my office. I would like to express an interest at the request of Mr. De Los Santos and ask that we be allowed to follow the progress of his appeal. It would be most appreciated if you would review the enclosed paperwork and provide me with any information that might be helpful to my constituent. Please direct your reply to my Roswell District office at 1717 W. 2<sup>nd</sup> St., Suite 110, Roswell, NM 88201.

Thank you very much for your time and assistance in this matter.

Sincerely,

Steve Pearce  
Member of Congress

SF/GS

Enc: