



Dec. 15, 2009

Docket Clerk
U.S. Department of Agriculture
Food Safety and Inspection Service
Room 2-2127 George Washington Carver Center
5601 Sunnyside Ave.
Beltsville, MD 20705

Mail Stop 5272

**RE: Comments to Docket No. FSIS-2008-0039 Cooperative Inspection
Programs: Interstate Shipment of Meat and Poultry Products**

Dear Sir or Madam:

Thank you for the opportunity to comment on the proposed rule for the Cooperative Inspection Program regarding the interstate shipment of meat and poultry products.

Established in 1929, the North Dakota Stockmen's Association represents more than 2,800 beef producers with a mission of uniting, protecting and promoting the state's beef cattle industry.

Our organization has long supported state-inspected establishments being allowed to ship their products interstate, convinced that this will open up new opportunities for growth in the beef industry for state-inspected packers, producers and feeders. We worked hard to ensure that provisions to provide such opportunities were included in the Food, Conservation and Energy Act of 2008, and were pleased with its passage.

After evaluating the proposed rule, however, we are concerned that it is unnecessarily rigid, fails to comply with Congressional intent and may, in fact, prevent many state meat inspection programs from participating in the new Cooperative Inspection Program. Our primary concern lies in the requirement

that state inspection programs must operate the “same as” federal inspection programs, instead of under the “at least equal to” standards that they have successfully used for many years. The beauty of the state meat inspection program now is that states are able to customize their programs to meet their unique situations and characteristics. Adopting the proposed “same as” requirement would hinder states’ ability to do this, and with no apparent benefit to consumers or those in the beef production chain.

We would also point out that the described calculation methods to determine employee numbers and the threshold that must not be exceeded in order to qualify for consideration for interstate shipment seem unreasonable. Certainly, counting part-time and temporary employees as the same as full-time employees does not seem correct or fair. To the same issue, we would concur with others who have commented that some allowances should be made for seasonal workers, especially considering peak times, like holiday and hunting seasons, and that non-packing-plant employees, such as retail or clerical staff, should not be counted in the total. If these adjustments are not made, some quality establishments may be eliminated arbitrarily.

Thank you for the opportunity to comment on this proposed rule. The interstate shipment of state-inspected meat could provide tremendous opportunities for the state and national beef industry. However, in order for that to happen, states must be allowed some flexibility. We believe this was the intent of Congress when it passed the enabling legislation in the 2008 Farm Bill, and, therefore, needs to be reflected in the final rule.

Respectfully,

Julie Ellingson
Executive Vice President
North Dakota Stockmen’s Association