



TEXAS DEPARTMENT OF STATE HEALTH SERVICES

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EDUARDO J. SANCHEZ, M.D., M.P.H.
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1100 W. 49th Street • Austin, Texas 78756
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05-018N
05-018N-1
Susan E. Tennyson

November 21, 2005

Docket Clerk
U.S. Department of Agriculture, Food Safety and Inspection Service
and the U.S. Food and Drug Administration
300 12th Street, SW, Room 102 Cotton Annex
Washington, D.C. 20250

Re: Docket No. 05-018N

Dear Sir or Madam:

The Texas Department of State Health Services, Division for Regulatory Services wishes to provide the following comments to you regarding Docket No. 05-018N, relative to regulatory jurisdiction between USDA's Food Safety and Inspection Service and the U.S. Food and Drug Administration, over certain food categories containing meat.

We believe that certain revisions to the current system used by the two agencies could be beneficial, from both a fiscal standpoint and with respect to common sense. Re-aligning inspections in such a way that only a single agency need provide inspectional coverage (over meat/meat-containing products) would certainly save money and offer greater safety than the current system developed over the last seventy years. Further, public health is not served when some industries are under continuous inspection, while the majority of food firms receive inspections only once or twice a year at best, when federal, state, and local inspections are all considered. FSIS and FDA should determine what barriers exist to making needed changes, and remove those barriers through statutory revisions, regulatory changes, and the distribution of funding.

It is illogical to determine jurisdiction by whether or not a sandwich is "open-faced" or "close-faced." Further, in most cases it should make no difference whether one animal species is different from another, amenable or non-amenable, exotic or domestic, with respect to inspection of the meat. USDA veterinarians are trained to conduct ante-mortem and post-mortem inspections of food animals, while most FDA investigators are not. For example, several states moved to regulate ratites as amenable species under their meat inspection programs long before FSIS made the change. We fully support any revisions to the applicable laws, regulations or policies that would effect these changes.

Official Comments to Docket No. 05-018N
November 21, 2005
Page 2

We should add that in the final analysis, whatever changes are made to the inspectional system, if species and/or additional processed products are added to the products subject to inspection under the Federal Meat and Poultry Inspection Act, in order for the State "equal to" system to remain viable, additional funding to State programs may be needed and should be anticipated before major revisions are implemented.

We appreciate the opportunity to comment. If you should require any additional information or further explanation of our position, please do not hesitate to contact me at 512-834-6770 x 2600.

Sincerely,

A handwritten signature in cursive script that reads "Susan E. Tennyson". The signature is written in black ink and is positioned below the word "Sincerely,".

Susan E. Tennyson, Director
Environmental and Consumer Safety Section