



United States Department of Agriculture

Food Safety and
Inspection Service

1400 Independence
Avenue, SW.
Washington, D.C.
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July 1, 2020

Mr. Doug Miyamoto
Director
Wyoming Department of Agriculture
2219 Carey Avenue
Cheyenne, Wyoming 82002

Dear Mr. Miyamoto,

Thank you for taking the time to speak with us on June 26, 2020. FSIS is also in receipt of your letter, dated May 29, 2020. In your letter, you presented arguments supporting the rationale that the enactment of Wyoming Statute (W.S.) §11-49-104, "Animal Shares" to the Wyoming Food Freedom Act (WFFA) will not impair the authority of the Wyoming Department of Agriculture (WDA) to impose W.S. §35-7-111, 120, 121, 123 and 124 and incorporated in Chapter 1, §16, Chapter 3, §1, 4, Chapter 4, §§1-6, Chapter 5, Chapter 6, §§1, 6, 14, 25, 26, 27, 30-33, 35-37, 39-50, Chapter 7, Chapter 8, §§1,2, 5-8, 10-12, 18-23, 40-61, 63-86, Chapter 9, Chapter 10, §4, and Chapter 14 (adoption of 9 CFR) of the Wyoming Food Safety Rule at custom exempt operations. Following a legal review of W.S. §11-49-104, WDA determined that the WFFA amendment does not expand the definition of custom slaughter and processing of livestock by farmers or ranchers as contemplated in Federal law. However, at this time, FSIS still has concerns that all facilities operating under the animal share provisions of the WFFA are not going to be held to a standard "at least equal to" the Federal standard for exempt facilities. The provisions as written, and potentially carried out, may lead to the slaughter, processing and sale of non-inspected meat and poultry products.

Specifically, FSIS still has the following concerns with respect to the law on its face:

- The animal shares provisions, as written, either expand the current definition of custom slaughter and/or processing of livestock and poultry or create a new exemption not contemplated by law.
- The law appears to conflict with the custom exemption, which requires correspondence of ownership between the individual(s) owning a particular animal prior to slaughter and the individuals receiving any/all of the products derived from that animal.

Although your letter attempts to narrow the impact of these provisions, there is continued concern regarding the facts that:

- These provisions are silent on a number of requirements for the slaughterer/processor, including sanitation standards, recordkeeping requirements necessary to demonstrate ownership of each individual animal, and "not for sale" requirements for custom-exempt product labeling. There do not seem to be

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provisions directly associated with this law to prevent meat or poultry products from becoming adulterated or misbranded during slaughter and processing. Not only is the WFFA silent, there is no cross-reference to these requirements and the Food Safety Rule.

- These provisions leave open the possibility that shareholders are purchasing uninspected meat products, instead of buying an individual animal and then paying for a service. There is no provision that would require the slaughter and processing of these animals to be provided as a service, or that particular individuals are receiving particular animals or parts thereof, or that any parts that are not provided to the owner of a particular animal will not be sold to someone else.
- These provisions do not specify which State agency has the authority to provide oversight or ensure the exempted products are not adulterated or misbranded, and remain properly segregated from other products.

At this time, FSIS requests that Wyoming revise the existing provisions to include additional specific language providing for oversight by the Department of Agriculture, defining animal ownership, and setting forth sanitation standards, labeling, and recordkeeping requirements. FSIS will reserve the right to conduct a targeted review to determine whether Wyoming can apply necessary changes and administrative controls to address the ambiguities of the existing provisions without compromising its ability to operate a meat and poultry inspection (MPI) program that meets the "at least equal to" Federal requirements. In addition, FSIS maintains the right to designate the MPI program if it is determined Wyoming is not enforcing requirements "at least equal to" those imposed under the Federal Meat Inspection Act and Poultry Products Inspection Act.

Sincerely,

Paul Kiecker
Administrator
Food Safety and Inspection Service

