

January 11, 2010

Mary Porretta, Petitions Manager
Office of Policy and Program Development
USDA-Food Safety and Inspection Service
1400 Independence Avenue, SW
Room 350-E Jamie Whitten Building
Washington, DC 20250

SECOND NOTICE

RE: Petition Number 09-03: Petition for an Interpretive Rule Declaring all enterohemorrhagic Shiga Toxin-producing Serotypes of *Escherichia coli* (*E. coli*), including Non-O157 Serotypes, to be Adulterants Within the Meaning of 21 U.S.C. § 601(m)(1)

Dear Ms. Porretta:

I am writing for a second time to request an update on the status of the review of the above-referenced petition. In particular, please let me know whether the Office has decided to grant the petition's request for expedited review, pursuant to 9 CFR 392.8. If the Office has decided not to grant expedited review, please notify me of this in writing, along with a statement of the facts supporting and the reasons for the decision. If no decision has yet been made, please notify me of this in writing as well, along with an explanation of the reasons for the delay.

On November 4, 2009, I received a confirmation letter from Rachel Edelstein, Director of the Policy Issuances Division of the Office of Policy and Program Development, confirming that FSIS received our petition. The letter additionally stated that the petition had been referred to the Office of Policy and Program Development for review and was assigned petition number 09-03. I sent a follow-up letter on December 14, 2009, requesting confirmation as to whether the Office decided to grant the request for expedited review. To date, I have received no further communication from Ms. Edelstein or from the Office of Policy and Program Development.

If you need any additional documentation or have any questions, please let me know. Also, if there are others to whom I should correspond regarding our petition, or another way to check on its status, please let me know. Thank you.

Very truly yours,



William Marler, Esq., on behalf of:

Marler Clark LLP, PS
Outbreak, Inc.
The Family of June Dunning
Megan Richards
Shiloh Johnson