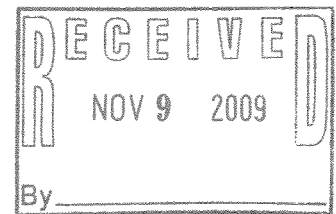




United States
Department of
Agriculture

Food Safety
and Inspection
Service

Washington, D.C.
20250



NOV - 4 2009

William Marler, Esq.
6600 Columbia Center
701 Fifth Avenue
Seattle, WA 98104

Dear Mr. Marler:

The Food Safety and Inspection Service (FSIS) has received the petition submitted by you on behalf of Marler Clark LLP, Outbreak, Inc., and the family of June Dunning, Meagan Richards, and Shiloh Johnson, dated October 15, 2009. The petition requests that FSIS issue an interpretive rule declaring all enterohemorrhagic (EHEC) Shiga toxin-producing serotypes of *Escherichia coli* (*E. coli*), including non-O157:H7 serotypes, to be adulterants within the meaning of the Federal Meat Inspection Act (FMIA). The petition also asserts that because the requested action is intended to enhance the public health by reducing food safety hazards, FSIS should grant the petition expedited review under 9 CFR 392.8 of FSIS's regulations governing petitions for rulemaking.

Your request is being considered as a rulemaking petition under the Administrative Procedure Act (5 U.S.C. 553(e)), USDA's administrative regulations (9 CFR 1.28) and FSIS's regulations on petitions (9 CFR part 392). Your petition has been referred to the Office of Policy and Program Development for review and has been assigned petition number 09-03. You may contact Mary Porretta, Petitions Manager, Policy Issuances Division at (202) 720-5627 if you have any questions regarding the status of your petition.

Sincerely,

Rachel Edelstein
Director
Policy Issuances Division
Office of Policy and Program Development