You knew I couldn’t just leave this alone, right?

Here are some pieces of information that I dug up re: federal regulations on non-amenable species, and the regulatory landscape for animal products in the state of New York:

FSIS: For Business and Industry: Notice 15-06 - Use of Non-Amenable Animal Tissue in Inspected Products

http://www.fsis.usda.gov/wps/wcm/connect/fsis-content/fsis-questionable-content/for-business-and-industry/tsc-q-and-a/notice-15-06/ct\_index

New York State regulations:

http://smallfarms.cornell.edu/2012/07/07/slaughtering-cutting-and-processing/

http://www.agriculture.ny.gov/FS/industry/04circs/SlaughterhouseCirc925.html

- Non-inspected slaughter & processing of non-amenable species at New York 5A plants (akin to our custom-exempt plants) = "approved source" in New York

- No State Equal-to program in New York

- field harvesting of exotic species is allowed w/ veterinarian certificate of ante-mortem inspection

So, I think these pieces of information together answer some of my questions, if I am interpreting the above items correctly.

* It looks like yes, other states can make different choices than Minnesota has made with regard to sale of non-amenable cuts. In New York, it appears that sale to restaurants or to individual customers of uninspected, non-amenable product is allowed, if processed in New York’s “5A” plants (which are not Equal-To plants).
* FSIS appears to be saying that custom-exempt status is not relevant for non-amenable species because they are not subject to the FMIA, so they can’t be exempt from it.

**“Q.****Does this Notice make custom exempt "wild game" products amenable and therefore U.S. inspected?   
  
“A. No, FSIS Notice 15-06 does not change the FMIA, PPIA, or any regulation. Wild game, game birds, migratory water fowl, and rabbit cannot be custom exempt from the provisions of the FMIA or PPIA as they are not subject to the FMIA or PPIA. Wild game products are not amenable to inspection.”**

**So what New York seems to be saying, essentially, is that non-amenable species can be slaughtered and processed in New York’s custom-exempt plants, but the non-amenable species are not subject to the custom-exempt restrictions of being able to sell only to customers who purchased the animal pre-slaughter.**

Okay, a scenario that I think is plausible – and I know I’ve sucked up a lot of your time already and this is a hypothetical, so no need to get back to me – it’s just food for thought:

* A Minnesota elk producer develops a business relationship with a New York City restaurant that wants to serve Minnesota farm-raised elk.
* The MN elk producer’s nearby Minnesota Equal-To plant is booked solid on their days of inspected slaughter, but they have space available for slaughter on days when the inspector is not there.
* The MN elk producer and the NYC restaurateur check with the relevant inspectors in New York as to whether New York would allow the restaurant to use elk from MN that was processed in a MN Equal-To plant but not under inspection.
* NY says yes, Minnesota’s Equal-To plants have a nationwide reputation for general awesomeness, and NY would accept processing of elk at a MN Equal-To plant without inspected slaughter as equivalent to processing at a NY 5A plant.