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November 12, 2001

FSIS Docket Room, (Docket #01-030N)  
 USDA, FSIS  
 Room 102, Cotton Annex  
 300 12<sup>th</sup> Street SW  
 Washington, DC 20250-3700

01-030N  
 01-030N-1  
 Kevin Ownbey

To Whom It May Concern:

My name is Kevin Ownbey. I am a poultry production manager with Tyson Foods, Inc. I oversee and manage two slaughter and further processing facilities for Tyson Foods. I am writing to respond to the proposed moisture rule enforcement date of January 9, 2002. I am writing in support to postpone the enforcement date of January 9, 2002 for two reasons.

First, FSIS did not allow sufficient time to prepare for implementation. This was a two-part rule, with guide lines for the first part of the rule published after about half the implementation time had expired. After the protocol was developed and submitted, up to a fifth of the remaining time was spent waiting for a no objection letter. After receiving the no objection letter, supplies had to be ordered to handle the extra micro testing. Running the experimental protocol will take a minimum of 3 weeks and could take up to 4 weeks. Organization of the test data will take an additional week. And finally, a minimum of one week will be required to summarize and determine the data to be valid and useful. The plants will then act on the results of the data and determine the unavoidable amount of moisture to achieve food safety. The plant then has to develop a process control program to assure they are not exceeding the unavoidable moisture level they need to maintain. This will take at least a month. After all of these steps, the plant can begin measuring retained moisture at packaging. To do so before this point would be an exercise in futility. In order to accurately predict the amount of unavoidable moisture in a package with 95% confidence over the year, one years worth of data collection is required to take in account seasonal differences. As described above, postponement would allow the industry ample time to accurately test and put procedures in place to protect the end user; the consumer.

The second reason we support postponement is; postponement will not affect the consumer. The consumers will continue to make their own protein choices. The effect on the consumer's budget would be non existent. The consumers will still be able to continue to make informed decisions based on the industries past level of performance, quality, and value.

Additionally, the industry needs to comply with this rule and provide the consumer with retained water information. To do this, the industry must have time to develop new procedures, collect and analyze data and then print packaging material as required. If the industry is not allowed time to collect data for labeling of all parts, but instead forced to label all items with the amount of moisture detained in whole birds, this would be a huge injustice. This is because whole birds are the easiest to collect data on, but represents less that 10% of all products sold. This practice would drive some companies out of business, while economically impacting all poultry companies.

Thank you for consideration to postpone the moisture rule enforcement of January 9, 2002.

Kevin Ownbey  
 Tyson Foods, Inc.