

# National Pork Producers Council

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November 16, 2001

FSIS Docket Clerk  
Docket No. 01-030N  
Room 102 Cotton Annex Building  
300 12<sup>th</sup> Street S.W.  
Washington, DC 20250

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01-030N  
01-030N-115  
Barbara Determan

Dear Docket Clerk:

The National Pork Producers Council (NPPC) appreciates the opportunity to present our comments on the notice, Docket No. 00-030N, on the Food Safety and Inspection Service (FSIS) "Announcement of and Request for Comment on Industry Petition to Postpone the Effective Date of Regulations Limiting and Requiring Labeling for Retained Water in Raw Meat and Poultry Products."

NPPC is a national organization that represents, through forty-four affiliated state associations, the nation's pork producers. NPPC membership accounts for most of America's commercial pork production. The U.S. pork industry is one of this country's most important agricultural sectors, accounting in a typical year for more than \$10 billion in annual farm sales. U.S. pork production generates overall economic activity of approximately \$64 billion annually and supports an estimated 600,000 American jobs.

Resolving the inequities in red meat and poultry inspection is a high priority for pork producers. Meat and poultry regulations must assure consumers that meat and poultry products are wholesome, not adulterated, and properly marked, labeled, and packaged. Inspection regulations should not create artificial competitive advantages for either meat or poultry producers.

The issue of inequities in the red meat and poultry inspection was brought to the Department's attention by the Kenney vs. Glickman lawsuit filed in 1994 and the 1996 petition by the National Pork Producers Council, the National Cattlemen's Beef Association, and the American Sheep Industry Association.

Despite the fact that the courts have ruled in favor of developing new regulations, and we have petitioned for such change, we find ourselves without a resolution of this issue after more than 7 years of effort. A final rule was published by FSIS in January 2001, setting an implementation date of January 9, 2002. The poultry industry began discussions with FSIS to develop the necessary protocol, however it took until July 2001 before an acceptable protocol framework was achieved. Given the fact that the FSIS and industry did not agree on a final protocol until July 2001 it might not be possible for the entire industry to comply by January 9, 2002.

We will not support an extension of the time period to implement the core, fundamental component of this regulation beyond 1 year from the development of the final protocol. We expect the FSIS to allow companies prepared to comply with the January 9, 2002 deadline to do so. We also expect both the FSIS and the poultry industry to meet a deadline of July 2002 for the full implementation and enforcement of the water retention regulations across the entire industry.

We expect close consultation with FSIS and the meat and poultry industry to discuss methodology and regulatory compliance/verification steps necessary to accomplish the task of identifying to consumers the water added to poultry products as the result of meeting FSIS requirements for time and temperature. We thank you for the opportunity to comment on this important issue.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Determan". The signature is written in black ink and is positioned above the printed name and title.

Barbara Determan  
President