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Docket Clerk
USDA-FSIS
300 12th Street, SW, Room 102 Cotton Annex
Washington, DC 20250

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**RE: Docket Number 01-030N Citizen's Petition to
Extend the Effective Date of 9 C.F.R. part 441.10**

01-030N
01-030N-132
Elizabeth A. Krushinskie

Dear Sir or Madam:

Pilgrims Pride Corporation Eastern Division (Chicken) wishes to respond to the five questions posed in the Federal Register in regard to the Citizen's Petition to Extend the Effective Date of 9 C.F.R. part 441.10 and Docket Number 01-030N.

1. Did FSIS allow sufficient time to prepare for implementation: why or why not?

The final rule published by FSIS ("Retained Water in Raw Meat and Poultry Products: Poultry Chilling Requirements" 9 C.F.R. parts 381 and 441) was so ambiguous and unclear that it was impossible to initiate protocol development and implementation until a large number of pertinent questions were clearly answered by FSIS personnel. Many of these questions were finally addressed in FSIS Notice 22-01 – Procedures for FSIS personnel During Pre-Implementation Period for "Retained Water in Raw Meat and Poultry Products; Poultry Chilling Requirements" which was recently published June 29, 2001. However, the National Chicken Council and National Turkey Federation formally submitted a lengthy list of questions considered essential for implementation of the moisture rule and a request for clarification of the model generic protocols and those have yet to be completely addressed by FSIS nine months after publication of the final rule.

Until the Agency fully answers the logistical questions necessary for protocol development and submission, we are unable to proceed.

In addition, it is estimated that it will take approximately six months to print new packaging labels and bags given that the entire industry will be ordering new labels simultaneously. Those labels cannot be ordered or printed until the industry receives answers to these critical questions.

Pilgrim's Pride Corporation
P.O. Box 7275
Broadway, Virginia 22815-7275
540 896 7000

2. Is available laboratory capacity sufficient or insufficient?

The available laboratory capacity is totally dependent on the requirements of the non-disapproved protocols submitted for each plant. Until we have a clear understanding of the requirements for food safety testing in the protocols, we are unable to estimate the amount of laboratory capacity needed.

3. Is there additional information regarding the time to produce new labels which should be considered?

The window of time between completion of the protocol testing period and implementation date needs to be sufficiently long to allow for the ordering and receipt of a very large number of new labels and bags. The labels cannot be pre-ordered *before* protocol testing is completed. This window of time is also dependent on the number of other companies who will be ordering new labels at the same time. It is likely that there is insufficient capacity for label production to meet the needs of all companies in the poultry industry in less than six months.

4. Would a postponement be fair or unfair to anyone and, if so, how?

A postponement would not be unfair to anyone. The current labeling requirements have been the status quo for decades so a few additional months could not be considered to be unfair to competing industries.

5. Would postponement affect consumers and, if so, how?

Again, the postponement of implementation of this rule will not significantly burden the consumer and it will greatly benefit the poultry industry by allowing sufficient time for all ramifications of rule implementation to be fully understood by all affected parties.

Respectfully submitted,



Elizabeth A. Krushinskie, DVM, PhD, diplomate ACPV
Director of Veterinary Services and Food Safety
Pilgrims Pride Corporation
Eastern Division Chicken
Broadway, VA