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OK FOODS, INC.

REED LANE & 6TH STREET • P.O. BOX 1787 • FORT SMITH, ARKANSAS 72902
501-783-0244

October 24, 2001

U.S. Department of Agriculture, FSIS
FSIS Docket Room-(Docket #01-030N)
Room 102
Cotton Annex
300 12th Street, SW
Washington, D.C., 20250-3700

01-030N
01-030N-19
Marvin L. Schilling

Dear Sir or Madam:

Attached are the Citizen's Petition Comments on Unavoidable Moisture Retention in Raw Products.

Should you have any questions, please feel free to contact 800-643-2506 Ext. 1230.

Sincerely,
O.K. Foods, Inc.

Marvin L. Schilling by: *Carol Thiruvengal*
Marvin L. Schilling
President

CITIZEN'S PETITION COMMENTS

Unavoidable Moisture Retention in Raw Products

10/22/2001

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

Because of the need for clarification regarding the confusing nature of this rule, time was insufficient, as clear direction from FSIS did not start until this summer. Preliminary discussions in January across FSIS and industry started the thought process behind developing an adequate protocol and then continued to a point of confusion until this summer. Proper protocols and testing was not begun until these matters were addressed.

It seems that the understanding of the complexities this rule brought upon the operating plants was not clear enough to apply the rule as written in a reasonable manner and this created more questions than answers.

2. Is available laboratory capacity sufficient or insufficient?

It is unclear until understanding of the final rule and for implementation for this rule is made clear. As long as sufficient time allowed for good planning, meaning that the direction for meeting the rule was clear, then lab space was adequate. Given the fact that it took too long to bring about clarity, the lab is overwhelmed in the testing required to meet the rule date, particularly considering the regular resources required for Pathogen Reduction and HACCP. Certainly, the abundance of new tests as they may be required will create a significant timing issue that may be impossible to resolve with just the existing facilities and trained people.

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

Precise timing is still unknown, as the testing required is much greater than originally thought. Companies that have significant amounts of product types to address have greater than 3 to 6 months of fully dedicated lab resources to get somewhat of a picture to help fulfill the rule. Furthermore, at least 1 year of intensive testing is required to address such things as potential seasonal variations. Proper labeling can only be accomplished when this is done.

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

Postponement would not be unfair to anyone, when considering reasonableness, accuracy and implementation coordination.

It is well known that faster chilling is a primary tool used for processing wholesome products and the best way available now to do this is proper water immersion chilling.

For poultry, the retained water, if any, to the user is minimal.

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

Postponement would not affect the consumer, as there would be virtually no change from the current position regarding such things as consumer acceptability and product safety.

To reemphasize our previous position, why are so many resources, such as government and industry costs, going towards this insignificant economic event when this funding could be used to help fund such things that make more sense, like research to support improving food safety? Positively affecting food safety would certainly bring about a positive economic response, particularly when compared with this moisture regulation.

Respectfully submitted,
O.K. FOODS, INC.



Marvin L. Schilling
President