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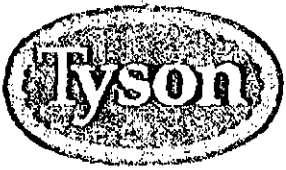
FSIS Docket Room, (Docket #01-030N)  
U.S. Department of Agriculture, Food Safety and Inspection Service  
Room 102, Cotton Annex  
300 12<sup>th</sup> Street SW  
Washington, D.C. 20250-3700

01-030N  
01-030N-28  
Paul Sparklin  
Patrick Pearce  
Steve Garlock  
Randy Whittington

To Whom It May Concern:

The Tyson Foods, Inc. Wilkesboro Fresh Retail Plant (P-1), respectfully request consideration in delay of the new Moisture Regulation. We fully support the citizen's petition for extension of the moisture regulation. Several components which support our claim include but are not limited to the following:

1. We feel that the plant will not have sufficient time in implementation of this regulation. The new moisture regulation, being a two-part rule, was not published in a timely manner to allow plants appropriate time. The data needed to run an experiment will take a minimum of three to five weeks which will run into the holidays. This would prohibit the plant from holding samples over a weekend. Also, we have eight months of packaging materials on hand which must be used. Placement of stickers on packages prior to receipt of new labels would be a difficult option. This system would require additional labor costs, and stick-on labels are notorious for falling off. This type of system could cause the plant to be out of compliance which would lead to possible recalls, and even plant suspension for economic adulteration.
2. The moisture regulation would cause the plant to develop more laboratory capacity, and purchase additional equipment. Also, additional personnel would have to be added to support the program. The plant does not perform Salmonella spp. testing which would require samples to be sent out. The estimated time required for doing the testing by our corporate lab is six months. The moisture regulation will also increase the number of E. coli samples taken by fifty each day.
3. Production of new labels will create several problems for the supplier and the plant. The production of new plates and the printing of new labels will take additional time. Label production capacity is limited if over several hundred plants are making request at the same time. This will create problems depending on the plants priority or chronology.
4. Delay of the moisture regulation will prohibit the possibility of plants in our industry from being shut down. If the ruling is not delayed, the impact on the market and to our consumers will be significant. If plants cannot operate, then other impacts will be felt in other facets of our business. Trucking companies, advertising agencies, and even government tax revenue will be greatly impacted.
5. Postponement of the regulation will not affect the consumer. They will continue to be able to make choices for their protein. The effect to the overall budget of consumers will be minimized. Consumers will continue to be able to make informed decisions as they have always on industry performance, quality, and value.



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The Wilkesboro Fresh Retail Plant intends to comply with the moisture rule and provide consumers with retained water information. In order to satisfy the rule, we must have time to develop new procedures. In addition, collection and analyzing of data and printing of packaging material will require additional time. We realize that overall industry products produced retain little to no water such as deboned breast meat. We feel that plants should be allowed enough time to collect data for proper labeling of all parts processed, not just label all items with the amount of moisture retained in whole birds. This would create a huge injustice due to the fact that whole birds are the easiest to collect data on, but represent less than 10% of all products sold. This practice would drive some companies out of business, while economically impacting all poultry companies.

We appreciate your consideration in postponement of the moisture regulation.

Respectfully yours,

Paul Sparklin (Plant Manager P-1)  
Patrick Pearce (HACCP Manager P-1)  
Steve Garlock (Quality Assurance Manager P-1)  
Randy Whittington (Complex Materials Manager)