



01-030N 01-030N-35 Tyson Foods P622

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

This letter is to inform you of Tyson Foods Monroe support of the petition for additional time for the implementation of the moisture rule. In response to Question 1: Did FSIS allow sufficient time to prepare for implementation; why or why not?

Response 1: Not enough time. 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 a 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 experiment will take a minimum of three weeks but could take four to five weeks over holiday weeks to keep from holding samples over a weekend. Organizing the data after the final test was conducted took a week. A minimum of a week is required for analyzing and summarizing the data and determining 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-year's worth of data collection is required to take into account seasonal differences. Some time will again be required to analyze the year's worth of data to determine the 95% confidence for retained moisture at packaging. We have 60 to 90 days of packaging on hand that must be used. It will take 60 to 90 days for our packaging supplier to make and proof new plates and print new film or labels.

Question 2: Is available laboratory space sufficient or insufficient?

Response 2: Not enough laboratory capacity plus may have to purchase additional equipment and perhaps add personnel. We do not do Salmonella spp. testing so this will have to be sent out. The corporate lab estimated the time required for doing the Salmonella testing of at least 6 months. Our lab is not equipped with a drying oven, this had to be purchased we may have to hire and train people to perform dry matter determinations. We currently handle 12 E. coli samples per day and the protocol will require us to do 50 more E. coli samples a day.

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

Response 3: Yes, there is additional information to be considered. Packaging changes are at least a two-phase process, the making of new plates, and then the printing and delivery of new labels. There is a limited amount of label making capacity, if 400 plants are requesting label changes at the same time, some plants will be behind other plants in priority or chronology. We have 60 to 90 days of packaging on hand that must be used. It will take 60 to 90 days for our packaging supplier to make and proof new plates and print new film or labels. This in essence would cause us to have to discard all inventory we have on hand and our vendors would have to do the same which would result in hundreds of thousands of dollars wasted.

Tyson Food intends to comply with the rule and provide the consumer with retained water information. To do this, we must have time to develop new procedures, collect and analyze data and then print packaging material as required. If we are not allowed time to collect data for labeling of all parts, but instead forced to label all items with the amount of moisture retained in whole birds, would be a huge injustice. This is because 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.

Respectfully,

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