

ConAgra Foods[®]

ConAgra Refrigerated Prepared Foods

November 16, 2001

by facsimile (202) 401-1760

FSIS Docket Clerk
Food Safety and Inspection Service
United States Department of Agriculture
Cotton Annex Building, Room 102
300 12th Street SW
Washington D.C. 20250-3700

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01-030N 01-030N-47 Keith L. Brickey

RE: Docket No. 01-030N—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

Dear Sir/Madam:

ConAgra Refrigerated Prepared Foods, a division of ConAgra Foods, operates as AS-E Consumer Products Company, AS-E Deli Company, AS-E Foodservice Company, Butterball Turkey Company, National Foods, Decker, and Cook's. These operating companies produce and distribute well-known branded food products including processed meat and poultry products, deli meats, pork, and turkey products through out the United States and international markets. Our brands include Armour, Brown 'N Serve, Butterball, Decker, Eckrich, Healthy Choice, Hebrew National, Longmont, Ready Crisp, Schrieber, Swift Premium, Texas Signature and Webber's.

Butterball Turkey Company in the country's best known branded turkey of choice. We support the efforts of the meat and poultry industry in their petition and are very concerned about the aggressive timetable suggested by the Agency. Our company is committed to producing safe and wholesome products for our consumers and believes the requested postponement until August 2004 is reasonable. This is because additional time will be needed to obtain and analyze meaningful data to meet the intent of the rule.

Although we contributed to the petition, we would further like to emphasize the following areas.

Protocols

We are in the process of submitting protocols to determine the amount of moisture unavoidably absorbed by our products during processing. Developing a protocol has been a longer process than was initially anticipated even though we have actively participated in the process. Earlier this year in February, we participated in a meeting to discuss the regulation and test protocol with the Technical Center staff in Omaha. At that point, FSIS had not yet reached a consensus on the requirements necessary nor adequately determined the guidelines needed to meet them. FSIS may have believed that the industry already had the necessary data to determine the amount of moisture and compliance would then require simple adjustment(s) to monitor the process.

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At that time, the industry had submitted four sample protocols for FSIS review. The agency later released an example protocol in July intended to meet the requirements of the regulation. This protocol required clarification and additional information from industry. It was then anticipated that it would be at least September before protocols could be developed and submitted. The Agency would then have 30 days to approve or disapprove the protocols.

Data Collection

Once protocols are approved, our plants will need to collect the physical and microbiological data as specified. The data will be used to determine the operating parameters necessary to meet the requirements of the regulation. If the approved protocols require similar numbers of microbiological analysis as suggested in the example protocol FSIS presented to the industry in July, each protocol will require 600 separate Salmonella analysis. Our companies' three plants would need to analyze approximately 1800 Salmonella samples which should be taken over a year to account for the impact of seasonality on the data. We estimate this would take at a minimum 40 weeks in our corporate laboratory.

Once the operating parameters have been established to meet the requirements of the regulation it will be necessary to collect the data necessary for labeling. The amount of retained moisture (if any) is determined by chemical analysis of the meat muscle. Again we will have to account for seasonality, which we believe will significantly affect the amount moisture that the birds retain. Again, the sampling and chemical analysis will need to be accomplished over a year's period of time to determine the actual amount of moisture retention. It also should be noted that there will need to be a large amount of data (Chemical Analysis) collected due to the requirement that all single ingredient items will need to be tested to determine whether they require labeling. This may involve thousands of chemical analysis, which cannot be initiated until the process control parameters needed to minimize moisture are established.

Labeling

After the amount of retained moisture is determined for each single ingredient item, labels will need to be designed and printed. We estimate this will take a minimum of six months.

In summary, we believe the following timetable should be considered and supported by the Agency:

Protocols approved- December 2001

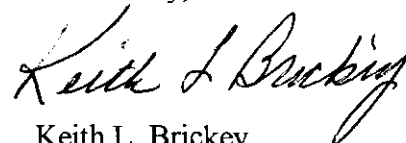
Data Collection on Absorption completed by - December 2002

Data collection of moisture retention by item - December 2003

Packaging Material Available for Use - June 2004

We appreciate the opportunity to submit comments and recommendations relevant to the Agency's notice on the petition.

Yours truly,



Keith L. Brickey

Vice President

Quality Assurance