



Tyson Foods, Inc.
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01-030N
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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 12th Street SW
Washington, D. C., 20250-3700

Dear Sir or Madam:

This letter is in response to questions posed by USDA in regard to the final rule on moisture retention in meat and poultry products.

Did FSIS allow sufficient time to prepare for implementation; why or why not?

Industry was not given sufficient time. The rule was issued in two parts; however, the guidelines were not published until almost half the implementation time was expired. Additional time was spent waiting for a no objection letter after submitting the testing protocol. Considerably more time will be required to organize, analyze, and summarize the data obtained, on the order of one to two months. Seasonal differences affect moisture retention; this will necessitate collecting data for a year to properly predict moisture content. Again, this data will have to be analyzed to determine the 95% confidence level required for packaged product. Existing inventories of packaging material will have to be used, and new packaging will have to be ordered. To be sure, this process will be slowed due to all producers ordering new packaging to meet the requirements. Temporary (stick on, etc.) labeling is not a viable option as these labels tend to come off the packages during handling and freezing.

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

Postponement is the only fair way to address this situation. To implement the final rule on January 9, 2002 would pose an unfair burden on industry. Producers cannot meet the deadline and will be forced to withhold their products from the market. The economic impact to our industry would be devastating. Workers would have to be layed off. Other industries such as transportation, advertising, and even government would suffer due to lost revenue. With poultry products unavailable to the consumer, the price of other proteins would rise and the consumer would be forced to suffer undue hardship.

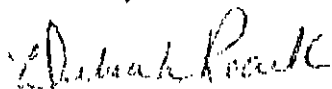
Would postponement affect the consumers and, if so, how?

Consumers deserve to have a choice in the market place and should not be forced to bear the burden of higher prices and inconveniences just to meet the January 9, 2002 dead line. The poultry industry has always provided quality products at a fair value, and consumers deserve to have this option. To deny this option would not serve the public interest and would certainly cause more harm than delaying the implementation of the final rule on moisture content.

We in the poultry industry fully intend to comply with the rule and provide consumers with information on the moisture content of products they purchase. To do this accurately and effectively will require additional time for developing procedures, collecting and analyzing data, and obtaining new packaging material. These processes can be complicated as the amount of moisture retained in different products vary widely. Some products, such as whole birds, retain larger amounts of moisture; whereas, other products retain little if any. Industry should not be forced to apply the limits associated with one type of product (whole birds represent <10% of all products produced) to all products. This would have a serious impact on industry and ultimately, the consumer.

We respectfully request that the deadline for the final rule on retained moisture in meat and poultry products be postponed.

Sincerely,



Deborah Roark - Plant Manager, P-7085