
From: Bob Culler, Kent Quality Foods, Inc [bculler@iserv.net]
Sent: Tuesday, May 23, 2006 5:38 PM
To: FSIS RegulationsComments
Subject: [Docket No: 04-041P];[FR Doc: E6-04420];[Page 15340-15343]; Meat and poultry inspection: Net weight compliance determination

MICHIGAN MEAT ASSOCIATION

70705 16th Avenue, South Haven, Michigan 49090

May 23, 2006

Docket Clerk
U.S. Department of Agriculture
Food Safety and Inspection Service
300 12th Street, SW
Room 102 Cotton Annex
Washington, D.C. 20250

Re: FSIS Docket Number 04-041P, FDMS Docket Number FSIS-2005-0032, "Determining Net Weight Compliance for Meat and Poultry Products."

Dear Sir or Madam:

The Michigan Meat Association appreciates the opportunity to provide the following comments on the proposed rule for "Determining Net Weight Compliance for Meat and Poultry Products."

The Michigan Meat Association represents the meat and poultry industry within the State of Michigan. The association's mission is to provide educational programs, processing improvement techniques and information on regulatory initiatives. The Michigan Meat Association is providing the following comments on behalf of its members.

We concur with the incorporation by reference of the applicable portions of the NIST Handbook 133 "Checking the Net Weight Contents of Packaged Goods" Fourth Edition, January 2005. The standards relate to determination of the reasonable variations allowed from the declared net weight on labels of immediate containers of meat and poultry products, the procedures to be used to determine net weight and net weight compliance for meat and poultry products, and related definitions.

The Association also concurs with the incorporation of NIST Handbook 44 "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices", 1999 Edition, November 1998, by reference into the Meat and Poultry regulations.

Lastly, The Michigan Meat Association concurs with the consolidation of the provisions of 9 CFR Section 317.18 through 317.22 and the provisions of 9 CFR Section 381.121a through 381.121e to 9 CFR Section 442.

The Michigan Meat Association, however, requests the following clarifications and concerns be addressed:

5/24/2006

- Sec. 442.3(a). “All scales used to weigh meat and poultry products sold or otherwise distributed in commerce ...”. We request clarification of the definition / intent of “all scales”. That is, scales utilized by a federally inspected meat and poultry establishment have specific uses depending on the intended purpose.

We suggest that Section 442.3(a) read as follows: “In federally inspected meat and poultry establishments, scales used to weigh meat and poultry products in compliance with NIST Handbook 133 in will be installed, maintained, and operated in a manner that ensures accurate weights...”

- Sec. 442.3 (c). "... If a scale is inspected or tested and found to be inaccurate, or if any repairs, adjustments, or replacements are made to any scale...". We request clarification of the definition / intent of "any repairs, adjustments, or replacements". That is, if a non-load cell mechanism repair, adjustment, or replacement (i.e. electrical cord end, scale head bolt, scale leg, or battery replacements; computer program upgrades; etc.) is done that does not affect the accuracy of the scale, does the scale need to be reinspected and retested?

We suggest that Section 442.3(c) read as follows: "... If a scale is inspected or tested and found to be inaccurate, or if any repairs, adjustments, or replacements affecting the accuracy (metro logic integrity) are made to any scale..."

- Sec. 442.3 (c). "... it shall not be used until it has been reinspected and retested by a USDA official, or a State registered or licensed scale repair firm or person...". We request clarification on "USDA official". That is, can this be any one employed by the agency or does this person also need to be licensed scale repairperson?

The Michigan Meat Association again appreciates the opportunity to comment on the Proposed Rule and forth-coming responses.

Respectfully,

George D. Wilson
Director of Regulatory Affairs