

12215 CR10, PO Box 910
Middlebury, IN 46540 USA



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(800) 825-9225
Ph: (574) 825-9537
Fax: (574) 825-2613

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

05-012P-44
05-012P
Burton Culver

Re: Docket Number 05-012P
Agency: Food Safety and Inspection Service
Proposed Rule: Addition of the People's Republic of China To the List of Countries Eligible To Export Processed Poultry and Poultry Products to the United States.

To Whom It May Concern:

On behalf of Culver Duck Farms, Inc. I would like to voice our Opposition to the Addition of the People's Republic of China To the List of Countries Eligible to Export Processed Poultry and Poultry Products to the United States upon the following grounds and for the following reasons:

1). It is our belief that the People's Republic of China will not produce product under standards equivalent to those of the United States for safety, wholesomeness, and labeling accuracy. We have seen nothing that would indicate that the People's Republic of China would so adhere to those standards. In fact, we have seen the opposite.

Recently, it has been brought to our attention that because of the outbreak of Avian Influenza in the Peoples's Republic of China there was a surplus of poultry meat available in the Chinese Republic. That China was unable to export this product to other countries because of the subsequent ban imposed by those countries and that "large" quantities of this meat was smuggled into the United States. That due to the volume that was smuggled into the U.S. it is hard for us to believe that the Chinese government was not aware of this and just turned a blind eye to it. That there was a flagrant violation of our regulations by the Chinese government and that this rule would perpetuate such abuses.

Further, as stated in the "Proposed Rule" China will have to produce this processed product from poultry obtained outside China and slaughtered outside China, and we do not think that this will take place. That these Chinese firms will use domestically raised and slaughtered poultry in this processed poultry meat and pass them off as being obtained from elsewhere and there is no way, that we are aware of, that there is a mechanism in place to guarantee that the Chinese will not flagrantly disregard this rule and just use domestically raised and slaughtered poultry. That the only way that this rule would not be circumvented is if on each container of product the Chinese firm so

"Five Generations of Long Island Duck Growing and Breeding Experience."

processing the product must identify the country of origin of the product used in the production of that processed poultry. Therefore if this rule is enacted there should be an addendum attached requiring the certifying plant to place upon the container exactly where the poultry product that comprised the processed poultry meat came from, meaning the country of origin.

Further, whomever is exporting that processed poultry meat into the U.S. should be required to furnish a certificate at time of export filled out and certified to by a government official of the Chinese Government and a government official of the country from which the purported poultry meat came that the processed poultry meat comprising that shipment was raised and domestically slaughtered in that country and was not domestically raised nor slaughtered in the People's Republic of China.

2). It is our belief that the that this proposed rule will have a significant impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601). Based upon our best information and belief, we feel the Administrator's analysis is wrong and that the 25 establishments being certified to produced processed poultry products for export to the United States will produce more than the 100,000 lbs. of product per year per certified establishment for export to the United States and at a lower cost than United States producers can produce such product just due to the discrepancy of wages between American workers and Chinese workers and the lack of government regulation on the part of the Chinese government as compared to the United States government.

Further, we believe that the United States "Live Bird Market" will suffer due to the fact that because such processing will take place in China and not in the United States, demand for "Live Birds" from United States Farmers, will diminish considerably and cause the loss of a revenue source for American farmers as these Chinese establishments will seek "Live Birds" for processing at the lowest price possible irregardless of the quality of such birds and how such birds were raised. This will cause the demise of many poultry farmers in the U.S.

3). As stated in the Proposed Rule:

"The Agency notes that the Animal and Plant Health Inspection Service of USDA has classified the People's Republic of China as having Avian Influenza.

Because of this classification by the Animal and Plant Health Inspection Service live poultry, frozen poultry and certain poultry products from those countries that have been classified as having Avian Influenza has been banned.

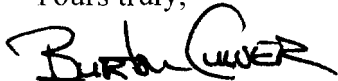
Based upon my best information and belief, and due to the outbreak of Avian Influenza in the People's Republic of China the importation of poultry or poultry products from that country could represent a health risk to the American consumer. This, in my opinion, is a needless health risk.

When one cow showed up in America having “BSE” (bovine spongiform encephalopathy) all countries around the world banned U.S. Beef, including the People’s Republic of China. Even though the odds of getting Creutzfeldt-Jakob disease from eating meat containing “BSE” are almost non-existent if the beef is cooked at regular cooking temperatures the odds of getting Avian Influenza has been shown to be much greater if infected poultry meat is shipped into the country. Yet we allow the People’s Republic of China to ban our beef products on the basis of one diseased cow yet we are willing to allow them to ship poultry and poultry products into our country even though they have had hundreds of thousands of poultry infected with this disease.

I fail to understand the mentality of a Department that will allow a foreign country to ban our agricultural products based upon one reported case of that disease in a 96 million animal herd, but yet allow that very same country which has had thousands of cases of Avian Influenza infecting it’s poultry, to ship that poultry into this country.

Passage of this rule makes no sense at all.

Yours truly,

A handwritten signature in black ink that reads "Burton Culver". The signature is written in a cursive style with a large, stylized initial "B".

Burton Culver

Secretary/Treasurer-Culver Duck Farms, Inc.

cc: United States Secretary of Agriculture Mike Johanns, Office of the Secretary, U.S. Department of Agriculture 1400 Independence Ave., S.W. Washington, DC 20250.