JOHN MORRELL & CO.

December 5, 2001

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

00-026N
00-026N-31
Ron Easterday

RE: FSIS DOCKET #00-026R

To Whom It May Concern:

John Morrell & Company is a large swine slaughter and processor with annual sales exceeding two billion dollars.

John Morrell & Company has reviewed the notice and is dedicated to provide safe products to our consumers. This notice, however, will not enhance the public health; it only serves to penalize slaughters who are not responsible for the presence of inappropriate responsible drug residue levels in animals used for food. Specifically, the notice would abandon long standing agency practices regarding the handling and disposition of carcasses after testing for residues; practices and procedures that worked well with no discernible adverse effect on the meat or poultry supply.

Moreover, the notice will conflict with international practices and standards established by the Codex Alimentarius, Codex, a conflict that could adversely affect John Morrell's ability for international trade.

The notice ignores entirely the position of Codex Alimentarius, Codex. Codex has established tolerances and analytical methods for many drugs, including some for which the FDA has not established muscle residue tolerances. This could be demonstrated for numerous drugs, including carbadox in swine.

Codex is respected world wide, has been agreed upon by the United States' world trading partners, utilizes many of the same analytical methods as FSIS, and has credibility with American consumers. It seems inappropriate to exclude Codex established tolerances and analytical methods from FSIS policies on residues.

John Morrell applauds the agencies for proposing to provide the names and address on the FSIS web site. This will allow a slaughter to restrict their purchases from the producer or allow producer to submit to a test and hold procedure.

John Morrell questions the procedures when a violative sample is found. Currently the FSIS notifies the producer via Certified Mail- Return Receipt Requested. This letter requests that the producer submit five (5) animals at the earliest opportunity, and requires that the producer notifies the District Office when and where the producer plans to market additional animals. The producer is also required to identify these animals to the FSIS inspector and the slaughtering plant. This system places undue burden on a slaughter because they have no notification that the producer complied with the requirements of the letter. There is no obligation placed on the producer that they market their test animals to the same slaughter with whom the initial violation represented by the letter occurs. The producer can send these test animals to any federally inspected slaughter establishment. When at some future date a producer markets livestock at the original establishment, who is required to verify that the producer has completed the obligatory testing and the results were negative? Will the agency post on its web site or notified the slaughter in writing by District Office who sent original letter? John Morrell has approximately 12,000 active swine producers that livestock is purchased from and do not have the resources to verify that each vendor has completed any testing required by the agency. The agency needs to address this issue when considering a final rule.

During this intermin comment period and final rule, one of two John Morrell slaughter facilities has obviously been placed on "increased" sampling levels for antibiotic residues.

For period of September 19, 2001 through November 30, 2001 this facility has been sampled thirty nine (39) times. On at least two occasions 6 animals were selected for testing from one production date. Of the 39 tested carcasses 14 samples were negative and we are still waiting laboratory results for 25 carcasses. It is prohibitive to retain dressed carcassed in a chilled state until FSIS laboratory results are obtained. Nor is it economically feasible to split carcass and freeze the 3 pieces due to a restrictive market and if a buyer could be found product would be discounted to a minimum of 25% of it original value plus the cost of storage.

The following matrix recaps John Morrell records of the sample dates, type of sample selected and FSIS laboratory results. Note John Morrell has not been notified of test results of animals sampled on 9/19/01, 9/26/01, 9/27/01, 10/04/01, 10/05/01, 10/19/01, 10/24/01, 10/29/01, etc.

PLANT A

FSIS Residue Samples

Date	Sample	Tissue	Carcass Value $	Carcass Wt.	Results Reported
9/19/01	Sow	Muscle	170.55	487	
	Sow	Liver	138.78	382	
	Sow	Fat	162.8	440	
	Sow	Liver	143.43	407	
	Butcher	Liv/Kid/Mu	127.98	272	
	Butcher	Kidney	113.46	244	
9/26/01	Sow	Fat	156.59	429	
9/27/01	Sow	Mu/ Kid	137.61	377	Negative 10/31/01
	Butcher	Mu/ Liver	85.2	213	10/17/01- notified by Insp.
	Butcher	Mu/ Liver	85.2	213	these results
	Butcher	Mu/ Liver	85.2	213	were negative
	Butcher	Mu/ Liver	85.2	213	
	Butcher	Mu/ Liver	85.2	213	
9/28/01	Sow	Liv/Kid/Mu	146.86	402	Negative-10/29/01
10/01/01	Butcher	Fat/Tissue	120.5	261	Negative-10/17/01
10/04/01	Butcher	Liv/Mus	313.1	266	
10/05/01	Butcher	Leaf Lard	125.54	277	
10/11/01	Sow	Liv/Kid/Mu	151.14	458	Negative-11/01/01
10/15/01	Sow	Mus/Liver	95.78	379	Negative-10/24/01
	Butcher	Mus/Liver	113.75	284	Negative-10/24/01
10/17/01	Sow	Liv/Kid/Mu	115.89	393	Negative-11/05/01
10/19/01	Sow	Liv/Kid/Mu	125.02	462	Negative-11/07/01
	Sow	Fat	147.89	477	
10/22/01	Butcher	Liv/Kid/Mu	109.03	246	Negative-10/29/01
10/24/01	Sow	Fat	102.86	350	
	Butcher	Liv/Kid/Mu	103.59	267	
10/29/01	Butcher	Fat	111.39	281	
10/30/01	Sow	Liv/Mus	114.04	424	
11/02/01	Butcher	Liv/Kid/Mu	107.07	252	
11/09/01	Sow	Mu/Kid/Fat	105.53	395	
	Butcher	Liv/Mu	107.65	384	
	Butcher	fat	100.34	246	
11/13/01	Sow	Mu/Kid/Fat	108.39	424	
11/14/01	Sow	Fat	102.5	410	
11/21/01	Sow	Liver	112.57	489	
	Sow	Liver	115.96	474	
11/26/01	Butcher	fat	96.22	259	
11/27/01	Sow	Fat	111.91	454	
11/30/01	Sow	Lard	110.52	473	
			$4570.24		

PLANT B

FSIS Residue Sample

Date	Sample	Tissue	Carcass Value $	Carcass Wt.	Results Reported
9/5/01	Butcher	Liver	106.59	235	9/15/01- Negative
9/5/01	Butcher	Kidney/Liver	108.19	245	9/18/01- Negative
9/7/01	Butcher	Liver	109.8	235	9/29/01- Negative
9/20/01	Butcher	Kidney	125.97	255	9/28/01- Negative
10/1/01	Butcher	Liver	104.97	220	10/11/01- Negative
10/9/01	Butcher	Kidney/ Liver	106.57	245	10/27/01- Negative
10/9/01	Butcher	Liver	102.18	235	10/30/01- Negative
10/10/01	Butcher	Kidney	109.62	270	10/23/01- Negative
10/10/01	Butcher	Kidney/Liver	111.75	235	10/27/01- Negative
10/30/01	Butcher	Kidney	100.25	245	11/2/01- Negative
10/30/01	Butcher	Liver	102.48	255	11/21/01- Negative
11/9/01	Butcher	Liver	104.4	290	11/28/01- Negative
11/21/01	Butcher	Kidney	7407	270	11/30/01- Negative
11/21/01	Butcher		95.81	275	
11/26/01	Butcher		9504	275	
11/27/01	Butcher				
11/28/01	Butcher				
			$1546.14		

The economic impact is incurred from the destruction of the sampled carcasses. The Packers and Stockyard Act, CFR9, Chapter I I essentially does not allow the option of buying livestock that have been prescreened for drugs. By law, unless buying "subject to", which commercially is often not feasible, a packer must pay for livestock before the close of business the day following the sale, 9 CFR§201.43(a). Accordingly with holding payment for an animal until it has passed residue testing is illegal.

For the period referenced, plant A, has sustained dollars losses of $4570.24 and plant B $1546.14. These dollar amounts only consider the purchase price of the live animals at the time of sale, it does not adjust this cost for any lost revenues had the carcass been fabricated and sold commercially. The estimated annual cost would be

Plant A	Avg # of Carcass (using 9/01/01-11/30/01) = 13
Plant B	Avg # of Carcass (using 9/01/01-11/30/01) = 5.67
Plant A	Avg $ value of carcass same time period: $117.19
Plant B	Avg $ value of carcass same time period: $103.08
Plant A	13/month x 12 months = 156 carcasses x $ = $18281.64
Plant B	5.67/month x 12 months = 68 carcasses x $103.08 = $7009.39
	TOTAL $= **$25,291.03**

Does not reflect any seasonal market costs.

Since a violative residue sample is considered an adulterant (21 U.S.C. 453 (g)(1), (g)(2) and (g)(3) and 601 (m)(3) we are unable to ascertain the public health criteria used to condemn the carcasses involved in testing. In an 1993 article addressed that there were no reports of residue related human illness in the United States associated with consumption of commercially available meat or poultry. [1]What data has the center for Disease Control presented that would indicate an incident rate for human illness based on consumption of commercially available meat or poultry? No one would be so nieve to believe that every meat or poultry carcass slaughtered for consumption or further processing would be in compliance with antibiotic residue levels. Where is some public health and welfare scientific data to support the proposed agency position?

John Morrell & Co. has over the years consistently supported the National Pork Producers Council and their program "Pork Quality Assurance" which addresses proper antibiotic practices. The agency should also encourage participation in the trade organization and work with producer to prevent a violation, waiting till the livestock is slaughter is too late in the food chain.

[1] Tari P. Kindred, DVM, MS, MPH, and William T. Hubbert, DVM, MPH, PhD, Residue prevention strategies in the United Sates, JAVMA, Vol. 202, No. 1, January 1, 1993.

In conclusion changing the residue policy is unwarranted and would be costly especially to swine and cattle slaughters. FSIS should consider utilizing Codex tolerances in tissue where FDA has not established tolerances. The basis for the risk analysis performed should be peer reviewed to determine if there is a public health risk associated with consumption of commercially prepared meat or poultry.

Thanks you for the opportunity of commenting on this proposal.

Sincerely,

Ron Easterday
Vice President of Technical Services