

ConAgra Foods

ConAgra Refrigerated Prepared Foods

December 10, 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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00-026N
00-026N-32
Keith Brickey

RE: Docket Nos. 00-026N, 00-026R—Residue Programs

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 is our country's best-known branded turkey of choice and is produced by the Butterball Turkey Company. We appreciate the Agency reopening the comment period to allow additional time for comments on the proposed change to its residue policy. Although we believe the current residue control program has been successful, we do concur that improvements should be made to the current policy. We support ConAgra Foods comments on this policy with the additional comments pertaining to poultry.

FSIS has published "The 1999 Domestic Residue Program Results," which reports the following excerpted monitoring results for turkey:

| | Analyses/ Violations | Percent Violative |
|---------------------|-------------------------|----------------------|
| Antibiotics | | |
| • Young Turkeys | (411/1) | 0.2 |
| • Mature Turkeys | (170/0) | 0.0 |
| • Young Chickens | (408/0) | 0.0 |
| • Mature Chickens | (170/0) | 0.0 |
| Sulfonamides | | |
| • Young Turkeys | (412/2) | 0.5 |
| • Mature Turkeys | (128/0) | 0.0 |
| • Young Chickens | (410/1) | 0.2 |
| • Mature Chickens | (217/0) | 0.0 |

Arsenic

- Young Turkeys (274/1) 0.0
- Mature Turkeys (53/0) 0.0
- Young Chickens (410/0) 0.0
- Mature Chickens (217/0) 0.0

Chlorinated Hydrocarbons, Organophosphates (CHC/COP's) & Phenylbutazone

- Young Turkeys (449/0) 0.0
- Mature Turkeys (131/0) 0.0
- Young Chickens (418/0) 0.0
- Mature Chickens (305/0) 0.0

These data clearly demonstrate current policy has been effective and there is no compliance issue to address in considering program improvement for poultry. Our own company data for drug residues and chlorinated hydrocarbons also show a similar history of negligible violations. We also appreciate FSIS wanting to harmonize its procedures with those of the Food and Drug Administration (FDA) with respect to the target tissue/marker residue policy. However, due to the nature of poultry practices and the limitation of current analytical procedures we believe that this is not practicable or preferable for either the poultry industry or FSIS at this time.

This is because current poultry practice is to raise birds in flocks with most medications being administered either through feed or water. Therefore, if a sample for residue is found to be in violation of acceptable levels the entire flock may be implicated and subject to regulatory action. This is of particular concern to both the Agency and industry as some large flocks are slaughtered and processed over a number of days resulting in product that may already be in commerce.

As proposed this change in policy increases the chances of unnecessary regulatory action and potentially needless recalls. Additionally, approved procedures do not currently exist for all residues in various species and kind including poultry muscle tissue. We do agree the Agency should review the current policy with accommodation to the realities of the poultry industry and would appreciate consideration of either of two proposals below. These include a controlled sampling program with samples randomly chosen by the Agency or the facility, which would be preferable to the current proposal.

Industry Verified Sampling Program

Facilities would have the option of establishing a self-administered program with FSIS access to all data in lieu of Agency testing. The program may include requiring a flock history listing all treatments administered to that particular flock. This history would be reviewed prior to slaughter to assure that proper withdrawal time has been met.

The effectiveness of the program could be verified by random sampling of specific flocks two days prior to scheduled slaughter for residues. We believe the rate of sampling could be up to four times greater than the present FSIS sampling schedule to maintain confidence. If any flock were found to be in violation, it would not be slaughtered until it was verified free from residues by additional

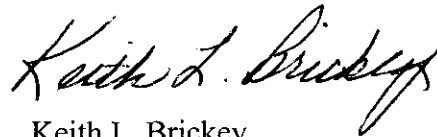
testing. Grower suspect sources of these flocks would be thoroughly investigated and a corrective action plan including preventive measures and/or extensive sampling may be instituted prior to receipt of more turkeys.

FSIS Sampling Program

The current FSIS sampling program requires the inspector to pull samples on the day the task code is received. As stated above, part of the flock already may have been slaughtered and processed with product being in commerce. Alternatively, if FSIS would want to continue to control the sampling regimen, the facility's kill schedule could be made available to the FSIS inspector on a daily basis. The inspector could select his sample from a flock on the first day the flock is to be slaughtered. This would allow the company to hold product until verification by laboratory analysis is completed.

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

Yours truly,



Keith L. Brickey
Vice President
Quality Assurance