



THE QUALITY CHICKEN PEOPLE

ALLEN FAMILY FOODS, INC.  
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Docket Clerk  
US Department of Agriculture  
Food Safety and Inspection Service  
300 12th Street, SW  
Room 102 Cotton Annex  
Washington, DC 20250



01-030N  
01-030N-118  
Patricia C. Sigler

Comments on Docket 01-030N

Request for Comments on Industry Petition to Postpone the Effective Date of Regulations Limiting and Requiring Labeling for Retained Water in Raw Meat and Poultry Products

Dear FSIS:

The following comments are submitted by Allen Family Foods, Inc. which address the request by industry for an extension in the implementation date of the regulations limiting and requiring labeling for retained water in raw meat and poultry. Allen Family Foods, Inc. is a multi-facility poultry slaughtering and processing company that has been operating since 1919.

We strongly support the petition as written and assert that it is impossible to comply with the regulations in the time frames given, based on our own experiences to date. The questions raised by the Agency in the Federal Register publication of October 17, 2001 are answered fully in the petition, however we can provide personalized responses to those questions.

Question 1 asks if the Agency allowed the regulated industry enough time (one year from publication of the final rule) to prepare for implementation. We attended the meeting held in Omaha in February that was supposed to explain the expectations of USDA and answer the questions raised by industry. We left that meeting with considerable confusion on both parts. We still have not received clarification for several of the numerous questions raised that deal with the mechanics of implementation of the rule. In fact it was not until July of this year that the agency even responded to our generic protocols and published their pre implementation guidelines, decreasing the time given for compliance by 6 months. We have submitted our protocols, received our "no objection" letters and are now in the middle of testing to find the chiller procedure that will minimize the retained moisture. Once this testing is completed, we will begin testing individual products to obtain data for the individual labels. There are seasonal variations to both moisture and Salmonella contamination. We will have no time to test these variations unless the extension is granted. This raises the specter of having to change all of our labels yet again. The minimal orders on labels, printed film and bags to give us competitive pricing forces us to order as much as a year's inventory, dramatically increasing the amount of packaging that would have to be discarded if the retained moisture number changes.

Question 2 asks if the available laboratory capacity is sufficient to enable industry to comply with the new regulations by the effective date. We had some difficulty finding a laboratory that would even do the moisture testing. The microbiological testing is being done by our own laboratory, however we have had to suspend other testing to have enough time to do these tests.

Question 3 asks if there was additional information on the time necessary to produce new labels for retained-water products that the Agency should consider. We agree with the information that was presented in the petition. Additionally, from our experience, we have found that the printed bag and film items require a minimum of 8 weeks lead time. With this amount of lead time, we will not have the information in time to get the bags printed. We have approximately 50 different bag items that have to be changed. The lead time extends with multiple item orders.

Question 4 asks if the postponement of the effective date would be fair or unfair to anyone. The fact is that if the date is not postponed we will be forced to shut down for a period of time until the packaging items can be printed. This forced action would be unfair to our customers, who, in some cases, are supplied exclusively by our company and would have no chicken in their cases, and to our employees, who would be without employment for a period of time.

Question 5 asks if the postponement date of the rule would affect consumers. The only way the postponement would affect our customers is if it is not granted. As detailed in the answer to question 4, we would be forced to stop shipment of most items and our customers would be without low-cost, wholesome food to offer to consumers.

We appreciate the opportunity to comment on this petition. If there are any questions concerning the content of these comments, please do not hesitate to contact me at 1-410-943-3989.

Sincerely,

A handwritten signature in cursive script that reads "Patricia C. Sigler". The signature is written in black ink and is positioned above the typed name and title.

Patricia C. Sigler  
Corporate Director of Quality Control