



PERDUE FARMS INCORPORATED
P.O. Box 1537, Salisbury MD 21802-1537

Office: 410 543 3000

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01-030N

Docket Clerk, Docket Number 01-030N
U.S. Department of Agriculture
Food Safety and Inspection Service
300 12th Street, SW
Room 102 Cotton Annex
Washington, D.C. 20250

01-030N
01-030N-119
J. Clayton Silas

Dear Sir or Madam:

Perdue Farms would like to thank FSIS for the opportunity to comment further on the "Announcement of and Request for Comment on Industry Petition to Postpone the effective Date of Regulations Limiting and Requiring Labeling for Retained Water in Raw Meat and Poultry Products" (Docket number 01-030N). We support the request for extending the compliance deadline for "Retained Water in Raw Meat and Poultry Products: Poultry Chilling Requirements" to August 1, 2004, based on the issues that are raised in the industry petition. We have included comment on questions raised by FSIS in this Federal Register publication in regard to the industry petition.

First, did the Agency allow sufficient time to prepare for implementation? Gathering data to show that any level of water retention is an unavoidable consequence of meeting a poultry operation's food safety goals based on a specific protocol was essentially delayed for the first half of this year due to lack of clear direction on contents and scope of the test protocol. Response to industry generated model protocols was received as late as July 5 in the form of a modified protocol from the agency, which supposedly contained the best components from the original industry protocols. Thus, one-half of the original implementation time available was lost.

Secondly, is available laboratory capacity sufficient to enable the industry to comply by the effective date? Given the volume of laboratory work involved in completing the eighteen protocols submitted and approved for our establishments, makes it practically impossible for us to have generated and analyzed sufficient data sets to then comply with the labeling requirement. After determining the amount of absorbed moisture that is an unavoidable consequence of meeting our food safety requirements, we must then generate more data comparing the naturally occurring moisture level analytically in poultry tissue with the moisture levels found after the water immersion chilling process. The volume of that work would take several months for each protocol and will also strain limited laboratory resources. In addition, there have been valid questions raised over the impact of seasonal variations in naturally occurring moisture. To adequately evaluate these variations, each establishment would need at least one year to obtain data to make these determinations.

Third, is there adequate time to produce new labels for retained-water products? After these two monumental research projects have been completed, we then need sufficient time to have labels changed for boxes, bags, and other types of over-wrap films used for tray pack products. We anticipate that in excess of 1000 labels will need to be changed. This will require a minimum of six months. We believe that many issues

regarding the previously mentioned hurdles are covered in detail in the industry petition and will not be reiterated here.

In regard to other questions posed by FSIS in this Federal Register Publication, we do not feel that postponement would be unfair to anyone. Actually, denial of postponement would be detrimental to those establishments which may not be able to comply with the January 9, 2001 deadline. To close these establishments while they attempt to comply with the rule, would disrupt business and affect thousands of jobs. In addition, we do not feel that postponement of the effective date would have a negative affect on consumers. To the contrary, not to extend the effective date would have a far more detrimental effect in denying the public access to products from the effected establishments.

We hope that the agency will give our industry comments careful consideration as you deliberate our request.

Sincerely,

A handwritten signature in cursive script that reads "J. Clayton Silas".

J. Clayton Silas, PhD
Director QA Lab Services/Microbiology