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FSIS Docket Room, Docket #01-030N
 U.S. Department of Agriculture, Food Safety and Inspection Service
 Room 102, Cotton Annex
 300 12th Street SW
 Washington, D.C., 20250-3700

01-030N
 01-030N-2
 Ann Ratliff

In response to the petition filed regarding the moisture rule with the enforcement date of Jan. 9, 2002, the Blountsville facility would like to respond as follows:

Q1: Did FSIS allow sufficient time to prepare for implementation?

Blountsville response to Q1:

There was not ample time allowed to prepare for implementation, the guidelines for the first part of the rule was not published until half of the implementation time had elapsed. The remaining time was not sufficient for developing / submitting a protocol, waiting for a no objection letter, ordering extra supplies needed for additional microbial testing, running the experiment, organizing the data after completed. Upon completion of the mentioned steps the plant must begin measuring retained moisture at packing. To accurately predict the amount of the unavoidable moisture in a package with 95% confidence at least one year of data would be required (to account for seasonal differences). Additional time would be needed for analysis of seasonal differences. Upon completion of the mentioned tasks, new packaging materials must be designed, printed and shipped. Until packaging material arrives it would not be feasible to place stickers on packaging because they are notorious for falling off, which would open the plant up to being out of compliance, and having a recall or being shut down for economic adulteration.

Q3: Is there additional information regarding the time to produce new labels which should be considered?

Blountsville response to Q3:

Packaging changes are at least a two-phase process, the making of new plates and then the printing and delivery of new labels is time consuming. There is a limited amount of label making capacity, if 400 plants are requesting label changes at the same time, some plants will be behind other plants in priority or chronology.

Q4: Would postponement be fair or unfair to anyone and, if so how?

Blountsville response to Q4:

Postponement would be most fair to everyone. By not postponing, the rule would effectively shut down the poultry industry thus eliminating a choice of protein the consumer can purchase. This would also drive up the price of other protein, again affecting the consumer's budget. This would also have a negative impact on allied industries, such as trucking, advertising and government due to the tax revenue lost through the job reductions caused by shutting down the industry.

Q5: Would postponement affect the consumers and, if so, how?

Blountsville response to Q5:

Postponement would be the fairest action for the consumer. This would allow the consumer to continue to make choices for their protein and minimize the effect on their budget. The consumer would be allowed to make informed decisions based on the industries past level of performance, quality and value.

Finally Blountsville intends to comply with the rule and provide the consumer with retained water information. We are simply requesting sufficient time needed to develop new procedures, collect and analyze data and then print packaging material as required. Industry realized that many of its products retain little to no water, deboned breast meat for example. If industry is not allowed time to collect data for labeling of all parts, but instead forced to label all items with the amount of moisture retained in whole birds, would be a huge injustice. This is because whole birds are the easiest to collect data on, but represents less than 10% of all products sold. This practice would drive some companies out of business, while economically impacting all poultry companies.