MORONI FEED CO.
"Progress Through Cooperation"

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01-030N
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Goerge Dyches

FSIS Docket Room
USDA/FSIS
Room 102, Cotton Annex
300 12th St. SW
         Washington, DC 20250-3700

Re: Petition to Delay Implementation of Retained Water Regulations

To Whom It May Concern:

This letter is written in support of the petition filed by the National Turkey Federation and others requesting a postponement of the effective date of regulations limiting the amount of water that may be retained by raw meat and poultry products. The petition was published on October 17, 2001 in the *Federal Register.*

FSIS should delay implementation of the regulations for the reasons set out in the petition and for the reasons discussed hereafter.

1. FSIS DID NOT ALLOW SUFFICIENT TIME TO PREPARE FOR IMPLEMENTATION. The regulation is very complicated. Implementation will be very expensive. Industry must determine the amount of absorbed moisture that is an unavoidable consequence of meeting food safety requirements. To do this, industry must follow an FSIS-accepted protocol. USDA did not release a sample protocol until July 5th of this year.

    Using the sample FSIS protocol, plants must develop their own plant-specific protocol to determine the amount of moisture that is an unavoidable consequence of meeting food safety requirements. Then each plant must wait for FSIS to provide a "No Objection" letter on the plant-specific protocol. Using the finally approved protocol, each plant must initiate a determination of unavoidable absorbed moisture and the amount of moisture actually retained by each product. Finally, new packages and labels bearing the required moisture declarations must be obtained from supplier. This process cannot be completed before the rule's start date. FSIS has set up such a complicated approval system that it is impossible to comply with the rule in the allotted time.

2. <u>AVAILABLE LABORATORY CAPACITY IS INSUFFICIENT</u>. Thousands of tests must be conducted in different seasons, with different equipment and different circumstances, to determine the amount of moisture actually retained by the relevant products. Microbiological tests must be conducted under each protocol. The turkey industry alone will need to test nearly 1000 products. Over 5000 broiler products will need to be tested. This huge number of tests will strain the capabilities of both corporate and private laboratories.

3. <u>THERE IS INSUFFICIENT TIME TO PRODUCT NEW LABELS</u>. With the thousands of products which will need new labels, label companies will be hard-pressed to design, tool and print labels before the rule implementation date. Many turkey products, because of packaging and processing requirements, must have new bags rather than stick-on labels. These concerns assure that label companies cannot produce in a timely fashion all of the new labels and bags required.

4. <u>POSTPONEMENT WOULD NOT BE UNFAIR TO ANY PARTIES</u>. Denial of postponement would harm people in the industries that cannot comply on time. Thousands of jobs would be jeopardized and commerce disrupted if industry could no longer sell the affected products. Some in competitive industries claim they are being hurt economically by retained water. But until all testing is completed, they cannot even tell that this is true, nor can they tell the extent of the unfairness until all the testing is complete.

5. <u>GRANTING THE POULTRY INDUSTRY SUFFICIENT TIME WILL NOT HURT CONSUMERS</u>. If the implementation date of the rule is postponed, consumers would continue to have access to the same safe products available now. But a disruption in the normal marketing supply would create serious problems in the marketplace.

6. Industry desires to comply with the regulation, but it needs more time to provide a science-based analysis of retained moisture. The petition to postpone the effective date of moisture retention regulations should be granted by FSIS.

Sincerely,

George Dyches

George Dyches
Processing Division Manager

SGJ/cbm