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John Michael Good

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Tyson Foods, New Holland Complex

403 S. Custer Avenue, New Holland PA

PHONE: (717) 354 4211

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

FAX: (202) 205-0080

SUBJECT: "Retained Water in Raw Meat and Poultry Products; Poultry Chilling Requirements"

In response to the effective date for the Retained Water in Raw Products Regulations (ref: section 441.10), we respectfully request an extension to the current effective date of January 9, 2002 for the following reasons:

We understand that this is a two-part rule. First we will need to submit protocols to show that any moisture gained through chilling is required to meet food safety requirements. Once these settings are established, data needs to be collected on all single ingredient items to show how much of the water we gain is retained at packaging. In order to comply with this part of the rule, we must measure naturally occurring moisture and then compare that to the moisture at packaging. The difference is what will appear on the label.

1. Not enough time was allowed by FSIS to prepare for implementation because

- a) This is a two-part rule and the guidelines for the first part of the rule were published after half the implementation time had expired.
- b) After the protocol was developed and submitted, up to a fifth of the remaining time was spent waiting for a no objection letter.
- c) After receiving the no objection letter, supplies had to be ordered to handle the extra micro testing.
- d) Running the experiment will take a minimum of three weeks, but could take four to five weeks over holiday weeks to keep from holding samples over the weekend.
- e) A minimum of a week is required for analyzing and summarizing the data and determining the unavoidable amount of moisture to achieve food safety.
- f) The plant needs time to develop a process control program to assure they are not exceeding the unavoidable moisture level they need to maintain, this will take at least a month.
- g) After all of these steps, the plant can begin measuring retained moisture at packaging. To do so before this point would be an exercise in futility.
- h) In order to accurately predict the amount of unavoidable moisture in a package with 95% confidence over the year, one-year's worth of data collection is required to take into account seasonal differences.
- i) Some time will again be required to analyze the year's worth of data to determine the 95% confidence for retained moisture at packaging..

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- j) We have up to three months inventory of packaging for any given single-ingredient item on hand that must be used.
- k) It will take one to two months for our packaging supplier to make and proof new plates and print new film and labels.
- l) Placing stickers on packages prior to receiving new labels is not an option, it requires more labor and stick-on labels 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.

2. Lab Considerations

- a) We may have to look at added personnel in the lab for this time period of testing
- b) Salmonella spp. Is not performed at the local plants due to national account restrictions, so all of these samples need to be collected and packaged for overnight shipment. Corporate lab has estimated at least a 6 month time frame to perform these tests.
- c) The plant lab does not have a drying oven. These must be purchased and folks will need to be trained in this protocol. The ovens are not readily available because so many plants are attempting to get them on a short notice.
- d) This plant normally handles 30 E. coli samples daily. This testing protocol will almost triple our load. Manpower and lab space needs to be addressed.

3. Postponement Considerations

- a) By not postponing the rule would effectively shut down the poultry industry, eliminating a choice of proteins the consumer can purchase and putting many folks out of work. This would be a serious complication to our country's economy.
- b) This would drive the price of other proteins up, affecting the economy and the consumer's pocket.
- c) All of the allied industries would likewise be affected, such as trucking, advertising, and government due to the tax revenue lost through the job reductions caused by shutting down the industry.

Consumer Considerations

- a) They will continue to make choices for their protein.
- b) The effect on the consumer's budget will be minimized.
- c) The consumer will be able to continue to make informed decisions based on the industries past level of performance, quality and value.

Finally, the industry intends to comply with the rule and provide the consumer with retained water information. To do this, industry must have time 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 all parts, but instead is forced to label all items with the amount of moisture retained in the whole birds, would be a huge injustice. This is because whole birds are the easiest to collect data on, but represent less than 10% of all products sold. This practice would drive some companies out of business, while economically impacting all poultry companies.

Respectfully submitted,



John Michael Good
Complex Manager, New Holland