



Tyson Foods, Inc.,
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November 12, 2001

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

Dear Sir or Madam:

This letter is in support of the Citizen's Petition extending the effective date of the Retained Moisture Regulation for poultry plants. Please consider our responses to the following questions:

Did FSIS allow sufficient time to prepare for implementation: why or why not?

Poultry industry was not given sufficient time to prepare for implementation. The following are some reasons why. Guidelines for this program were not published until well in to the implementation phase. After a testing protocol was developed and submitted we had to wait for a no objection letter and once the letter was received, supplies had to be ordered for the extra microbial testing. Running the experiment could take four to five weeks, but the overall process will take approximately 63 weeks. (11 weeks for running the experiment, analyzing data, summarizing data and developing a process control program and 52 weeks to collect data to accurately predict the amount of unavoidable moisture with a 95% confidence rate, as one year's worth of data will be required to take into consideration any seasonal differences) The year's data will then need to be analyzed to determine a percentage figure for the retained moisture. Without generating this information first, we cannot assume a percent moisture pickup based off one product. Stickers for a temporary fix until labels are produced with a moisture percent is not feasible because the fact is stickers are notorious for falling off and this would put the plant out of compliance, causing recalls and possible shutting their doors for economic adulteration.

Is available laboratory space sufficient or insufficient?

Laboratory space is insufficient and additional equipment and personnel may have to be added. This plant does not do Salmonella spp. testing so this will have to be sent out. Our Corporate Laboratory has estimated the time required for doing the Salmonella testing at 6 months. The plant labs are not equipped with drying ovens. The drying ovens had to be purchased and some plants may have to hire and train additional people to perform dry matter determinations. This plant is already doing approximately 10 E. coli



samples per day and with the added samples taken per the protocol, the number of samples will increase to approximately 60 E. coli samples per day.

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

Postponement would be fair for all parties involved. First, the industry plans to be in business from now on, and the only way to do something is to do it right the first time. With the postponement this can be accomplished. Second, the U.S. Agriculture Department, Food Safety and Inspection Service can also benefit by leading the way in the best business practices for this industry and being a model Division for consumer safety to all other areas in government. Third, and most importantly, the consumer will benefit from the postponement, because companies not able to meet the deadline will be forced to hold all products thus limiting the consumer and driving up prices of other protein markets. This will negatively effect consumer spending and all other industries such as trucking, advertising, and government due to the tax revenue lost through job reductions caused by the shutting down of the poultry industry.

Finally the industry intends to comply with the rule and provide consumers with information on the moisture content of the products they purchase. To give the consumer the best product he/she deserves will require additional time for developing and implementing procedures to ensure the consumer receives safe and wholesome food.

We hope you will consider these valid points and reevaluate and postpone the deadline for the Retained Moisture Regulation in poultry.

Sincerely

A handwritten signature in cursive script that reads "Gregory Duggan".

Gregory Duggan

QA Manager

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