



It's what your *family* deserves."

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01-030N-34  
Keith Riley

**Date:** 11/16/2001  
**To:** USDA, FSIS, FSIS Docket Room (Docket #01-030N)  
**From:** Keith Riley  
**RE:** Moisture Rule

I am in agreement with the petition filed against the Jan. 9, 2002 enforcement date of the moisture rule. The industry intends to comply with the rule. Without additional time to prepare this rule is likely to cause undue hardships on the consumer and the protein industry.

In response to questions set forth by USDA, we respond as follows:

Question 1: Did FSIS allow sufficient time to prepare for implementation; why or why not?

Sufficient time has not been allowed to prepare for implementation.

- To order to reach a 95% confidence level on a measurement of unavoidable moisture, at least one year of data will be required to account for seasonal differences.
- Some time will be required to analyze the years worth of data after it is collected.
- Material and supplies will have to be ordered to match the outcome of the test. This will also take additional time.

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Question 2: Is available laboratory space sufficient or insufficient?

Lab space is presently insufficient. We may also have to purchase additional equipment and hire additional staffing.

- Some labs are not presently equipped with a drying oven.
- Personnel will have to be hired and trained or trained people hired to operate the oven and perform dry matter determinations.
- Labs may also have to purchase additional equipment and hire additional personnel to perform the additional E.coli sampling required under the protocol.

Question 3: Is there additional information regarding the time to produce new labels which should be considered?

Yes there is additional information that needs to be considered.

- Packaging changes will require new plates to be made for the labels. Then the labels will have to be printed and delivered.
- There are limited label suppliers. Time will be required to supply all plants with the new labels.

Question 4: Would postponement be fair or unfair to anyone and, if so how?

Postponement would be fair to everyone.

- By not postponing this would greatly reduce the amount of protein produced by facilities therefore reducing the amount available for the consumer.
- With the reduction of protein volume in the market, this would increase the price of the available protein to the consumer.

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Question 5: Would postponement affect the consumer and, if so, how?

Postponement would be advantageous to the consumer.

- The consumer would continue to have an adequate number of options of proteins available to purchase.
- The effect on the customer's budget would be minimized.
- The consumer could continue to make informed decisions based on industries past performance, quality and value.

The industry intends to comply with the rule and provide the consumer with retained water information. However, it is in the best interest of all to allow adequate time for testing and preparedness to supply the consumer with accurate information. Without adequate time some businesses may be forced out of business and will be a burden on the consumer's budget.