

Docket Clerk
USDA-FSIS
300 12th Street, S.W.
Room 102 Cotton Annex
Washington, D.C. 20250



01-030N
01-030N-41
Ken Byrd

01 DEC 11 11:04 AM



Re: Docket No. 01-030N
“Announcement of and Request for Comment on Industry Petition to Postpone the Effective Date of Regulations Limiting and Requiring Labeling for Retained Water in Raw Meat and Poultry”

Pilgrim's Pride Corp. submits these comments in response to FSIS's request for information regarding the extension of the effective date for implementation of the regulations limiting and requiring labeling for retained water in raw meat and poultry.

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

No. The agency has not allowed sufficient time for plants to comply with the rule. The implementation period began in January, however, it was not until sometime in July that the agency could provide enough information, including model protocols, that the plants could even begin formulating protocols that would not be rejected. This would push protocol submission into August and September at the very earliest. After a waiting period of almost 30 days for FSIS to review and issue a “no-objection”, it would be October to November before plants could begin the testing process. Also, no data could be generated to reflect seasonal variation.

2. Is available laboratory capacity sufficient or insufficient?

The laboratories would be completely overwhelmed by the massive amount of laboratory analyses that would have to be conducted in the short timeframe as noted in #1 above.

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

Some plants have over 500 different labels in preprinted film. Not until the completion of the experimentation period can they begin the process of getting all new printing plates manufactured, followed by the actual printing of the film. This is a 3-6 month process if the vendors are only doing it for a limited number of plants. In actuality, this rush of industry to the labeling vendors will overwhelm their resources. There is no possible way they can produce the massive number of labels that industry will need in the very limited amount of time available.

Also, each plant has many thousands of dollars worth of labels already printed and in inventory. Industry needs a sufficient amount of time to utilize its already existing inventory of labels.



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

The lack of a postponement has the potential to completely disrupt the supply of poultry products to the American consumers and devastate the poultry industry. Not only would poultry companies, per se, suffer, but also the “domino” effect would have a serious negative impact on many related industries, including the American farmer.

The lack of a postponement would also be unfair to the regulated industry that is being force to render many dollars of packaging material obsolete without being given time to perform the necessary testing, especially in light of the long delay in providing information necessary for industry to implement the regulation.

5. Would postponement affect consumers and, if so, how?

Consumers would not be affected by a postponement. They would still be making purchase choices as they always have been. A postponement would not in any manner, put them in a situation where they would have less information on which to base those choices.

Pilgrim's Pride Corp. agrees with and supports the petition to extend the effective date of the implementation of the regulation. Pilgrim's Pride Corp. does not believe that the affected industries can be prepared to comply with the regulation by the date of January 9, 2002, as published in the final rule.

Pilgrim's Pride Corp. also believes that will be in our best national interest to extend the effective date of implementation of the regulation. Without the extension, the nation is faced with the possibility of a disruption in its supply of poultry meat and a possibly significant associated negative economic impact.

Respectfully submitted,

Ken Byrd, DVM
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Pilgrim's Pride Corp.