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01-030N 01-030N-52 David Thompson

FSIS Docket, (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

The following correspondence pertains to the Moisture Rule scheduled for enforcement by FSIS on January 9, 2002. In consideration of the above ruling, plant management at the Tyson Foods, Inc., Heflin facility is of the general consensus that postponing enforcement of the moisture rule would benefit consumers and industry as a whole. Therefore, our facility supports the recently submitted petition filed by the National Chicken Council (NCC), the National Turkey Federation (NTF), the American Meat Institute (AMI), and the National Food Processors Association (NFPA). The USDA has prompted establishment officials to generate comments on those concerns the agency has posed to the petition. These FSIS interrogatories and industry responses are listed below.

Did FSIS allow sufficient time to prepare for the implementation? There was not enough time to complete necessary tasks to ensure a smooth transition into this new protocol. The guidelines for the first part of this two-part rule were not published until after about half the implementation time had expired. Time was not sufficient to prepare for and complete the additional analysis and summarizing of the data necessary to determine the amount of unavoidable moisture necessary to achieve food safety. Ninety-five percent confidence of compliance will require a year of data collection to compensate for seasonal variations. Finally, there was not adequate time to develop a process control program to assure compliance with the new ruling and labeling requirements. In addition, packaging or labeling changes are at least a two-phase process, to include the making of new plates, and then the printing and delivery of new labels.

Is available laboratory space sufficient or insufficient? Presently, there is not adequate space in our laboratory for additional equipment, such as drying ovens. The plant will be required to determine effectiveness of the new chilling protocol as it pertains to food borne pathogens. Currently Salmonella testing is not being done at the plant laboratory and will require these samples to be shipped to approved laboratories. Also, the frequency that *E. coli* sampling and testing must be done, along with product moisture calculations, requires additional trained plant personnel.

In summation, the industry intends to comply with the prescribed rule and provide the consumer with retained water information. In order to accomplish the criteria set forth, industry must be given ample time to develop new procedures, collect and analyze data and then print packaging materials as required. A decision not to postpone the ruling would exclusively impede the poultry industry, eliminating a choice of proteins the consumer can purchase. Furthermore, allied industries would likewise be affected, such as transportation, advertising, retail food chains, and government agencies due to the reduction in tax revenue or job reductions facilitated by the impulsive implementation of the program.

Respectfully Submitted,



David Thompson
Plant Manager