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November 13, 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

01-030N
01-030N-7
Jack Gardner

Re: January 9, 2002 Enforcement Date of Moisture Regulation

I support the Citizen's Petition extending the effective date of the new Moisture Regulation.

Below are my comments on the following questions:

Question 1: Did FSIS allow sufficient time to prepare for implementation?

Response 1: No. Not enough time.

This was a two-part rule, with guidelines for the first part of the rule published after about half the implementation time had expired.

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.

Some time will again be required to analyze the year's worth of data to determine the 95% confidence for retained moisture at packaging.

We have 6 months of packaging on hand that must be used.

Placing stickers on the 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.

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

Response 4: Postponement would be most fair to everyone.

By not postponing the rule would effectively shut down the poultry industry, eliminating a choice of proteins the consumer can purchase.

This would also drive the price of other proteins up, again affecting the consumer's budget.

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

Response 5: Postponement would be the fairest action for the consumer.

The will continue to be able to make choices for their protein.

The effect on the consumer's budget would be minimized.

The consumer will be able to continue to make informed decisions based on the industries past level of performance, quality and value.

Sincerely,

Jack Gardner
Complex Manager

JG:bm

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