



It's what your *family* deserves."

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November 9, 2001

FSIS Docket Room (Docket # 01-030N)  
U.S. Department of Agriculture, Food Safety and Inspection Service  
Room 102, Cotton Annex  
300 12<sup>th</sup> Street SW  
Washington, D.C., 20250-3700

01-030N  
01-030N-9  
Greg Bohannon

Re: Comments to FSIS Question regarding the petition filed against the January 9, 2002 enforcement date of the moisture rule.

The industry intends to comply with the rule and provide the consumer with retained water information, however to do this, the industry must have time to develop new procedures, collect and analyze data and then print packaging material as required. Additional time is needed to comply with the rule.

In response to the questions set forth by USDA, below are our comments:

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

Response 1: Not enough time

- Once an approval has been received for the protocol submitted, supplies have to be ordered to handle the extra micro testing. Running the experiment will take a minimum of three weeks but could take four to five weeks over holiday weeks to keep from holding samples over a weekend.
- Organizing the data, analyzing and summarizing the data and determining the unavoidable amount of moisture to achieve food safety will take at least two to three weeks. The plant will then have to develop a process control program to assure they are not exceeding the unavoidable moisture level they need to maintain, this will take at least a month.
- 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.

Question 2: Is available laboratory space sufficient or insufficient?

Response 2: Not enough laboratory capacity plus will have to purchase additional equipment and perhaps add personnel.

- The plant does not conduct *Salmonella* spp testing so this will have to be sent out to the corporate lab. The corporate lab estimated the time required for doing the *Salmonella* testing of at least 6 months.



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- The plant lab is not equipped with a drying oven, this will have to be purchased and we will have to hire and train people to perform dry matter determinations.
- The plant lab currently performs 12 to 14 E. coli samples in a day; the protocol will require us to do 50 additional E. coli samples a day.

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

Response 3: Yes, there is additional information to be considered.

- Packaging changes are at least a two-phase process, the making of new plates, and then the printing and delivery of new labels.
- There is a limited amount of label making capacity, if 400 plants are requesting labels changes at the same time, some plants will be behind other plants in priority or chronology.

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. This would also drive the price of other proteins up, affecting the consumer's budget.
- All of the allied industries would likewise be affected, such as trucking, advertising and government due to the tax revenue lost through the job reduction caused by shutting the industry down.

Sincerely,

A handwritten signature in cursive script that reads "Greg Bohannon".

Greg Bohannon  
Plant Manager  
Tyson Foods Inc.  
Randall Road Cornish  
Springdale, Arkansas 72765