May 22, 2001

FSIS Docket Clerk
Docket No. 97-013P
USDA/FSIS
Room 102, Cotton Annex
300 12th Street, SW
Washington, DC 20250-3700

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AAMP, AMI,
NCC, NFPA,
NMA, NMCA,

2659

[Docket No. 97–013P] **Performance Standards for the Production of Processed Meat and Poultry Products; 66 *Federal Register* 12590; February 27, 2001**

Dear Ms. Moore:

For the reasons discussed below, the trade associations noted below respectfully request an extension of time to respond to the Food Safety and Inspection Service (FSIS or the agency) proposed rule noted above. On April 13, FSIS announced a 30-day extension for comments on this rulemaking until June 28, 2001 to provide opportunity for comment on issues raised at the technical conference and public meetings held May 8-10.

The proposed rule for the production of processed meat and poultry products is massive in scope. We commend the agency for hosting the May meetings because they provided significant new information and clarification of some elements of the proposed rule. However, a host of new questions arose and in many cases agency intent is still unclear. In addition, a significant number of data needs and substantive issues that must be addressed in our comments were also revealed.

At the same time, the agency requested a great deal of additional data and information from trade associations, ranging from industry estimates of the economic effects of this proposed rule, to how many plants will be affected, to how helpful the FSIS draft guidance materials will be for small and very small plants. We need additional time to obtain the substantial amount of information that the agency has requested.

During the meetings it became clear that there are issues with certain agency assumptions regarding the stabilization performance standards and that there are data gaps that could be addressed through industry data. We need time to survey our members to determine data availability. It was also apparent that greater flexibility is needed with respect to the cooling performance standard. Industry needs to assess potential approaches and determine how best to incorporate the needed flexibility.

The proposed requirement for testing food contact surfaces for *L isteria* spp most warrants the collection of data. Clearly more data on the relationship of *l isteria* spp. on food contact surfaces to *Listeria monocytogenes* (LM) and on the pot ntial for *Listeria* spp. on food contact surfaces to indicate LM contamination of product a e needed to assess the best approach to addressing this aspect of the regulation. It wou d appear that there may be some existing data that could better inform the agency on this issue. We propose to meet with the agency to determine the type and format of data th at could address this issue and then survey our members for available data. We also l ope to address the issue of the type of data that may indicate a harborage rather than isol ted sporadic contamination. In addition, industry commented on the need fo agency policies that encourage rather than discourage industry environmental testing We indicated that we would provide comments on how this proposal discourages testi ıg and provide examples of appropriate incentives for industry to test for and find the org nism.

Just prior to the meetings FSIS released its guidance documents for meeting the proposed performance standards. The industry needs time to assess these guidelines. Moreover, in the guidance documents the agency raised questions about the c rrent lethality performance standard in light of a soon-to-be-published paper m odeling *Salmonella* D-values in poultry. We need to evaluate this publication before w e can comment on this issue.

At the FSIS meetings, industry presenters and commenters were united in their opposition to the agency proposal to eliminate the current canni g regulations and replace them with performance standards. Nevertheless, agency official s made clear their interest in receiving further well-developed explanations of our concerns that would provide further support for our position and would inform the a ency determinations about how best to proceed. Also, in line with the agency's state l intent to provide the industry with maximum flexibility to conduct its operations in th e most efficient and effective manner to produce safe product, we stated that we wer willing to reexamine certain refinements to the existing regulations suggested to the a gency a number of years ago. In order to undertake this initiative and assure an industry consensus with recommendations that might result, we will need additional time.

With the industry still attempting to analyze and develop comm nts on the FDA/FSIS *Listeria monocytogenes* risk assessment and the FDA/FSIS LM Action Plan, and with considerable time and attention being devoted to industry/gover ment efforts to work cooperatively to prevent the introduction of BSE and FMD into he US, it is clear that we need more time to develop our comments on this proposed rule o they will be as meaningful as possible to the agency in making its determinatio ıs about its future plans.

For all of these reasons, we request that the agency extend the c›mment deadline for this proposal for an additional 120 days, until October 28, 2001.

Thank you for considering this request. We look forward to wo king with the agency on this matter.

Respectfully submitted,

American Association of Meat Processors
American Meat Institute
National Chicken Council
National Food Processors Association
National Meat Association
National Meat Canners Association
National Turkey Federation
North American Meat Processors Association
Southwest Meat Association