AMERICAN FEED INDUSTRY ASSOCIATION

December 23, 2003

Division of Dockets Management
(HFA-305)
Food and Drug Administration
5630 Fishers Lane
Room 1061
Rockville, MD 20852

Re: Registration of Food Facilities; Docket No. 02N-0276

The American Feed Industry Association (AFIA) appreciates this opportunity to submit comments regarding the Food and Drug Administration's (FDA) interim final rule on food facility registration. 68 Fed. Reg. 58,894 (Oct. 10, 2003).

AFIA is the national, not-for-profit trade association for feed and pet food manufacturers, ingredient manufacturers and suppliers, equipment manufacturers, and other firms that supply goods and services to the feed industry. AFIA's nearly 600 corporate members manufacture 75 percent of the nation's primary commercial feed. Because AFIA members would be subject to the interim final rule, AFIA offers these comments on their behalf.

AFIA commends FDA for its efforts to accommodate the concerns of the food and feed industries in the interim final rule on registration. A few further clarifications are needed to explain the impact of the regulation on the feed industry. In particular, AFIA requests that FDA clarify the scope of the exemption for meat and poultry slaughter and processing facilities.

The interim final rule exempts facilities that are regulated exclusively, throughout the entire facility, by the U.S. Department of Agriculture (USDA). 21 C.F.R. § 1.226(g). In the preamble to the interim final rule, FDA states that this exemption applies to "[a]ny USDA-inspected facility that slaughters only poultry, cattle, sheep, swine, equines, or goats." 68 Fed. Reg. at 58,903.

AFIA believes that the scope of this exemption requires further clarification in the final rule. For example, many USDA-inspected slaughter facilities also engage in rendering or bone meal production, processing operations that are technically regulated by FDA. It is not clear whether such facilities are required to register. In addition, meat and poultry slaughter and processing facilities in foreign countries are inspected by foreign government agencies but are audited by USDA. It is not

2002N-0276 C191

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clear whether such foreign facilities are covered by this exemption. AFIA requests that FDA clarify whether this exemption extends to such facilities.

We appreciate this opportunity to comment.

Respectfully submitted,

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