

North American Millers' Association

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July 8, 2003

Dockets Management Branch (HFA-305)
Food and Drug Administration
5630 Fishers Lane, rm. 1061
Rockville, MD 20852

Re: Docket No. 02N-0275, Proposed Rulemaking "Administrative Detention of Food for Human or Animal Consumption Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002"

To Whom It May Concern:

The North American Millers' Association (NAMA) appreciates the opportunity to comment on the Food and Drug Administration's (FDA) proposed regulation on the administrative detention of food for human and animal consumption under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (a.k.a. The Bioterrorism Act). The tragic events of September 11, 2001 demonstrated the need to protect the U.S. public from the threat of terrorist attacks and the FDA plays an important part by ensuring the security of the U.S. food supply. NAMA supports the increased focus on the security of the U.S. food supply and the efforts of Congress and the FDA to strengthen the agency's ability to guard against potential attacks.

As the national association representing 46 milling companies and over 95% of the U.S. milling capacity for wheat, corn, oats and rye, NAMA and its members have a vested interest in maintaining a safe food supply. To help maintain a safe food supply NAMA members work diligently to comply with all U.S. regulations governing food safety and plant security. In addition, NAMA members often set higher internal standards in order to ensure the products a mill is processing are of the highest possible quality.

Since NAMA members firmly believe in the need for a safe food supply and to protect the public from future terrorist attacks directed at the food supply, NAMA members support useful and logical enhancements to FDA's detention authority.

02N-0275

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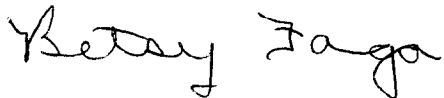
However, as members of the entire food chain and companies in the business of providing food to U.S. and foreign customers, NAMA wants to emphasize one point that the FDA should consider in when implementing the final regulations.

Judicious Use of Authority

FDA officials have previously stated in public meetings that the administrative detention authority will rarely be used and reserved solely as another tool available to the agency. NAMA encourages the FDA to carefully and judiciously employ any of the additional authorities granted it under the Bioterrorism Act. This authority should be reserved for occasions when all other possible solutions have been exhausted. The administrative detention authority is designed to fill a possible gap in the current authority FDA has to protect against a terrorist attack on the food supply and should be used only when necessary.

Thank you for the opportunity to provide comment on this proposed regulation. NAMA looks forward to working with the FDA on these and other regulations to help ensure the security of the U.S. food supply. If you have any questions please contact me at 202/484-2200, ext. 104 or at bfaga@namamillers.org.

Sincerely,

A handwritten signature in cursive script that reads "Betsy Faga". The signature is written in black ink and is positioned above the typed name and title.

Betsy Faga
President