



NATIONAL CATTLEMEN'S BEEF ASSOCIATION

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August 18, 2005

95-051P
95-051P-5
Leah Wilkinson

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FSIS Docket Clerk
Docket No. 95-051P
U.S. Department of Agriculture
Food Safety and Inspection Service
Room 102, Cotton Annex Building
300 12th Street, SW
Washington, DC 20250-3700

Re: Docket No. 95-051P "Food Standards; General Principles and Food Standards Modernization"

Dear Docket Clerk:

On behalf of the National Cattlemen's Beef Association (NCBA), I want to express our appreciation for the opportunity to comment on the Food Safety and Inspection Service (FSIS) Docket No. 95-051P "Food Standards; General Principles and Food Standards Modernization." Producer-directed and consumer-focused, NCBA is the trade association of America's cattle farmers and ranchers and the marketing organization for the largest segment of the nation's food and fiber industry.

NCBA supports the efforts of FSIS and the Food and Drug Administration (FDA) to establish general principles for food standards and a process for modernizing them. Food standards should allow for the development of new technologies while continuing to protect consumers. The establishment of general principles will prove important as it sets a foundation for the food industry to propose revisions or eliminations of food standards and to know how the agency will respond. In general, we support the draft general principles but would like to comment on a few specific issues for the agency to consider.

1. The proposed rule will rely on external groups to petition for changes or elimination to current standards of identity. By putting the burden of responsibility on the industry or consumers, has FSIS evaluated the impact this may have on the ability of small and very small plants to be involved in the petition process? NCBA encourages FSIS to establish a system that allows all external groups to participate. One additional measure that may help participation is for FSIS to develop guidance materials that clearly demonstrate the requirements and expectations.

2. FSIS states in the proposed rule that the petitioner should consult with different interest groups as they develop the petition and submit any documentation of concurrence. FSIS then states that “appropriate weight would be given to petitions that reflect a consensus of different interest groups.” While we support the idea of gaining consensus, we encourage FSIS to define what constitutes consensus.

3. The proposed rule states that FSIS will move to verification of compliance with final product in order to protect consumers and reduce compliance costs. NCBA understands the proposal by FSIS but has a few questions to ensure that we do not change the profile of products that consumers expect with the established standard.

4. In the current FSIS Labeling Policy Book (August 2005 edition), the amount of meat required for some standards is explicit for cooked product, others are not. Some examples from the Policy Book are below (emphasis added).

BEEF BURGUNDY OR BOURGUIGNONNE:

The product must contain **at least 50 percent beef**. Product contains beef cubes, mushrooms, onions, and red wine or burgundy gravy. May include other vegetables, e.g., carrots, shallots, tomato paste, or potatoes. Other acceptable names include —Beouf A La Bourguignonne,“ —Beef Burgundy Style,“ —Beef Burgundy,“ and —Burgundy Beef.“

BEEF A LA KING:

The product must contain at **least 20 percent cooked beef**.

BEEF STROGANOFF:

A dish with a creamy sauce prepared with beef cut into narrow strips or cubes and sautéed. Product labeled —Beef Stroganoff” should be prepared with a formula, which includes **at least 45 percent beef, or 30 percent cooked beef**.

1. The product must contain at least 10 percent sour cream, or
2. 7.5 percent sour cream, and 5 percent wine, or
3. 9.5 percent whole milk, 2 percent sour cream, and 2 1/2 percent wine.

As you can see from the examples, in order to meet the objective of determining compliance on a finished product basis, modifications will need to be made to some of the standards. However, the proposed rule does not specify how these changes will be made. Will FSIS do the calculations to make sure the proper amount of ingredients are still used and then propose these changes? Will FSIS require the industry to petition for these changes? With the agency wanting to achieve reduced compliance costs, how will the agency manage a system where some of the standards are on a finished weight basis and the rest are not?

We appreciate the opportunity to comment on this proposed rule. NCBA supports the efforts of FSIS and FDA to establish a clear process to modernize food standards. Doing so will ensure that consumers continue to be protected while allowing the technical advances of the food industry to provide products that consumers want in the marketplace. Thank you for considering our comments.

Sincerely,

A handwritten signature in cursive script that reads "Leah Wilkinson".

Leah Wilkinson
Director, Food Policy