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August 13, 2004

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

Re: Docket No. 2004N-0264, Federal Measures to Mitigate BSE Risks:
Considerations for Further Action

To Whom It May Concern:

Simmons Foods, Inc., offer the following comments regarding FDA's Docket No. 2004N-0264, the agency's advance notice of proposed rulemaking (ANPR) and the invitation to comment on federal measures to mitigate BSE risks: Considerations for further action.

Simmons Foods, Inc. is one of our nation's top 18 totally integrated poultry companies in the United States with operations in Arkansas, Missouri and Oklahoma. Simmons Foods, Inc. is also a major render of poultry by-products producing poultry protein products from our company as well as eight other large integrated poultry processing operations.

FDA together with USDA's Food Safety and Inspection Service (FSIS) and Animal and Plant Health Inspection Service (APHIS) have published an ANPR that requests comments and specific information regarding possible regulatory measures to mitigate the risk of BSE.

These additional measures are being contemplated in response to the report of the International Review Team's report.

The published ANPR requests comments on numerous items relating to the BSE issue. One of the items on which comments were requested was regarding Mammalian and Avian Protein:

As reported in the "Feed restrictions" section of the International Review Team's report: "The International Review Team recommends that the current feed ban be extended to exclude all mammalian and poultry protein from all ruminant feed, and that this ban as well as measures to prevent cross contamination be strongly enforced. This recommendation must be enforced through an inspection program including sampling and testing of feed."

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It is this section of the ANPR that Simmons Foods, Inc. wishes to comment. The recommendation or possible rule making that would ban all poultry protein from all ruminant feeds is totally without any scientific or research data to support such an action. It is for this reason that Simmons Foods, Inc. requests that all poultry protein, including poultry by-product meal, feather meal, poultry fat and poultry blood meal, not be banned from ruminant feed.

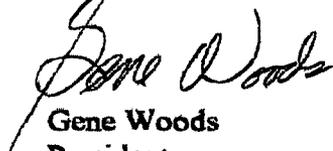
If poultry protein were banned from ruminant feed it would exert a devastating economic loss to Simmons Foods, Inc. and the entire poultry industry. It would also remove many needed non-ruminant natural sources of protein for the ruminant feeding industry. If FDA bans the use of poultry protein in ruminant diets the perception that action would convey to the pet food industry and pet owners would also destroy that major market for poultry protein and fat.

The International Review Team's recommendations were made from a view point of the extreme BSE problem in the United Kingdom and Europe where there has been a severe incidence of BSE. The United States has never had a known case of an animal born in our country being infected with BSE and nothing has been shown to warrant the banning of poultry protein in ruminant feed. Our government agencies recognized a potential BSE problem prior to 1997 and have established adequate criteria to prevent any need for such a proposed rule.

Simmons Foods, Inc. opposes any restrictions on all avian protein sources, as scientifically indefensible and strongly recommends that FDA follow a policy of adhering to sound scientific research when formulating regulatory policies and make no rules that would ban poultry protein in ruminant feeds.

Thank you for your consideration and the opportunity to submit our comments for the public record.

Sincerely



Gene Woods
President
Protein Division