

From: Mel Brown [MBrown@bakercommodities.com]
Sent: Tuesday, July 20, 2004 2:39 PM
To: fdadocket@oc.fda.gov
Cc: Jim M. Andreoli; Dennis Luckey
Subject: Request For Extension Of Comment Period

2004N-0264

EXT10

July 20, 2004

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

VIA ELECTRONIC MAIL

REQUEST FOR EXTENSION OF COMMENT PERIOD

Docket No. 2004N-0264

Baker Commodities Inc. respectfully submits this request that the Commissioner of Food and Drugs extend the comment period in the above matter for an additional 60 days.

A. Decision involved

The Food and Drug Administration (FDA) has announced that it will publish an advance notice of proposed rulemaking (ANPRM) on possible changes to its feed regulation (21 C.F.R. § 589.2000) and other additional measures being considered to mitigate the risk of bovine spongiform encephalopathy (BSE). 69 Fed. Reg. 42288 (July 14, 2004).

B. Action requested

Baker Commodities Inc., Phoenix Division, requests that FDA extend the comment period on this ANPRM from 30 days to 90 days.

We request that FDA give expedited consideration to this Request for Extension of Comment Period.

Baker Commodities Inc., Phoenix Division, urges FDA not to publish a proposed rule banning SRMs from animal feed until the agency has reviewed and considered the comments on this ANPRM relevant to an SRM ban.

C. Statement of grounds

The changes being considered to FDA's feed rule are extremely complex and if enacted will have a severely detrimental financial impact on our company and industry as well as limit our ability to provide continued employment to those who have worked so hard to provide the necessary services and products that our customers have come to expect. If the ANPRM relevant to SRMs goes into effect, the Phoenix Division of Baker Commodities Inc. will have to curtail the processing of dead stock. The Arizona temperatures and its effect on dead stock will prevent the removal of the SRMs. This will eliminate plant workers, as we will revert solely to a dead stock retrieval service provider, utilizing landfills as our source of disposal. The cost increase of landfills and the elimination of end product value will be passed on to the Dairy's and Feedlots effected by this potential ruling. FDA states that it needs to receive comments as soon as possible so that it can publish a proposed rule to ban SRMs in all animal feed. This is a serious matter that will require significant time and resources to properly comment on the 25 questions pertaining to the feed rule that potentially will change our industry and other related industries. Baker Commodities Inc., Phoenix Division, believes that such a short comment period is insufficient to provide for an adequate response to questions with such complexity that will have such far-reaching impacts on our industry and the industries we serve. It is our position that in order to properly respond to these questions, it is imperative that additional time be allowed for Baker Commodities Inc., Phoenix Division, to submit comments and accurate data for FDA's review.

For these reasons Baker Commodities Inc., Phoenix Division, urges FDA to allow a 90-day comment period for the ANPRM.

Thank you for consideration of this request.

Sincerely,

Baker Commodities Inc., Phoenix Division

Mel Brown
Division Manager