

PEOPLE FOR PURE FOODS

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May 4, 1999

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Dockets Management Branch
Food and Drug Administration
Department of Health and Human Services
Room 1-23
12420 Parklawn Drive
Rockville, Maryland 20857

PETITION FOR STAY OF ACTION

The undersigned submits this petition requesting the Commissioner of Food and Drugs stay the effective date of the following matter.

A. Decision Involved

The Food and Drug Administration (F.D.A.) is considering proposing revisions of its labeling requirements for foods treated with ionizing radiation. The F.D.A. has published an Advanced Notice of Proposed Rulemaking (A.N.P.R.M.), 'Irradiation in the Production, Processing and Handling of Food', Docket No. 98N-1038, in the Federal Register, Vol. 64, No. 31, pp. 7834 - 7838, February 17, 1999, and requesting that written comments be submitted by May 18, 1999.

B. Action Requested

This petition is for a one hundred and twenty (120) day stay, running through September 15, 1999 in the administrative action concerning the submission of written comments in response to the A.N.P.R.M. - Docket No. 98N-1038, which requires that written comments must be submitted by May 18, 1999.

C. Statement of Grounds

F.D.A. published the aforesaid A.N.P.R.M. to request public comment on whether revisions of the current labeling requirements for irradiated foods in 21 C.F.R., section 179.26, are needed to accomplish the objectives outlined in the F.D.A.M.A. (Pub. L. 105-115, November 21, 1997), section 306 and the F.D.A.M.A, Joint Statement. The F.D.A. raises fifteen (15) issues regarding the labeling of irradiated foods and encourages interested persons to address the fifteen (15) questions listed at 64FR7836, February 17, 1999, in written comment that must be submitted by May 18, 1999.

PEOPLE FOR PURE FOODS feels strongly that foods exposed to radiation from either cobalt-60, cesium-137, or other ionizing sources of gamma radiation require, at a minimum, labeling under 21 C.F.R., section 179.26 (c) (1) and (2). The compelling need for unambiguous labeling of irradiated foods is clearly a consumer right to know issue. Thus, individual consumers and consumer organizations need more time to

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to become more fully aware of the A.N.P.R.M. - Docket No. 98N-1038, the issues raised therein, and to formulate responses to the fifteen (15) questions posed by the F.D.A. In addition, health conscious consumers and/or consumer groups may want to respond to these questions with comments about the compelling need for labeling because of the numerous technical effects produced by the exposure of foods to radiation.

It is a well established legal principle and a policy of government that consumers deserve more information about the products they purchase; in the case of foods, this is vitally important. Consumers want more information about the foods they buy and eat, not less.

In addition, during the time interval of this A.N.P.R.M., February 17 through May 18, 1999, most state legislatures have been in session and individual legislators or legislative committees have been pre-occupied with normal business and not able to become aware of and informed about the ramifications of this A.N.P.R.M. Additional time is required for the state legislators, as the representatives of their constituents in the various states, to submit knowledgable comments to the fifteen (15) questions posed by the F.D.A.

Therefore, PEOPLE FOR PURE FOODS submits that in is in the broad public interest for the Commissioner to stay this action and grant a one hundred and twenty (120) day delay in date for submission of written comments, until September 15, 1999.

D. Certification

The undersigned certifies that, to the best of my knowledge and belief, this petition for stay of action includes all information and views on which the petition relies, and that it is a true statement of the issues addressed herein.


Jeffrey H. Reinhardt
Founder

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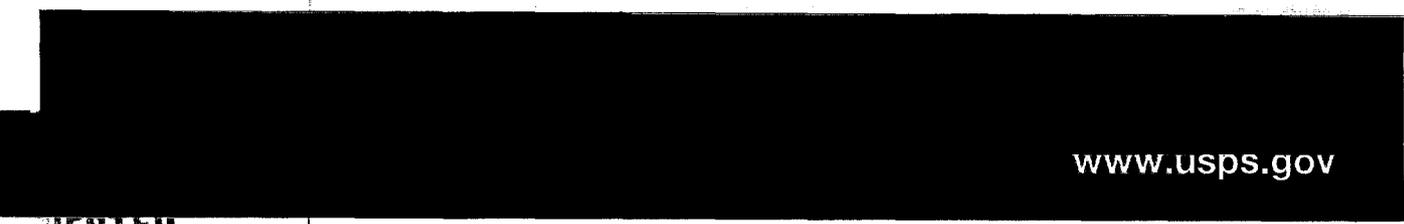
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Attention: Docket No. 98N-1038

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