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Division of Dockets Management  
Food and Drug Administration  
5630 Fishers Lane, Room 1061  
Rockville, MD 20852

[Docket Nos. 1996P-0418, 1997P-0197, 1998P-0203, and 2000N-0504]

Dear Sir or Madam:

I am writing to comment on the Food and Drug administration's proposed rule on Salmonella Enteritidis in shell eggs. I am an egg producer in Modesto, California and we formed a cooperative several years ago to market eggs throughout Northern California called NuCal Foods. Food safety is not only a requirement for our people to adhere to but a way of our life. As you may know, medical information from the Centers for Disease Control discloses that our Quality Assurance Programs in California have made a significant improvement in having no outbreaks the past five years.

In 1994 California Egg Producers worked cooperatively with the California Dept. of Food and Agriculture (CDFA), USDA, CONS, CAHFS and DFA to develop the California Egg Quality Assurance Plan (CEQAD). This plan required inspections by (CDFA) and training for all of our employees to insure food safety. This program provides the protection that is equivalent to what FDA is seeking, works well with every producer and there is no reason to try and "reinvent the wheel" and start another expensive unneeded program.

Our CEQAP Program is designed so that when environmental testing is conducted it follows a protocol shortly before depopulating which gives us a time to take the corrective actions when its least disruptive.

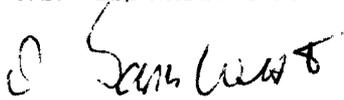
The FDA requirement that if eggs are held for more than 36 hours that they should be refrigerated at 45 degrees could possibly cause thermal checking which has the potential of allowing SE or other pathogens to enter the egg. When eggs are washed, there is a higher incidence of checks and cracks if they have previously been refrigerated.

The FDA Biosecurity Requirement could be so burdensome and expensive that the smaller producers could conceivably go out of business due to the additional labor and compliance costs.

In conclusion, our company and our state CEQAP program is working, is safe and we are all dedicated to delivering a safe product to our customers. The additional costs associated with this FAA proposal are unnecessary, will not improve our existing program and could drive more farmers out of business.

Sincerely,

J. S. WEST MILLING COMPANY

  
D. Gary West  
President

Cc: Howard Magwire

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