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April 1, 2003

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

ATTN: Docket No. 02N-0275

To Whom It May Concern:

I am writing to express comments regarding Title III of the Bioterrorism Act of 2002. I understand the importance of the mandate FDA has been given to protect the security of our food supply, and also the complexity of implementing such a comprehensive act. However, as someone who is dealing with the logistics of importing perishables daily, I have some significant concerns regarding some of the proposed implementation.

Generally, the proposed rules appear to fit much more with ocean-going shipments than with air freighted perishable products and I would request that FDA look more closely into providing a difference in the regulations for product that is highly perishable, and thus under a different logistics timeframe.

Specifically, I am concerned about the Prior Notice provisions. In the business of perishables, we many times do not know what will be shipped until just hours before the plane leaves the exporting country. I feel that a six hours prior notification is the most that anyone importing perishables could feasibly give. Additionally, when working with perishable items there are many last-minute changes due to the perishable nature of the products. For example, a different product or variety may be substituted at the last moment before departure if the initial one is not available. Thus, our industry requires much more flexibility on amendments and updates, allowing for these last-minute changes.

I appreciate the work that FDA is doing in looking for industry input on these regulations and encourage you to continue to explore the unique nature of perishables before implementing any regulations that will result in a headache for all of us.

Sincerely,

A handwritten signature in black ink, appearing to read "Drew Kislin".

Drew Kislin  
President

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