



1003

1003

VIA ELECTRONIC TRANSMISSION AND MAIL

April 4, 2003

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

**Re: Docket No. 02N-0277
Comments on NPRM respecting regulations implementing H.R. 3448, Public Health
Security and Bioterrorism Response Act of 2002**

The International Air Transport Association ("IATA") by means of this letter provides its comments on the NPRM developed by the FDA regarding prior notice for importation of food, pursuant to the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 and published in the February 3, 2003 Federal Register.

IATA is the industry association for the world's air carriers operating scheduled international air transport services. It consists of approximately 280 members, who engage in passenger and cargo transport.

Section 1.288 of the proposed Regulation would require an importer to provide prior notice of name and contact information of the carrier or carriers bringing the subject food into the United States. IATA notes that in many instances, particularly as concerns freight forwarders, this information is not known at the time that the food may be tendered to the freight forwarder by the shipper. Cargo uplift is often provided on a space available basis, and several carriers may in fact travel from the point of departure to a particular U.S. port of entry. Moreover, equipment difficulties may result in the use of a substitute carrier at the last minute.

IATA notes that the submission of the Air Transport Association ("ATA") presents a means of dealing with this potential difficulty, and IATA is supportive of this approach. IATA also hopes that the FDA will co-ordinate with Customs and TSA regarding any advance cargo shipment notification requirements under consideration so as to ensure consistency and avoid redundancy.

If you require any specific information from IATA, please do not hesitate to contact the undersigned.

Yours sincerely,

Mark MacKeigan
Senior Legal Counsel

02N-0277

C28

800 Place Victoria
P.O. Box 113
Montreal, Quebec

Tel: +1 (514) 874-0202
Fax: +1 (514) 874-9632

International Air Transport Association