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March 24, 2003

Mr. Robert Lake  
Director Office of Regulations and policy  
Centre for Food Safety and Applied Nutrition  
Dockets Management Branch  
Food and Drug Administration  
5630 Fishers Lane Room 1061 Rockville MD. USA, 20852

Dear Mr. Lake

Re Docket number 02-0278  
Title: Section 307 Bioterrorism Preparedness;  
Prior Notice of Imported Food Shipment

**When must notice be submitted:** In section S1.286 prior notice must be submitted no later than noon of the calendar day before the day the article of food arrives at the port of entry.

The members of the North Atlantic Seafood Association (see attached list) would ask FDA to consider having **two** categories of products for prior notice. Shipments of fresh and perishable products to the USA port of entry would have to be preceded by a prior notice to FDA of not less than **four** hours before the shipment arrives. Fresh and perishable seafood would not be allowed an amendment to the initial pre notification information. All other shipments of seafood would be subject to the proposed pre notification regulation. Such shipments would be allowed to be amended up to 2 hours prior to arrival if such intent to amend was given with the original notice.

This change is requested in order to accommodate members who have operations close to the border or who ship fresh seafood by air to the USA market. Often such air shipments are on a space available basis and the shipper is only aware of the final makeup of his seafood when the plane had departed. The proposed time of noon the day prior would make air shipping of seafood to America virtually impossible on a small lot basis.

**The proposed rule for originating country is trade restrictive:** In section S1.277 of definitions it defines the originating country for purposes of notification of wild caught fish that is harvested from waters of the USA or by a USA flagged vessel to be from the USA. Otherwise the originating country is the country under which the harvesting vessel is flagged.

02N-0278

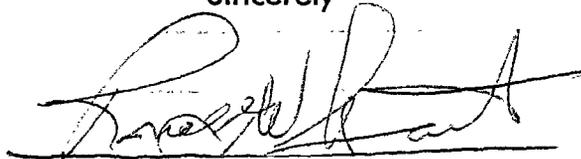
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The North Atlantic Seafood Association would propose that the county of origin used by the WTO and by USA Customs in the regulation of trade would be used to designate the country of origin of seafood products imported to the USA under FDA inspection. Changing the rules for prior notification will require fish processors to maintain complete records on county or origin for USA customs documentation and Originating country for FDA based on harvesting vessel flag. This is an undue paper and record keeping burden for exporters importers and distributors in the USA . This record keeping burden becomes particularly critical in that the prior notice must be given by the Importer, customer or their agent.

There are additional requirements such as having a USA agent for purposes of plant registration that will have cost implications to seafood imports but the members of NASA appreciate that the goal of FDA is to have increased confidence by citizens in their food supply. To that end NASA members are prepared to work with FDA in the successful implementation of the new final regulations. We do however request careful consideration of the proposed changes outlined.

Sincerely

A handwritten signature in black ink, appearing to read "Ron Whynacht", written over a horizontal line.

Ron Whynacht  
Chairman of the Board

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**2003/2004 Chairman and Board of Directors**

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