

18

JUL 26 2001

The Honorable Richard G. Lugar
Ranking Minority Member
Committee on Agriculture, Nutrition,
and Forestry
United States Senate
Washington, D.C. 20510-6000

Dear Senator Lugar:

Thank you for your letter of June 13, 2001, regarding the placement of safe handling instructions on egg cartons. You asked the Food and Drug Administration (FDA or the Agency) to consider allowing the instructions to be placed on the inside lid of the egg carton.

As you know, on December 5, 2000, FDA published a final rule to require a safe handling statement on the principal display panel or information panel of cartons of shell eggs that have not been treated to destroy *Salmonella* microorganisms. The required statement is as follows: "SAFE HANDLING INSTRUCTIONS: To prevent illness from bacteria: keep eggs refrigerated, cook eggs until yolks are firm, and cook foods containing eggs thoroughly." This action was taken as part of a larger Egg Safety Action Plan to reduce the number of illnesses and deaths caused by *Salmonella* Enteritidis associated with the consumption of shell eggs. This rule becomes effective on September 4, 2001.

After publication of the final rule, FDA received requests from egg carton manufacturers requesting that the safe handling statement appear on the inside lid. The Agency intends to initiate rulemaking to propose the option of placing the safe handling statements on the inside lid. Until such rulemaking is complete, we will consider how to handle such requests on a case-by-case basis.

We would like to point out that the final rule provides that States and localities may, under their own jurisdictions, enforce the safe handling-labeling requirement. Please understand that States and localities may choose to enforce

Page 2 - The Honorable Richard G. Lugar

the regulations as they now stand unless or until they are amended through notice and comment rulemaking.

Thank you again for contacting us about this manner. We appreciate your interest in FDA's food safety programs. If you have further questions, please let us know.

Sincerely,



Melinda K. Plaisier
Associate Commissioner
for Legislation

cc: The Honorable Tom Harkin
Chairman
~~Committee on Agriculture, Nutrition,~~
and Forestry
United States Senate