

July 21, 2004
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Division of Dockets Management
(HFA-305)
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, MD 20852

VIA ELECTRONIC MAIL

REQUEST FOR EXTENSION OF COMMENT PERIOD

Docket No. 2004N-0264

Boer Commodities Inc. respectfully submits this request that the Commissioner of Food and Drugs extend the comment period in the above matter for an additional 60 days.

A. Decision involved

The Food and Drug Administration (FDA) has announced that it will publish an advance notice of proposed rulemaking (ANPRM) on possible changes to its feed regulation (21 C.F.R. § 589.2000) and other additional measures being considered to mitigate the risk of bovine spongiform encephalopathy (BSE). 69 Fed. Reg. 42288 (July 14, 2004).

B. Action requested

Boer Commodities Inc. requests that FDA extend the comment period on this ANPRM from 30 days to 90 days.

We request that FDA give expedited consideration to this Request for Extension of Comment Period.

Boer Commodities Inc. urges FDA not to publish a proposed rule banning SRMs from animal feed until the agency has reviewed and considered the comments on this ANPRM relevant to an SRM ban.

C. Statement of grounds

The changes being considered to FDA's feed rule are extremely complex and if enacted will have a severely detrimental financial impact on our company and industry as well as limit our ability to provide continued employment to those who have worked so hard to provide the necessary services and products that our customers have come to expect. Boer Commodities, Inc. is losing business due to suggested feeding changes that have yet to be shown to be backed by science. These suggestions have caused loss of revenue for processing and blending operations we work with. Time is needed to be sure

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the guidelines put into place are necessary to protect the American consumer. Banning poultry protein does not seem reasonable in our view as there is still not proof that BSE will cross species lines as is being suggested. This is a serious matter that will require significant time and resources to properly comment on the 25 questions pertaining to the feed rule that potentially will change our industry and other related industries. Boer Commodities Inc. believes that such a short comment period is insufficient to provide for an adequate response to questions with such complexity that will have such far-reaching impacts on our industry and the industries we serve. It is our position that in order to properly respond to these questions, it is imperative that additional time be allowed for Boer Commodities Inc. to hear the facts and FDA to review thoroughly.

For these reasons Boer Commodities Inc. urges FDA to allow a 90-day comment period for the ANPRM.

Thank you for consideration of this request.

Sincerely,

Boer Commodities Inc.
Fresno, CA


Dennis Ralston
President