**INDEPENDENT BAKERS ASSOCIATION**

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December 9, 2002

Dockets Management Branch (HFA-305)
Food and Drug Administration
Department of Health and Human Services, Rm. 1061
5630 Fishers Lane
Rockville, MD 20852

**Re: Docket No. 94P-0036 (Trans Fatty Acids
Footnote—Request for Extension of
Comment Period)**

Dear Sir or Madam:

The Independent Bakers Association (IBA) respectfully requests that the Food and Drug Administration (FDA) extend the comment period for the footnote provision in the *trans* fatty acid rulemaking by at least 60 days beyond the current Dec. 15, 2002 deadline. IBA is a national trade association consisting of over 450 wholesale bakers, suppliers, manufacturers and distributors serving the baking industry. The association's members are responsible for roughly half of U.S. production of baked products.

IBA has carefully reviewed FDA's proposed rule for "Food Labeling: *Trans* Fatty Acids in Nutrition Labeling, Nutrient Content Claims, and Health Claims; Reopening of the Comment Period." We believe that the time period currently provided is inadequate to allow for sufficient preparation of comments by interested parties, including IBA. The 30-day time frame is too short for not only industry members, but also for international trading partners, particularly Canada, to properly communicate with FDA.

As we speak, our members are circulating and reviewing IBA's comments for submission. Time is needed for this process to occur, and it is impossible for our members to adequately provide their input given the current short time frame. If IBA's comments are to reflect the sentiments of our segment of the wholesale baking industry, then it is imperative that more time be given. Since the

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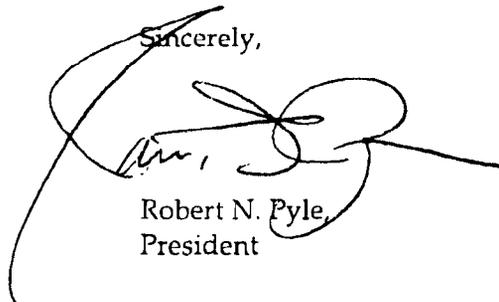
footnote provision would greatly impact the baking industry if finalized, the association wants to ensure that its comments are comprehensive and accurate.

Furthermore, the current comment period not only includes Thanksgiving holiday weekend, which is a major four-day holiday for most businesses, but it also concurs during the baking industry's busiest season of the year. This is also the case for many sectors of the food industry, as manufacturers are preparing their inventory for the holiday season. As the title Independent Bakers Association suggests, many of our members are smaller businesses who do not have the resources or personnel to simultaneously prepare for the holiday season while giving enough attention to the *trans* fat footnote matter.

FDA's proposal for the *trans* fat footnote provision is a significant one, and would deeply affect the baking industry if implemented. If made final in its present form, the proposal would have considerable impact on consumers' ability to comprehend the Nutrition Facts panel. It is essential that more time be given for the entire food industry to properly address this matter. We therefore request FDA to extend the comment period by at least 60 days.

Thank you in advance for your attention to this serious matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Pyle', is written over a large, stylized circular flourish. The signature is positioned above the printed name and title.

Robert N. Pyle,
President

cc: Joe Davis, McKee Foods
Marvin Eversdyke, Chairman, IBA