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BEFORE THE FOOD AND DRUG ADMINISTRATION

In the matter of:

**Dockets 02N-0276, 02N-0277, 02N-0278 and 02N-0275
(Bio-terrorism and the Food Supply)**

Filed by:

**National Tank Truck Carriers
2200 Mill Rd.
Alexandria VA 22314**

**703/838-1960 Fax: 703/684-5753
email: jconley@tanktruck.org**

**Clifford J. Harvison
President**

August 29, 2002

02N-0275

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Before the Administrator:

National Tank Truck Carriers is a trade association composed of approximately 180 trucking companies which specialize in the cargo tank and dry bulk trailer transportation of a variety of bulk commodities. At least 30 of our members are substantially engaged in the transportation of liquid and dry food products in bulk

NTTC attended a meeting with Food and Drug Administration (FDA) officials and representatives from other trade associations on August 1, 2002, in Washington D.C. At that meeting, we were requested to submit preliminary comments by August 30 on a Rulemaking being developed in response to the Bioterrorism Preparedness Act of 2002. These comments are being submitted to comply with that request. We plan to file additional comments as the rulemaking proceeds.

Our comments will discuss only transportation of food products in bulk. These materials include such liquid commodities as corn syrups, orange juice, wine, milk, chocolate, and liquid sugars, and dry materials such as flour and cornstarch.

There are two types of trucking fleets. Private fleets are companies that produce a product and use their own trucks in manufacturing and distributing that product. For-hire fleets own trucks, which they use to haul products for compensation from manufacturers of the bulk materials. They provide a transportation service to whatever customer buys that service. NTTC represents the for-hire fleets.

Section 305 (Registration of Food Facilities). Docket 02N-0276

As for-hire trucking companies, NTTC members do not manufacture foods and should not be required to register as food facilities.

On some occasions, a carrier may park a loaded trailer at its terminal for further dispatch. This would normally be done within 24 hours of loading. Also, some carriers may have a rail siding where food is stored in a railcar until loaded into a trailer for further delivery. If the Administrator determines that such activities meet the definition of "facilities," details on minimum amounts of product and storage times to be covered should be well explained.

Section 306 (Establishment and Maintenance of Records) Docket 02N-0277

Carriers and shippers generate "shipping papers" or "bills of lading" for the products they transport. While there is no standard, government-mandated format for these papers, they do, at a minimum, list what the product is, the weight or volume of the product, where the product was picked up (shipper), and where the product was delivered (consignee). Dates of pickup and delivery are included. These transportation documents are retained for at least two years, as they are used for billing and other requirements. A

copy of a delivery receipt used by one of our members is enclosed as part of these comments.

NTTC urges the Administrator to recognize transportation paperwork currently utilized in the trucking industry as meeting any record-keeping requirements. We also urge that electronic record keeping be authorized.

Section 307 (Prior Notice of Imported Food Shipments) Docket 02N-0278

NTTC members do transport food products in tank and bulk trailers across the borders from Canada and Mexico. They also transport intermodal tank containers of food products which enter the United States by rail or water modes. We agree with the Administrator that any prior notice to FDA must be provided by the shipper/manufacturer/distributor of the product. We request that no compliance responsibilities, including carrying documentation of prior notice, be placed on the carrier or the carrier's agents (drivers).

Section 303 (Administrative Detention) Docket 02N=0275

While we do not oppose detention if there is credible evidence indicating a serious adverse health threat, we ask the Administrator to recognize that such delays can cause significant equipment and manpower problems for the carrier. Obviously, detained equipment cannot be used to haul other loads, and drivers of that equipment could run out of their available "hours of service" as mandated by the Department of Transportation. We also ask the Administrator to develop a system for documenting any breaking of seals and re-sealing on tank truck or dry bulk trailers transporting food products. Essentially, "a broken seal is a rejected load." If a seal is broken, an official document listing the government official who broke the seal and who resealed the load should be produced.

NTTC will continue to follow this rulemaking and will submit comments as it develops. We would be pleased to discuss these or other bulk food transportation topics with FDA representatives.

Respectfully submitted,



John L. Conley
Vice President

DELIVERY RECEIPT NO:
807003

DISPATCH ORDER #

DATE SHIPPED

TANK DIVISION DELIVERY RECEIPT

DRIVER: PLEASE PRINT COMPLETE SHADED AREAS ONLY

SHIPPER		NUMBER
SCHEDULED LOAD DATE	SCHEDULED LOAD TIME	
NAME, ADDRESS, CITY, STATE		

RECEIVER		NUMBER
SCHEDULED UNLOAD DATE	SCHEDULED UNLOAD TIME	
NAME, ADDRESS, CITY, STATE		

NO OF COMPARTMENTS	COMMODITY DESCRIPTION	TEMPERATURE	QUANTITY	ORIGIN WEIGHT		DESTIN WEIGHT
					GROSS	
					TARE	
					NET	

DRIVER CHECK ALL APPLICABLE ITEMS →	SCALE OFF PREMISES	HEATER	PUMP USAGE		CARRIER'S DISCHARGE HOSE	LOAD FROM RAILROAD	DRUMMING
	<input type="radio"/> LOAD <input type="radio"/> UNLOAD	<input type="radio"/> ORDERED <input type="radio"/> USED	CUSTOMER'S <input type="radio"/> LOAD <input type="radio"/> UNLOAD	CARRIER'S <input type="radio"/> ORDERED <input type="radio"/> USED	<input type="radio"/> USED NO OF LENGTHS	<input type="radio"/> CARRIER'S PUMP <input type="radio"/> ORDERED <input type="radio"/> USED	<input type="radio"/> YES <input type="radio"/> NC

SHIPPER

Shipper Has Inspected Tank And Equipment And Approved For Loading

Inspected By _____
Date _____

RECEIVER

Inspected Unloading Equipment And Hookup O K'd For Driver To Unload

Inspected By _____ Date _____

Received The Above Property In Good Condition Except As Noted

Received Per _____ Date _____

PICKUP DATE	TRACTOR NO.	TANK NO.
DRIVER NAME	BADGE CODE	TERMINAL

DELIVERY DATE	TRACTOR NO.	TANK NO.
DRIVER NAME	BADGE CODE	TERMINAL

ACTUAL LOADING

ARRIVAL TIME	TIME START PUMP	TIME FINISH PUMP	TIME RELEASED

SHIPPER PER _____

EXPLAIN ANY ELAPSED TIME OVER TWO HOURS

ACTUAL UNLOADING

ARRIVAL TIME	TIME START PUMP	TIME FINISH PUMP	TIME RELEASED

RECEIVER PER _____

EXPLAIN ANY ELAPSED TIME OVER TWO HOURS

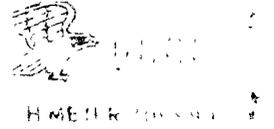
FOR OFFICE USE ONLY

P/C	MINIMUM WEIGHT	RATE / AMOUNT	COMMODITY	REMARKS

NATIONAL TANK TRUCK CARRIERS, INC.

2200 MILL ROAD • ALEXANDRIA, VA 22314-4677

ADDRESS SERVICE REQUESTED



FIRST CLASS MAIL

Dockets Management Branch (HFA-305)
Food & Drug Administration
5630 Fishers Lane
Rockville MD

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