



MUSSELMAN'S.

Knouse Foods Cooperative, Inc.
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TO: Dockets Management Branch (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, MD 20852

SUBJECT: Request for Comments on Guidance Document for Industry: Channels of Trade Policy for Commodities with Methyl Parathion Residues.

DATE: 7/24/00

This letter is on written behalf of Knouse Foods Cooperative, Inc. We are a grower-owned fruit processing company headquartered in Peach Glen, Pennsylvania. We operate processing plants at Peach Glen, Gardners, Biglerville, Orrtanna and Chambersburg in PA; Inwood, WV and Paw Paw, MI. We procure and process over 10 million bushels of apples mainly from the Mid-Atlantic states and Michigan. We also process tart cherries, peaches and blueberries. Our products include apple sauce, juice, slices and pie fillings which are marketed under the Lucky Leaf, Musselman's, Apple Time, Lincoln and Speas Farm labels.

We strongly object to the proposed revocation of a tolerance for Methyl Parathion after July 1, 2000. We have expressed this objection in writing to the EPA. In reviewing FDA's guidance document illustrating how this proposed revocation will impact FDA's monitoring of residues, we have compiled the following list of concerns:

- a) The assumption that methyl parathion residues in foods stored under refrigeration are expected to dissipate to non-detectable levels within 1 year (no later than December 2000) is of concern to us. Processors currently have apples in controlled atmosphere cold storage that were legally treated in 1999 and will be processed into products within the next few months. We request that the assumption date be extended by at least 1 year to accommodate this large inventory of fruit we currently have. This request then ties into extending the date to December 31, 2001 (from December 31, 2000) that the FDA believes that foods containing methyl parathion residue comply with the former tolerance.
- b) We need the FDA to be more specific in terms of documentation needed to show that applications were legal and that residues found after the date established (currently January 1, 2001) are subject to the channels of trade provision. While documentation relating to packing codes, batch records, inventory records, or certifications from suppliers are available, compiling this information would be very time consuming for our company. We should not be asked to provide such information as early as January 1, 2001 for products that were processed using fruit that was legally treated.

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It appears that we will be considered guilty after January 1, 2001 and have to prove our innocence. We object to such a situation.

The guidance document does address products made from blended ingredients. However, the complexity of providing documentation is now compounded and therefore we urge you to move the date from January 1, 2001 to January 1, 2002 that such documentation may be required.

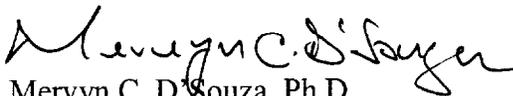
- c) The guidance document does not address our concerns regarding interstate commerce. It is our understanding that EPA action will not alter responsibilities established by Congress in preemption provisions of FFDCA Section 408(u)(4). This gives us little comfort. How does the FDA plan to address issues raised by individual states? We are very concerned about states setting policies or alerts that affect our ability to sell irrespective of federal pipeline provisions. The FDA needs to consider this issue.

In summary, the EPA has determined that the consumption of food legally treated with methyl parathion will not pose unreasonable dietary risk. We therefore ask that we be given sufficient time for our products that may contain residues of a voluntarily cancelled pesticide to clear channels of trade.

We thank you for the opportunity to comment on this important subject. If you have questions on any of our comments or would like more information, please feel free to contact me at (717) 677-9115, Ext. 4171.

Best Regards,

KNOUSE FOODS CO-OP., INC.



Mervyn C. D'Souza, Ph.D

Technical Services Staff Manager

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TO: Dockets Management Branch
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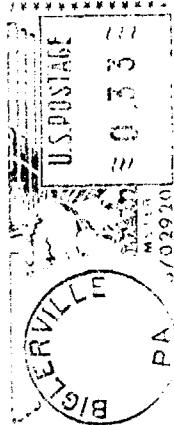
SUBJECT: Request for Comment
Trade Policy for Commodities with

DATE: 7/24/00

This letter is on written behalf of Knouse Foods, a family owned fruit processing company he operates processing plants at Peach Creek Chambersburg in PA; Inwood, WV. We produce and process million bushels of apples mainly for use in products such as process tart cherries, peaches and blueberries, apple slices and pie fillings which are marketed under the Apple Time, Lincoln and Speas Farm labels.

We strongly object to the proposed rule effective July 1, 2000. We have expressed the concern that the FDA's guidance document illustrating the monitoring of residues, we have concerns.

- a) The assumption that the current use of refrigeration are expected to be in place year (no later than December 31, 2000) currently have apples that are legally treated in 1999 and will be in place for a few months. We request a 1 year to accommodate this request then ties to the current use of refrigeration (December 31, 2000) to the current use of parathion residue control. We need the FDA to allow us to show that application of the current use of refrigeration provision. While doing so, we need to show that application of this information would not be asked to be done in 2001 for products that
- b)



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