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August 18, 2005

FSIS Docket Clerk
Docket No. 95-051P, rm. 102
Cotton Annex Bldg.
Food Safety and Inspection Service
U.S. Department of Agriculture
300 12th St. SW
Washington, DC 20250-3700

Division of Dockets Management
(HFA-305)
Food and Drug Administration
5630 Fishers Lane, rm. 1061
Rockville, Maryland 20852

Re: Docket No. 95-051P (FSIS) and 1995N-0294 (FDA); Food Standards; General Principles and Food Standards Modernization; Proposed Rule; 70 Fed. Reg. 29214 (May 20, 2005)

Dear Sir or Madam:

The American Frozen Food Institute (AFFI) appreciates this opportunity to offer comments concerning the pending proposal to modernize food standards regulated by the Food Safety and Inspection Service (FSIS) and the Food and Drug Administration (FDA). AFFI is the national trade association representing frozen food manufacturers and their marketers and suppliers. AFFI's 512 members are responsible for approximately 90 percent of the frozen food processed annually in the United States, valued at more than \$60 billion. AFFI members are located throughout the country and are engaged in the manufacture, processing, transportation, distribution and sale of products nationally and internationally.

As food industry leaders, AFFI members have an interest in the development and administration of food standards that promote honesty and fair dealing in the interest of consumers, the goal of standards. The food supply has evolved both in terms of variety and complexity, however, in the years since many of the existing food standards were adopted. Modernization of standards to facilitate rather than inhibit product innovation, therefore, is both timely and essential. AFFI applauds the agencies for taking this initiative.

The agencies propose principles that describe fundamental attributes of a modern food standards system, such as the need for maximum flexibility in the technology used to prepare standardized food. As we understand the proposal, the general principles are intended to guide the development and submission of petitions to update food standards. AFFI agrees with the core concepts presented in the general principles, but is concerned that simply codifying such principles will do little, if anything, to advance the agencies' important objective of modernization. Indeed, there is considerable risk that the framework the agencies propose will add another layer of complexity to an already difficult process.

The general principles are vague and offer little to no practical insight into the agencies' expectations, creating a need for individual interpretations that are likely to differ substantially and create confusion. More importantly, even if the principles are clarified, it seems unlikely that the current case-by-case petition process can be used to update food standards in an efficient manner, given the agencies' limited resources and the considerable backlog of pending petitions. AFFI is particularly concerned that the agencies' emphasis on consensus building is desirable in theory but unnecessary and impractical in light of the diverse expectations and interests of consumers, industry, and other stakeholders. In our view, unanimity of opinion is not necessary for the agencies to judge an approach to food standards to promote honesty and fair dealing in the interest of consumers.

As the agencies suggest, food standards must keep pace with advances in technology, evolving consumer expectations, and other developments if they are to achieve their objectives, especially in a global marketplace. AFFI agrees that food standards are in need of updating, but it does not appear that the proposed principles will advance this goal in a reasonable manner. Accordingly, AFFI recommends that the agencies set aside plans to codify the general principles and instead reexamine ways to achieve true reform of the present system for food standards. That publication of the general principles themselves required a decade underscores the need for new strategies and creative thinking on this subject.

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AFFI is committed to the development of food labeling policy that facilitates the marketing of products that meet consumer expectations. We look forward to working with the agencies in the standards modernization process. Thank you for your consideration of these comments.

Sincerely,



Leslie G. Sarasin, CAE, Esq.
President and Chief Executive Officer