



July 19, 2005

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

Re: Docket No. 1998N-0359; Program Priorities in the Center for Food Safety and Applied Nutrition; Request for Comments; 70 Federal Register 29328; May 20, 2005

Dear Sir or Madam:

The Food Products Association (FPA) (formerly National Food Processors Association) is the voice of the \$500 billion food processing industry on scientific and public policy issues involving food safety, food security, nutrition, technical and regulatory matters and consumer affairs. FPA's scientific centers and international office (Bangkok, Thailand), its scientists and professional staff represent food industry interests on government and regulatory affairs and provide research, technical assistance, education, communications and crisis management support for the Association's U.S. and international members. FPA members produce processed and packaged fruit, vegetable, and grain products, meat, poultry, and seafood products, snacks, drinks and juices, or provide supplies and services to food manufacturers.

FPA submits the following comments on FDA's FY 2006 priorities per the notice referenced above. Our comments will follow the same format as the FDA 2005 Work Plan published December 1, 2004 on the Center for Food Safety and Applied Nutrition (CFSAN) web site.

First, FPA recommends that FDA attempt to complete and communicate their "mid-year progress report" for the current year including any "mid-year corrections" prior to or concurrent with the agency request for comments on the following FY priorities. Current information on agency progress and changes in priorities will facilitate the priority review process.

SEATTLE, WA

Second, FDA should recognize that just because an activity is not on the current priority list does not mean that FDA should not be prepared to address the issue. Any priority plan is an initial template for action and must be subject to adjustment to react decisively to changing conditions rather than serve as an excuse to defer action.

FDA must be prepared to address emerging issues on a timely basis. A priority plan is based on today's knowledge not tomorrow's unforeseen crisis.

## **I. Assuring Food Safety and Security**

### **Food Defense/Food Safety Implementing Regulations and Guidance**

FPA notes that the majority of the "A" priority list for 2005 as related to the implementation of the Bioterrorism Act has been completed but some items remain undone and should be a top priority for completion in the remainder of FY2005 or early FY 2006. These include publication of final rules for food facility registration requirements (1.1.1) and for the establishment of prior notification requirements for all imported food shipments (1.1.2). Of particular interest to FPA is a resolution to the interim final rules on prior notice that will allow legitimate product research and development to continue within the U.S. by accommodating the import of product samples. This is a top priority issue for FDA that, although addressed in the FDA Compliance Policy Guide for imported food, continues to delay test product entry and, consequently, has the potential of diverting this type of commercial activity to other markets. FPA is optimistic, a solution will be identified in FY2005 and, if not, an amendment to the interim final rule for prior notice should be "A" priority for FY2006.

FPA further urges FDA to provide information to industry concerning situation specific compliance questions associated with the record keeping regulations published in December 2004 with a compliance date of December 9, 2005 (except that for small businesses employing fewer than 500, but more than 10 full-time equivalent employees, the compliance date is June 9, 2006, and except that for very small businesses that employ 10 or fewer full-time equivalent employees, the compliance date is December 11, 2006). FDA should elevate publication of a Question/Answer record keeping compliance document to an "A" priority for completion in FY2005.

### **Food Defense: Emergency Preparedness**

FPA recommends that establishment of the Laboratory Response Network (1.2.1) be elevated to an "A" priority and that the coordination of food security and counter-terrorism issues with federal, state, and local governments and other organizations be reintroduced as an "A" priority for 2006. The development of surge capacity to handle terrorist attacks and national emergencies involving the food supply should remain a priority at the agency and be expanded to include industry affiliated and private laboratories. This investment in biodefense pays a dual

benefit by also enhancing FDA's ability to detect and respond to naturally occurring disease outbreaks.

### **Imports**

If not completed in FY2005, publication of a final rule to set standards for the use of private laboratories and for testing imported food (1.3.1) should remain an "A" priority for FY2006. In 2004, FPA provided comments supporting this proposal.

FPA agrees that redesign of import operations to establish processes and procedures to ensure import enforcement resources are results oriented and risk based (1.3.2) should remain an "A" priority for FDA in FY2006.

In this regard, FPA recalls that FDA's 2004 priorities identified the development of a "Good Importer Practices" that would help food importers comply with new Bioterrorism regulations. In 2004, NFPA recommended elevating this task to an "A" priority and including as much information as possible on FDA/CBP handling of information and products at the border as well as "risk based" determinations for inspections in order to assist importers to facilitate compliance and minimize disruptions to trade. FPA believes that a risk based approach to border inspections calls for a partnering approach with the food industry that recognizes "low risk" importers and maximizes the use of FDA's limited resources.

### **Seafood Safety**

With regard to seafood safety, FPA notes a 2005 "A" list priority was to "complete an evaluation of program performance through the sixth year, with an emphasis on identifying factors that may be inhibiting improvements in compliance rates, in order to assess whether the program is accomplishing its objectives and to identify where and how the program needs to be re-directed." We encourage the agency to complete this activity as soon as possible, and to use conclusions drawn from the evaluation to help identify priorities that address safety related compliance issues. It is understood that the majority of these issues are primarily associated with HACCP and sanitation requirements of 21 CFR §123. In this regard, revision of the Fish and Fishery Products Hazards and Controls Guide should be elevated to an "A" list priority for 2006, with an emphasis on additional science-based guidance to facilitate industry compliance.

As US consumption of imported seafood continues to grow (now over 70%), it is vital for FDA to focus on program objectives consistent with our recommendations in the preceding section on imports. Beyond the current proposed rules for use of private laboratories to test samples of an imported food in connection with an enforcement action, FDA should seek partnership activities that would encourage, support, and verify use of private laboratory results as a basis for import acceptance/rejection. Pre-testing for compliance by private laboratories would facilitate the importation of safe foods, and preserve agency resources.

Consumption of raw molluscan shellfish continues to be a food safety concern in the US. FDA

should continue their efforts with ISSC to revise the interim control plan for the control of *Vibrio parahaemolyticus*, based on the findings in the Risk Assessment. This should be maintained as an “A” priority if not completed by the end of FY05.

FPA also recommends CFSAN prioritizes the development of a plan for further outreach efforts that educate consumers on the FDA/EPA methyl mercury in fish advisory. These efforts should explain the benefit/risk associated with eating certain fish, and clearly differentiate between higher risk consumers and the remaining population that derives a nutritional benefit from fish consumption.

### **Fruits and Vegetables**

FPA congratulates FDA for its cooperative effort with the California Department of Health Services (CHS) in completing production of the video on safe juice processing and for publication of “Guidance for Industry Recommendations to Processors of Apple Juice or Cider on the Use of Ozone for Pathogen Reduction Purposes.”

For FY2006 FPA recommends FDA institute a review of circumstances related to all outbreaks of illness associated with juice products since implementation of the juice HACCP regulation (21 CFR §120) to determine whether current exemptions from the 5-log pathogen reduction or other exceptions (e.g., permitting washing/sanitizing of fruit before juice extraction in lieu of a pathogen kill step) in the current juice HACCP regulation can be justified.

FPA requests that publication of a “white paper” for food current good manufacturing practices (CGMP’s) (1.5.1) and updating of the draft guidance for fresh cut produce (1.5.2) be completed in FY2005 or retained as an “A” priority and completed in the first quarter of FY2006.

FPA further recommends that, either separately or in conjunction with its review of the Good Manufacturing Regulations, FDA establish as an “A” priority the publication of guidance to the industry providing for the use of alternative temperature recording devices in lieu of the mercury in glass thermometer for low-acid foods packed in hermetically sealed containers. The Good Manufacturing Practices-Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers, 21 CFR Part 113 requires that temperatures in all retort systems be measured using a mercury-in-glass thermometer. For Aseptic systems, a provision is provided to allow for “an equivalent temperature –indicating device, such as a thermocouple- recorder.”

FPA recommends that development of a unified *Clostridium botulinum* policy for FDA regulated foods (1.5.7) be elevated to an “A” priority for FY2006.

### ***Listeria***

FPA supports retaining an “A” priority into FY 2006 for completion of consideration of the Citizen Petition to amend 21 CFR Part 109 to establish a regulatory limit for *Listeria*

*monocytogenes* in foods that do not support its growth (Docket No. 2003P-0574) (1.7.6) if such action is not completed in FY 2005.

We also recommend FDA retain an “A” priority for developing guidance on control of *Listeria monocytogenes* in facilities producing ready-to-eat products (1.7.2) into FY 2006.

The “B” priority quantitative risk assessment (product pathway analysis) for *Listeria monocytogenes* (Lm) in smoked seafood (1.7.8) should be retained as a “B” priority pending completion of the two items listed above.

### **Cooperative Programs**

FPA urges the FDA to reinstitute funding for the Food Chemicals Codex (FCC) program within the Institute of Medicine of the National Academies of Science. The FCC plays a vital role in establishing food grade specifications and purity for food colors, flavors, functional food components, and virtually all the direct food additives and some indirect food additives such as enzymes and processing aids in use today. FPA and FPA Member companies depend on and extensively use the FCC as the authoritative source in decisions regarding the production and purchase the food ingredients covered. The FCC also is extremely important for facilitating US trade and establishing a critically needed reference for food grade specifications and purity in international trade.

The possible elimination of the FCC and the Committee on Food Chemicals Codex also raises questions over the standing and applicability of a number of FDA’s current regulations. The FCC is cited by the FDA as the reference for food grade specifications of food additives in the Code of Federal Regulations at 21 CFR §170.30(h) and is included in the individual listings of substances affirmed as Generally Recognized as Safe (GRAS) in 21 CFR §184. We consider and FDA clearly indicates that FCC standards are legal standards for marketing numerous GRAS food additives and provide the only scientifically valid vehicle for establishing safety and purity standards for new products in the U.S. As such, ending the FCC would have practical implications on the specifications used by ingredient manufacturers and food processors, as well as FDA current and future rulemaking.

FPA strongly encourages FDA’s continued funding to keep the FCC current and to provide continuity for the Committee on Food Chemicals Codex that oversees this publication. An added benefit is the leveraging of FDA resources to provide current food grade specifications for GRAS food ingredients.

Likewise, FPA endorses continued funding be made available to the FAO/WHO Joint Expert Committee on Food Additives (JECFA) to provide for timely risk assessment review of selected food additives and contaminants.

### **Chemical Contaminants, Pesticides and Other Hazards**

FPA congratulates FDA for publishing the final generic “channels of trade” guidance.

FDA should complete the “A” priorities 1.9.6 “issue draft guidance for lead levels in candy” and 1.9.7 “issue revised final guidance for lead levels in candy” in FY 2005 or by mid-FY2006.

### **Transmissible Spongiform Encephalopathies (TSE’s)**

FDA should complete the three Bovine Spongiform Encephalopathy goals identified as “A” priorities in FY 2005 or in the first quarter of FY 2006.

### **Game Meat**

Identification of manufacturers and processors of game meats and game meat products should be completed in FY 2005 with inspection and sampling of these facilities to evaluate compliance to be an “A” priority for FY 2006.

### **Food Allergens**

FPA recommends an “A” priority for the development of threshold levels for allergens in food products. Development of threshold levels for the major allergens will reduce the need for a separate label declaration of an allergen or allergens as required by the Food Allergen Labeling and Consumer Protection Act of 2004 (FALCPA) on products which share production lines or are produced in the same facility as products which contain any of the major allergens. Lacking a threshold level, any undeclared amount of the eight allergens identified in FALCPA would cause the food to be misbranded. The allergen threshold levels should be incorporated into the agency’s allergen Compliance Program and enforcement strategy (1.12.8).

FPA recommends that FDA allocate more resources toward the advancement of the science of allergens through research. More data from clinical studies done under controlled conditions will add to the body of knowledge on the subject and assist in helping to establish science-based thresholds.

### **Dairy Safety**

FPA recommends that validation of test kits commercially available for the detection of aflatoxin in milk be elevated from a “B” priority to an “A” priority for FY 2006.

## **Part II Improving Nutrition and Dietary Supplement Safety**

### **Nutrition, Health Claims and Labeling**

FPA appreciates FDA attention to nutrition labeling and claims (nutrient content, health claims, qualified health claims) and obesity prevention issues and believes that these issues should remain a high priority for 2006.

In the area of required labeling in nutrition labeling, as stated in previous comments to the Agency, FPA believes that FDA should not proceed rapidly, or piecemeal, with further required changes to the nutrition label. FPA believes that it is important to avoid the prospect of several sequential nutrition label revisions within the span of a few years. The importance of careful consideration and coordination are made even more apparent when the changes that FDA contemplates would affect nutrition labeling with respect to just a few lines or components of the Nutrition Facts panel. Companies with FDA-regulated food labels could be faced with several mandatory nutrition label changes over several years. Food labels will require quantitative declaration of *trans* fat content and food allergen ingredient labeling by January 2006. Beyond 2006, several nutrition labeling issues are pending or are priority actions for the Agency. These include labeling issues related to dietary contextual information about *trans* fat, saturated fat and cholesterol; calories and serving size; and, revision of Daily Values based on the complete set of Dietary Reference Intake reports by the Food and Nutrition Board of the Institute of Medicine, National Academy of Sciences. A coordinated effort also should encompass regulatory changes or additions in the area of *trans* fat and other fatty acids, carbohydrate, whole grain, "Healthy", and other nutrient content claims.

The prospect of numerous, incremental changes to the nutrition label simply is not in the best interest of consumers and is unacceptable to the food industry. Frequent nutrition label changes impose substantial costs on the food industry. FPA firmly believes that numerous required label changes will confuse consumers and undermine both efforts to educate the public about diet and health relationships and overall confidence in nutrition and health information provided through mandatory and voluntary label elements. Therefore, FPA urges FDA to fully coordinate rulemakings to achieve a single set of required changes to nutrition labels within a single time frame, and thus to coordinate the items related to nutrition labeling in priority areas 2.1.1 and 2.1.3 into a unified regulatory project.

In tandem with changes to nutrition labeling and claims, FPA urges FDA to elevate 2005 priority 2.1.2, "Review comments received on the proposed rule providing for more flexibility in the use of health/nutrient content claims in response to citizens' petitions (Docket nos. 94P-0390 and 95P-0241)" to an "A" priority for 2006. FPA appreciates FDA's progress to date, underscores our continued advocacy for flexibility in making nutrient content claims, health claims, and other types of food label statements, and urges FDA to complete work on these petitions as soon as possible.

FDA recommends FDA publish a proposed rule to revise, as appropriate, the existing regulation that requires irradiated food to be labeled (2.1.3(c)) in FY 2005 or continue this as an "A" priority for completion in the first quarter of FY 2006.

### **Part III Ensuring Food/Color Additive and Cosmetic Safety**

#### **Food and Color Additives: Premarket Review**

FPA further recommends that FDA retain current "A" list items not completed in FY 2005 and, if resources permit, consider work on "B" priority items 3.1.1(c) (Develop a proposed rule to adopt the specification in the most recent edition of the Food Chemicals Codex as appropriate), 3.1.1(d) (Develop a proposed rule to extend exclusion from Environmental Assessments to additional categories of Agency action on food and color additives.), and 3.1.1(e) (Develop a final rule to amend 21 CFR §178.1010, as a result of the Food Quality Protection Act (FQPA), to accommodate partial transfer of this regulation to the Environmental Protection Agency (EPA)).

### **Part IV Ensuring Food Safety: Crosscutting Areas**

#### **Science Base**

For FY2006 FPA recommends FDA institute a review of circumstances related to all outbreaks of illness associated with juice products since implementation of the juice HACCP regulation (21 CFR §120) to determine whether current exemptions from the 5-log pathogen reduction or other exceptions (e.g., permitting washing/sanitizing of fruit before juice extraction in lieu of a pathogen kill step) in the current juice HACCP regulation can be justified.

#### **International**

FPA recommends continuance of all of FDA "A" priorities into 2006 and notes that the AFDO Export Certification project is near completion and should be completed in 2006 if not earlier.

FPA notes that Codex Alimentarius has been removed from the priority rating system. Nevertheless, strong FDA leadership in Codex Committees and Working Groups must remain high priority. "Adequate participation" in "meetings of relevance" is not sufficient. An "A" priority there is a need to ensure FDA has the funding and staff to do extensive outreach before the Codex meetings to educate - especially in developing countries - on the issues and the science behind the U.S. positions. More attention needs to be focused on the work (or lack thereof) of the Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU). This committee is considering critical science based issues on which achieving international consensus as quickly as possible is imperative. New task forces will be created in 2006 on antimicrobial resistance, animal feeding and biotechnology; all of which require extensive FDA engagement to ensure scientifically based decisions.

Likewise, trade negotiations represent an important component of food safety assurance and FDA's participation in the related SPS negotiations should remain a top priority. Separate SPS committees have been created under the new FTAs that will also demand priority attention from FDA. Used effectively, these committees can provide excellent forums to resolve critical trade issues. In that regard, FDA's continued participation in Technical Working Groups (TWGS), specifically NAFTA, as a venue to address ongoing cross border issues directed towards barriers, policy, procedures, and standards in order to facilitate trade with Canada and Mexico should become a priority.

For several years, CFSAN priorities included the completion of equivalence criteria on the "B" list. This priority was eliminated by CFSAN in 2004 in spite of the fact that it has not been accomplished but has been in an unfinished state since 1997. It is also not mentioned in the explanatory notes. The Codex guideline for the determination of equivalency was adopted in 2003 and it should now be a simple task to complete the FDA guidance and to ensure it is consistent with international standards. NFPA believes equivalency agreements can be useful to minimize resource needs and facilitate trade and finds it disturbing that CFSAN has not been able to publish final rules on this issue.

### **Internal Processes**

FPA encourages FDA to move expeditiously to publish a proposed rule/direct final rule to revise 21 CFR §113.40 to permit use of alternative temperature-indicating devices, as well as mercury-in-glass thermometers (4.3.5) in FY2005 or to continue as an "A" priority for publication in the first quarter of FY2006.

### **Biotechnology (New)**

FPA views the biotechnology consultation process as needing updating in light of new domestic advances in biotechnology and developments occurring in other countries. A high priority should be placed on modifying the current policy to: a) make it more transparent and allow for more public input and b) supplementing it with a mandatory pre-market notification requirement so that new developments are presented to FDA and considered before they enter the marketplace. FDA should also finalize the draft guidance on early-field trial safety assessments and the draft guidance on labeling of foods containing (or not containing) products of modern biotechnology. FPA recommends an "A" priority for these efforts in FY 2006.

### **Focused, Economic-based Regulations**

FPA commends the agency for recognizing the need to address some economic based regulations, specifically regulations dealing with food standards of identity. Unfortunately, as noted in our comments to establish priorities for FY 2005, the current items listed as "A" priorities for 2005 deal only with either "filing a report to Congress" or "publishing a proposal." There are no listings for "publish a final rule amending the standard" or "publish a final rule denying the request to amend the standard." Does the agency have any plans for prioritizing

current outstanding proposals or are they all to be dropped in lieu of the general proposal to amend the process for filing a Citizen Petition to establish or amend a standard of identity? We are left with the premise that any existing Citizen Petition to amend a standard of identity will be eliminated. Those with continued interest in the requested changes must file a new Citizen Petition which will meet the requirements of any final rule resulting from the current proposal Food Standards: General Principles and Food Standards Modernization Docket No. 95-051P (70 FR 29214; May 20, 2005). This 2005 proposal is the result of a 1995 advance notice of proposed rulemaking (60 FR 67492; December 29, 1995) (a ten-year process from Advance Notice of Proposed Rulemaking to Proposal).

There is no purpose in publishing additional proposals if the agency has no plans nor intention of completing the process with the publication of a final rule either amending the proposal or providing a sound set of reasons, based on comments filed in response to the proposal, for terminating the proposed action? Indeed, the agency has numerous proposals which have yet to be completed and additional Citizen Petitions to amend standards of identity which have yet to be acted upon. So far the primary response has been to “wait ten years then contact the petitioner to see if they are willing to withdraw their petition.”

Many, indeed perhaps a majority, of the petitions dealing with amendments with standards of identity were filed in conjunction with or following the submission of a temporary marketing permit to allow one or more firms to pack the product in the manner described in the petition with the intent of amending the standard of identity. If the Citizen Petition is withdrawn the temporary marketing permit is no longer valid and the firm may no longer legally pack and sell the product.

**Develop a plan to review and address the current backlog of petitions related to standards of identity in a timely manner**

FPA recommends that FDA establish as an “A” priority to set up a timetable to get requested actions underway, with priority for petitions addressing outstanding NLEA issues for products currently packaged under temporary marketing permits.

We suggest that CFSAN review its backlog list of pending petitions to amend standards of identity (especially those associated with temporary marketing permits) and add these to the “A” list for 2006. NFPA’s June 4, 1989 petition to amend the canned salmon standard of identity to include the style “skinless, boneless” should be included in that list (Docket No. 88P-0190/CP02). CFSAN should develop a plan to review and complete these items in a timely manner.

FPA requests FDA initiate rulemaking to revise the outdated standard of identity for canned tuna as requested in a Citizens Petition (Docket No. 94P-0286) to replace the current press cake weight requirement with drained weight requirements and to incorporate any other changes that may be deemed necessary.

FPA also requests FDA consider as an “A” priority item for 2006 the 1989 citizens petition (Docket # 88P-0190/CP02) to amend the canned salmon standard of identity at 21 CFR §161.170.

In commenting on FY2005 priorities, FPA suggested two other proposed amendments to standards of identity concerning 21 CFR §145.180 canned pineapple (86P-0338) and 21 CFR §146.185 canned pineapple juice (88P-0224) be considered for completion as a final rule in 2005. NFPA’s positions on these proposals were addressed in detail in NFPA’s comments of July 21, 2003 to Docket No. 02N-0434, “Withdrawal of Certain Proposed Rules and Other Proposed Actions.” FDA chose to withdraw those proposals although all comments had supported the proposed action (69 FR 68831; November 26, 2004).

## **Part V Priority Ongoing Activities**

### **Food Defense: Emergency Preparedness**

FPA supports all listed items as appropriate Priority Ongoing Activities for FDA in FY 2006.

### **Food Safety/Outbreaks Response**

FPA supports the listed items as appropriate Priority Ongoing Activities for continuation in FY 2006.

### **Domestic Inspections**

FPA supports continuation of an “A” priority for the inspection of domestic firms that produce “high-risk” foods. An evaluation of the previous year’s inspection results should be used to determine the success of such inspections and to further focus future inspection on critical areas of concern.

### **Foreign Inspections**

FPA supports the listed items as appropriate Priority Ongoing Activities for continuation in FY 2006.

### **Seafood Safety:**

FPA supports the listed items as appropriate Priority Ongoing Activities for continuation in FY 2006.

### **Fresh Fruits and Vegetables:**

FPA supports the listed items as appropriate Priority Ongoing Activities for continuation in FY 2006.

***Listeria:***

FPA supports the listed item as appropriate Priority Ongoing Activities for continuation in FY 2006.

**Cooperative Programs**

FPA urges the FDA to reinstitute funding for the Food Chemicals Codex program within the Institute of Medicine of the National Academies of Science. The FCC plays a vital role in establishing food grade specifications and purity for food colors, flavors, functional food components, and virtually all the direct food additives and some indirect food additives such as enzymes and processing aids in use today. FPA and FPA Member companies depend on and extensively use the FCC as the authoritative source in decisions regarding the production and purchase the food ingredients covered. The FCC also is extremely important for facilitating US trade and establishing a critically needed reference for food grade specifications and purity in international trade.

The possible elimination of the FCC and the Committee on Food Chemicals Codex also raises questions over the standing and applicability of a number of FDA's current regulations. The FCC is cited by the FDA as the reference for food grade specifications of food additives in the Code of Federal Regulations at 21 CFR §170.30(h) and is included in the individual listings of substances affirmed as Generally Recognized as Safe (GRAS) in 21 CFR §184. We consider and FDA clearly indicates that FCC standards are legal standards for marketing numerous GRAS food additives and provide the only scientifically valid vehicle for establishing safety and purity standards for new products in the U.S. As such, ending the FCC would have practical implications on the specifications used by ingredient manufacturers and food processors, as well as FDA current and future rulemaking.

FPA strongly encourages FDA's continued funding to keep the FCC current and to provide continuity for the Committee on Food Chemicals Codex that oversees this publication. An added benefit is the leveraging of FDA resources to provide current food grade specifications for GRAS food ingredients.

FPA supports the other listed items as appropriate Priority Ongoing Activities for continuation in FY 2006.

**Chemical Contaminants, Pesticides and Other Hazards**

FPA supports the listed items as appropriate Priority Ongoing Activities for continuation in FY 2006.

**Food Allergens:**

FPA supports the listed items as appropriate Priority Ongoing Activities for continuation in FY 2006.

**Education:**

FPA supports the listed items as appropriate Priority Ongoing Activities for continuation in FY 2006.

**Enhance Consumer Health Information for Better Nutrition:**

FPA supports continued FDA enforcement activities related to violative labeling of conventional foods for FY 2006.

**Infant Formula:**

FPA supports continued FDA review of Premarket notifications for new infant formulas within statutory timeframe.

**Review of Health Claims:**

FPA supports continued FDA review of nutrient content/health claim notifications and petitions within statutory timeframes.

**Food and Color Additives: Premarket Review**

FPA supports all listed items as appropriate priority ongoing FDA activities for FY 2006.

**Science Base**

FPA supports all listed items as appropriate priority ongoing FDA activities for FY 2006.

**International**

FPA supports all listed items as appropriate priority ongoing FDA activities for FY 2006.

**Internal Processes**

FPA supports the following items as a continuing priority for the food industry.

Provide additional support for complete implementation of Web-based low-acid and acidified canned food process registration process and extend to foreign firms.

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Continue to issue Temporary Marketing Permits (TMP) for the interstate shipment of experimental packs of food varying from the requirements of standards of identity, in accordance with 21 CFR §130.17.

FPA supports the other listed items as appropriate Priority Ongoing Activities for continuation in FY 2006 with an emphasis on Codex Alimentarius related activity.

**Management Initiatives**

FPA supports the listed items as appropriate Priority Ongoing Activities for continuation in FY 2006.

Thank you for providing this opportunity to comment on CFSAN priorities for FY 2006.

Sincerely,

A handwritten signature in black ink, appearing to read 'Allen Matthys', with a long horizontal flourish extending to the right.

Allen Matthys, Ph.D.  
Vice President,  
Federal and State Regulations