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February 2, 2005

The Honorable William T. Hawks
Under Secretary for Marketing and Regulatory Programs
U.S. Department of Agriculture
Country of Origin Labeling Program
Agricultural Marketing Service
Stop 0249 Room 2092-S
1400 Independence Avenue, SW
Washington, DC 20250-0249

Re: Comments on Interim Final Country of Origin Labeling Regulation for Fish and Shellfish (Docket No. LS-03-04)

Dear Secretary Hawks:

Affiliated Foods Midwest is pleased to respond to the U.S. Department of Agriculture's (USDA's) request for comments on the interim final regulation for country of origin labeling for fish and shellfish. We are a retailer owned cooperative servicing retail stores in a twelve state area. We respectfully request that you address two issues in the final rule.

First, we encourage you to simplify the recordkeeping provision in the final regulation. A complete record provided by the supplier directly with the product and held at store level until the product is sold should serve as the only record that must be maintained by retail stores, including their corporate headquarters. A complete record would include the supplier's name and contact information; the type of seafood; its country of origin and method of production; and a lot code number or other unique identifier, such as a pack date or a sell by date, that would allow the supplier to locate records related to the specific product.

Unlike retailers and distributors, the supplier has firsthand knowledge of the origin and production of the seafood item and, thus, is the only entity that can properly validate the origin and production claims made. Once the seafood is harvested, its country of origin and method of production are fixed and cannot lawfully change. Therefore, it is not necessary for the food distribution chain to capture or maintain

information as the product is transferred through the chain provided that the product is directly accompanied by a complete record. Indeed, information provided directly from the supplier to the retailer is likely to be more consistently accurate since this system will eliminate the chance for errors that might otherwise occur when information is recorded and transmitted by intermediaries.

Moreover, if the supplier provides a complete record with each shipment, then USDA should have all the necessary information at hand to assess whether the claim required by the statute and made at store level is accurate, without having to trace the product back through each step of the distribution chain. This procedure is far more efficient and would have the additional benefit of conserving USDA resources. Accordingly, we respectfully request that USDA allow a complete supplier record to serve as the only record necessary at store level and remove the requirement for corporate or intermediary recordkeeping.

Second, the interim final rule becomes effective on April 4, 2005. The final rule is unlikely to be issued much before the IFR is scheduled to take effect. Therefore, we urge you to include a new effective date with the final rule so that we will be able to implement it in a timely and efficient manner. In particular, we urge you to apply USDA's recently announced uniform labeling compliance date policy.

We appreciate your attention to our comments.

Sincerely,

Ronald J. Kuhn

Ronald J. Kuhn
General Manager - Elwood