

MAR 12 1971

Hearing Clerk
U. S. Department of Agriculture
Washington, D.C. 20250

Re: Proposed Rule Making
Consumer & Marketing Services
Proposed Amendments to the
Federal Meat Inspection Regulations
Federal Register, Dec. 17, 1970.

Dear Sirs:

The Proposed Rule Making relative to amendment of the Federal Meat Inspection Regulations, published in the Federal Register of December 17, 1970, beginning at page 19118, invites comment by interested persons. The following comments are respectfully submitted on behalf of the American Paper Institute.

The American Paper Institute is the trade association of the producers of paper and paperboard. Its more than 200 member companies supply the bulk of the paper and paperboard produced domestically for all uses including the packaging of food products. These member companies operate approximately 800 pulp, paper, and paperboard mills and over 5,000 converting plants, which make useful articles from the basic products.

The proposed regulations apply directly to the establishment operators of the meat packing industries or their agents. Our relations to the establishment operators are through the converters who design, fabricate, and print packaging from paper and related materials. Many of the major converters are subsidiaries of our member firms. Throughout the past years the converters have collaborated extensively with the establishment operators in package acceptance proposals made to the Technical Services Division of the Consumer and Marketing Services, Department of Agriculture. These relations have been most constructive. We are familiar with the established procedures for review and acceptance of individual packages prior to their being approved for fabrication and shipment to the establishment operators. We fully intend to continue to do all that is required under the regulations in order

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to help achieve the objectives of safe packaging and full information in labeling.

I Proposal for the Modification of Section 317.4 (a)(1) & (2)

With reference to Sec. 317.4, the use of the term "prototype" has occasioned much confusion among members of the Institute who have studied the proposed regulations. We suggest that the word "container" be substituted where appropriate. For example, we suggest that the first sentence of paragraph (a)(1) be changed to read:

"Labeling approval for any product shall be contingent upon the acceptance of the composition of the immediate container to be used in contact with the product."

The term "prototype" could also be deleted from paragraphs (a)(2), (b)(1), (b)(4); and in line 8 paragraph (a)(2) the word "container" could be substituted. Thus, paragraph (a)(2) would read:

"The Technical Services Division shall determine the acceptability of immediate containers in accordance with such criteria. An acceptance number will be assigned to each container found acceptable. This acceptance number will identify the container as chemically acceptable for the proposed use with the proposed labeling. Such number shall be shown in space 6B on Form CP-480."

We are also concerned with possible public misunderstanding of the portion of paragraph (a)(1) beginning with line 21:

"An acceptable immediate container must be safe; that is, composed entirely of materials known to be completely lacking in poisonous or deleterious substances which could be transmitted to the food product contained therein under the conditions of use."

The concept that substances are poisonous or deleterious without regard to an amount is scientifically inaccurate. For example, any chemical derived from the earth or the sea such as salts of sodium, potassium, calcium, and magnesium contains trace amounts of the heavy metals: arsenic, antimony, bismuth, and lead. In these trace amounts the heavy metals are harmless; in significantly larger amounts they may be poisonous or deleterious. In the absolute sense of the language proposed, nothing is "completely lacking" in substances which the uninformed might

regard as poisonous or deleterious. Rather than provide an opportunity for misunderstanding we believe the concern of the Technical Services Division for the safety and adequacy of the package would be clearly conveyed by revising paragraph (a) (1) to read as follows:

"Labeling approval for any product shall be contingent upon the acceptance of the composition of the immediate container to be used in contact with the product. Such acceptance will be conditioned upon compliance with criteria 2 established by the Technical Services Division to assure that the use of the container for any product will not result in the adulteration or misbranding of the product. These criteria are designed to, among other things, exclude the use of toxic substances in or on the immediate container, classify components of containers according to the temperature under which they may safely be used, and prohibit the use of components that are adversely affected by the acidity, salinity, or other particular properties of the food product to be placed in the container. An acceptable immediate container must be safe; it must be adequate to protect the product; and it must not be deceptive."

II Proposal for the Modification of Section 317.4 (b) (2)

The long experience of our members in collaborating with the Technical Services Division in the review of package composition, leads us to believe that the extent of detailed information required by paragraph (b) (2) may frequently be unnecessary for the evaluation of the components of common paper packaging. We suggest, therefore, that the applicant provide information as required by the Technical Services Division for an adequate evaluation. Flexibility in the requirements can result in a substantial saving of effort by both the applicant and the government and there will be the safeguard that the Technical Services Division can require whatever detail is needed.

The following text is proposed: 317.4 (b)

"(2) The fabricator, manufacturer, or supplier of the immediate container must also submit sufficient information to

identify all the component parts of the container. This information shall be submitted in written communication separate from Form CP-481, and such communication shall set forth, as may be required for each component by the Director, Technical Services Division: (i) the manufacturer's brand name or code designation of the component, (ii) a description of how the component will be used in making the container and-- (with the ensuing text identical to that proposed, Federal Register, December 17, 1971.)

III Proposal for the Modification of Section 317.4 (b)(3)

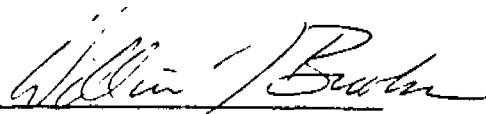
The comments relating to subparagraph 317.4 (b)(3) are applicable to this section as well. We believe the information required should allow discretion on the part of the Technical Services Division to avoid any unnecessary burden on that office or upon the applicant. The following revision is suggested:

"(3) As required by the Technical Services Division to permit an adequate evaluation of the packaging composition the following information shall be entered in the spaces in the Form CP-481 as indicated below:"

We are pleased to have had the opportunity to submit these comments.

Respectfully submitted,

American Paper Institute

By 

William J. Brooks
Vice President, Public Affairs