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Dockets Management System
U.S. Department of Transportation
400 Seventh Street, S.W.
Nassif Building
Room PL-401
Washington, D.C. 20590-0001

**Re: Research and Special Programs Administration; Docket Number
RSPA-91-13289 (FS-1)**

Dear Sir or Madam:

The Food Marketing Institute (FMI)¹ is pleased to submit these comments in response to the supplemental notice of proposed rulemaking (SNPRM) addressing the safe transportation of food and food products in commerce. FMI supports this proposal to implement the Sanitary Food Transportation Act of 1990 (SFTA) by referencing U.S. Department of Agriculture (USDA) and Food and Drug Administration (FDA) regulations and guidance documents that apply to persons who transport food products by rail car or motor vehicle.

The SFTA was enacted in 1990 after allegations surfaced that some vehicles being used to haul food products were also being used to haul garbage or other non-edible products. It directed the Department of Transportation to consult with USDA, FDA and the Environmental Protection Agency and to develop regulations to implement the law. RSPA issued an advance notice of proposed rulemaking (ANPR) on February 20, 1991 and a notice of proposed rulemaking (NPR) on May 21, 1993. FMI responded to both the ANPR and the NPR with extensive comments urging the agency to follow the congressional intent by implementing regulations that were not disruptive or duplicative. Now, RSPA, after consultation with USDA and FDA has concluded that:

¹ Food Marketing Institute (FMI) conducts programs in research, education, industry relations and public affairs on behalf of its 1,500 member companies — food retailers and wholesalers — in the United States and around the world. FMI's U.S. members operate approximately 26,000 retail food stores with a combined annual sales volume of \$340 billion — three-quarters of all food retail store sales in the United States. FMI's retail membership is composed of large multi-store chains, regional firms and independent supermarkets. Its international membership includes 200 companies from 50 countries.

These agencies agree that the public interest ... will be more effectively served ... by building on the present statutory authority, existing enforcement and technical expertise, and operational framework already established within USDA and FDA. Implementation of a food transportation safety program under DOT would require unnecessary duplication of personnel and funds.

We concur. Rather than creating a whole new regulatory framework, the best approach is for DOT to reference the regulations and guidelines promulgated by USDA and FDA, and to cooperate with these agencies and assist them as necessary to ensure that food products are transported safely.

FMI and its members look forward to continuing to work with DOT, USDA and FDA to promote the safe transportation of our nation's food and grocery products.

Sincerely,

George Green
Vice President
General Counsel