

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 381

[Docket No. 99–017P]

RIN 0583–AC83

Classes of Poultry

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is proposing to amend the definitions and standards for the official U.S. classes of poultry so that they more accurately and clearly describe the characteristics of poultry in the market today. Poultry classes are defined primarily in terms of the age and sex of the bird. Genetic improvements and new poultry management techniques have reduced the grow-out period for some poultry classes, while extensive cross breeding has produced poultry with higher meat yields but blurred breed distinctions. This action is being taken to ensure that poultry products are labeled in a truthful and non-misleading manner.

DATES: Comments must be received on or before November 28, 2003.

ADDRESSES: Submit one original and two copies of written comments to: FSIS Docket Clerk, DOCKET #99–017P, U.S. Department of Agriculture, Food Safety and Inspection Service, Room 102, Cotton Annex, SW., Washington, DC 20250–3700. All comments submitted on this proposal will be available for public inspection in the Docket Clerk's Office between 8:30 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Dr. Robert C. Post, Director, Labeling and Consumer Protection Staff, Office of Policy and Program Development, Food Safety and Inspection Service, U.S. Department of Agriculture; (202) 205–0279.

SUPPLEMENTARY INFORMATION:

Background

The Poultry Products Inspection Act (PPIA) prohibits the distribution of poultry products that are adulterated or misbranded (21 U.S.C. 458). The PPIA also authorizes the Secretary of Agriculture to prescribe, among other things, definitions and standards of identity or composition for poultry products, whenever the Secretary determines that such action is necessary for the protection of the public (21 U.S.C. 457(b)). Poultry classes were established by USDA almost 30 years ago to aid in labeling five kinds of poultry—chickens, turkeys, ducks, geese, and guineas. The classes were based primarily on the age and sex of the bird, with Rock Cornish-type chickens also being defined by breed.

FSIS uses poultry class standards to ensure that poultry products are labeled in a truthful and non-misleading manner.

Recently, FSIS reviewed the poultry class definitions with USDA's Agricultural Marketing Service (AMS) Poultry Programs, and both agencies discussed the issue with members of the poultry industry and others knowledgeable about poultry genetics and breeding. The mission of the AMS is to facilitate the marketing of poultry through grading, certification, market news, and commodity procurement services. The classes are incorporated into AMS's official U.S. Classes, Standards, and Grades for Poultry (AMS 70.200 *et seq.*) as a convenience for those processors, marketers, and consumers using AMS's voluntary poultry grading service.

After examining current poultry production methods and reviewing the poultry classes defined in 9 CFR 381.170, FSIS and AMS determined that a number of poultry class definitions did not reflect today's poultry characteristics nor current industry practices. Advancements in breeding and husbandry have generally shortened the period of time required for birds to attain market-ready weights. For example, today broilers 3.5 to 4.5 pounds in weight can be produced in less than 10 weeks, and are frequently produced in 6 to 8 weeks. Thirty years ago, it took 12 to 13 weeks to produce birds with the physical characteristics of broilers. Given these findings, FSIS and AMS determined that the poultry class definitions need to be revised to more

accurately and clearly describe poultry being marketed today and to ensure that the labels for poultry products are truthful and non-misleading. When the revised class definitions are finalized, AMS will incorporate them into its U.S. Classes, Standards, and Grades for Poultry.

FSIS is concerned with the truthful presentation of the characteristics of poultry products because consumers rely on product labels when making purchasing decisions. The age of the bird affects the tenderness of the meat and the smoothness of skin, thus dictating the cooking method to use for maximum flavor and tenderness. Poultry meat from young birds is more tender than that from older birds. Young birds are suitable for all cooking methods, especially broiling, barbecuing, roasting, and frying. Less tender, mature birds are most suitable for moist-heat cooking, such as stewing and baking, and may be preferred for use in soups, casseroles, salads, and sandwiches.

FSIS is proposing to lower the age definitions for six classes of poultry: Rock Cornish game hen or Cornish game hen from 5 to 6 weeks to less than 5 weeks (381.170(a)(1)(i)); broiler or fryer from under 13 weeks to less than 10 weeks (381.170(a)(1)(iii)); roaster or roasting chicken from 3 to 5 months to less than 12 weeks (381.170(a)(1)(iv)); capon from under 8 months to less than 4 months (381.170(a)(1)(v)); fryer-roaster turkey from under 16 weeks to less than 12 weeks (381.170(a)(2)(i)); and young turkey from under 8 months to less than 6 months (381.170(a)(2)(ii)). The Agency is proposing to delete the word “usually” from the age designation descriptions in all of the poultry class standards so that these age designations will be clear and enforceable.

The poultry class definitions for geese and guineas currently do not contain age designations that distinguish young birds from mature birds (381.170(a)(4) and 381.170(a)(5)). However, the Agency is considering revising the geese and guinea poultry class standards to include such age designations. Therefore, FSIS is soliciting comments on what age designations would be appropriate for poultry identified as “young geese,” “mature geese,” “young guineas” and “old guineas.”

The general physical characteristics of birds identified as mature or old turkeys