

are the same regardless of the gender of the bird. Therefore, FSIS is proposing to revise the labeling of mature or old turkeys so that sex designation, such as hen or tom, currently required, would be optional.

Current class definitions state that a bird labeled as a Rock Cornish-type chicken must be "the progeny of a cross between a purebred Cornish and a purebred Rock chicken" (9 CFR 381.170(a)(1)(ii)), or "a Cornish chicken or the progeny of a Cornish chicken crossed with another breed of chicken" (9 CFR 381.170(a)(1)(i)). While this statement was appropriate when these chickens were originally developed over 40 years ago, today it is doubtful that any purebred Cornish or Rock lines exist in commercial chicken production. The names "Rock Cornish game hen" and "Cornish game hen" are now used to identify a very young, very small, whole chicken that is marketed as an individual serving. Although the names refer to hens, either sex can be used since birds of this class are sexually immature. The names "Rock Cornish fryer," "Rock Cornish roaster," and "Rock Cornish hen" are no longer meaningful because these birds cannot be reliably distinguished on the basis of progeny from other existing classes. Therefore, the Agency is proposing to define the Rock Cornish game hen or Cornish game hen class only in terms of age and weight and to delete the class of Rock Cornish fryer, roaster, and hen.

The existing class definition for the roaster or roasting chicken class states that the breast bone cartilage of these birds "may be somewhat less flexible" than the breast bone cartilage of birds in the broiler or fryer class (9 CFR 381.170(a)(iv)). The Agency is proposing to replace the words "may be" with the word "is," so that the definition better reflects the characteristics of birds classified as roasters and to make the language of the revised roaster class definition more consistent with the other poultry class definitions.

In most of the poultry class definitions the term "mature" refers to old adult birds. However, the term "fully matured" in the yearling turkey class definition is used to describe the breeding capability of the bird. FSIS has determined that the description of the age and physical characteristics provided in the proposed yearling turkey definition sufficiently characterize the birds that belong to this poultry class. Therefore, for consistency, FSIS is proposing to delete the term "fully matured" from the yearling turkey class definition.

FSIS is proposing to change the name of the broiler duckling or fryer duckling

class to "duckling." Birds in this class of ducks are currently labeled and marketed as "ducklings" without the prefixes "broiler" or "fryer." These are obsolete marketing terms for ducks that are not being used and have not been used for quite some time. In addition, FSIS is proposing to change the name of the roaster duckling class to "roaster duck." Roaster ducks are currently labeled and marketed as "ducks" rather than "ducklings."

In addition to the substantive changes made to the poultry class standards, the class definitions have been edited for clarity, consistency, and uniformity. For example, under the proposed revisions, the class names used within the regulatory text will be placed in quotation marks to make the format of the poultry class standards regulation consistent with the other regulations that prescribe standards of identity for poultry products. References to specific numbers of weeks or months will be preceded by the words "less than" or "more than" rather than "under" or "in excess of" to improve the clarity of the regulations.

To avoid inconsistencies, section 457(b)(2) of Title 21 of the U.S.C. requires that the Secretary of Agriculture consult with the Secretary of Health and Human Services and an appropriate advisory committee as provided for in 21 U.S.C. 454 before issuing standards of identity for poultry products. Pursuant to this requirement, before it publishes any final rule that is developed as a result of this proposal, FSIS will consult with the Food and Drug Administration (FDA) to ensure that the revised poultry class standards are not inconsistent with any existing product standards established by the FDA. FSIS will also present the revised poultry class standards to the National Advisory Committee on Meat and Poultry Inspection (NACMPI) for consultation to ensure that there is no inconsistency between Federal and State standards. Any changes to the revised standards that occur as a result of these consultations will be incorporated into the final rule.

Interested parties have suggested that certain poultry classes should include a requirement for ready-to-cook (RTC) carcass weight in addition to the proposed maturity factors. For example, some parties have suggested that the Agency require that roaster chickens have a RTC weight of 5 pounds or more in addition to the appropriate maturity characteristics. FSIS is soliciting comments regarding the merit of establishing RTC carcass weights or maximums for poultry classes. To be of value, the comments must provide a

factual basis for or against the establishment of weight requirements.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been determined to be significant and was reviewed by the Office of Management and Budget under Executive Order 12866.

FSIS is proposing to amend its regulations to update the standards for poultry classes to reflect current poultry characteristics and industry production practices. Under the authority of the PPIA, FSIS develops and enforces poultry product definitions and standards of identity to protect the public. FSIS is concerned with the truthful presentation of the characteristics of poultry because consumers rely on product labels when making purchasing decisions. For FSIS to enforce poultry class labeling claims, the poultry class definitions must reflect current poultry characteristics and the corresponding industry norms.

Presently, labels on poultry products are not necessarily based on current industry standards. For example, birds with the general physical characteristics of the broiler class can be produced in less than 10 weeks, often in 6 to 8 weeks, and are labeled as "broilers." However, the current broiler class definition under 9 CFR 381.170 states that broilers are "usually under 13 weeks of age." Birds with the general physical characteristics of the roaster class are being produced in 10 to 12 weeks and are labeled as "roasters." However, the current roaster class definition under 9 CFR 381.170 states that roasters are "usually 3 to 5 months of age." While these birds have physical characteristics that are consistent with the current poultry class standards that are defined in 9 CFR 381.170, the age references in the regulations may be misleading to consumers because the ages associated with the regulatory classification do not reflect current industry norms. When consumers purchase a bird labeled as a "broiler," they are generally getting a bird that is less than 10 weeks old, not as old as 13 weeks as suggested by the current broiler class definition. Likewise, when consumers purchase a bird labeled as a "roaster," they are generally getting a bird that was produced in less than 12 weeks rather than 3 to 5 months as suggested by the current roaster class definition. Labeling a product as a "broiler," "roaster," or any other definition should be truthful and reflective of today's production practices and industry norms so that product definitions and labels are