DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 58

[DA-91-010A]

Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products; United States Standards for Grades of Colby Cheese

AGENCY: Agricultural Marketing Service,

ACTION: Final rule.

SUMMARY: This document revises the United States Standards for Grades of Colby Cheese. The final rule action modifies the standards to recognize differences in cheese characteristics resulting from technological changes in manufacturing practices and to more accurately describe consumeracceptable product. This action expands the permissible range of open body characteristics to include colby cheese manufactured using automated equipment. The revision was initiated at the request of the National Cheese Institute (NCI) and was developed in cooperation with NCI and other dairy trade associations.

EFFECTIVE DATE: March 31, 1995.

FOR FURTHER INFORMATION CONTACT:

Roland S. Golden, Dairy Products Marketing Specialist, Dairy Standardization Branch, USDA/AMS/ Dairy Division, Room 2750–S, P.O. Box 96456, Washington, DC 20090–6456, (202) 720–7473.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This rule would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

The final rule also has been reviewed in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* The Administrator, Agricultural Marketing Service, has determined that the final rule will not have a significant economic impact on a substantial number of small entities because use of the standards is voluntary and this action will not increase costs to those utilizing the standards.

The Department is issuing this rule in conformance with Executive Order 12866.

To recognize differences in cheese characteristics resulting from technological changes in the manufacture of colby cheese and to permit the assignment of U.S. grade to cheese manufactured utilizing this technology, USDA is revising the U.S. Standards for Grades of Colby Cheese. The revised standards have received general support from many manufacturers of colby cheese and dairy trade associations representing the cheese industry.

In view of the need for revised standards, the Department published on June 30, 1993 (58 FR 34933) a proposal to revise the United States Standards for Grades of Colby Cheese. Except for minor format changes, the standards contained in this final rule are the same as those set forth in the proposal. The new standards establish the following:

 Expand body and texture criteria to permit U.S. grade assignment to colby cheese that contains less than numerous

mechanical openings.

When the U.S. Standards for Grades of Colby Cheese were established in 1973, production procedures encouraged the formation of numerous small mechanical openings, evenly distributed throughout the cheese. Since then, automated manufacturing processes have been developed which have altered traditional body characteristics. Colby cheese that is produced using automated production technology has resulted in cheese that no longer exhibits numerous mechanical openings. Cheese produced in this manner is readily available and is capturing an increasing share of the Colby cheese market. Changes in body characteristics have not altered the flavor or reduced the useability of the cheese.

Changes in the standards provide for the assignment of U.S. grades to colby cheese that contains less than numerous mechanical openings or that may be completely devoid of mechanical openings. These changes do not disallow mechanical openings in cheese produced using traditional production methods. No additional changes to body and texture characteristics are being made.

2. Delete the requirement that colby cheese be held at a temperature no lower than 35 $^{\circ}$ F. for 10 days prior to grading.

When the U.S. Standards for Grades of Colby Cheese were established in 1973, the standards included a requisite that the cheese be held at a temperature no lower than 35 °F. during a required 10-day aging period prior to grading. This was the only U.S. grade standard that contains a storage temperature

requirement. This revision eliminates the temperature requirement, and provides consistency among U.S. grade standards for various types of cheeses.

3. Modify the permitted flavor characteristics by deleting the provision for "very slight bitter" in U.S. Grade A

Colby Cheese.

Bitter flavor in colby cheese is generally found in higher moisture cheese and increases in intensity as the cheese ages. U.S. grade may be assigned to colby cheese once it has reached 10 days of age. Any evidence of a bitter flavor at this time will intensify as the cheese ages. Provisions for slight bitter flavor remain the same for U.S. Grade B Colby Cheese. No additional changes to flavor characteristics have been made.

4. Redefine packaging requirements. Changes in packaging requirements provide greater clarity and expand the types of packaging methods permitted. The general-type packaging requirements recognize the packaging methods (such as rinded and paraffindipped, rindless and wrapped, and rindless and paraffin-dipped) that are used in the cheese industry today and provide latitude for future developments in packaging technology.

5. Update the terminology and format

of the standards.

Since the U.S. Standards for Grades of Colby Cheese were last published, changes in terminology and formatting have taken place. This revision updates the standards to provide consistency among the various U.S. grade standards for cheeses.

USDA grade standards are voluntary standards that are developed pursuant to the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) to facilitate the marketing process. Manufacturers of dairy products are free to choose whether or not to use these grade standards. USDA grade standards for dairy products have been developed to identify the degree of quality in the various products. Quality in general refers to usefulness, desirability, and value of the product—its marketability as a commodity. When colby cheese is officially graded, the USDA regulations and standards governing the grading of manufactured or processed dairy products are used. These regulations also require a charge for the grading service provided by USDA. This action makes minor format changes for purposes of clarity to the section on flavor for U.S. Grade B colby cheese and to Tables I, II, III, and IV to the format that appeared in the proposed rule.

Public Comments

On June 30, 1993, the Department published a proposed rule (58 FR