

DEPARTMENT OF AGRICULTURE**Agricultural Marketing Service****7 CFR Parts 53 and 54**

[No. LS-94-009]

Standards for Grades of Slaughter Cattle and Standards for Grades of Carcass Beef**AGENCY:** Agricultural Marketing Service, USDA.**ACTION:** Proposed rule.

SUMMARY: This document would revise the official U.S. standards for grades of carcass beef and the related standards for grades of slaughter cattle and remove "B" maturity (approximately 30–42 months of age) carcasses with small or slight marbling degrees from the Choice and Select grades and include them in the Standard grade. This action is being taken because carcasses with these characteristics have been shown to be quite variable and often unacceptable in palatability, therefore contributing significantly to inconsistent palatability of beef in the Choice and Select grades. The standards for grades of slaughter cattle, which are based on the beef carcass grades, would be revised to reflect the changes proposed for the beef carcass grade standards. This proposed change should serve to strengthen the competitive position of beef products through increased quality and consistency, and thus be in the best interests of cattle producers. Also it should provide the consumer with an improved product through greater consistency and predictability in the Choice and Select grades.

DATES: Comments must be received by April 19, 1995. See Supplementary Information for date of public hearing session.

ADDRESSEES: Written comments to: Livestock and Meat Standardization Branch, Livestock and Seed Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2603 South Building, P.O. Box 96456, Washington, DC 20090-6456. See Supplementary Information for location of public hearing session.

FOR FURTHER INFORMATION CONTACT: Herbert C. Abraham, Chief, Livestock and Meat Standardization Branch, Livestock and Seed Division, Agricultural Marketing Service, U.S. Department of Agriculture, P.O. Box 96456, Washington, DC 20090-6456, 202/720-4486.

SUPPLEMENTARY INFORMATION:**Comments**

In order that all those affected have ample opportunity to comment, written views, data, or arguments will be received on the proposal. All persons who desire to submit written data, views, or comments on this proposal are invited to submit such material, in duplicate, to the Livestock and Meat Standardization Branch (see **ADDRESSEES**) on or before April 19, 1995. Comments must be signed and include the address of the sender and should bear a reference to the date and page number of this issue of the Federal Register. The comments should include information which explains and supports the sender's views. All written submissions will be made available for public inspection at the office of the Livestock and Meat Standardization Branch, Livestock and Seed Division, AMS, USDA, Room 2603 South Building, 14th and Independence Avenue, SW., Washington, DC 20250, during regular office hours.

Executive Order 12866

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

Executive Order 12778

This proposed 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.

Regulatory Flexibility Act

The Administrator, Agricultural Marketing Service (AMS), has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, P.L. 96-345 (5 U.S.C. 601). The use of the beef carcass and slaughter cattle grade standards is voluntary, and they are applied equally to all size entities covered by these regulations. Further, this action does not impose any new requirements or costs, it only modifies the grade requirements to reflect modern production practices. Any needed management changes may be done by all entities in response to market signals. The proposed action is expected to benefit the industry by improving consumer satisfaction with

beef products, and there should be no significant negative impact on returns.

Background

Federal beef grading is a voluntary fee for service program, provided under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*). A primary purpose of grades is to divide the population of cattle and beef into uniform groups (of similar quality, yield, value, etc.), in order to facilitate marketing. Grades provide a simple, effective means of describing product that is easily understood by both buyers and sellers. By identifying separate and distinct segments of a commodity, grades enable buyers to obtain that particular portion of the entire range of a commodity that meets their individual needs. At the same time, grades are important in transmitting information to cattlemen so that more informed production decisions can be made. For example, this market preference for a particular grade of beef is communicated to cattle producers so they can adjust their production accordingly.

When beef is voluntarily graded, the official grade consists of a quality grade and/or a yield grade. The quality grades are intended to identify differences in the palatability or eating satisfaction of cooked beef principally through the characteristics of marbling and maturity. The principal official USDA quality grades for young (maturity groups A and B) cattle and carcasses are Prime, Choice, Select, and Standard.

In developing the grades, the Department has followed the philosophy that, to be effective, beef grades should sort the supply of beef carcasses into homogeneous groups having a sufficiently narrow range of grade-determining factors so that carcasses within a given grade are essentially interchangeable. Another primary objective is to provide as uniform and consistent product as possible within a given grade.

The Department recognizes that the beef standards cannot be static—they must be dynamic to be of greatest value to the various users. In keeping with this philosophy, the Department has made changes in the standards as necessary to meet the changing needs of users of the system. Recommendations for changes in the standards may be initiated by the Department or by interested parties. When it appears that a change would improve the standards, generally a proposal is published and interested parties are provided an opportunity to comment. In such instances, a decision regarding adoption of the proposed change is made only