DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 70

[Docket No. PY-92-003]

RIN 0581-AA61

Voluntary Poultry Grade Standards

AGENCY: Agricultural Marketing Service,

USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service (AMS) is adopting as a final rule the provisions of the proposed rule which updated the voluntary poultry grade standards in response to advancements within the poultry industry and changes in consumer preferences. The revisions will amend existing regulations with regard to discolorations, the definition of exposed flesh, and the procurement grades in order to simplify interpretation, improve uniformity, and strengthen effectiveness. The revisions will also establish new grading criteria for large poultry parts to fulfill industry's request for voluntary grading standards for new products.

EFFECTIVE DATE: March 6, 1995.

FOR FURTHER INFORMATION CONTACT: Janice L. Lockard, Chief, Standardization Branch, (202) 720–

SUPPLEMENTARY INFORMATION: This rule has been determined not significant for purposes of Executive Order 12866 and has not been reviewed by the Office of Management and Budget.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. It would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. Prior to any judicial challenges to the application of the provisions of this rule, appropriate administrative procedures as set forth in 7 CFR 70.100 through 70.106 must be exhausted.

The AMS Administrator has determined that this rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

The information collection requirement that appears in section 70.210(e) of this rule has been previously approved by the Office of Management and Budget and assigned OMB Control No. 0581–0127, under the Paperwork Reduction Act of 1980.

Background

Poultry grading is a voluntary program provided under the authority of the Agricultural Marketing Act of 1946, as amended, and is offered on a fee-forservice basis. It is designed to assist the orderly marketing of poultry products. Quality in practical terms refers to the usability, desirability, and value of a product; as well as its marketability. Grade standards identify and measure degrees of quality, and permit important quality attributes to be evaluated uniformly and accurately. In order to continue equity among all persons affected by grade standards, from the producer to the consumer, the standards must keep abreast of changes in consumer preferences as well as advancements and trends in industry production and marketing practices.

The poultry grade standards were last amended effective June 9, 1986. Those changes included establishing a standard for quality of raw, boneless, skinless poultry products and clarifying the tolerance for exposed flesh and discoloration in ready-to-cook poultry carcasses.

Since 1986, there has been even greater consumer utilization of convenience foods and demand for low-fat, skinless products. Constant innovations and accomplishments have also occurred within the poultry industry: (1) Improved quality and uniformity (conformation and fleshing through technological advances and efficient production practices); (2) new processing techniques; (3) effective automation; (4) new products; and (5) new marketing trends.

Proposed Changes

The amendments revise the existing standard for discolorations on skin and flesh in grade A and B quality poultry products and reclassify skin bruises as a discoloration. For A quality carcasses and parts (§ 70.220), slight discolorations on skin and flesh will be allowed provided the discoloration does not detract from the appearance of the product. Clarification is further made to define discolorations and to include intensity levels allowed and the total aggregate area of permitted discolorations.

For B quality poultry products (§ 70.221), the limit for discolorations will be moderately shaded areas and the carcass or part will be free of serious defects. This revision is necessary to accurately classify discolorations considered normal for the kind and class of poultry being graded.

Out-dated terms, such as "blue back" (§ 70.220), that refer to conditions

presently not found, are removed. Technological advancements in poultry production practices have improved uniformity among poultry products. "Blue back" has become a rare finding thereby making it insignificant for present poultry marketing.

The descriptions of grade criteria for discolorations in poultry roasts (§ 70.230) is clarified. The revision allows slight discolorations or other skin discolorations which do not detract from the appearance of the roast. The aggregate area of all discolorations is defined and tolerances are based on minimum and maximum weight. In addition, the amount of skin covering poultry roasts is reduced and it is permitted to overlap without limit, provided fat has been removed from specific areas of the carcass. Current grade criteria for poultry roasts do not provide a margin for accepting product tolerances based on the weight of the product, nor do they permit the overlapping of skin on roasts.

In addition, the grade criteria for discolorations in boneless breast and thigh meat (§ 70.231) is clarified. The current regulation provides no margin for accepting product with slight discolorations even though they may not detract from the appearance of the product.

Also amended are the grade factors for exposed flesh in A quality poultry products (§ 70.220). Current grade factors were developed when the primary method for disjointing whole carcasses was by hand. They do not provide for insignificant cuts and tears on the breast and legs of whole carcasses, or on poultry parts, that may be the result of the newer processing technologies and equipment used today. Data from the Agency's 1991 Poultry Defect Survey indicates that the amendments would not significantly affect the overall acceptable quality levels of the product. These cuts and tears frequently do not detract from the appearance or acceptability of the product. The entire paragraph has been rewritten to more clearly incorporate these changes. Because newer methods for disjointing whole birds also affect the thigh portion of poultry parts, the grade criteria for A quality thighs is clarified in § 70.220(f) "Disjointed and broken bones, missing parts, and trimming.

In B quality poultry products, trimming is removed from § 70.221(e) "Exposed flesh" and is more fully addressed in § 70.221(f) "Disjointed and broken bones, missing parts, and trimming."

Procurement Grades I and II (§§ 70.270 and 70.271) are deleted.