

These grades were established in 1960, for poultry suitable for institutional adaptation and further processing. Today, the use of procurement grades and the need to provide grade standards below Grade C are virtually non-existent.

The amendments include definitions for front poultry halves and rear poultry halves (§ 70.210), products that are newer retail packs; add tenderloins to the regulations for boneless poultry breast and thigh meat (§ 70.231); and add a new standard for skinless carcasses and parts (§ 70.232). Industry had requested that the Agency broaden the types of products to which the standards apply. These changes give industry flexibility in marketing additional types of graded poultry products. Consumer preferences for a leaner, tender cut of poultry has caused the demand for tenderloin meat to grow and a standard is needed to ensure a quality product. And consumers wanting less fat in the diet will have a larger variety of skinless USDA graded poultry products from which to choose. The Agency has been working with industry, through test applications, to determine possible changes and agrees that the amendments are feasible.

The definition for "Free from protruding pinfeathers" (§ 70.1) is revised by adding the terms "diminutive feathers" and "hairs". In addition, the grade criteria for this factor in A quality (§ 70.220) and B quality (§ 70.221) is clarified.

The amendments require that all scales provided for the graders' use be graduated uniformly whether used for individual products or quantities of product (§ 70.15). This will enable a more accurate application of tolerances during test-weighing procedures, especially as the use of digital scales increases.

The amendments will update the regulations to comply with current statutory requirements regarding providing grading services and licensing graders without discrimination due to age or disabilities (§ 70.5).

Other miscellaneous changes will remove obsolete material, correct erroneous wording, and otherwise clarify, update, and simplify the regulations. These changes are editorial or housekeeping in nature and impose no new requirements.

Comments

A proposed rule to amend the poultry standards and grades in 7 CFR Part 70 to reflect these innovations was published in the **Federal Register** (59 FR 52469) on October 18, 1994. Comments on the proposed rule were

solicited from interested parties until November 17, 1994.

During the 30-day comment period, the Agency received six comments, four from poultry processors and two from national industry associations. All commentors were in basic agreement with the proposed changes. However, three processors and one association also called attention to several items that were of concern.

There were several comments about the definitions for discolorations: (1) they should apply only to discolorations on muscle tissue, not to any loose blood that may collect in the wing socket area; (2) they are too subjective and need further clarification to avoid inconsistent interpretation; (3) it is and would be cumbersome for graders to visualize circular aggregate areas of discoloration and to determine their dimensions; (4) color photographs and standard color chips would be helpful.

Discolorations on poultry skin and flesh have always been part of the grade standards. Likewise, blood on or under the skin has always been considered to be a discoloration. Blood may build up in the wing socket area during the hanging, stunning, and evisceration procedures, but it can usually be removed by further rinsing the poultry, thus upgrading the product. The proposed regulations do not change these facts, but they do define discolorations in terms of intensity levels and they include the total aggregate area of permitted discolorations.

The Agency recognizes that words alone cannot totally illustrate degrees of discoloration or that visual inspection alone cannot precisely determine the actual size of a discoloration. Therefore, the Agency is developing two grading aids that will be provided to all poultry grading personnel and will be available to others for a fee. One aid is a color photo series that will show various defects, including discolorations, on chickens, turkeys, and ducks. Each species has its own unique characteristics and requires specific criteria to classify any defects. The other aid is a plastic template with circular areas of specific dimensions that coincide with the various aggregate areas of defects that are permitted.

Other comments were related to the definition of "Free from protruding pinfeathers, diminutive feathers, or hairs:" (1) it was too subjective or ambiguous; (2) it could lead to a wide range of interpretation or inconsistent downgrading; (3) actual numbers and sizes should be established for feathers and hairs.

Defeathering has always been part of the poultry grade standard and the Agency believes that the proposed revisions will help clarify the regulations. However, the Agency will consider undertaking further study concerning the defeathering process.

In the meantime, in consideration of preliminary discussions with industry resulting in the proposed regulatory changes and overall acceptance thereof, the regulatory text contained in the proposed rule is hereby adopted.

List of Subjects in 7 CFR Part 70

Food grades and standards, Food labeling, Poultry and poultry products, Rabbits, Reporting and recordkeeping requirements.

For reasons set forth in the preamble, 7 CFR Part 70 is amended as follows:

PART 70—VOLUNTARY GRADING OF POULTRY PRODUCTS AND RABBIT PRODUCTS AND U.S. CLASSES, STANDARDS, AND GRADES

1. The authority citation for Part 70 continues to read as follows:

Authority: 7 U.S.C. 1621–1627.

2. In section 70.1, the definition for "Free from protruding pinfeathers" is revised and new definitions for "Lightly shaded discolorations," "Moderately shaded discolorations," and "Slight discolorations" are added to read as follows:

§ 70.1 Definitions.

* * * * *

Free from protruding pinfeathers, diminutive feathers, or hairs means that a poultry carcass, part, or poultry product with the skin on is free from protruding pinfeathers, diminutive feathers, or hairs which are visible to a grader during an examination at normal grading speeds. However, a poultry carcass, part, or poultry product may be considered as being free from protruding pinfeathers, diminutive feathers, or hairs if it has a generally clean appearance and if not more than an occasional protruding pinfeather, diminutive feather, or hair is evidenced during a more careful examination.

* * * * *

Lightly shaded discolorations on poultry are generally reddish in color and are usually confined to areas of the skin or the surface of the flesh.

Moderately shaded discolorations on poultry skin or flesh are areas that are generally dark red or bluish, or are areas of flesh bruising. Moderately shaded discolorations are free from blood clots that are visible to a grader during an examination of the carcass, part, or