



California Agricultural Commissioners and Sealers Association

Issue Fact Sheet

Issue: Wet Tare versus Dry Tare Methodology for Determining Net Weight of Poultry and Meat Product Packages

Background: On October 9, 2008, the U.S. Department of Agriculture's Food Safety Inspection Service (FSIS) implemented a Final Rule eliminating wet tare provisions for determining net weight of packaged poultry and meat products from FSIS' incorporation of National Institute of Standards and Technology (NIST) Handbook 133. The result of this action is a mandate to employ dry tare methodology, which credits to net weight the weight of salt water and other solutions often added to meat and poultry by packers and which we contend renders consumers unable to compare value among such products.



The process used in excluding Handbook 133 wet tare provisions from FSIS' regulations was not transparent and significantly impacted California consumers. In fact, the proposed rule dated March 2006 specifically stated that FSIS was incorporating the 2005 version of Handbook 133 into its meat and poultry inspection regulations (9 CFR parts 317.18 through 317.22 and 381.121a through 381.121e, respectively) and the resulting regulations "remain substantively unchanged from those currently incorporated by reference in FSIS' regulations," a statement we contend is inaccurate.

In 2006, Weights and Measures officials conducted a study that indicates the loss in value to consumers due to the inability to use the wet tare procedures is estimated at \$246 million in California alone. Assuming that California has an approximate market share of 12 percent, the impact to consumers nationwide is projected at \$2 billion annually.



Especially at a time of great economic uncertainty for many U.S. households, this ruling negatively impacts a family's budget by not being able to compare value on a per pound basis for poultry or meat contained in product packaging that includes free-flowing liquids.

Action Item: Request USDA to rescind the October 9, 2008 final rule and implement the dry tare method of determining net weight for poultry and meat product packages nationwide.