



United States Department of Agriculture

Food Safety and
Inspection Service

1400 Independence
Avenue, SW,
Washington, D.C.
20250

Mr. Michael J. Brown
President
National Chicken Council
1152 Fifteenth Street NW, Suite 430
Washington, DC, 20005

JUL 23 2014

Dear Mr. Brown:

The Food Safety and Inspection Service (FSIS) has completed its review of the petition submitted by you on behalf of the National Chicken Council (NCC) dated November 18, 2013, as well as the supplemental information submitted on December 13, 2013. The petition requests that FSIS amend its regulations that define the standard of identify for the "roaster" or "roasting chicken" poultry class to change the age from "8 to 12 weeks" to "less than 12 weeks" and to increase the ready-to-cook (RTC) carcass weight from 5 to 5.5 pounds. The petition includes data that show that producers are able to raise chickens with the characteristics of "roasters" in under 8 weeks. The petition also includes data on RTC carcass weights of chickens raised in less than 8 weeks. After evaluating the issues raised in the petition, we have decided to grant your petition.

As noted in the petition, on November 3, 2011 FSIS published a final rule to amend the definitions and standards of identity for the official U.S. classes of poultry (76 FR 68058). One of the changes made in the final rule was to revise the age range for the "roaster" poultry class from "usually 3 to 5 months of age" to "between 8 to 12 weeks of age." The petition asserts that because genetic improvements in chickens have continued over the years, the data that FSIS used to inform the changes to the "roaster" definition in the November 2011 final rule are now out of date. According to the petition, chickens labeled and sold as "roasters" are currently brought to market in less than 8 weeks and have a RTC weight of 5.5 pounds or more. As a result, the petition states that the new "roaster" definition would cause disruption to the production and marketing of whole chickens, would cause consumer confusion, and would require reclassification of most chickens currently marketed as "roasters."

The final rule became effective on January 14, 2014, the uniform compliance date for labeling regulations. However, after conducting a preliminary review of the petition, FSIS published a Constituent Update on December 27, 2013, to explain that until the Agency completes its evaluation of the petition, it will allow chickens younger than 8 weeks of age to be labeled and marketed as “roasters” after the new poultry class standards go into effect, provided that these birds meet all of the other characteristics of a “roaster” in the standard, i.e., a RTC carcass weight of 5 pounds or more, and tender-meated with soft, pliable, smooth-textured skin that is somewhat less flexible than that of a broiler or fryer. On June 5, 2014, FSIS issued instructions to its inspection program personnel to inform them that young chickens may continue to be labeled and marketed as “roasters” or “roasting chickens” if the birds are younger than 12 weeks, and they meet all of the other physical characteristics of a “roaster” in the standard (FSIS Notice 25014 “Verification of Non-Food Safety Consumer Protection Regulatory Requirements - Poultry Class Standards”).

FSIS consulted with the Livestock, Poultry, and Seed Program of the Agricultural Marketing Service (AMS) to evaluate the merits of your petition and the supporting data. AMS verified that the data that you submitted to support your petition are consistent with production data that AMS collected from the poultry industry.

After reviewing the available information, FSIS, in consultation with AMS, has concluded that the data show that chickens younger than 8 weeks are consistently reaching higher average dressed weights in shorter periods of time, and that the marketplace data showed a difference in price between birds marketed as “broilers,” and birds marketed as “roasters.” Removing the minimum age and increasing the RTC carcass weight for the “roaster” class would permit companies to continue to label and market young chickens with the physical attributes of the “roaster” class as “roasters” or “roasting chickens.” Therefore, as stated above, we are granting your petition and intend to initiate rulemaking to make the requested changes to the “roaster” poultry class.

In accordance with FSIS regulations, the petition and supplemental information were posted on the FSIS website in December 2013. The Agency intends to post this response as well. If you have any questions regarding the status of your petition, you may contact Mary Porretta, Petitions Manager, Issuances Staff, at (202) 720-5627.

Sincerely,



Rachel A. Edelstein
Assistant Administrator
Office of Policy and Program Development