



1152 FIFTEENTH STREET NW, SUITE 430
WASHINGTON, DC 20005
PHONE: 202-296-2622
FAX: 202-293-4005

November 18, 2013

Mr. Alfred V. Almanza
Administrator
Food Safety and Inspection Service
U.S. Department of Agriculture
Room 331-E Jamie Whitten Building
Washington, DC 20250

Re: Petition to Amend Regulations for the Definition and Standard of Identity for "Roaster"
or "Roasting Chicken"

Dear Administrator Almanza:

Please accept this letter as the National Chicken Council's (NCC's) petition to amend regulations for the definition and standard of identity for "roaster" chickens and, as necessary, to exercise enforcement discretion or stay the effective date of the revisions to the standard to be codified at 9 C.F.R. § 381.170(a)(iii), as announced in the final rule *Classes of Poultry*, 76 Fed. Reg. 68058 (Nov. 3, 2011). By way of background information, I note the following:

- Currently, the definition and standard of identity for a "roaster" or "roasting chicken" is "a young chicken (usually 3 to 5 months of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin and breastbone cartilage that may be somewhat less flexible than that of a broiler or fryer." 9 C.F.R. § 381.170(a)(1)(iv).
- Effective January 1, 2014 the new definition and standard of identity for a "roaster" or "roasting chicken" will be "a young chicken (between 8 and 12 weeks of age), of either sex, with a ready-to-cook carcass weight of 5 pounds or more, that is tender-meated with soft, pliable, smooth-textured skin and breastbone cartilage that is somewhat less flexible than that of a broiler or fryer." See 76 Fed. Reg. 68058, 68064 (Nov. 3, 2011) (amending 9 C.F.R. § 381.170(a)(1)(iii)).

NCC believes the scheduled change will not advance, and will in fact detract from, the orderly and efficient marketing of classes of poultry. Accordingly, NCC requests that the regulations scheduled to go into effect on January 1, 2014, defining a "roaster" or "roasting chicken" be amended as follows:

- "Roaster" or "roasting chicken" is a young chicken (less than 12 weeks of age) of either sex, with a ready-to-cook carcass weight of 5.5 pounds or more, that is tender-meated with soft, pliable, smooth-textured skin and breastbone cartilage that may be somewhat less flexible than that of a "broiler", or "fryer".

If necessary to provide adequate time for the Food Safety and Inspection Service (FSIS) to consider this petition or complete the requested rulemaking, NCC requests the Agency exercise enforcement discretion and not consider violative products that comply with the proposed definition and stay the effective date of the scheduled change to the definition of “roaster” or “roasting chicken,” or take any other action as appropriate.

Support for the Requested Change

The change to the definition of the “roaster” class of chickens would cause substantial disruption to the production and marketing of whole chickens, would engender significant consumer confusion, and would require the reclassification of most chickens currently marketed as “roasters.”

Continuing Improvements in Chicken Production

The genetic improvements in chickens have continued over the years and decades at a somewhat remarkable rate. Geneticists forecast further improvements in weight gains, days-to-market, over-all plumpness, and quality of tomorrow’s chicken. Over recent decades, improved breeding and poultry management techniques have resulted in chickens marketed as “roasters” reaching marketability about one day earlier each year. It is reasonable to expect these types of advancements to continue for the foreseeable future.

Currently, chickens labeled and sold as “roasters” are brought to market within about 8 weeks, putting today’s “roaster” chickens on the very edge of the age range of the scheduled definition. At the rate at which genetic improvements have been made, the vast majority of products currently marketed as “roaster” chickens will be ready for market inside of 8 weeks within only a few years. Indeed, many chickens marketed as “roasters” already would fall inside the 8 week age range contemplated in the new definition.

When proposing the scheduled definition, the Agency considered data on days-to-market that is now years out of date. The requested change to the definition will avoid the problem of needing to periodically amend the regulation to reflect continuing improvements in days-to-market.

Costs of Complying with the Scheduled Definition Change

Requiring “roasters” or “roaster chickens” to be grown to a minimum of 8 weeks will result in a less-than-optimum use of feed and related resources, housing, growout labor/management, and other necessary inputs as companies unnecessarily prolong the grow-out period to comply with the time-to-market threshold. Permitting “roasters” or “roaster chickens” to be produced in a more efficient manner will allow consumers of this product a more affordable option and a weight-range more acceptable to their current standard of reference.

Feed represents one of the primary costs associated with raising chickens. Feed costs can be thought of as falling into two categories: the feed used to maintain the chicken at its current weight and the feed necessary to allow the chicken to grow in size. For every day that a chicken is unnecessarily held in a grow-out facility to meet an age deadline, the chicken company must

pay the cost of the feed required to maintain the chicken, with no additional return for the company.

Requiring that “roaster” chickens be held for a minimum number of days increases the cost of raising chickens and, ultimately, the cost per pound consumers pay for “roaster” chickens. Chicken companies, who usually supply the feed used to raise chickens, are forced to pay for unnecessary maintenance feed. The family farmers that raise chickens, who usually get paid when they deliver flocks to chicken processors, raise fewer flocks in the same period of time and have less incentive to raise chickens more efficiently. Moreover, some chicken companies have invested significant resources into programs to develop and market roasters. Preventing these companies from marketing their products as “roasters” would cause unnecessary losses. Ultimately, consumers would face increased costs and, as explained below, would see most of the “roaster” chickens disappear from the market.

Market Effects of the Definition of “Roaster”

NCC estimates that in 2012 there were about 200 million “roasters/roasting chickens” marketed with a ready-to-cook weight of 1.35 billion pounds, or over 3.5 percent by weight of the federally inspected young chicken meat approved as wholesome. Most, but not all of these chickens are individually packaged at the processing plant where the chickens were slaughtered and were marketed through retail grocery stores and similar food market outlets. Relatively few of these chickens were marketed through restaurants and similar foodservice channels.

NCC further estimates, based on a survey of processor members who produce or process these types of chickens, that if the new rule becomes effective less than 10 percent of the 2012 volume of this type of chicken will be made available to the market. The primary reason for the expected very significant decrease in “roasters/roasting chickens” is the basic fact that there will be a very measurable increase in the cost of growing a chicken to a minimum of 8 weeks, and the resulting size of the chicken at that age would be a weight that few current purchasers would find acceptable. In short, the new rule will severely disrupt the “roaster/roasting chicken” market that consumers have understood and enjoyed for decades.

Consumers are presented with a wide array of choices when buying chicken at retail. Poultry classifications play an important role in helping consumers quickly identify the type of product in the retail case or butcher’s counter they want to purchase. If the scheduled change goes into effect, the vast majority of the products currently marketed as “roasters” will likely instead be sold as broilers. Consumers would then have to review more individual packages or have butchers inspect and weigh more chickens to identify those with the characteristics generally associated with “roasters.” At the same time, the broiler classification would be similarly diluted as more chickens are sold under what would become an increasingly general category indicating only that the product is a whole chicken.

The National Chicken Council suggests the poultry classification regulations should be focused on bringing consistency to the marketplace, rather than driving a product from the marketplace. Consumers have years of experience with “roaster” chickens and have come to associate them primarily with their increased size and weight. Moreover, continued experience with roasters or roasting chickens will reinforce consumer understanding of these terms. The rule currently slated

to be implemented, by contrast, could result in these products falling out of the marketplace. Consumers will be greatly confused by the disappearance of “roaster” chickens, and consumers wishing to purchase the larger chickens historically marketed as “roaster” chickens will be forced instead to examine individually each bird to determine its size and weight, a tedious process even for packaged chickens and even more difficult when purchasing chickens sold unpackaged at a butcher’s counter.

Conclusion

For these reasons, NCC believes it is not only appropriate, but also necessary for the integrity of the poultry marketplace, that Agency amend the standard for “roaster” chickens. Moreover, should it be necessary to do so to fully consider this request, NCC requests FSIS stay the effective date of the portion of the final rule that addresses “roaster” chickens and exercise its enforcement discretion to permit chicken that is currently marketed as “roaster” or “roasting chicken” or that meets the definition requested herein to be marketed as a “roaster” or “roasting chicken.” Doing so would maintain the orderly marketing of these products, ensure their availability to consumers, and avoid economic loss to poultry companies and consumers.

Thank you for your consideration of this petition. Please do not hesitate to contact me if I can provide any additional information.

Respectfully submitted,



Michael J. Brown
President

cc: Rachel Edelstein, Assistant Administrator of the Office of Policy and Program Development
Rosalyn Murphy-Jenkins, Director, Labeling and Program Delivery Division