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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

[Docket No. 97-056-6]

Declaration of Extraordinary Emergency Because of the Mediterranean Fruit Fly

A serious outbreak of the Mediterranean fruit fly, *Ceratitis capitata* (Wiedemann), has occurred in Florida.

The Mediterranean fruit fly is one of the most destructive pests of over 200 species of fruits, nuts, and vegetables, especially citrus and stone fruits. The pest can develop rapidly and spread easily, causing severe damage to entire citrus and other fruit and vegetable growing areas. At least 43 countries are known to regulate in some manner for the Mediterranean fruit fly.

As of August 1997, infestations of the Mediterranean fruit fly had been found in portions of Hillsborough, Manatee, Orange, Polk, and Sarasota Counties, FL. The presence of this fruit fly in the continental United States could severely disrupt the fruit and vegetable industry due to the loss of export markets. The Florida agricultural industry, worth an estimated \$6 billion annually, is based on continued trade in international markets. According to industry sources, in 1996 the value of Florida citrus exports, in fresh and juice form, was estimated at approximately \$940 million.

Control and eradication of Mediterranean fruit fly is difficult. Management of the pest is through quarantine and containment of regulated articles. Initial emergency action was taken by the State of Florida and the Animal and Plant Health Inspection Service (APHIS). Since shortly after the first Mediterranean fruit fly was detected in Hillsborough County, FL, on May 28, 1997, APHIS and the State of Florida have been conducting a coordinated program to

eradicate this fruit fly infestation in Florida. The program, which involves trapping, malathion bait spray treatments, sterile fly releases, and restrictions on the movement of Mediterranean fruit fly host material, has proven successful. The last detection of the pest came on August 26, 1997, in Polk County, FL. Additional treatments, followed by a period of intensive trapping, are still necessary to complete the program. However, on September 19, 1997, a State administrative law judge in Florida ruled that several of the emergency regulations under which the State's eradication program has operated were invalid. Without such regulations, the State of Florida is unable to continue to take action necessary to control and eradicate the Mediterranean fruit fly in Florida.

This infestation of Mediterranean fruit fly represents a threat to United States fruit and vegetable crops. It constitutes a real danger to the national economy and seriously burdens interstate and foreign commerce. Therefore, the U.S. Department of Agriculture has determined that an extraordinary emergency exists because of the existence of Mediterranean fruit fly in Florida and the inability of the State of Florida to continue to take action necessary to control and eradicate it.

Therefore, in accordance with 7 U.S.C. 150dd, this declaration of extraordinary emergency authorizes the Secretary to: (1) Seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of, in such manner as the Secretary deems appropriate, any product or article of any character whatsoever, or means of conveyance that the Secretary has reason to believe is infested with or contains Mediterranean fruit fly; and (2) quarantine, treat, or apply other remedial measures to, in such manner as the Secretary deems appropriate, any premises, including articles on such premises, that the Secretary has reason to believe are infested with Mediterranean fruit fly. The Governor of Florida has been informed of these facts.

Effective Date: This declaration of extraordinary emergency shall become effective September 24, 1997.

Dan Glickman,

Secretary of Agriculture.

[FR Doc. 97-25857 Filed 9-29-97; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[PY-97-007]

United States Grade Standards for Poultry and Rabbits

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The Agricultural Marketing Service (AMS) is soliciting comments on its proposal to change the United States Grade Standards for Poultry. Specifically, AMS proposes to change existing grade standards for boneless parts, skinless carcasses and parts, and boneless, skinless parts. New grade standards would be added for ready-to-cook (raw), boneless, skinless drumsticks and legs; and raw size-reduced boneless, skinless products. AMS proposes also to clarify existing standards for defeathering by detailing specific feather tolerances for grades A-B-, and C-quality carcasses and parts. Additionally, AMS proposes to terminate the authority to grade-identify boneless, skinless products under three tentative standards that were used to develop the proposed new grade standards. From time to time, sections in the standards are affected by changes in poultry processing technology and marketing. This notice updates the standards to reflect these changes.

DATES: Comments must be received on or before December 1, 1997.

ADDRESSES: Written comments may be submitted to Douglas C. Bailey at the Standardization Branch, Poultry Division, AMS, USDA, Room 3944-South Bldg., STOP 0259, 1400 Independence Avenue, SW, Washington, D.C. 20250-0259; or faxed to (202) 690-0941.

All comments received will be available for public inspection during regular business hours (8 a.m.-4:30 p.m. eastern time).

The current United States Grade Standards for Poultry and Rabbits, along with the proposed changes, are available either through the above address or by accessing AMS's Internet site at: www.ams.usda.gov/standards/standpy.htm.

FOR FURTHER INFORMATION CONTACT: Contact Rex A. Barnes at (202) 720-3271.

SUPPLEMENTARY INFORMATION: Poultry grading is a voluntary program provided under the Agricultural Marketing Act of 1946, as amended, 7 U.S.C. 1621 *et seq.*, and is offered on a fee-for-service basis. Section 203(c) of the Agricultural Marketing Act of 1946, as amended, directs and authorizes the Secretary of Agriculture "to develop and improve standards of quality, condition, grade, and packaging and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices * * *" AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities.

On December 4, 1995, the Voluntary United States Grade Standards for Poultry and Rabbits were removed from the Code of Federal Regulations (CFR) as part of the National Performance Review program to eliminate unnecessary regulations and to improve those that remain in force. AMS will continue to administer the voluntary standards, maintaining their existing numbering system, and will make copies of the official standards available upon request. The United States Grade Standards for Poultry are now referred to as AMS 70.200 *et seq.* and the United States Grade Standards for Rabbits are now referred to as AMS 70.300 *et seq.*

On March 30, 1995, June 12, 1995, and February 15, 1996, AMS published in the **Federal Register** tentative standards for: (1) Raw boneless, skinless legs and drumsticks; (2) raw boneless, skinless products, without added ingredients; and (3) cooked boneless, skinless products, without added ingredients, respectively.

The tentative standards for raw and cooked products have been in effect for over a year, permitting the determination of production requirements, the evaluation of consumer acceptance, and the collection of other necessary data.

Processor feedback has indicated that they are pleased with the marketing capabilities of grade-identified raw products under the tentative standards. The Agency received no requests to grade product under the cooked boneless, skinless product tentative standard, and little feedback about the cooked standard.

In response to findings from the use of tentative standards and feedback from industry and graders responsible for applying the standards, AMS proposes to change the standards for poultry to include raw boneless, skinless legs, drumsticks, and size-reduced products. The proposal would also allow the use of clear to semi-clear marinades and

saucers for grade-identified products, provided the ingredients do not alter the applicable grade factors or detract from the appearance of the product. At the same time, AMS would terminate the authority for the use of the three tentative standards.

AMS proposes to add poultry tenderloins and wing portions to the standards and make each eligible for grade identification. Tenderloins would be identified as grade A-quality; and wing portions would be identified as grade A-, B-, or C-quality parts. The current standards cover these parts, but do not clearly define how each part is cut.

The proposal would update the feather criteria in grade A-, B-, and C-quality poultry carcasses and parts and grade A-quality poultry roasts. Current standards require that poultry either be "free of feathers" or possess only a few feathers when examined at normal grading speeds. The proposed standards would specify the number and length of protruding feathers allowed on poultry for each grade, and limit the length of hair and/or down permitted on ducks and geese. The proposal reflects the Agency's actual grading interpretation and practices, and does not require a change in existing procedures.

The following proposed changes would extend additional flexibility in the marketing of grade identified poultry products:

(1) The standards for boneless parts would be revised to include drumsticks and legs, address boneless, skin-on parts only, and exclude tenderloins. Tenderloins and other boneless, skinless parts, and their respective requirements, would be covered under a proposed new section. This change organizes requirements for each product type by section and makes the standards clearer and more "user friendly."

(2) For trimming of boneless, skinless poultry legs and drumsticks, the proposed standard would require at least one-half of the drumstick and leg remain intact, and the part need no longer retain the meat yield of the original part. This change was revised from requirements in the tentative standard which were not based on the Agency's long-standing policy that parts must be in recognizable portions for identification purposes and that the "one-half" requirement provides a minimum relationship to the meat yield.

(3) A proposed new section for grade A-quality tenderloins and other whole muscle boneless, skinless parts would update current criteria by: (a) Including all such parts; (b) allowing only slight discolorations on the flesh; and (c)

requiring parts to be free of bone, cartilage, blood clots, bruises, cuts, tears, and holes.

The following proposed changes would establish standards for size-reduced poultry products:

(1) Requirements for Grade A-quality raw size-reduced boneless, skinless products in the form of sliced, diced, and other similarly cut poultry products would be added to the standards. To date, the standards have only addressed raw poultry carcasses, parts, and roasts.

(2) The section title under the tentative standard would be revised from "Ready-to-Cook, Boneless-Skinless Poultry Products, Without Added Ingredients" to "Size-Reduced Poultry Products." This change clarifies that this section covers size-reduced poultry products exclusively.

(3) The requirements for the "size-reduced" section would be revised from the tentative standards to require uniformity in product size and shape to be dictated by the size-reduction process. This change is necessary because it is improbable that all products of this nature would be uniform, especially since new technology, including slicing and dicing procedures, will constantly be improved, advanced, and discovered.

(4) Requirements for products labeled "sliced (part)" would be added to the standards. The product will consist of the specific part (such as breast, thigh, etc.) indicated. Additionally, these products shall: (a) Originate from the slicing of the boneless, skinless part and (b) collectively approximate the shape of the original part prior to slicing. Further, the slices need not come from the same part. These requirements are consistent with current guidelines for cut-up chickens labeled as "whole chicken, cut-up," where all parts need not come from the same chicken.

Other miscellaneous changes are proposed to remove obsolete material and otherwise clarify, update, simplify, and technically correct the standards. These changes to the poultry grade standards are editorial or housekeeping in nature and impose no new requirements.

Dated: September 24, 1997.

Lon Hatamiya,

Administrator, Agricultural Marketing Service.

[FR Doc. 97-25918 Filed 9-29-97; 8:45 am]

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