

hypotheses and provide key indicators on consumers' attitude or perception on dietary and safety issues.

Although ERS plans to have four surveys per year, unanticipated events, such as unforeseen food safety incidents, or large swings in sales volume, prices, or quantities of major food products, may demand out-of-cycle surveys be conducted to keep information current. For similar reasons, topics for future surveys cannot be determined with certainty.

*Estimate of Burden:* The reporting burden on each respondent completing a quarterly survey is estimated to be 7 minutes. Each quarterly survey will have 12–14 questions.

*Respondents:* The panel completing each survey is composed of consumers who have already been recruited by AC Nielsen and agree to report all grocery purchases and participate in several surveys through the Internet.

*Estimated Number of Respondents:* The sample size for AC Nielsen's online Internet survey is 6,600 respondents.

*Estimated Total Burden on Respondents:* 770 hours (7 minutes per survey x 6,600 respondents) for each quarterly survey. The annual burden for four surveys totals 3,080 hours.

*Comments:* Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technology. Comments should be sent to the address stated in the preamble. All responses to this notice will be summarized and included in the request for Office of Management and Budget (OMB) approval. All comments will also become a matter of public record.

Dated: September 19, 2005.

**Susan E. Offutt,**

*Administrator, Economic Research Service, USDA.*

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BILLING CODE 3410–18–P

## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

[Docket No. 04–037N]

#### Treatment of Live Poultry Before Slaughter

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) is reminding all poultry slaughter establishments that, under the Poultry Products Inspection Act (PPIA) and Agency regulations, live poultry must be handled in a manner that is consistent with good commercial practices, which means they should be treated humanely. Although there is no specific federal humane handling and slaughter statute for poultry, under the PPIA, poultry products are more likely to be adulterated if, among other circumstances, they are produced from birds that have not been treated humanely, because such birds are more likely to be bruised or to die other than by slaughter.

**FOR FURTHER INFORMATION CONTACT:** Lynn Dickey, PhD, Director, Regulations and Petitions Policy Staff, Office of Policy, Program, and Employee Development, Food Safety and Inspection Service, Cotton Annex Building, 300 12th Street, SW., Room 112, Washington, DC 20250–3700; (202) 720–5627.

#### Comments

FSIS invites interested persons to submit comments on this notice. Submit comments by October 28, 2005. Comments may be submitted by any of the following methods:

- Mail, including floppy disks or CD-ROM's, and hand- or courier-delivered items: Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 300 12th Street, SW., Room 102 Cotton Annex, Washington, DC 20250.

All submissions received must include the Agency name and docket number 04–037N. All comments submitted in response to this notice, as well as research and background information used by FSIS in developing this document, will be available for public inspection in the FSIS Docket Room at the address listed above between 8:30 a.m. and 4:30 p.m., Monday through Friday. The comments also will be posted on the Agency's Web site at [http://www.fsis.usda.gov/regulations/2004\\_Notices\\_Index/Index.asp](http://www.fsis.usda.gov/regulations/2004_Notices_Index/Index.asp).

## SUPPLEMENTARY INFORMATION:

### The Poultry Products Inspection Act (PPIA) and Implementing Regulations

FSIS considers humane methods of handling animals and humane slaughter operations a high priority and takes seriously any violations of applicable laws and regulations. In poultry operations, employing humane methods of handling and slaughtering that are consistent with good commercial practices increases the likelihood of producing unadulterated product.

FSIS regulations describe the operating procedures that poultry processors must follow to ensure sanitary processing, proper inspection, and the production of poultry products that are not adulterated. Under 9 CFR 381.71, FSIS condemns poultry showing, on ante mortem inspection, certain diseases or conditions. Bruising is one condition that may result in condemnation (9 CFR 381.89). Bruises are likely to result when birds are not treated humanely.

Moreover, the PPIA (21 U.S.C. 453(g)(5)), as well as the Agency's regulations (9 CFR 381.90), provide that carcasses of poultry showing evidence of having died from causes other than slaughter are considered adulterated and condemned. The regulations also require that poultry be slaughtered in accordance with good commercial practices, in a manner that results in thorough bleeding of the poultry carcass, and ensures that breathing has stopped before scalding so that the birds do not drown (9 CFR 381.65(b)). Compliance with these requirements helps ensure that poultry are treated humanely.

### The Reason FSIS Is Issuing This Notice at This Time

FSIS is issuing this notice because there has been considerable congressional and public interest in the humane treatment of animals, including poultry. As FSIS explained in the September 9, 2004, **Federal Register**, in recent years, Congress has taken various actions to strengthen USDA's resources and to ensure that FSIS enforces the statutory provisions concerning the humane handling and slaughter of livestock (69 FR 54625). In addition, the U.S. Department of Agriculture has received several letters from members of Congress expressing concerns regarding the humane treatment of poultry and supporting legislation to include provisions for the humane treatment of poultry in the Humane Methods of Slaughter Act (HMSA). The HMSA of 1978 (7 U.S.C. 1901 *et seq.*) requires that humane methods be used for handling

and slaughtering livestock but does not include comparable provisions concerning the handling and slaughter of poultry.

In the September 9, 2004, **Federal Register**, FSIS also explained that, in addition to this congressional interest, FSIS has received over 20,000 letters from the public (individuals, consumer organizations, and animal welfare organizations) over the last few years expressing concerns regarding the humane treatment of livestock (69 FR 54626). Some of these letters also expressed concerns regarding the humane treatment of poultry. In addition, the U.S. Department of Agriculture has received nearly 13,000 e-mail messages supporting legislation to include provisions for the humane treatment of poultry in the HMSA.

Finally, FSIS received a petition from the Animal Legal Defense Fund, dated November 21, 1995, requesting that FSIS amend the Federal poultry products inspection regulations to require humane standards of slaughter for poultry. FSIS denied the petition because, as is explained above, there is no specific federal humane handling and slaughter statute for poultry. However, as is also explained above, the PPIA and Agency regulations do require that live poultry be handled in a manner that is consistent with good commercial practices, and that they not die from causes other than slaughter.

#### **Undesirable Consequences of Not Handling Poultry in Accordance With Good Commercial Practices**

The abuse of poultry by killing them by an unacceptable method or by treating them in a manner that is not consistent with good commercial practices may render the poultry product adulterated and, hence, not acceptable for human food. The dead birds are considered to be cadavers (carcasses of poultry showing evidence of having died from causes other than slaughter) and are condemned. These carcasses are not of good quality, are undesirable, and are of no profitable advantage to establishments, as they are not marketable and could not be sold. In contrast, the use of good commercial practices tends to produce poultry that is processed according to federal requirements, and that is wholesome and marketable.

It is a prohibited act to slaughter poultry in any way that is not in compliance with the PPIA (21 U.S.C. 458(a)(1)). If birds hung on the slaughter line expire prior to slaughter due to mishandling, or are being killed in a manner that does not comply with good

commercial practices, the resultant product is adulterated under the PPIA.

#### **FSIS Perspective on the Treatment of Poultry**

Many poultry operations may not be aware of industry guidelines pertaining to the treatment of poultry at slaughter. FSIS has included a list of references at the end of this notice that may assist poultry slaughter establishments in considering means of assessing or improving their handling and slaughter procedures. One method poultry operations may wish to examine is a systematic approach to ensuring that poultry is handled and slaughtered in a manner that is consistent with good commercial practices. By a "systematic approach," FSIS means one in which establishments focus on treating poultry in such a manner as to minimize excitement, discomfort, and accidental injury the entire time that live poultry is held in connection with slaughter. Establishments can achieve such an approach by:

- (1) Assessing under what circumstances poultry may experience excitement, discomfort, or accidental injury while being handled in connection with slaughter;
- (2) Taking steps to minimize the possibility of such excitement, discomfort, and accidental injury; and
- (3) Evaluating periodically how poultry are being handled and slaughtered to ensure (a) that any excitement, discomfort, or accidental injury is being minimized; (b) that all poultry are slaughtered in a manner that results in thorough bleeding of the poultry carcass; and (c) that breathing has stopped before scalding.

In the first step of a systematic approach, establishments conduct an assessment of where handling problems may occur. They would consider such factors as (1) whether they are providing training for their employees in handling live poultry, (2) whether feed and water withdrawal is kept to the minimum level consistent with good processing practices, (3) whether they have appropriately designed and maintained facilities for bird delivery to the establishment, (4) whether holding areas are equipped with an adequate number of fans to ensure proper ventilation for birds, (5) whether stunning equipment (if applicable) and killing equipment are constantly monitored to ensure proper functioning for humane processing, (6) whether all poultry are dead before entering the scald, and (7) whether establishment personnel and equipment handle poultry in a manner that minimizes broken legs and wings. These factors are based on information

provided in the National Chicken Council Animal Welfare Guidelines and Audit Checklist, which is included in the list of references at the end of this notice.

As a second step of a systematic approach, establishments determine whether their facilities are designed and maintained to prevent excitement, discomfort, and accidental injury to poultry the entire time that live poultry is held in connection with slaughter.

In the third step, establishments periodically evaluate their handling methods to ensure that their employees are in fact minimizing excitement, discomfort, or accidental injury to live poultry, that their methods ensure all poultry are slaughtered in a manner that results in thorough bleeding of the carcass, and that their methods ensure poultry breathing has stopped before scalding.

#### **Additional Public Notification**

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to ensure that the public and in particular minorities, women, and persons with disabilities, are aware of this notice, FSIS will announce it on-line through the FSIS Web page located at [http://www.fsis.usda.gov/regulations/2005\\_Notices\\_Index/Index.asp](http://www.fsis.usda.gov/regulations/2005_Notices_Index/Index.asp). FSIS also will make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and other types of information that could affect or would be of interest to constituents and stakeholders. The update is communicated via Listserv, a free e-mail subscription service consisting of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals who have requested to be included. The update also is available on the FSIS Web page. Through Listserv and the Web page, FSIS is able to provide information to a much broader, more diverse audience.

In addition, FSIS offers an electronic mail subscription service that provides an automatic and customized notification when popular pages are updated, including **Federal Register** publications and related documents. This service is available at [http://www.fsis.usda.gov/news\\_and\\_events/e-mail\\_subscription/](http://www.fsis.usda.gov/news_and_events/e-mail_subscription/) and allows FSIS customers to sign up for subscription options in eight categories. Options range from recalls to export information to regulations, directives and notices.

Customers can add or delete subscriptions themselves and have the option to password protect their accounts.

#### References

The following sources are available for review in the FSIS Docket Room, Cotton Annex, 300 12th Street, SW., Room 102, Washington, DC 20250 between 8:30 a.m. and 4 p.m., Monday through Friday.

Food Marketing Institute/National Council of Chain Restaurants Animal Welfare Audit Program. Information about the program is available at <http://www.awaudit.org/>.

National Chicken Council Animal Welfare Guidelines and Audit Checklist. Available at <http://www.nationalchickencouncil.com/>.

Thaler, A.M., "The United States Perspective Towards Poultry Slaughter." *Poultry Science*. February 1999. v. 78 (2), p. 298-301.

Done at Washington, DC on September 23, 2005.

**Barbara J. Masters,**

*Administrator.*

[FR Doc. 05-19378 Filed 9-27-05; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

[Docket No. 05-030N]

#### Codex Alimentarius Commission: Meeting of the Codex Committee on Food Import and Export Inspection and Certification Systems

**AGENCY:** Office of the Under Secretary for Food Safety, USDA.

**ACTION:** Notice of public meeting and request for comments.

**SUMMARY:** The Office of the Under Secretary for Food Safety, United States Department of Agriculture (USDA), and the Food and Drug Administration (FDA), U.S. Department of Health and Human Services (HHS), are sponsoring a public meeting on November 10, 2005. The objective of the public meeting is to provide information and receive public comments on agenda items and draft U.S. positions that will be discussed at the 14th Session of the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) of the Codex Alimentarius Commission (Codex), which will be held in Melbourne, Australia, November 28-December 2, 2005. The Under Secretary for Food Safety and FDA recognize the importance of providing interested parties the opportunity to

obtain background information on the 14th Session of CCFICS and to address items on the agenda.

**DATES:** The public meeting is scheduled for Thursday, November 10, 2005 from 1 p.m. to 4 p.m.

**ADDRESSES:** The public meeting will be held in Room 0161 of the South Agriculture Building, 1400 Independence Avenue, SW., Washington, DC (Smithsonian Metro stop). Documents related to the 14th Session of the CCFICS will be accessible via the World Wide Web at the following address: <http://www.codexalimentarius.net/current.asp>.

FSIS invites interested persons to submit comments on this notice. Comments may be submitted by any of the following methods:

- Mail, including floppy disks or CD-ROMs, and hand- or courier-delivered items: Send to the FSIS Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 300 12th Street, SW., Room 102, Cotton Annex, Washington, DC 20250. All comments received must include the Agency name and docket number 05-030N. All comments submitted in response to this notice, will be available for public inspection in the FSIS Docket Room at the address listed above between 8:30 a.m. and 4:30 p.m., Monday through Friday. The comments also will be posted on the Agency's Web site at [http://www.fsis.usda.gov/regulations/2005\\_Notices\\_Index/](http://www.fsis.usda.gov/regulations/2005_Notices_Index/).

#### FOR FURTHER INFORMATION CONTACT:

About the 14th session of the CCFICS: Dr. Catherine Carnevale, Director, Office of Constituent Operations, Center for Food Safety and Applied Nutrition, FDA, 5100 Paint Branch Parkway (HFS-550), College Park, MD 20740, phone: (301) 436-2380, Fax: (301) 436-2618. E-mail:

[Catherine.Carnevale@cfsan.fda.gov](mailto:Catherine.Carnevale@cfsan.fda.gov).

About the public meeting: Edith Kennard, Staff Officer, U.S. Codex Office, Food Safety and Inspection Service, Room 4861, South Building, 1400 Independence Avenue, SW., Washington, DC 20250, Phone: (202) 720-5261, Fax: (202) 720-3157, E-mail: [edith.kennard@fsis.usda.gov](mailto:edith.kennard@fsis.usda.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

Codex was established in 1962 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Codex is the major international organization for encouraging fair international trade in food and protecting the health and economic

interests of consumers. Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to ensure that the world's food supply is sound, wholesome, free from adulteration, and correctly labeled. In the United States, USDA, FDA, and the Environmental Protection Agency manage and carry out U.S. Codex.

The Codex Committee on Food Import and Export Inspection and Certification Systems was established to develop principles and guidelines for food import and export inspection and certification systems to facilitate trade through harmonization and to supply safe and quality foods to consumers. Included in the charge is application of measures by competent authorities to provide assurance that foods comply with essential requirements.

#### Issues To Be Discussed at the Public Meeting

The following items on the Agenda for the 14th Session of the Committee will be discussed during the public meeting:

- Proposed draft Appendices to the Guidelines on the Judgment of Equivalence of Sanitary Measures Associated with Food Inspection and Certification.
- Proposed draft Guidelines for Risk-based Inspection of Imported Foods
- Proposed draft Principles for the Application of Traceability/Product tracing in the context of Food Inspection and Certification Systems
- Proposed draft Revision of the Guidelines for Generic Official Certificate Formats and the Production and issuance of Certificates
- Discussion Paper on the Revision of the Guidelines for the Exchange of Information between Countries on Rejection of Imported Foods
- Discussion Paper on development of an Appendix on "Information relating to the need for technical assistance and cooperation between the importing countries to exporting countries" to the Codex Guidelines on the Judgment of Equivalence of Sanitary Measures Associated with Food Inspection and Certification

Members of the public may access or request copies of these documents at: <http://www.codexalimentarius.net/current.asp>

#### Public Meeting

At the November 10th public meeting, draft U.S. positions on the agenda items will be described, discussed, and attendees will have the opportunity to