



NATIONAL CHICKEN COUNCIL

1015 FIFTEENTH STREET NW, SUITE 930  
WASHINGTON, DC 20005

PHONE: 202-296-2622  
FAX: 202-293-4005

RECEIVED  
FSIS DOCKET ROOM  
05 OCT 27 AM 3:57

October 27, 2005

4

Docket Clerk  
U.S. Department of Agriculture  
Food Safety and Inspection Service  
300 12<sup>th</sup> Street, SW  
Room 102 Cotton Annex  
Washington, DC 20250

04-037N  
04-037N-4  
George B. Watts

**Re: Notice: Treatment of Live Poultry Before Slaughter;  
Docket No. 04-037N (September 28, 2005)**

The National Chicken Council (NCC) is pleased to comment in response to the Food Safety and Inspection Service (FSIS) Notice published in the September 28, 2005 *Federal Register* entitled "Treatment of Live Poultry Before Slaughter."<sup>1/</sup> NCC is the Washington, D.C.-based trade association representing the integrated U.S. chicken industry. NCC member companies produce and process approximately 95% of the chickens produced in the United States.

NCC appreciates the importance of humane methods of slaughter and has worked cooperatively with its members and allied industries to promote humane handling through all stages of production and slaughter. We also understand and appreciate FSIS' interest in encouraging humane handling and slaughter of poultry. For reasons discussed more fully below, however, NCC does not agree with the Agency's position that failure to abide by humane handling methods results in the production of adulterated products.

While NCC strongly supports humane handling, we fail to see the connection between humane handling and wholesomeness. The issue of wholesomeness, as it relates to humane slaughter, is presently addressed under the disposition provisions of 9 CFR 381 Subpart K "Post Mortem Inspection; Disposition of Carcasses and Parts." While humane slaughter is relevant to the humane handling of poultry, we are very concerned that designating improperly handled live poultry as being adulterated will invite tremendous opportunity for inspector variability regarding bird disposition.

NCC has developed recommended Animal Welfare Guidelines to ensure the proper care, management, and handling of broiler chickens and broiler breeder flocks. NCC also has developed an Animal Welfare Audit Checklist for use by companies seeking to validate their performance under the Guidelines. These

<sup>1/</sup> 70 Fed. Reg. 56624, 56626 (Sept. 28, 2005).

tools are widely used by members of the industry voluntarily. NCC member companies are in broad compliance with the Animal Welfare Guidelines.

Of significance, the NCC Guidelines are recommended practices; they are not required by regulation. Indeed, we do not interpret the statutory provisions and regulations set forth as the legal basis for the Notice as requiring compliance with specified humane handling methods.

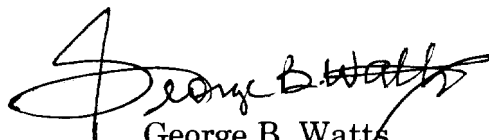
As the Notice points out, there is no specific federal humane slaughter statute for poultry. Indeed, although Congress amended the Federal Meat Inspection Act through the Humane Methods of Slaughter Act to prescribe humane methods for the handling and slaughtering of livestock, it declined to amend the Poultry Products Inspection Act in this manner. Although that has not discouraged the poultry industry from voluntarily adopting and employing equally effective methods, existing law does not mandate them or support the position that failure to follow specified practices would render product adulterated.

\* \* \*

In summary, NCC endorses humane practices at poultry slaughter facilities and would invite the Agency to endorse NCC's guidelines and encourage voluntary compliance. For the reasons explained, however, we respectfully request that FSIS withdraw its Notice.

Thank you for the opportunity to submit comments.

Sincerely,



George B. Watts  
President