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April 11, 2013

Ms. Julie Henderson, Director
Country-of-Origin Labeling Division
Livestock, Poultry, and Seed Program
Agricultural Marketing Service
U.S. Department of Agriculture
Mail Stop 0216 Room 2620-South Building
1400 Independence Avenue, SW
Washington, DC 20250-0216

Re: Docket Number AMS-LS-13-0004, *Federal Register*, Volume 78, Number 48, Tuesday, March 12, 2013, Pages 15645-15653, Regulatory Information Number (RIN) 0581 "Mandatory Country-of-Origin Labeling of Beef, Pork, Lamb, Chicken, Goat Meat, Wild and Farm-Raised Fish and Shellfish, Perishable Agricultural Commodities, Peanuts, Pecans, Ginseng, and Macadamia Nuts"

Dear Ms. Henderson:

The National Chicken Council appreciates the opportunity to provide comments regarding the above cited proposed rule. The National Chicken Council represents in Washington, D.C., companies that produce/process over 95 percent of the chicken in the United States. Our processor members have particular concerns about the above cited proposed rule.

The proposed rule focuses essentially only on the issues involving cattle, beef, hogs, and pork and the steps being proposed to address these issues. The World Trade Organization proceedings and determinations involve livestock and not chicken.

Despite this situation, the proposed rule is calling for changes in the labeling of chicken. As such, the National Chicken Council strongly believes there is no need to change or modify the labeling requirements for chicken. More specifically, since less than 0.3 percent of the chicken in the United States is sourced from imports, it is unnecessary to burden U.S. chicken producer/processors with the costs involved to change packaging label statements. Further, only a portion of the imported chicken is sold in a fresh/frozen, unprepared form at retail grocery outlets and, therefore, covered by the mandatory country-of-origin labeling regulations.

Since there is little, if any, reason to include chicken in the final rule so that it is compatible with the World Trade Organization ruling, it would minimize disruptions to the chicken industry and retailers to permit the labeling requirements for chicken to continue as currently required. The National Chicken Council notes there is no proposed labeling change for ground, chopped, and similar forms of meat and chicken. Allowing all chicken whether whole carcass; muscle

cuts; or ground, chopped, or similar to continue with the current labeling requirement is a most reasonable conclusion.

If, however, the final rule cannot accommodate this request and it is deemed necessary to include chicken in the final labeling terms, there, nonetheless, needs to be some accommodation. It is noted the proposed rule states that for muscle meats if the United States is the sole country of origin at retail, the covered commodity is to be labeled "Born, raised, and slaughtered in the United States". Such a phrase would not be appropriate for chicken. It is requested that for chicken, optional statements, such as "Hatched, raised, and harvested in the United States", or "Hatched, raised, and processed in the United States", be permitted. Such labeling phrases would be more compatible to the terms usually associated with chicken.

Also, as the explanatory information in the proposed rule states "...94 percent of chicken packages were case ready packages". Much, if not the majority, of this packaging for chicken is pre-printed, including the currently permitted "Product of USA", "Product of the United States", or "USA", or simply the American flag. Since many chicken companies purchase large quantities of pre-printed packaging material at one time to take advantage of quantity discounts, these companies can, and most often do, carry a significant amount of pre-printed packaging material in inventory. Since an inventory can carry the operation through many months of production, it is requested that FSIS provide an adequate amount of time to utilize any inventory of such pre-printed material. This timeperiod should be at least 12 months, with case-by-case allowances for plants or companies that may have inventories that will require more than 12 months to expend the pre-printed packaging materials.

The National Chicken Council agrees that placards, signs, and similar formats should continue to be acceptable methods to meet the requirements of the proposed rule.

The National Chicken Council encourages AMS and the Food Safety and Inspection Service to work with chicken processors and retailers to minimize the cost involved, provide an adequate transition time if it determines that current labeling requirements for chicken cannot continue, and provide cooperation to help make the change from the current program as seamless as possible.

Sincerely,



Michael J. Brown
President

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cc: Erin Morris, Deputy Associate Administrator, AMS/USDA