



21 August 2023

(23-5609)

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Committee on Sanitary and Phytosanitary Measures

Original: English

NOTIFICATION

Addendum

The following communication, received on 18 August 2023, is being circulated at the request of the Delegation of the United States of America.

Condemnation of Poultry Carcasses Affected with Any of the Forms of Avian Leukosis Complex: Rescission (Final Rule)

On 14 March 2022, the US Department of Agriculture's Food Safety and Inspection Service (FSIS) proposed to amend the US poultry products inspection regulations to rescind several regulations related to the inspection and condemnation of poultry carcasses affected with any of the forms of avian leukosis (87 FR 14182). FSIS proposed these changes in response to a petition, which requested that the Agency amend its regulations to designate avian leukosis as a trimmable condition rather than a condition that requires condemnation of the entire carcass. The petition also requested that FSIS rescind the regulations at 9 CFR 381.36(f)(3) that require young chicken establishments in the United States operating under the New Poultry Inspection System (NPIS) to provide a location at a point along the production line to permit an FSIS inspector to inspect for leukosis the first 300 carcasses of each flock, together with their corresponding viscera. In addition, the petition requested that FSIS rescind the regulations at 9 CFR 381.76(b)(6)(iv) that prescribe the 300-bird leukosis inspection procedure under the NPIS. The petition asserted that the current US regulations related to leukosis are based on an outdated understanding of this poultry disease, impose unnecessary costs on US industry, and present a potential barrier to young chicken establishments in the United States that may want to convert to NPIS.

As FSIS explained in the proposed rule, the Agency evaluated the available scientific information on avian leukosis and concluded that there was scientific support for treating avian leukosis as a trimmable condition under 9 CFR 381.87 in all US poultry establishments operating under FSIS' mandatory and voluntary inspection.

Therefore, after carefully considering comments submitted on the proposed rule, FSIS is finalizing the proposal with no changes. Accordingly, FSIS is rescinding the regulation (9 CFR 381.82) that requires condemnation of all poultry carcasses affected with any of the forms of avian leukosis. FSIS is also rescinding the regulation (9 CFR 381.36(f)(3)) that requires young chicken slaughter establishments operating under NPIS in the United States to provide a location along the production line at which a FSIS inspector inspects the first 300 carcasses of each flock together with associated viscera for leukosis, as well as the regulation that prescribes inspection procedures for avian leukosis in young chicken slaughter establishments operating under NPIS in the United States (9 CFR 381.76(b)(6)(iv)). Under this final rule, carcasses affected with avian leukosis will be subject to the amended 9 CFR 381.87, which provides that any organ or other carcass part affected with tumors may be trimmed and that the unaffected parts of the carcass may be inspected and passed. The amended 9 CFR 381.87 also requires condemnation of any organ or other part of a carcass that is affected by a tumor where there is evidence of metastasis or that the general condition of the bird has been affected by the size, position, or nature of the tumor.

Full text for this Federal Register notice (88 FR 55909) can be accessed at:
<https://www.federalregister.gov/documents/2023/08/17/2023-17451/condemnation-of-poultry-carcasses-affected-with-any-form-of-avian-leukosis-complex-recission>

This final rule, published 17 August 2023, is effective 18 September 2023.

https://www.fsis.usda.gov/sites/default/files/media_file/documents/FSIS-2021-0004F.pdf
<https://www.regulations.gov/document/FSIS-2021-0004-0017>
<https://www.federalregister.gov/documents/2023/08/17/2023-17451/condemnation-of-poultry-carcasses-affected-with-any-form-of-avian-leukosis-complex-recission>
https://members.wto.org/crnattachments/2023/SPS/USA/23_11889_00_e.pdf

This addendum concerns a:

- ☐ Modification of final date for comments
- ☒ Notification of adoption, publication or entry into force of regulation
- ☐ Modification of content and/or scope of previously notified draft regulation
- ☐ Withdrawal of proposed regulation
- ☐ Change in proposed date of adoption, publication or date of entry into force
- ☐ Other:

Comment period: (If the addendum extends the scope of the previously notified measure in terms of products and/or potentially affected Members, a new deadline for receipt of comments should be provided, normally of at least 60 calendar days. Under other circumstances, such as extension of originally announced final date for comments, the comment period provided in the addendum may vary.)

- ☐ Sixty days from the date of circulation of the addendum to the notification and/or (dd/mm/yy): Effective date: 17 August 2023; Adoption date: 18 September 2023

Agency or authority designated to handle comments: [X] National Notification Authority, [X] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:

Rachel Edelstein, Assistant Administrator, US Department of Agriculture FSIS Office of Policy and Program Development; Tel: +(1 202) 937 4272

Text(s) available from: [X] National Notification Authority, [X] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:

<https://www.fsis.usda.gov/policy/federal-register-rulemaking/federal-register-rules/condemnation-poultry-carcasses-affected>
https://www.fsis.usda.gov/sites/default/files/media_file/documents/FSIS-2021-0004F.pdf
<https://www.regulations.gov/document/FSIS-2021-0004-0017>
<https://www.federalregister.gov/documents/2023/08/17/2023-17451/condemnation-of-poultry-carcasses-affected-with-any-form-of-avian-leukosis-complex-recission>