



NATIONAL CHICKEN COUNCIL

1015 FIFTEENTH STREET NW, SUITE 930
WASHINGTON, DC 20005

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

December 8, 2011

SUBMITTED ELECTRONICALLY

Docket No. APHIS-2009-0091
Regulatory Analysis and Development, PPD
APHIS
Station 3A-03.8
4700 River Road Unit 118
Riverdale, MD 20737-1238

Re: Docket No. APHIS-2009-0091; Traceability for Livestock Moving Interstate

Dear Sir or Madam:

The National Chicken Council (NCC) appreciates the opportunity to comment on the Animal and Plant Health Inspection Service's (APHIS's) proposed rule entitled "Traceability for Livestock Moving Interstate," published in the *Federal Register* on August 11, 2011. NCC represents vertically integrated companies that produce and process more than 95 percent of the chicken marketed in the United States. NCC's members would be directly affected were the rule finalized as proposed.

NCC and our members are committed to animal health and to ensuring effective mechanisms are in place to identify and quickly trace animal diseases to their sources. Indeed, many members of the broiler chicken industry have already implemented systems to track their flocks, and the industry continues to innovate in this area. Although generally supportive of Agency efforts to implement traceability programs, NCC and its members are concerned the proposed rule reflects practices and problems associated with other animal protein industries and is not well suited for the broiler chicken industry. Specifically, the proposed rule imposes an unnecessary, one-size-fits-all administrative and paperwork burden on the broiler industry, the benefits of which would not justify the costs. We first present some relevant background information on how the broiler industry operates, and then we explain how APHIS could ease this administrative burden while still advancing the rule's objectives.

I. The Proposed Rule Fails To Consider Unique Features of the Broiler Chicken Industry

Although the proposed rule reflects an attempt to implement a comprehensive animal traceability program against the backdrop of a patchwork of existing traceability programs, its provisions evidence a primary focus on traceability for cattle. Indeed, the Agency notes in the preamble that it is "particularly concerned with current inadequacies in disease tracing capabilities in the

cattle industry,” ^{1/} and that “[t]he greatest gaps in identification and movement documentation requirements for traceability purposes in [APHIS’s] current program disease regulations are for cattle.” ^{2/} The traceability programs in existing regulations for poultry, by contrast, “are comprehensive and, [APHIS] believe[s], largely sufficient at this time.” ^{3/} The proposed rule accordingly includes many provisions focusing only on cattle and bison, and some elements of the generally applicable traceability provisions also reflect a focus on these species, creating requirements that do not reflect the realities of the broiler chicken industry.

Broiler flocks are tightly controlled through their entire lifespans, which are typically only about 8 weeks long. The broiler chicken industry is vertically integrated, with one company maintaining ownership of the birds throughout the entire production process, greatly increasing internal control over birds. Broiler flocks are kept intact from hatching to slaughter on an “all in, all out” basis. All day-old chicks are transported together from the hatchery to the same grow-out house and then again transported together to a slaughter facility. Individual birds do not leave their flocks in commercial broiler operations, and on-farm biosecurity measures in commercial poultry flocks help prevent spread of disease between broiler flocks and between broiler flocks and wild or migratory birds. Poultry companies keep parent breeder flocks, which have lifespans of about 66 weeks, in place in a single location with extremely high biosecurity standards and retain records on breeder flocks for significant lengths of time. Additionally, states assign location and premise IDs to broiler chicken facilities, and integrated broiler companies also have internal identification numbers to allow tracking of individual flocks. Companies should be allowed to continue to use their existing identification systems

These aspects of the broiler industry result in tightly controlled flocks of birds handled during a short lifespan. Many flocks of birds will be hatched, raised, and slaughtered over the lifespan of, for example, a single herd of beef cattle. Indeed, approximately 8,675,000,000 broiler-type chickens will be slaughtered in 2011, resulting in about 1,700,000 loads of birds on the road to slaughter facilities annually, with many crossing state lines. The number of shipments increases further when considering flocks transported from the hatchery to the grow-out houses. These tight controls, short lifespans, and the sheer number of broiler chickens slaughtered each year dictate different traceability regimes for the broiler chicken industry, but the proposed rules would apply the same records-retention requirements to poultry as to cattle without regard for these fundamentally unique aspects of the broiler industry.

II. Records-Retention Requirements for Poultry Should be Shortened to Reflect Broiler Chickens’ Shorter Lifespans

The records-retention requirements for broiler chickens should be set at two years, rather than the five years proposed in the rule, to reflect the short lifespans and high turnover of broiler chicken flocks. As proposed in § 90.3(b), broiler chicken facilities would be required to maintain for five years any interstate certificates of veterinary inspection (ICVIs) or alternate

^{1/} Animal and Plant Health Inspection Service, Proposed Rule, Traceability for Livestock Moving Interstate, 76 Fed. Reg. 50082, 50082 (Aug. 11, 2011).

^{2/} *Id.* at 50083.

^{3/} *Id.*

documentation for any birds moved interstate that enter their facilities. ^{4/} The Agency proposed this five-year requirement “because certain animal diseases, such as tuberculosis and bovine spongiform encephalopathy, have very long latency or incubation periods, which can make traceback efforts quite challenging. Such diseases may not manifest themselves until an animal reaches adulthood, possibly several years after it was officially identified and/or moved interstate.” ^{5/} But long-latency animal diseases are not a concern for chickens with an eight-week lifespan. A broiler chicken would have been slaughtered, sold, and consumed well before the five-year period ran. Indeed, the diseases and timeframes the Agency identified demonstrate a particular concern for diseases affecting cattle. Although a five-year record retention requirement might be appropriate for livestock such as cattle or bison with long lifespans, it is overly long and unduly burdensome for the broiler industry.

If a typical grow-out house handles five and a half flocks a year, twenty seven and a half flocks would have come and gone from a single house during the proposed five-year records retention period. A slaughter facility would have handled significantly more. Moreover, five years of records represents about 43,375,000,000 birds, or about 8,500,000 loads of birds to slaughter (and even more loads when considering shipments from hatcheries to grow-out houses). ^{6/} Maintaining this many records is extremely burdensome for broiler companies and unnecessary due to broiler chickens’ short lifespans. Moreover, maintaining millions of unnecessary records may actually impair meaningful traceback capabilities as companies and officials must sort through millions of irrelevant records of birds long gone to identify records associated with a recent diseased flock.

To avoid this unnecessary burden, APHIS should revise the records-retention provisions in proposed § 90.3(b) to require that ICVIs or alternate documentation for broiler chickens moved through interstate commerce be maintained for at least two years. A two-year records-retention requirement would reduce by 60 percent the burden on companies while still ensuring traceability well after the birds have been slaughtered and, indeed, well beyond the birds’ product shelf life. A two-year retention requirement would also ensure records are maintained well after any broiler breeder flocks are slaughtered. ^{7/}

Finally, the commercial broiler industry should be allowed the option to form agreements between states to insure traceability similar to the “commuter herd” concept in the proposed rule. These provisions would be useful in managing interstate movements of commercial poultry flocks in the integrated broiler production industry, and should be extended from cattle and bison to include commercial poultry flocks. It is common for birds to be moved from the integrator-owned hatchery in one state to a contract growing farm in another state, and then transported to an integrator-owned, federally-inspected slaughter establishment. The “commuter herd” concept should also be applied to the commercial broiler industry.

^{4/} *Id.* at 50107.

^{5/} *Id.* at 50088.

^{6/} Because broiler chickens live only about 8 weeks and grow-out houses can handle about 6 flocks per year, less than 5 percent of these 43.4 billion birds are even alive at any given time, further obviating the need for such an exhaustive recordkeeping system.

^{7/} Alternatively, APHIS could establish separate retention requirements for broiler breeder flocks and for broilers raised only for slaughter.

Conclusion

The proposed rule would inappropriately establish a one-size-fits-all records-retention policy not reflective of the broiler chicken industry. NCC recommends APHIS revise the records-retention requirement to require records for broiler chickens transported interstate be kept for two years. This requirement would minimize the burden on regulated companies while still ensuring a meaningful animal traceback system. Additionally, the commercial broiler industry should be allowed to form agreements between states to insure traceability.

Please do not hesitate to contact us if we may be of assistance in developing an alternative approach. Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ashley B. Peterson". The signature is fluid and cursive, with the first name "Ashley" being more prominent and the last name "Peterson" written in a more compact, stylized manner.

Ashley B. Peterson, Ph.D.
Vice President, Science and Technology
National Chicken Council