

LEGAL ISSUES FOR SMALL-SCALE POULTRY PROCESSORS

Federal and State Inspection Requirements For On-Farm Poultry Production and Processing

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December 2001

BACKGROUND AND INTRODUCTION

Congress and the various state legislatures have adopted laws and regulations regarding the **licensing of facilities** where poultry are slaughtered or processed into products for human consumption, and the **inspection of the birds themselves** as they are processed. Congress and some state legislatures have also provided exemptions from these licensing and inspection requirements for small-scale processors. These exemptions have been made for two primary reasons. First, providing inspection officials at all places where poultry are slaughtered or processed would be very expensive and impractical. Second, subjecting small-scale processors to the requirements designed for large-scale facilities would also be inappropriate and burdensome for the producer.

This document will summarize the licensing and poultry processing inspection requirements for small-scale processors. Both federal and state requirements will be examined. This information can help small-scale processors comply with federal and state laws and regulations. **Throughout this document, “federal inspection” usually refers to examination of the birds themselves while they are being processed, and “state licensing” usually refers to the physical design and equipment requirements for poultry processing facilities.**

The laws and regulations discussed in this document may change over time. Therefore, those interested in this subject should be vigilant in pursuing any changes which may have occurred in either the federal or state laws and regulations.

It is also important to acknowledge that these regulations are often confusing, hard to understand, apparently overlapping, and open to subjective interpretation by the regulators themselves. Differences of opinion about the meaning of these regulations is common, and individual regulators do not always know how the regulations apply to small-scale processors in their geographic jurisdiction. In general, they are much more familiar with how the regulations apply to conventional, large-scale industrial processors; and often they are not aware of the exemptions for small-scale processors. Therefore, experienced processors strongly recommend that small-scale producers and processors ask to see the specific regulations in writing if they are challenged by regulators who say what the processors are doing is illegal.

Those wishing to market pastured and on-farm processed poultry should also consult a local attorney and their state department of health when setting up their business. This document is not intended to provide individual legal advice to every small-scale poultry processor. This document is offered only as an introductory discussion of the regulatory requirements facing small-scale processors.

This introduction is followed by a brief description of the federal requirements. Then the requirements of each state are given individually in alphabetical order. The requirements for Puerto Rico and the Virgin Islands are described in the last section.

This document was prepared through an agreement between the Kerr Center for Sustainable Agriculture (KCSA) and Heifer Project International (HPI). It was compiled with the financial assistance of a grant (LS 99-105) from the USDA's Southern Region Sustainable Agriculture, Research and Education (SARE) program.

Some of the state sections include comments from poultry producers and processors about how the processing regulations have been implemented in their state. These comments are clearly marked as **EDITOR'S NOTES** to distinguish them from our efforts to objectively describe the regulations in each state. Additional comments are welcomed, and these may be sent by either hard copy or email to:

Skip Polson
3224 Alani Drive
Honolulu, HI 96822-1403

Email: skip.polson@heifer.org

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Other useful references:

The Legal Guide for Direct Farm Marketing by Neil D. Hamilton answers common questions about laws on marketing agricultural products directly to consumers and to retail and wholesale buyers. Hamilton wrote this book for farmers involved in direct marketing produce, livestock and other food products, and for farm advisers, such as extension educators and attorneys working with farm marketers.

Twelve chapters cover legal issues on a variety of topics, such as farmers markets; on-farm businesses; contracts, food stamps and getting paid; advertising, organic certification and eco-labels; land use and property law; labor and employment; insurance and liability; and inspection, processing and food safety. Chapter 12 is particularly relevant to producers who want to market meat, poultry, eggs and dairy products.

Visit <http://www.sare.org/htdocs/dev/legal.htm> for more information about this book. It may also be ordered from the Drake University Agricultural Law Center, Des Moines, IA 50311; (515) 271-2947.

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Small-scale poultry producers and processors may also wish to familiarize themselves with state and federal standards and regulations related to food safety. This information can be found at the web site for the National Association of State Departments of Agriculture (www.nasda-hq.org). At the home page, open the pull-down menu and click on “Food Safety—State and Federal Standards and Regulations.”

THE FEDERAL POULTRY PRODUCTS INSPECTION ACT

A. Requirements for Federal Inspection

Under the federal Poultry Products Inspection Act and the regulations implementing the Act,¹ the Food Safety and Inspection Service (FSIS) of the U.S. Department of Agriculture (USDA) is responsible for ensuring that poultry products distributed in United States commerce are safe, wholesome, not adulterated, and are properly marked, labeled and packaged.

In most states, federal FSIS inspectors oversee the facilities which slaughter and process poultry. Some states participate in the Federal State Cooperative Inspection Program (formerly known as the Talmadge-Aiken program). This program allows state-employed inspectors to provide federal inspection services in poultry plants that sell products in interstate commerce.

As of April 2001, twenty-six states provide state inspection programs for meat and poultry. These states are Alabama, Alaska, Arizona, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Mississippi, Montana, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming. In California, Colorado, Minnesota, and New York custom exempt facilities are reviewed under contract with the state. The remaining states rely on federal inspectors. States must maintain inspection requirements at least equal to those of the federal program in order to continue operating intrastate inspection programs and to continue to receive federal funding assistance.

B. Exemptions from Federal Requirements for Small-Scale Poultry Processors

The federal Poultry Products Inspection Act and its regulations provide exemptions for small-scale poultry processors. These “exemptions from inspection” mean that a federal inspector does not need to be present to examine the birds as they are being slaughtered and processed. Small-scale (or low-volume) processors qualify for these exemptions simply by meeting the requirements which are described below. There is no process for applying to the USDA or FSIS for these exemptions.

The smallest-scale processors are exempt from the federal inspection requirements if the following conditions are met:

1. The producer slaughters no more than 1,000 poultry during the calendar year for which the exemption is claimed.
2. All of the poultry were raised on the producer’s own farm.

¹ The federal Poultry Products Inspection Act can be found in the United States Code, Title 21, Sections 451-470. The Poultry Products Inspection regulations implementing the Act are found in the Code of Federal Regulations, Title 9, part 381 (http://www.access.gpo.gov/nara/cfr/waisidx_00/9cfr381_00.html).

3. The poultry producer is not in the business of buying or selling poultry products other than those produced from poultry raised on his or her farm.
4. None of the poultry is distributed outside of the state where the poultry is raised.

The federal inspection requirements also do not apply to poultry producers or other persons who raise and slaughter or process 20,000 or fewer poultry in each calendar year as long as all of the following conditions are met:

1. They do not slaughter or process poultry products at a facility used for slaughtering or processing poultry by any other person.
2. The poultry are sound and healthy before slaughtering.
3. The poultry are slaughtered, handled, and otherwise processed under sanitary conditions, practices and procedures. The resulting poultry products must be sound, clean, and fit for human food when distributed.
4. The poultry products are distributed with a label that includes the producer's name, the producer's address, and the statement "Exempted-P.L. 90-492." The poultry products must not be misbranded in any way.
5. The poultry products may be distributed only in the state in which the poultry are raised and processed.
6. In the current calendar year the poultry producer or distributor may not engage in the business of buying or selling any poultry products other than those described in this exemption.

The poultry products produced under these exemptions may be distributed by the poultry producer or other person directly to household consumers, restaurants, hotels, and boardinghouses for use in their own dining rooms, or in the preparation of meals for sale to direct consumers.

Despite these exemptions from inspection of the birds themselves as they are being processed, the federal FSIS as well as state regulatory agencies may choose to examine processing facilities of any size to be sure that they are in compliance with the laws, including the requirement that poultry and poultry products are processed under clean and sanitary conditions. If the facility is not in compliance with the law, the FSIS or the state may suspend or terminate the facility's exemption from the law and impose penalties provided under federal or state law.

Finally, in recent years, the FSIS established the Hazard Analysis and Critical Control Point (HACCP) system as an effort to reduce pathogens in the food supply. This

system established new requirements for meat and poultry processing plants. The new inspection requirements were designed to reduce food borne illnesses, and they were phased-in over several years.

“Small” plants (which employ at least 10 but fewer than 500 employees) were required to implement HACCP by January 25, 1999. According to FSIS, there are approximately 3,500 small meat and poultry processing plants nationwide.

“Very small” plants (those with fewer than 10 employees and less than \$2.5 million in annual sales) were required to implement HACCP by January 25, 2000.

HACCP implementation requires a knowledge of HACCP requirements, preparation of a HACCP plan, determination of Critical Control Points, testing, sanitation, standard operating procedures, training and various other implementation measures. Contact persons for HACCP within each state have been designated. As of September 2001, it remains to be seen whether the requirements of HACCP will be applied to on-farm processors who already enjoy the benefits of exemption from inspection requirements under the federal and some state laws. This is a developing issue that must be closely watched.

“Sanitary conditions,” as indicated in the exemption for small-scale processing, is specifically defined in the Code of Federal Regulations. Most states do not adopt specific definitions for sanitary conditions in their statutes, but include these definitions in their regulations. The producer should consult with their state regulatory authority concerning any regulations which may be in place which identify what the state requires for “sanitary conditions” to exist. The agency with authority varies from state to state; in some states it is the agriculture department, in others the health department.

The Federal requirements are found in Title 9 Code of Federal Regulations Part 416 and cover the grounds of the processing facility, construction of the facility, equipment and utensils used in the operation, and employee hygiene issues. The basic goal of sanitary condition requirements is the prevention of product adulteration through unsanitary conditions. Generally, the regulations require that:

- the operation must have a pest management program in place,
- buildings must be kept in good repair and be of sufficient size to allow processing, handling, and storage of the product so that adulteration does not occur,
- walls of the buildings must be built of durable materials impervious to moisture and cleaned/sanitized as necessary,
- lighting must be of good quality and sufficient intensity to ensure sanitary conditions are maintained,
- rooms where edible product is processed, handled, or stored must be separate and distinct from rooms where inedible product is processed, handled, or stored,
- ventilation must be adequate,

- plumbing must be installed to carry sufficient water to areas throughout the operation, carry sewage and liquid disposable waste from the establishment, and prevent adulteration of products,
- floor drainage must be adequate,
- sewage disposal must be sufficient to prevent backup of sewage into areas where the product is processed, handled or stored,
- an adequate supply of running water must be maintained,
- dressing rooms, lavatories and toilets must be sufficient in number and conveniently located but separate from rooms in which product is processed, stored, or handled,
- equipment and utensils must be sufficient for their purpose,
- employees must maintain cleanliness, appropriate attire and disease control activities.

Each operation is required to adopt written standard operating procedures that will ensure sanitary conditions exist at the operation and keep records that will reflect that the operation follows its standard operating procedures. Small scale processors should take every step to implement and maintain similar standard operating procedures regarding sanitary conditions.

STATE POULTRY INSPECTION LAWS

The federal Poultry Products Inspection Act allows states to establish their own state poultry inspection programs which must be at least as rigorous as the federal inspection program. Poultry products inspected under state inspection programs may be sold, transported, and used only within the state boundary, but not across state lines. If a state does not establish its own state poultry products inspection program, the FSIS is designated to inspect poultry products, even if the poultry products are distributed only within the state. As previously indicated, about half the states have state inspection programs. Other states utilize the federal inspection program, usually with no specifically adopted state law or regulation to address the issue of poultry inspection.

Small-scale poultry processors must comply with the inspection programs of their own states, even if their operation complies with the requirements in the federal law and regulations.

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Once again, throughout this document, “federal inspection” usually refers to examination of the birds themselves while they are being processed, and “state licensing” usually refers to the physical design and equipment requirements for poultry processing facilities.

ALABAMA

The Law. Alabama has adopted a state law controlling meat and poultry inspection for which the Commissioner of Agriculture and Industries has regulatory control. The law relies heavily on the federal Poultry Products Inspection Act in requiring inspection of processing facilities. Alabama producers are not allowed to deliver misbranded or adulterated food products for consumer sale.

The Alabama law provides a number of exemptions that affect when a processor need not conform to inspection requirements. Exemptions apply when:

1. the slaughtering of animals is done by the owner of the animals for his own use and for the use of members of his or her household and nonpaying guests and employees,
2. the owner of the animals does the slaughtering of animals and the products are sold directly to household consumers or restaurants, hotels and boardinghouses for use in dining rooms or in the preparation of meals for sale directly to consumers. However, the annual sales of the slaughterer may not exceed \$200.00.
3. the animals are custom slaughtered for the animal owner's use in his household or for his nonpaying guests and employees,
4. the processing is accomplished within retail store and restaurant operations or for recognized religious dietary purposes.

Even though the exemption exists, the producer must still comply with Alabama requirements concerning sanitary conditions and requirements concerning adulteration and misbranding of products. The Commission of Agriculture and Industries has the responsibility to adopt sanitary condition requirements, limitations on volume allowed by the operation, and adulteration and misbranding requirements.

Agency Contact. Additional information concerning the Alabama regulations may be obtained by contacting:

Alabama Department of Agriculture and Industries
Richard Beard Building
1445 Federal Drive
P.O. Box 3336
Montgomery, AL 36109-0336
334-242-2650
334-240-3414 (fax)

HACCP

Meat and Poultry Inspection
Richard Beard Building
1445 Federal Drive
P.O. Box 3336
Montgomery, AL 36109-0336
334-240-7210
334-223-7352 (fax)

ALASKA

The Law. The state of Alaska does not have any regulations written specifically to deal with small-scale poultry processing. All meat inspection in the state is done by the USDA FSIS. Small-scale processors who would normally be exempt under the federal regulations must obtain a state permit and comply with the state requirements for food safety and sanitation which apply to all processors and sellers of food in Alaska.

Agency Contact. Those wishing additional information should contact their local representative of the Food Safety and Sanitation Program of the Department of Environmental Conservation or this headquarters location:

Department of Environmental Conservation
Food Safety and Sanitation Program
555 Cordova Street
Anchorage, AK 99501
907-269-7501

More information can also be found on this website: www.state.ak.us/dec/deh

HACCP

Same contact as above.

ARIZONA

The Law. Arizona, like many of the other states, has a comprehensive meat and poultry inspection law which requires inspection, compliance with sanitation requirements and labeling requirements, and requires registration of facilities which slaughter meat or poultry for human consumption.¹

There are also exemptions in Arizona for certain types of operations. Processors will come under an exemption if they are:

1. retail dealers that sell poultry products directly to consumers in individual retail stores, if the only processing conducted is to supply the on-site retail establishment with product for sale to its consumers,
2. persons that process poultry according to recognized religious dietary laws,
3. persons that process their own poultry and use the product exclusively in their own household or by their nonpaying guests or employees,
4. persons engaging in custom slaughter who only process poultry delivered to them by the owner of the product, and who do not engage in the business of buying or selling poultry products as a custom slaughterer,
5. persons that process sound and healthy poultry grown on their own farm and before distribution or sale of the poultry label the product with their name and address. The products sold in this fashion cannot be otherwise misbranded and must be sound, clean and fit for human food.
6. persons that process poultry for distribution directly to household consumers, restaurants, hotels and boarding houses for use in their own dining rooms, or in the preparation of meals for direct sales to consumers. The products must be identified with the name and address of the processor, cannot be otherwise misbranded, and must be sound, clean and fit for human food.

In addition, the Director of the Department of Agriculture can determine that other types of small operations are exempt from inspection requirements. Again, in order to provide such additional exemption the poultry processed at the small-scale operation must be distributed or sold solely within the state, and the processor must comply with sanitation regulations.

The exemptions listed above do not apply if the processor slaughters more than 5,000 turkeys or an equivalent number of poultry in a calendar year. Four birds of other species are deemed the equivalent of one turkey for purposes of determining “equivalent

¹ ARIZ. REV. STAT. ANN. § 3-1201 et seq. (West 1995).

number”. Therefore, 20,000 poultry is the limitation placed on small-scale processors in order to remain under these exemptions.

The Director of the Department of Agriculture can suspend or revoke an exemption with regard to a processor and has the authority to establish regulations concerning the sanitary conditions on the farm.

Finally, mobile slaughter facilities are recognized within the state of Arizona. These facilities are used for the slaughtering and dressing of an animal for human consumption and so long as the mobile structure is used on the property of the animal’s owner and the product is not sold or offered for sale, the activity and the mobile facility are exempt from obtaining slaughter licenses. However, should the owner desire to then sell the product, the owner must obtain a license from the state.

Agency Contacts. Those wishing further information on the Arizona regulatory structure surrounding small-scale inspection exemptions or sanitation requirements, including the need to license mobile slaughter facilities, should contact the:

Arizona Department of Agriculture
1688 West Adams
Phoenix, AZ 85007
601-542-4373

HACCP

Arizona Department of Agriculture
Meat and Poultry Inspection Branch
1688 West Adams
Phoenix, AZ 85007
602-542-4971
602-542-4290 (fax)

ARKANSAS

The Law. The Arkansas Livestock and Poultry Commission, while having authority over the inspection of poultry processing facilities in the state, has designated the federal Food Safety and Inspection Service (FSIS) to inspect poultry slaughter and processing facilities.¹ The Arkansas State Board of Health has statutory authority to pass regulations controlling sanitation at processing plants. The federal inspection exemption for poultry farmers applies to Arkansas operations.

Agency Contact. Those wishing additional information concerning the laws and regulations in Arkansas should contact:

Arkansas Livestock and Poultry Commission
No. 1 Natural Resources Dr.
P.O. Box 1069
Little Rock, AR 72203
501-225-5138
501-423-9197 (fax)

HACCP

University of Arkansas
School of Agriculture
P.O. Box 490
Pine Bluff, AR 71611
870-543-8529
870-542-8033 (fax)

¹ ARK. CODE ANN. § 2-33-101 et seq.

CALIFORNIA

The Law. California law specifically exempts from inspection “all poultry meat which is derived from poultry which is slaughtered, dressed, and sold on the premises where it is produced for purposes other than resale, if the entire poultry meat output of the producer of such poultry is so sold.”¹ Therefore, those producers whose entire poultry business consists of slaughtering, dressing and selling poultry products on their farm are exempt from inspection requirements so long as they sell to individuals who are not going to resell the poultry product.

The California law is among the few laws to have been challenged on constitutional grounds but the challenge was unsuccessful. The law creating the exemption for on farm processing is still in place.²

Agency Contact.

California Department of Food and Agriculture
1220 N. Street, Suite 409
Sacramento, CA 95814
916-654-0433
916-654-0403 (fax)

HACCP

Department of Agriculture
1220 N Street
Room A-125
Sacramento, CA 94814
916-654-0504
916-654-2608 (fax)

1 CAL. AGRIC. CODE § 25024 (1985).

2 Op. Leg. Counsel, 1957 S.J. 2207.

COLORADO

The Law. Poultry processing in Colorado is regulated by the state Department of Agriculture (CDA). The small-scale processors who are exempted from inspection under the federal regulations are also exempt from inspection by the CDA, but all small-scale processors must have their processing facilities licensed by CDA.¹

Agency Contact. For additional information contact:

Colorado Department of Agriculture
2331 West 31st Ave.
Denver, CO 80211
303-477-0086
303-480-9236 (fax)

HACCP

Same contact as above.

¹ COLO. REV. STAT. ANN. § 25-5-402 (1990).

CONNECTICUT

The Law. The Commissioner of Agriculture performs inspection of poultry operations in Connecticut. Connecticut's Meat and Poultry Products Inspection Act and its corresponding regulations have been repealed.¹ The former Meat and Poultry Products Inspection Act was replaced by law controlling inspection of "intensive poultry operations" which are operations raising or maintaining more than 20,000 fowl which are fed by means other than grazing and which are confined within one or more pens or buildings. The exemptions for on farm processing contained in the former Meat and Poultry Products Inspection Act closely mirrored federal exemptions regarding small operations but were lost upon repeal of the larger act.²

Agency Contact.

Commissioner of Agriculture
765 Asylum Avenue
Hartford, CT 06105
860-713-2500
860-713-2514

HACCP

University of Connecticut
305 Skiff Street
New Haven, CT 06473
203-789-7865
203-789-6461 (fax)

1 CONN. GEN. STAT. ANN. § 22-438, (West 1985). Conn. Agencies Regs. § 22-409.

2 CONN. GEN. STAT. ANN. § 22-409-81.10 (West 1985) (Repealed).

DELAWARE

The Law. The Delaware Department of Agriculture's Meat Inspection Division is responsible for the state's poultry inspections for large commercial operations. For non-commercial operations, the Poultry Animal Health Section of the Department of Agriculture handles the inspections.¹

Delaware's Meat and Poultry Products Inspection Law identifies the Secretary of Agriculture to serve as the state official responsible for coordinating with USDA concerning matters of poultry inspection. The law also permits the State Secretary of Agriculture to exempt operations from inspection if the operation would be exempt under the federal Poultry Products Inspection Act. The Secretary is allowed to exempt the following types of operations:

1. those which slaughter and prepare livestock and poultry which have been raised on the slaughterer's farm for use exclusively by the slaughterer's household, nonpaying guests and employees,
2. any other operation the Secretary determines appropriate to exempt.

Agency Contact. Those wishing additional information on poultry inspection in Delaware should contact:

Delaware Department of Agriculture
2320 South DuPont Highway
Dover, DE 19901
302-739-4811
302-697-4463 (fax)

HACCP

Delaware Department of Agriculture
2320 South Dupont Hwy.
Dover, DE 19901
302-739-4811
302-697-6287 (fax)

¹ DEL. CODE ANN. Tit. 3 § 8708 (1993).

FLORIDA

The Law. Florida has adopted an Animal and Animal Production Inspection and Labeling Act that requires the inspection of operations involved in the slaughtering and processing of poultry for intrastate delivery.¹ Anyone processing poultry for sale in Florida must be covered either by federal inspection (for over 20,000 birds) or have their processing facility permitted by the state.

Agency Contact. A copy of the requirements for processing facilities and more information concerning the state permitting process can be obtained from:

Florida Department of Agriculture and Consumer Services
Division of Food Safety
The Capitol
PL10
Tallahassee, FL
850-488-5772
850-487-0703 (fax)

HACCP

University of Florida
Meat Processing Center
P.O. Box 110910
Gainesville, FL 32611
352-392-1921
352-392-7652 (fax)

¹ FL. STAT. ANN. § 585.70 et. seq.

GEORGIA

The Law. In Georgia, it is unlawful to offer for sale or have in your possession for sale any poultry product or by-product that has been produced, manufactured, transported, handled, stored or processed under unsanitary conditions. Non-sanitary conditions exist when the premises, buildings, handling or storage space or equipment are in decay, the floors and side walls or other parts of the slaughter building are coated with decaying matter, there are insufficient insect screens, insufficient drainage, inadequate water supply, inadequate hot water supply, or when any other animal or fowl are held on the premises in unsanitary lots, pens or cages, or are fed uncooked animal offal, or where putrid odors exist. Violations of the requirements for sanitary facilities may result in misdemeanor charges.¹

Georgia maintains a licensing system for poultry processing plants. The system requires that all poultry processing plants have a license in place and maintain appropriate records of all poultry slaughtered on site. While the Commissioner of Agriculture maintains the licensing system, Georgia state law also allows the governing authority of counties or municipalities to adopt ordinances and resolutions providing for the inspection of poultry or poultry food products sold within the county or municipality limits. The law also allows these local authorities to provide penalties for the violation of local ordinances. Local units of government are not allowed to adopt sanitary standards that are less stringent than those adopted by the Commissioner and no local ordinance may be in conflict with any power or authority of the Commissioner.

Georgia law also requires the licensing and inspection of mobile vehicles used for the sale or display of any fresh or frozen poultry. Inspection must occur a minimum of once every six months and a seal or other mark indicating inspection must be affixed to the vehicle.

Georgia's poultry inspection requirements do not apply to:

1. the slaughter by any individual of his own livestock and the preparation and transportation of the carcasses, parts and poultry products if used exclusively by the producer and the members of his or her household and nonpaying guests and employees,
2. the custom slaughter by any person of cattle, sheep, swine, ratites, nontraditional livestock, rabbits or goats for personal use by the livestock owner's household and nonpaying guests and employees, so long as the products are kept separate from any products the customer operator offers for sale, the custom prepared products are marked "Not for Sale," and all facilities and equipment are cleaned and sanitized before use for product preparation,

¹ GA. STAT. ANN. § 26-2-208 et seq.

3. the slaughter and processing of rabbits in numbers not to exceed 2,500 rabbits per year,
4. the exempted custom products are not adulterated,
5. the custom operators keep appropriate records showing numbers and kinds of livestock slaughtered on a custom basis, the quantities and types of products prepared on a custom basis and the names and addresses of the owners of the livestock and products,
6. articles capable of use as human food are promptly denatured or otherwise identified.

Georgia has adopted the FSIS rules and regulations for mandatory meat inspection. Georgia administrative regulations also address the issues of temperatures for cooling and freezing procedures. All dressed poultry and ready-to-cook poultry prepared in the plant must be cooled immediately after processing and if shipped from the plant, the poultry must be cooled to and maintained at a temperature of 40 degrees F. or less. If the product is to be held 24 hours or longer, it must be cooled and maintained at a temperature of 36 degrees F.

Requirements for obtaining exempt status do not apply to operations of types traditionally conducted at retail stores and restaurants. These types of operations involve the cutting up, slicing and trimming of carcasses, the grinding and freezing of products made from meat, the curing, cooking, smoking or other preparations of products, the breaking of bulk shipments or the wrapping or rewrapping of products.

Georgia regulations concerning sanitary conditions require that all rooms, compartments and other areas where products are handled be kept clean and sanitary. In addition, sanitary requirements address cleanliness, discarding of residue, and control of odors. Georgia regulations also address requirements for utensils and equipment in the slaughter area. Those involved in slaughter must wear clean garments, maintain personal hygiene, wash hands after toilet use, restrain from the use of tobacco in the slaughter area, and be free from communicable diseases.

Agency Contact. Additional information concerning the Georgia regulations controlling on farm slaughter and processing may be obtained by contacting:

Georgia Commissioner of Agriculture
2204 Agriculture Bldg.
Capitol Square
Atlanta, GA 30334
404-656-3600
404-651-8206 (fax)

HACCP

Georgia Department of Agriculture
Meat Inspection Division
19 Martin Luther King Jr. Drive
Room 108
Atlanta, GA 30334
404-656-3673
404-657-1357 (fax)

HAWAII

The Law. Hawaii requires inspection of the slaughtering of poultry and the processing of poultry, but grants exemptions to inspection requirements under certain conditions.¹ Specifically, Hawaii exempts persons who raise their own poultry for slaughtering, if used exclusively by the owner, the members of their household, or their nonpaying guests and employees. Hawaii also exempts poultry which is wholesome, unadulterated, and fit for human consumption if the slaughter or processing of the poultry is done by a producer on the producer's own premises and the product is received directly by the consumer on the producer's premises. The product must be for the exclusive use of the consumer and the consumer's household, nonpaying guests and employees.

Finally, Hawaii allows exemption for the custom slaughter of poultry delivered for slaughter by the owner or the owner's agent and meant for exclusive use in the owner's household, or by the owner's nonpaying guests and employees. Sanitary conditions, record keeping, registration of the custom slaughter establishment, and disease control provisions are all required of the custom slaughterer. Custom slaughter operations that are exempt from inspection are required to register with the Board of Agriculture as a custom exempt operator and obtain a permit for exemption. The Board may refuse to grant or can withdraw or modify a permit if it deems such action necessary to comply with the state law.

The requirements for inspection also do not apply if the operation is of a type "traditionally and usually conducted at retail stores or restaurants" but only if the activity (processing) is followed by sale of the product on-site. Sanitary requirements still apply to this type of retail or restaurant activity and there are limitations to "normal retail quantities" in the sales of the processed product to consumers.

The Board of Agriculture may grant additional exemptions. In all circumstances, the regulations concerning adulteration and misbranding apply to poultry or poultry products.

Agency contacts. Processors interested in additional information concerning these requirements should contact the following agencies:

Hawaii Department of Agriculture
P.O. Box 22159
Honolulu, HI 96823-2159
808-973-9560

1 Hawaii Stat. Ann. Sections 161-1 et seq.

HACCP

University of Hawaii at Manoa
1920 Edmondson Road
Honolulu, HI 96822
808-956-6564
808-956-8663 (fax)

IDAHO

The Law. Inspection of foods in Idaho is done by the Department of Agriculture.¹ Idaho does not have a state inspection system for poultry processors. Idaho follows the federal regulations for poultry processing (including the exemptions for small-scale processors).

Agency Contact. Those desiring additional information concerning poultry inspection in Idaho should contact:

Idaho Department of Agriculture
2270 Old Penitentiary Road
Boise, ID 83712
208-332-8500
208-334-2170 (fax)

HACCP

University of Idaho
Department of Animal & Veterinary Science
Moscow, ID 83844-2330
208-885-7390
208-885-6420 (fax)

¹ IDAHO CODE § 37-1605 (1994).

ILLINOIS

The Law. Poultry inspection in Illinois is the responsibility of the Bureau of Meat and Poultry Inspection of the Illinois Department of Agriculture. Producers may request an on-farm processing exemption. The request must be in writing. Exemptions are effective upon written notice from the Department and are effective for a period of two years. Producers are required to maintain adequate records to assure that no more than the number of exempted poultry are slaughtered or processed in one calendar year.¹ Producers who receive the exemption must comply with the following requirements:

1. the producer slaughters or processes no more than 5,000 poultry during the calendar year,
2. they do not engage in buying or selling poultry products other than those produced from poultry raised on their own farm or premises,
3. the poultry products are slaughtered, otherwise prepared, sold or delivered to the consumer on or from the premises for which the exemption is given,
4. the slaughter or preparation is performed in a sanitary manner, and subject to periodic inspection to confirm that sanitary conditions exist on site.

Agency Contact. Producers seeking additional information concerning exemptions or sanitary requirements should contact:

Illinois Department of Agriculture
 State Fairgrounds
 P.O. Box 19281
 Springfield, IL 62794
 217-782-2172
 217-785-4505 (fax)

HACCP

Illinois Department of Agriculture
 State Fairgrounds
 801 Sagamon Ave.
 P.O. Box 19281
 Springfield, IL 62794-9281
 217-782-6684
 217-782-7801 (fax)

1. 225 ILL. COMP. STAT. ANN. 650/5(b)(1) (West 1998).

INDIANA

The Law. The agency responsible for poultry inspection in Indiana is the Indiana State Board of Animal Health. The law guiding the Board is the Indiana Humane Slaughter Act.¹ The Board is required by law to exempt a person's operation if the operation would be exempt from the corresponding requirements under the federal Poultry Products Inspection Act.

Agency Contact. Those desiring additional information concerning poultry inspection in the state of Indiana should contact:

Commissioner of Agriculture
140 West Market Street
Suite 414
Indianapolis, IN 46204
317-232-8770
317-232-1362 (fax)

HACCP

Indiana State Board of Animal Health
Division of Meat & Poultry
805 Beachway Drive
Suite 50
Indianapolis, IN 46224
317-227-0359
317-227-0330 (fax)

¹ IND. CODE ANN. § 15-2.1-24-1 et seq. (West 1998).

IOWA

The Law. Poultry inspection in Iowa is under the authority of the Meat and Poultry Inspection Bureau. The Meat and Poultry Inspection Act guides the Bureau.¹ Exemptions from inspection are permitted for those operations that produce less than 1,000 birds per year, which sell all their products to the final consumer, or which use the products solely within their household. The Secretary of Agriculture has the discretion to exempt other operations.

Agency Contact. Those desiring additional information concerning poultry inspection in the state of Iowa should contact:

Iowa Department of Agriculture & Land Stewardship
Wallace Building
Des Moines, IA 50319
515-281-5322
515-281-6236 (fax)

HACCP

Iowa Department of Agriculture & Land Stewardship
Wallace building
Des Moines, IA 50319
515-281-5597
515-281-4282 (fax)

¹ IOWA CODE ANN. §§ 189A.1- 189A.22 (West 1994).

KANSAS

The Law. The State Board of Agriculture does inspection of poultry in Kansas. The state exempts from inspection a producer who is slaughtering his own animals for use within his own household, for use by former members of his household, or for use by his nonpaying guests and employees. Custom slaughterers of birds for such producers are also exempt. Kansas's law also states that custom slaughter at establishments immediately over the state border does not constitute interstate commerce such as to require regulation by the Board.¹

The number of birds which may be slaughtered on-farm is limited by the following language found in Kansas statute 381.10:

Section c. The provisions of the Act and the regulations do not apply to any poultry producer with respect to poultry, of his own raising on his own farm, which he slaughters if:

- 1) Such producer slaughters no more than 1,000 poultry units* during the calendar year for which this exemption is being determined;
- 2) Such poultry producer does not engage in buying and selling poultry products other than those produced from poultry raised on this farm; and
- 3) None of such poultry moves in "Commerce: (as defined in 381.10).

* Poultry units shall be computed by using .25 units for each goose and turkey, one unit for each chicken or other bird.

Agency Contact. Those desiring additional information concerning poultry inspection in the state of Kansas should contact:

Kansas Department of Agriculture
901 S. Kansas Ave.
Topeka, KS 66612-1280
785-296-3558
785-296-8389 (fax)

¹ KAN. STAT. ANN. § 65-6a31 et seq. (West 1992).

HACCP

Kansas Department of Agriculture
Meat & Poultry Inspection
901 S. Kansas Avenue 7th Floor
Topeka, KS 66612
785-296-3511
785-296-0673 (fax)

EDITOR'S NOTE: The "poultry units" definition given above says that one chicken is equal to four turkeys. This is opposite of the way poultry equivalents are most commonly expressed (usually four chickens are considered equal to one turkey). Most Kansas producers believe that this is simply a mistake in the wording of the law, but they have not made the effort to get it corrected. Most Kansas producers also believe the intent of this regulation is to allow up to 1,000 chickens to be processed (or up to 250 turkeys or geese).

KENTUCKY

The Law: Kentucky does not have a state poultry products inspection program. The federal Food Safety and Inspection Service (FSIS) is designated to inspect poultry slaughter and processing facilities that produce poultry products for distribution only within the state of Kentucky. FSIS regulations apply to poultry slaughtering and processing which produces poultry products for in-state or out-of-state distribution. The federal inspection exemptions for small-scale poultry processors apply to Kentucky facilities; however any poultry processing in the state must also comply with provisions of the Kentucky Cabinet for Health Services. Kentucky is piloting a project under a special provision to allow limited mobile poultry slaughter on a small scale by individuals who obtain and successfully complete a training curriculum and meet other applicable requirements.

Agency Contacts: Poultry producers with questions about inspection requirements under Kentucky law should contact:

Kentucky Department of Agriculture
Room 188, Capitol Annex
Frankfort, KY 40601
502-564-5126
502-564-5016 (fax)

and

Kentucky Department of Agriculture
Market Services Office
Capital Plaza Tower, 7th Floor
500 Mero St. Frankfort, KY 40601
502-564-4696
502-582-4291 – Louisville, KY office

HACCP

Guy Delius
Kentucky Department for Health Services
275 East Main St.
Frankfort, KY 40621
502-564-7181
502-564-6533

or

Benjy Mikel
205 WT
Garrigus Building
University of Kentucky
Lexington, KY 40546
859-257-7550

LOUISIANA

The Law. Poultry inspection in Louisiana is governed by the Meat and Poultry Inspection Law and is carried out by the USDA for large poultry operations. The Louisiana Department of Agriculture and Forestry's Meat and Poultry Division conducts inspection for operations with fewer than 20,000 birds. The Meat and Poultry Division also grants exemptions upon written request of an operator and follows up with quarterly compliance checks on those granted exemptions.¹

The Commission of the Department of Agriculture has ultimate authority to regulate under Louisiana law and to enforce inspection requirements with respect to intrastate operations. Louisiana exemptions closely mirror the federal exemptions. Louisiana exemptions are granted in terms of "turkeys or an equivalent number of poultry of all species".

Agency Contact.

Louisiana Department of Agriculture & Forestry
P.O. Box 631
Baton Rouge, LA 70821-0631
225-922-1234
225-922-1253 (fax)

HACCP

LSU Agriculture Center
111 Food Science Bldg.
Baton Rouge, LA 70803
504-338-5197
504-388-5300 (fax)

¹ LA. REV. STAT. ANN. §§ 3:4201-3:4233 (West 1987).

MAINE

The Law. Inspection of poultry in Maine is the responsibility of the Commissioner of Agriculture, Food and Rural Resources. Maine follows the USDA's regulations (and exemptions).¹

Agency Contact. Those desiring additional information concerning poultry inspection in Maine should contact:

Commissioner of Agriculture, Food and Rural Resources
Deering Building (AMHI)
State House Station #28
Augusta, ME 04333
207-287-3419
207-287-7548 (fax)

HACCP

University of Maine
5717 Corbett Hall
Room 303
Orono, ME 04469
207-581-3449
207-581-3212 (fax)

EDITOR'S NOTE: Maine is currently preparing to implement the provisions of the Maine Meat Act. This legislation is supposed to be a bit more helpful to small-scale producers and processors than the federal regulations. It is expected to go into effect in 2002. Contact the Commissioner of Agriculture, Food and Rural Resources for more details.

Also, owners of small poultry flocks from across the state have formed the Maine Alternative Poultry Association (MAPA), according to Dr. Michael Opitz, University of Maine Cooperative Extension veterinarian. Although there are other small-bird groups, such as the Maine Caged Bird Association and the Maine Pigeon Association, there was no group that provided representation for those growing poultry on a small scale either for their own or commercial consumption.

The group will serve farmers and others who have fewer than 2,000 laying hens or 10,000 meat birds and will specifically serve those with niche markets, such as organic farmers and those raising birds free-range style. Under the guidance of the University of Maine Cooperative Extension, MAPA evolved from a series of

¹ ME. REV. STAT. ANN. Tit. 7, § 446, and §§ 1401-1406 (West 1989).

educational meetings on poultry farming held around the state within the last two years. The first open meeting of the organization was scheduled for January 2002.

According to the 1999 USDA farm census, there are 700 small poultry operations in Maine. Opitz believes that MAPA can be another voice for Maine growers. Anyone interested in joining MAPA may contact Dr. Opitz at 207-581-2771.

MARYLAND

The Law. The USDA conducts poultry inspection in Maryland. Maryland exempts from inspection any poultry products sold directly to consumers by any retail dealer if the store does not perform processing operations other than cutting up poultry products on the premises. The state exempts from inspection any person who slaughters any poultry raised by him which he processes and transports exclusively for his use or for the use of members of his family. Also exempted are the slaughtering and processing of poultry products by a poultry producer on his own premises if the poultry is sound and healthy and raised on his premises, and in lieu of any other labeling requirement, the poultry products are identified with the producer's name and address, not otherwise misbranded and sound and fit for human food.

Maryland further exempts from inspection small enterprises, including any poultry producer which slaughters or cuts up poultry for distribution in intrastate commerce as carcasses or parts of carcasses, if the Secretary of Agriculture determines that this exemption does not impair the protection of consumers from adulterated or misbranded poultry. The state exempts from inspection poultry raised by a poultry producer on his own farm if he slaughters not more than 250 turkeys, or their equivalent, per year and does not engage in buying or selling poultry products other than those produced from poultry raised on his own farm. Poultry must only be sold within the state of Maryland.¹

Agency Contact. Those desiring additional information concerning poultry inspection in the state of Maryland should contact:

Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, MD 21401
410-841-5880
410-841-5914 (fax)

HACCP

University of Maryland
LES/REC Princess Anne Fac.
11990 Strickland Dr.
Princess Anne, MD 21853
410-651-9111
410-651-9187 (fax)

¹ MD. CODE ANN., AGRIC. § 4-217 (1999).

MASSACHUSETTS

The Law. The Commissioner of the Massachusetts Department of Public Health is designated as the state official in charge of poultry inspection. The Commissioner may exempt operations from inspection at his discretion, so long as the exemptions conform to the federal Poultry Products Inspection Act and federal regulations. Massachusetts's regulations exempt poultry producers who raise poultry on their own farms and sell dressed poultry or poultry products directly to household consumers or restaurants, hotels and boarding houses. To fall under this exemption, a producer must not engage in buying and selling poultry products other than those produced from their own farms.

Products must be shipped in containers bearing the producer's name and address and the statement "Exempted." Producers may not produce more than 5,000 turkeys or their equivalent (20,000) poultry of all species in a calendar year or the exemption will be lost. The slaughtering of sound and healthy poultry or the processing of poultry is exempt from inspection where the slaughterer or processor distributes such poultry directly to household consumers, restaurants, hotels and boarding houses. In such cases, sanitary standards must be followed and final products must bear the processor's name and address and the statement "Exempted." Processors are not permitted to engage in the business of buying or selling any poultry products other than those described above or they will lose the exemption.¹

Agency Contact. The Massachusetts Department of Public Health will offer interpretations and statements of policy with respect to producer exemptions upon request. For more information, contact:

Massachusetts Department of Agriculture
100 Cambridge Street
Boston, MA 02202
617-626-1700
617-626-1850 (fax)

Massachusetts Department of Public Health
250 Washington St.
Boston, MA 02108
617-624-6000

HACCP

University of Massachusetts
Cooperative Extension Service
202 Chenoweth
Amherst, MA 01003
413-545-0552

¹ MASS. REGS. CODE tit. 105, § 532.200 et seq. (1998).

MICHIGAN

The Law. Michigan does not have state operated meat inspection programs. All inspection is performed under the federal requirements. Therefore, the federal exemption applies.

Agency Contact. Those wishing additional information concerning poultry inspection should contact:

Michigan Department of Agriculture
611 W. Ottawa
P.O. Box 30017
Lansing, MI 48909
517-373-1052
517-335-1423 (fax)

HACCP

Michigan Department of Agriculture
611 West Ottawa
Lansing, MI 48909
517-373-8200
517-373-6015 (fax)

MINNESOTA

The Law. Inspection of poultry in Minnesota is done by the Department of Agriculture.¹ Minnesota follows the federal regulations (including the labeling requirements) with the following exceptions:

1. Producers may process and sell poultry products on the farm where the birds were raised without inspection up to the numerical limits specified in the federal regulations, as long as the products are sold on the premises and sold to the ultimate consumer. (In Minnesota the ultimate consumer is defined as the person who eats the poultry products. Therefore, direct on-farm sales to hotels, restaurants and institutions [HRI] are not allowed. This is a difference from the federal regulations [which do allow HRI sales].)
2. Producers who wish to sell their products off their farm (e.g. at farmers' markets or via delivery to their customers) must obtain a state license and comply with the state's facility inspections requirements, regardless of the number of birds being processed and sold.

Agency Contact. Those wishing additional information concerning poultry inspection in the state of Minnesota should contact:

Minnesota Department of Agriculture
90 West Plato Boulevard
St. Paul, MN 55107
651-296-2627
651-297-5637 (fax)

HACCP

Minnesota Department of Agriculture
Dairy and Food Inspection Division
90 West Plato Blvd.
St. Paul, MN 55107
612-297-7453
612-297-5637 (fax)

¹ MINN. STAT. ANN. § 31.01 (West 1998).

MISSISSIPPI

The Law. The agency responsible for inspection of poultry in Mississippi is the Regulatory Office of the Department of Agriculture and Commerce. Exemptions to poultry inspection follow the requirements under the federal Poultry Product Inspection Act.¹

Agency Contact. Those wishing additional information concerning poultry inspection within the state of Mississippi should contact:

Mississippi Department of Agriculture and Commerce
121 North Jefferson Street
Jackson, MS 39201
601-359-1100
601-354-6290 (fax)

HACCP

Mississippi Department of Agriculture & Commerce
Meat Inspection Division
P.O. Box 1609
Jackson, MS 39215
601-359-1189
601-354-6502 (fax)

¹ MISS. CODE ANN. §§ 69-1-203 AND 75-33-1(4) (1991).

MISSOURI

The Law. The Director of the Missouri Department of Agriculture is responsible for poultry inspection in the state and is guided under the State's Agriculture and Animal Code, Standardization, Inspection and Marketing of Agricultural Products.¹ The Director of the Department is required to exempt from inspection laws the operation of any person if and to the extent the operation would be exempt under corresponding requirements of the federal Poultry Products Inspection Act. Persons granted exemptions from inspection are subject to periodic reviews. The Director is empowered, after giving reasonable notice, to withdraw the exemption for any change in the conditions under which the exemption was granted.

Agency Contact. Those wishing additional information concerning poultry inspection within the state of Missouri should contact:

Missouri Department of Agriculture
P.O. Box 630
Jefferson City, MO 65102
573-751-3359
573-751-1784 (fax)

HACCP

Missouri Department of Agriculture
Food Safety/Livestock
P.O. Box 630
Jefferson City, MO 65102
573-526-2090
573-751-6919 (fax)

¹ MO. ANN. STAT. §§ 265.300 et seq. (West Supp. 1999).

MONTANA

The Law. In Montana, the Board of Livestock as directed by the Montana Department of Livestock does poultry inspection.¹ Exempt from inspection are persons who slaughter livestock or poultry or prepare or process livestock or poultry products for their own personal or household use. Custom slaughterers are also exempt so long as the meat is kept separate from carcasses, parts, or meat food products prepared for sale, are plainly marked “Not for Sale”, and are prepared and packaged in a sanitary manner.

Agency Contact. Those wishing additional information concerning poultry inspection within the state of Montana should contact:

Montana Department of Agriculture
P.O. Box 200201
Helena, MT 59620-0201
406-444-3144
406-444-5409 (fax)

HACCP

Montana Department of Livestock
Meat, Milk & Eggs Inspection Division
P.O. Box 202001
Helena, MT 59620
406-444-5293
406-444-1929 (fax)

¹ MONT. CODE ANN. § 81-1-101 et seq. (1997).

NEBRASKA

The Law. The agency responsible for poultry inspection in Nebraska is the state Department of Agriculture. Nebraska follows the federal regulations, including the exemptions for small-scale processors, except that processors (of any size) who want to sell their products to hotels, restaurants and institutions must have their processing facility licensed by the state.

Agency Contact. Those wishing additional information concerning poultry inspection in the state of Nebraska should contact:

Nebraska Department of Agriculture
Food Division
P. O. Box 95064
Lincoln, NE 68509
402-471-2536
402-471-2759 (fax)

HACCP

Same contact as above.

NEVADA

The Law. The agency responsible for inspections in Nevada is the State Board of Health.¹ It is illegal to sell uninspected poultry products in Nevada. The federal exemptions for small-scale producers and processors do not apply in Nevada.

Individuals who want to process and sell poultry must have a state permit. The permitting process requires their facilities to be inspected by the state Board of Health, and there must be an inspector present when birds are processed. Owner/operators of poultry processing facilities may be tested and certified as an inspector for their own processing facility.

Agency Contact. Those wishing additional information concerning poultry inspection in the state of Nevada should contact:

Nevada State Board of Health
1179 Fairview Dr.
Carson City, NV 89701
775-687-6353
775-687-5197 (fax)

Nevada Department of Agriculture
350 Capitol Hill Avenue
Reno, NV 89502
775-688-1182
775-688-1178 (fax)

HACCP

University of Nevada
5895 Clean Water Way
Reno, NV 89502
702-857-3663
702-857-3666 (fax)

¹ NEV. REV. STAT. ANN. § 583.515 (Michie 1997)

NEW HAMPSHIRE

The Law. The Department of Agriculture, Markets, and Food does inspection of poultry in New Hampshire. The state veterinarian is authorized to exempt certain producers from poultry inspection laws and regulations. Authorized exemptions closely mirror the federal Poultry Products Inspection Act and its accompanying regulations. Exemptions are limited to producers who slaughter or process the products of not more than 5,000 turkeys or an equivalent number of poultry of all species in the calendar year. Four birds of other species are deemed the equivalent of one turkey. As in the federal law, producers who raise only 250 or fewer turkeys or their equivalent on their own farms are fully exempt from inspection laws so long as the poultry is only sold in the state.¹

Agency Contact. Those wishing additional information concerning poultry inspection in the state of New Hampshire should contact:

New Hampshire Department of Agriculture, Markets and Food
P.O. Box 2042
Concord, NH 03302-2042
603-271-3551
603-271-1109 (fax)

HACCP

University of New Hampshire
Cooperative Ext. Food Safety & Nutrition
129 Main Street – 219 Kendall Hall
Durham, NH 03824
603-862-2496
603-862-3758 (fax)

¹ N.H. ST. § 428:3 et seq. (Supp. 1998).

NEW JERSEY

The Law. The USDA does inspection of poultry in New Jersey. New Jersey operates under the Meat and Poultry Inspection Act. The state provides for the inspection of poultry to prevent human consumption of and the distribution of unwholesome, adulterated or otherwise unfit products.

The state exempts from inspection the slaughtering by a person of animals of his own raising, and the preparation by him and transportation of the carcasses, meat and meat food products of such animals exclusively for use by him and members of his household and his guests and employees. The state also exempts the custom slaughter of an animal for exclusive use in the household of the owner, provided that the custom slaughterer does not engage in the business of buying or selling any carcasses, parts of carcasses, meat or meat food products of any animal.¹

Agency Contact. Those wishing additional information concerning poultry inspection within the state of New Jersey should contact:

New Jersey Department of Agriculture
P.O. Box 330
John Fitch Plaza
Trenton, NJ 08625
609-292-3976
609-292-3978 (fax)

HACCP

Rutgers University
Department of Food Science
65 Dudley Road
New Brunswick, NJ 08901
732-932-9611
732-932-6776 (fax)

¹ N.J. STAT. ANN. § 24:16b-42 (West 1997).

NEW MEXICO

The Law. The agency responsible for inspections in New Mexico is the Department of Health and Environment. No exemption from inspection is allowed for poultry slaughtered on the farm in New Mexico.¹

Agency Contact. Those wishing additional information concerning poultry inspection in the state of New Mexico should contact:

New Mexico Department of Agriculture
P.O. Box 30005, Department 3189
Las Cruces, NM 88003-8005
515-646-3007
515-646-8120 (fax)

New Mexico Department of Health and Environment
1190 S. St. Francis Dr.
P.O. Box 26110
Santa Fe, NM 87502
505-827-2613

HACCP

New Mexico Livestock Board
300 San Mateo NE
Suite 1000
Albuquerque, NM 87108
505-841-6161
505-841-6160 (fax)

¹ N.M. STAT. ANN. §25-2-2 (Michie 1978).

NEW YORK

The Law. The agency responsible for poultry inspection in New York is the Department of Agriculture and Markets, Division of Food Safety and Inspection. New York requires inspection of poultry and poultry products, except as exempted by the provisions of the federal Poultry Products Inspection Act. The small farm exemption applies for operations up to 1,000 birds.¹

Agency Contact. Those wishing additional information concerning poultry inspection in the state of New York should contact:

New York Department of Agriculture and Markets
1 Winners Circle
Capitol Plaza
Albany, NY 12235
518-457-4188
518-457-3087 (fax)

HACCP

Cornell University
Department of Food Science
11 Stocking Hall
Ithaca, NY 14853
607-255-3262
607-254-4868 (fax)

¹ N.Y. AGRIC. & MKTS. §96-Z-28 (1991).

NORTH CAROLINA

The Law. North Carolina has adopted the North Carolina Poultry Products Inspection Act.¹ The North Carolina Department of Agriculture and Consumer Services is the state agency with authority for implementation of the poultry products inspection requirements and for spearheading cooperation with the USDA on poultry product inspection issues.

Under North Carolina law, each poultry slaughtering or processing establishment doing so solely for intrastate commerce is required to have premises, facilities, and equipment operated in accordance with sanitary practices determined by regulations of the Board of agriculture. The Department is required to monitor compliance with sanitary regulations pursuant to regulations adopted by the Board.

North Carolina prohibits the slaughter, sale, transport, offer for sale or transport, or receipt for transportation in intrastate commerce of any poultry products capable of use as human food, unless a specific exemption covers the activity. The law further prohibits the adulteration or misbranding of such products and requires that such products be inspected, again unless an exemption applies. Exemptions are given to:

1. retail dealers if the poultry products are sold directly to consumers in individual retail stores, if the only processing operation performed on site is the cutting up of poultry products on the premises where the sales occur,
2. during periods in which the Commissioner determines it would be impracticable to conduct inspections
3. persons slaughtering, processing, or handling poultry products processed according to recognized religious dietary laws
4. persons who slaughter poultry of their own raising, if the processing and transportation of such poultry are for exclusive use by that person, the members of his household and his nonpaying guests and employees,
5. persons engaged in custom slaughter for the owner of the poultry being slaughtered, if the processing and transportation of the poultry products are for the owner, his household and his nonpaying guests and employees; however, the owner may not buy or sell such poultry products if they are intended for use as human food,
6. persons engaged in slaughtering and processing poultry products on their own premises, if done using sound and health poultry raised on the premises, if the distribution occurs using a label identifying the name and address of the poultry producer and are not otherwise misbranded, and if the products are sound, clean and fit for human food when distributed, and

¹ N.C. GEN. STAT. § 106-549.49.

7. persons engaged in the slaughtering or processing of sound and health poultry if the products are distributed by him directly to household consumers, restaurants, hotels, and boardinghouses, for use in their own dining rooms or in the preparation of meals for direct sales to consumers; however, the products must be clearly identified with the name and address of the processor, not otherwise misbranded, and sound, clean, and fit for human food when distributed.

The Board is also given the additional authority under North Carolina law to, by regulation, grant an additional exemption for the operation and products of small enterprises not otherwise exempted which are engaged in slaughtering and/or cutting up poultry for distribution as carcasses or parts of carcasses, if solely for distribution within the state. The Board may pass such regulations if it also takes steps to protect the public from adulterated or misbranded products so exempted, and if the products are processed under sanitary requirements.

The exemptions do not apply if the poultry producer or any other person seeking to claim the exemption engages in the buying or selling of poultry products other than those under which the exemption is sought. The exemptions likewise do not apply if the producer slaughters or processes the products of more than 5,000 turkeys or an equivalent number of poultry of all species in a calendar year. Four birds of other species are deemed the equivalent of one turkey.

The restrictions of the general law do not apply to operations traditionally and usually conducted at retail stores and restaurants. Nor do the restrictions apply to producers with respect to poultry of their own raising on their farms if:

1. producers slaughter no more than 250 turkeys or no more than the equivalent number of birds of all species during the calendar year for which the exemption is being determined (four birds of other species deemed the equivalent of one turkey),
2. producers do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms, and
3. poultry moves only in intrastate commerce.

Adulteration and misbranding prohibitions apply to all articles, regardless of whether they may be brought under an exemption of the law. The Commissioner may suspend or terminate any exemption that has been granted a producer.

Agency Contact. Additional information concerning the law and regulations of North Carolina may be found by contacting:

Department of Agriculture and Consumer Services

P.O. Box 27647
Raleigh, NC 29611
919-733-7125
919-733-1141 (fax)

HACCP

North Carolina Department of Agriculture
Meat and Poultry Division
P.O. Box 27647
Raleigh, NC 27611
919-733-4136
919-715-0246 (fax)

NORTH DAKOTA

The Law. The agency responsible for inspection in North Dakota is the Department of Health. No exemption from inspection requirements is allowed for poultry slaughtered on the farm.¹

Agency Contact. Those wishing additional information concerning poultry inspection in the state of North Dakota should contact:

North Dakota Department of Health
600 East Boulevard
Bismarck, ND 58505-0020
701-328-2213
701-328-4567 (fax)

HACCP

North Dakota State University
5727 Hultz Hall
Fargo, ND 58105
701-231-7682
701-231-7590 (fax)

¹ N.D. CENT. CODE §19-02.1-01 (1997).

OHIO

The Law. The state Director of Agriculture in Ohio, through the Inspection Service of the Department's Division of Meat Inspection, is responsible for poultry inspection. The Director is designated as the state official responsible for assuring maximum coordination and cooperation between state and federal programs for poultry and poultry product regulation. Exemptions from inspection include a person who processes poultry on his premises, or has poultry processed only for his personal or family use and does not sell that poultry or products, establishments subject to federal inspection, and persons who grow and slaughter on their own premises less than 1,000 poultry in the current calendar year, so long as the grower-processor does not buy any live poultry, and such processed poultry is sold to a hotel, institution, restaurant consumer, or other person for preparation in his own kitchen and is served by him. Persons exempted from inspection laws and regulations are still subject to provisions of the law relating to licensure, sanitation, adulteration, misbranding, and labeling.¹

Agency Contact. Those wishing additional information concerning poultry inspection in the state of Ohio should contact:

Ohio Department of Agriculture
8995 East Main Street
Reynoldsburg, OH 43068-3399
614-466-2732
614-466-6124 (fax)

HACCP

Ohio Department of Agriculture
Division of Meat Inspection
8995 East Main Street
2nd Floor
Reynoldsburg, OH 43068
614-728-6260
614-728-6434 (fax)

¹ OHIO REV. CODE ANN. §981.21- 981.31 (West 1988).

OKLAHOMA

The Law. Oklahoma has adopted the Oklahoma Poultry Products Inspection Act. This Act has very specific requirements for the inspection of poultry production operations, however, within the Act may be found an exemption applying to the processing of poultry or poultry products solely for intrastate commerce and distribution of those products in intrastate commerce. The exemption allows the Board of Agriculture to adopt by regulation any conditions, including requirements for sanitary standard, practices, and procedures, necessary to control usage of this exemption by producers.¹

The exemption applies to those slaughtering, processing, or otherwise handling poultry or poultry products which have been processed according to recognized religious dietary laws, if the slaughtering, processing and transportation is done by the person owning the poultry and is done for use exclusively by the owner, members of his or her household, and nonpaying guests and employees, if the poultry are being custom slaughtered for use by the owner, his household, nonpaying guests and employees, or if the slaughtering, processing or handling is being done at a normal retail store or restaurant.

The exemption also applies to those producers raising poultry on their own farm if the producers slaughter no more than 250 turkeys or no more than an equivalent number (250) of birds of all species in a calendar year. Four birds of other species are deemed the equivalent of one turkey.

The exemption applies to those poultry producers who do not engage in the buying or selling of poultry products other than those produced from poultry raised on their own farms. However, the adulteration and misbranding provisions of the law apply to all articles that are exempted from inspection by the law. The Board of Agriculture is given the authority to suspend or terminate the operation of the exemption. The Board is also given the authority to determine handling and storage of all poultry products.

Agency Contact. Those desiring additional information should contact:

Oklahoma Department of Agriculture
2800 N. Lincoln
Oklahoma City, OK 73105
405-521-3864
405-521-0909 (fax)

¹ OKLA. STAT. ANN. § 6-265.

HACCP

Oklahoma Department of Agriculture
Meat Inspection Program
Animal Industry Services
2800 N. Lincoln
Oklahoma City, OK 73105
405-521-3741
405-522-0756 (fax)

OREGON

The Law. The agency responsible for inspection in Oregon is the State Department of Agriculture and the Oregon Fryer Commission.¹ These agencies follow the federal exemptions for small-scale poultry processors. Inspection requirements also do not apply to fryers, which are sold, displayed, exposed or offered for sale to ultimate customers at the farm or ranch where the fryers were produced, if no fryers produced elsewhere are sold, displayed, exposed or offered for sale to ultimate customers at the farm or ranch.

Agency Contact. Those wishing additional information concerning poultry inspection in the state of Oregon should contact:

Oregon Department of Agriculture
635 Capitol Street, NE
Salem, OR 97310-0110
503-986-4552
503-986-4750 (fax)

HACCP

Oregon State University
Withycombe Hall 112
Corvallis, OR 97331
541-737-3414
541-737-4174 (fax)

¹ OR. REV. STAT. § 54-1902 (1998).

PENNSYLVANIA

The Law. The agency primarily responsible for poultry inspection in Pennsylvania is the Department of Agriculture. The state has also authorized various municipal inspection departments to enact and enforce regulations or ordinances establishing a local meat and poultry products inspection, provided the regulations or ordinances are at least equal to state inspection.¹

Pennsylvania has adopted the federal regulations governing inspection of poultry and poultry products in order to regulate hygiene. Therefore, Pennsylvania's Meat and Poultry Hygiene Law of 1968, while not in total conformance to similar federal law, does not apply to establishments operating under the federal Poultry Products Inspection Act.

The Pennsylvania situation is well described in the "Farmer's Guide to Processing and Selling Meat or Poultry" by John Berry of Penn State Cooperative Extension. Visit <http://susag.cas.psu.edu/pub.html> to see and order a copy of this guide.

Agency Contact. Those wishing additional information concerning poultry inspection in the state of Pennsylvania should contact:

Pennsylvania Department of Agriculture
2301 North Cameron Street
Harrisburg, PA 17110-9408
717-772-2853
717-772-2780 (fax)

HACCP

Pennsylvania Department of Agriculture
Bureau of Food Safety & Laboratory Services
2301 North Cameron St.
Harrisburg, PA 17110
717-787-4315
717-787-1873 (fax)

¹ 31 PA. CONS. STAT. § 483.2 – 483.6; 13.1 (1997).

RHODE ISLAND

The Law. Anyone engaged in the slaughter and/or eviscerating of poultry for human consumption shall register annually with the Director of the Department of Health during the month of January. Expiration of registration occurs every December 31 and requires the producer to re-register annually. Slaughter premises must be approved by the Department and the Director of the Department is authorized to make regulations concerning those premises and is authorized to inspect the premises as he sees fit.¹

Agency Contact. Those wishing additional information concerning poultry inspection in Rhode Island should contact:

Rhode Island Department of Agriculture
235 Promenade Street, Room 370
Providence, RI 02908-5767
401-222-2781
401-222-6047 (fax)

HACCP

FSN Research Center
530 Liberty Lane
West Kingston, RI 02892
401-874-2972
401-874-2994 (fax)

1 RHODE ISLAND STAT. § 21-13-2 (1999).

SOUTH CAROLINA

The Law. South Carolina has established a state poultry inspection program under the South Carolina Poultry Products Inspection Act.¹ The South Carolina Livestock-Poultry Health Commission is responsible for administering this Act. The Act provides that anyone operating an establishment that slaughters poultry or offers poultry as food is required to obtain a permit from the State Livestock-Poultry Health Commission. Permits are not required for certain producers. In order to not be required to carry a permit, the producer must qualify as one of the following:²

- (1) a retail dealer who sells poultry products directly to consumers in individual retail stores, if the only processing done is cutting up of poultry products on the store premises;
- (2) a person slaughtering or processing poultry which is required to be processed in compliance with religious dietary laws;
- (3) a person slaughtering poultry raised by them and exclusively for their own use within their household or by their nonpaying guests or employees;
- (4) a person engaged in custom slaughter for use in the household of the owner of the poultry; however, the custom slaughterer cannot engage in buying or selling poultry products capable of use as human food. This provision only applies to those slaughtering or processing up to 5,000 turkeys or 20,000 other poultry per calendar year;
- (5) a person engaged in slaughtering and processing poultry products on their own premises, if they engage in sound and healthy poultry raising practices on the premises, distribute poultry only derived from their operation, the poultry products are identified with the name and address of the poultry producer and are otherwise not misbranded, and the products are sound, clean and fit for human food when distributed. This provision only applies to producers who are slaughtering or processing up to 5,000 turkeys or 20,000 other poultry per calendar year;
- (6) a person engaged in slaughtering and processing poultry for distribution directly to household consumers, restaurants, hotels and boarding houses for use in their own dining rooms or in the preparation of meals for direct consumer sales. The products must be identified with the name and address of the processor, cannot be otherwise misbranded, and must be sound, clean and fit for human food when distributed by the processor.

1 The South Carolina Poultry Products Inspection Act is found in the Code of Laws of South Carolina, Sections 47-19-10 to 47-10-180.

2 S.C. STAT. ANN. Section 47-19-140.

The Livestock-Poultry Health Commission may also exempt from permit requirements those processors which are “small enterprises” and are not otherwise exempt by meeting one of the above requirements. Processors obtaining this “small enterprise” exemption must be engaged in slaughtering and processing poultry for distribution solely within the state of South Carolina. The Commission must also find that it is appropriate to grant the exemption and the exemption will not interfere with the public’s need for protection from adulterated or misbranded products. The Commission must also find that the conditions on site meet sanitation requirements.

Federal sanitation requirements found in Title 9, Code of Federal Regulations, Part 416 guide state legislatures and administrative agencies in the adoption of sanitary regulations. Generally, these regulations require that the establishment’s grounds and facilities be maintained in such a way so as to prevent unsanitary conditions and adulteration of products. The walls, floors, and ceilings must be constructed so as to prevent moisture and vermin infestation. Lighting, plumbing and ventilation must be adequate. Water supply and sewage disposal must also be adequate for the facility so as to prevent adulteration of the product, equipment and utensils must always be thoroughly cleaned, lavatories and toilets must be separate from the processing area, and employees must maintain hygienic standards. These regulations may change over time, so the producer is advised to consult with the state regulatory authority in order to ensure she is operating under the most current sanitary regulations.

Permits are not required if the small-scale processor raises poultry on his or her own farm and slaughters no more than 250 turkeys or 1,000 other poultry per calendar year. The processor cannot buy or sell poultry products other than those produced on their own farm and the distribution of the poultry products cannot occur outside South Carolina.

The Director of the South Carolina Department of Agriculture may inspect live poultry, carcasses and poultry products, order quarantine, segregation and reinspection, condemnation and destruction or reprocessing of carcasses that are deemed “adulterated.” “Adulterated” is defined by South Carolina law as containing unhealthy substances, pesticides, food additives, or other color additives that make the product unfit for human food. A product is also adulterated if it is prepared, packed or held in unsanitary conditions, is filthy, putrid, decomposed, or is unsound, unhealthful, unwholesome or otherwise unfit for human food. Adulterated products can also be products that are derived from animals or poultry that died other than from slaughter, products that have been held in unfit containers, or products that were subjected to radiation.¹

An operation must maintain sanitary conditions on the slaughter premises. These conditions are defined by Department of Agriculture regulations. Any person violating the South Carolina Poultry Products Inspection law or regulations may be charged with a misdemeanor and if convicted may be fined up to \$1,000 or imprisoned for up to one year, or both. Officials with the State and at Clemson University have indicated that even under “custom” processing conditions, a “sanitary place” is required under South

¹ S.C. STAT. ANN. Section 47-19-140.

Carolina interpretation of the law and regulations. These officials also indicated that South Carolina Health Department might require an “approved source” for processing which might require an FSIS or state inspected approved facility for processing. “Custom exempt slaughter” facilities require, according to officials, a sound water supply and that the facility meet up to seven basic sanitation requirements.

Agency Contacts. South Carolina producers with questions about the South Carolina law or regulations should contact:

South Carolina Department of Agriculture
Wade Hampton Office Building
P.O. Box 11280
Columbia, SC 29211-1280
803-734-2210
803-734-2192 (fax)

HACCP

South Carolina Meat & Poultry Inspection Division
P.O. Box 102406
Columbia, SC 29224-2406
803-788-8747
803-788-8114 (fax)

Additional information can be obtained through:

Clemson University
Meat & Poultry Inspection
803-788-2260

SOUTH DAKOTA

The Law. The agency responsible for inspections in South Dakota is the Livestock Sanitary Board.¹ No exemption from inspection is present in South Dakota law.

Agency Contact. Additional information on poultry inspection can be obtained through:

South Dakota Department of Agriculture
523 East Capitol
Pierre, South Dakota 57501-3182
605-773-3375
605-773-5926 (fax)

HACCP

South Dakota Animal Industry Board
411 South Fort St.
Pierre, SD 57501
605-773-3321
605-773-5459 (fax)

¹ S.D. CODIFIED LAWS § 40-3-1 (Michie 1998).

TENNESSEE

The Law. The Tennessee Meat and Poultry Inspection Act¹ is administered by the Tennessee Department of Agriculture. The law requires that anyone engaged in slaughter or processing of livestock or poultry must obtain a license from the Tennessee Department of Agriculture. The licensee must maintain records, and inspection of the slaughter or processing premises is required. Sanitary requirements must also be met in order to obtain the license.

Exemptions from the state licensing requirements are allowed. These exemptions include:

1. poultry producers processing their own poultry for their own consumption, with the excess sold directly to consumers;
2. retail dealers who sell directly to consumers in individual retail stores if the processing operation was conducted on the premises where the sale to consumer is made;
3. persons engaged in slaughter or processing of poultry solely for distribution in Tennessee, if the Commissioner of Agriculture determines it would be impracticable to provide inspection;
4. persons slaughtering or processing poultry that must be processed as required by recognized religious dietary laws.

The Commissioner of Agriculture may determine label and sanitary standards and practices for exempted establishments. Violation of Tennessee law exposes the violator to a Class C misdemeanor, cease and desist orders, or injunctive actions designed to cease operation of the establishment.

Agency Contacts. Additional information concerning Tennessee law or regulations can be obtained from the:

Tennessee Department of Agriculture
Ellington Agricultural Center
P.O. Box 40627, Melrose Station
Nashville, TN 37204
615-837-5100
615-837-5333 (fax)

¹ TENN. STAT. ANN. Section 53-7-201 et seq.

HACCP

University of Tennessee
P.O. Box 1071
Knoxville, TN 37901
423-974-7265
423-974-7332 (fax)

Editor's Note:

Some producers in Tennessee report that despite what is stated above, the regulatory interpretations they have received from the Tennessee Department of Agriculture do not agree with the liberal statements cited in the Act.

One producer who sought clarification of the regulations from state authorities reported that “. . . a written report prepared for us by the University of Tennessee Agricultural Development Center last year (2000) says: ‘According to Mr. Rick Heinrich, administrator for The Tennessee Department of Agriculture, Regulatory Services, Food and Dairy Section, slaughtering and processing of livestock for commercial sales must be done under some regulatory agency and there are no exemptions to slaughtering and processing regulations in Tennessee! Any commercial livestock slaughtering or meat processing must be inspected by USDA. It makes no difference whether the operation is for 2 head or 2 million head, USDA has legal regulatory oversight for those chickens slaughtered and processed for commercial sale. The Tennessee Department of Agriculture does not provide any oversight or inspection for livestock slaughtering or processing, the USDA is the only regulatory concern for these operations.’”

The producer believes that this quote illustrates some ignorance by the State regarding the federal provisions. Mr. Heinrich assigns all authority for inspection and regulation to the USDA, and says that no exemptions apply, despite the fact that the federal regulations do include specific exemptions for small-scale processors.

The Tennessee producers were told in conversations with the University of Tennessee state poultry coordinator that Tennessee formerly provided state inspection services for slaughter and processing of livestock, but had dropped that service as demand declined in the 1980s. Some optimism was expressed that the State would consider again providing inspection services if sufficient demand could be communicated to the State. But the State's view remains that all animals slaughtered for commercial sale must be inspected, and because Tennessee does not have a state inspection program now, inspections must be done by USDA. Even Halal slaughter must be inspected.

Thus, the slaughter inspection expectations are confusing in Tennessee. The federal exemptions might be made to apply to Tennessee producers if anyone wished to pursue the legal battle with the State. To date, nobody has dared to try, and it is a primary reason that some entrepreneurs decide against locating in Tennessee. Because of this confusion, some pastured poultry producers in Tennessee are quite fearful as they process chickens in their backyards, while others show no regard for the State's authority in the matter and do as they please. Some others seek a clear legal position, and plan to construct and operate their own federally-inspected slaughter facility.

TEXAS

The Law. The Texas Meat and Poultry Inspection Act¹ was revised in 2001 to accept the federal inspection exemptions and labeling requirements, and to specifically exempt those small-scale processors from state inspection requirements. The new law does have the following requirements which apply to small-scale processors:

1. A low-volume livestock processing establishment that is exempt from federal inspection shall register with the Texas Department of Health (TDH) in accordance with rules adopted by the TDH commissioner.
2. A low-volume livestock processing establishment that is exempt from federal inspection shall develop a Sanitary Operations Procedures Plan. The intent of the TDH is that the plan be simple, on file at the exempt processor's site and available for review if there are any problems (e.g., contaminated meat traced back to an exempt processor).
3. If contaminated livestock products can be reasonably traced to a low-volume livestock processing establishment that is exempt from federal inspection, the commissioner may request the attorney general of the district or county attorney in the jurisdiction where the facility is located to institute a civil suit to close the establishment until the commissioner determines that the establishment has been sanitized and is operating safely. (This is the Emergency Shutdown provision required by the TDH.)

Agency Contact. Additional information concerning the laws and regulations in the state of Texas may be obtained by contacting:

Texas Department of Agriculture
P.O. Box 12847
Capitol Station
Austin, TX 78711
512-463-7476
512-463-1104 (fax)

HACCP

Meat Safety Assurance Division
Bureau of Food and Drug Safety
1100 West 49th Street
Austin, TX 78756
512-719-0205
512-810-0240 (fax)

¹ TX. HEALTH & SAFETY §433.006.

UTAH

The Law. The agency responsible for inspections in Utah is the Department of Agriculture and Food. The state follows the federal regulations and exemptions.¹

Agency Contact. Additional information concerning poultry inspection in the state of Utah can be obtained through:

Utah Department of Agriculture and Food
350 North Redwood Road
P.O. Box 146500
Salt Lake City, UT 84114-6500
801-538-7101
801-538-7126 (fax)

HACCP

Utah Department of Agriculture
350 N. Redwood Rd.
POB 146500
Salt Lake City, UT 84114-6500
801-538-7117
801-538-7169 (fax)

¹ UTAH CODE ANN. § 4-1-3.5 et seq.; 4-32-3 (Supp. 1998).

VERMONT

The Law. In Vermont, the Department of Agriculture, Food and Markets is the agency responsible for inspecting poultry. The Commissioner may exempt from inspection any person's poultry operation to the extent that the operation could be exempted under the federal Poultry Products Inspection Act.¹

While the Commissioner has the exemption authority stated above, Vermont's Meat Inspection regulations are somewhat more restrictive than the federal ones. The small farm exemption applies for operations processing up to 1,000 birds. Operations processing 1,000 to 20,000 birds must have a slaughter facility with at least two rooms (a dirty room for killing, scalding and plucking; and a clean room for the rest of the processing steps). Operations processing over 20,000 birds are not exempted and must be licensed by the state.

Additionally, the Vermont Health Department requires that any meat served in hotels, restaurants and institutions (HRI) must be from an approved source (i.e., it must be state or federally inspected). Therefore, a poultry producer/processor who wants to do HRI sales of any quantity must obtain the appropriate license from the state Department of Agriculture, Food and Markets.

Agency Contact. Additional information concerning poultry inspection in the state of Vermont can be obtained through:

Vermont Department of Agriculture, Food and Markets
Drawer 20
116 State Street
Montpelier, VT 05620-2901
802-828-2426
802-828-2361 (fax)

HACCP

Same contact as above.

¹ 6 V.S.A. §§ 3303, 3305(13)(1999).

VIRGINIA

The Law. The Virginia Department of Agriculture and Consumer Services has adopted as its regulations pertaining to meat and poultry inspection, the Virginia Meat and Poultry Products Inspection Act, which refers to the federal requirements for inspection as well as the federal exemptions from inspection.¹

Agency Contact. Virginia requires producers who want to operate under the federal and state exemptions to obtain a state-issued permit. Producers with questions about poultry product inspection under Virginia law should contact:

Virginia Department of Agriculture and Consumer Services
P.O. Box 1163
Richmond, VA 23209
804-786-3501
804-371-2945 (fax)

HACCP

Virginia Department of Agriculture and Consumer Services
Office of Meat and Poultry
Washington Bldg.
1100 Bank Street, Suite 614
Richmond, VA 23219
804-552-9963
804-371-2380 (fax)

¹ VA. CODE ANN. §5-210-50.

WASHINGTON

The Law. The agency responsible for inspection in Washington is the Department of Agriculture. Washington exempts from inspection the slaughtering of poultry as required by recognized religious dietary laws and when the poultry will be used exclusively for the owner, their household, or nonpaying guests or employees. In addition, inspection is not required for poultry producers with respect to poultry of their own raising on their own farms if they do not slaughter more than 250 turkeys or more than the equivalent number of all species (four birds of other species being equivalent to one turkey) during the calendar year.¹

However, some city and county agencies in the state have stricter regulations which do not recognize these exemptions. (See the Editor's Note below.)

Agency Contact. Additional information concerning poultry inspection in the state of Washington can be obtained through:

Washington State Department of Agriculture
P.O. Box 42560
Olympia, WA 98504-2560
360-902-1801
360-902-2092 (fax)

HACCP

Washington St. University
123 Clark Hall
Pullman, WA 99164
509-335-2880
509-335-1082 (fax)

EDITOR'S NOTE: Producers report that the King County (Seattle area) Health Department is especially strict, requiring that all poultry sold in the county be processed and stored in a state-licensed facility. No small-scale processing exemptions are recognized in King County.

¹ WASH. REV. CODE ANN. §16.74.040, .570; 580 (West 1999).

WEST VIRGINIA

The Law. In West Virginia, the Meat and Poultry Inspection Division of the State Department of Agriculture is the agency with regulatory control over poultry inspection.¹

West Virginia allows exemptions from inspection of poultry when the commissioner determines the exemption would further the purposes of the law, to the extent such exemptions conform to the federal Meat Inspection Act and the federal Poultry Products Inspection Act.

Regulations of the Department have deleted former references to federal exemptions. The only preserved exemptions are for producers raising up to 1,000 of his own birds on his own premises during a calendar year. There is no application process in order to obtain the exemption. There are no scheduled compliance reviews of exempted operations unless the Meat and Poultry Inspection Division suspects that the operator may be exceeding the limit or otherwise not complying with the law. The exemption in West Virginia is primarily applied to seasonal turkey production before Thanksgiving, according to department officials.

Agency Contact. Additional information concerning poultry inspection in the state of West Virginia can be obtained through:

W. Jan Charminski, DVM, PhD
Director
Meat and Poultry Inspection Division
West Virginia Department of Agriculture
State Capitol
1900 Kanawha Boulevard East
Charleston WV 25305
Phone: 304-558-2207
Fax: 304-558-1882
E-mail: JCharminski@ag.state.wv.us

HACCP

Contact Dr. Charminski as shown above.

¹ W. VA. CODE §19-2b-8 (1997).

WISCONSIN

The Law. The agency responsible for inspections in Wisconsin is the Department of Agriculture, Trade and Consumer Protection. Wisconsin defines “mobile slaughterer” as persons who provide a slaughtering service to the general public for compensation other than the trading of services on an exchange basis, and conducts the slaughtering on the premises of the owners of the animals being slaughtered.¹

Mobile slaughterers must have an annual registration certificate issued by the Department unless they hold a valid license. The department may also enter into agreements with counties and municipalities so long as the other entity’s regulations are substantially equivalent to the state’s. The state exempts from inspection poultry produced on the owner’s farm provided his sales do not exceed 1,000 fowl annually, and the birds are labeled and tagged to identify the name and address of the producer and are marked “NOT INSPECTED”. Persons who process more than 1,000 fowl but less than 20,000 fowl are fully subject to licensing, sanitation, facilities and wholesomeness of product requirements, but may be exempted by the department if it is determined that the consumers are adequately protected from unwholesome poultry products, and the fowl is marked as stated above.

Agency Contact. Additional information concerning poultry inspection in the state of Wisconsin can be obtained through:

Wisconsin Department of Agriculture, Trade and Consumer Protection
P.O. Box 8911
Madison, WI 53708
608-224-5012
608-224-5045 (fax)

HACCP

Wisconsin Department of Agriculture
PO Box 8911
Madison, WI 53708
608-224-4725
608-224-4710 (fax)

1 WIS. STAT. ANN. §97.42.1 et seq. (West 1998).

WYOMING

The Law. Inspection of poultry in Wyoming is done by the Department of Agriculture. No exemption from inspection for poultry slaughtered on the farm exists under Wyoming law.

Agency Contact. Additional information concerning poultry inspection in the state of Wyoming can be obtained from:

Wyoming Department of Agriculture
2219 Carey Avenue
Cheyenne, WY 82002
307-777-6569
307-777-6593 (fax)

HACCP

Wyoming Department of Agriculture
473 Trigood Avenue
Casper, WY 86209
307-266-1203
307-266-3701 (fax)

PUERTO RICO AND THE VIRGIN ISLANDS

The Law. Puerto Rico has adopted, with reference to poultry products processing for intrastate commerce, a set of exemptions from inspection requirements that apply so long as sanitary requirements, standards, practices and procedures are met.¹ These exemptions apply to:

1. retail dealers if the products are sold directly to consumers in retail stores and the only operation performed by the retailers is the cutting up of poultry products on the premises where the sales occur,
2. persons slaughtering, processing or handling poultry or poultry products that have been processed according to recognized religious methods.
3. persons engaged in custom slaughter if the products are used exclusively by the owner of the products, his household, or his nonpaying guests and employees and the owner does not engage in the buying and selling of any poultry products capable of use as human food.
4. persons slaughtering poultry of their own raising and processing and transporting the products for their use, use by the members of their household and nonpaying employees or guests,
5. persons slaughtering and processing poultry on their own farms provided they use sound and healthy poultry raised on the premises, and in the distribution the products are identified with the exact name and address of the producer and the processor of the poultry, the poultry are not misbranded and are sound, clean and fit for human food,
6. producers slaughtering and processing poultry products on their own premises, for distribution to consumers, restaurants, hotels and boardinghouses, for use in the establishment's dining room or in the preparation of meals for direct consumer sales, if the poultry products are identified with the name and address of the producer and processor, the products are not misbranded and are clean, sound and fit for human food.

In addition, the Department may exempt from inspection the operation and products of small enterprises engaged in slaughter and/or cutting up of poultry for distribution in intrastate commerce. This additional exemption must provide for compliance with sanitary requirements and protect against adulterated and/or misbranded products.

The exemptions do not apply if the producer engages, during the calendar year, in the business of buying or selling poultry products other than the products for which exemption is sought. The exemption does not apply to those producers slaughtering or

¹ 24 P.R. LAWS ANN. Tit. §752.

processing products of more than 5,000 turkeys or an equivalent number of poultry of all species within the calendar year. Four birds of other species are deemed the equivalent of one turkey.

The exemptions offered under Puerto Rican law do not apply to operations that traditionally and ordinarily are performed in retail stores and restaurants or similar establishments that sell usual quantities of poultry products in direct consumer sales. The provisions of the general inspection law do not apply to poultry grown by producers on their own farms if the producers slaughter no more than 250 turkeys or the equivalent (four birds equaling one turkey) in a calendar year, if the poultry producers do not buy or sell products other than those produced from poultry raised on their own farms, and if the poultry moves only in intrastate commerce. The adulteration and misbranding requirements, other than those relating to inspection requirements, still apply to products coming under the inspection exemptions.

The Virgin Islands have adopted regulations applying to the slaughter and inspection of livestock, including poultry, with regulatory authority for such activities falling to the Commission of Health.¹ The Commission requires all those who operate businesses in which the storage of meat or meat products occurs or who operate meat or poultry packing or canning establishments, to obtain a health permit in order to conduct business. Sanitary conditions must be met in order to obtain and maintain health permits.

Agency Contact. Those seeking additional information on poultry inspection within Puerto Rico and the Virgin Islands should contact:

Puerto Rico Department of Agriculture
P.O. Bo 10163
Santurce, Puerto Rico 00908
787-72-0871
787-723-9747 (fax)

Virgin Islands Department of Agriculture
Estate Lower Love-Kings Hill
St. Croix, VI 00850
809-778-0991
809-778-3101 (fax)

¹ V.I. CODE ANN. Tit. 19, §§ 502, 1433.

HACCP

University of Puerto Rico
Department of Agriculture and Engineering
Mayaguez Campus
P.O. Box 5000
Mayaguez, Puerto Rico 00681
787-265-5410
787-832-0844 (fax)