



United States
Department of
Agriculture

Food Safety
and Inspection
Service

Office of
Investigation,
Enforcement and
Audit

Office of the Assistant Administrator
1400 Independence Ave., SW
Mail Stop 3133-S
Washington, DC 20250

Dear State MPI Program Directors:

Over the last few months, FSIS has received a number of inquiries about proposed State legislation concerning the regulation and inspection of meat and poultry and the possible effect of each draft bill on the status of State meat and poultry inspection (MPI) programs deemed to be "at least equal to" the Federal inspection program. Because the State bills differ from each other and often change as we are reviewing them, rather than respond to inquiries regarding each draft bill, we thought it better to outline how State MPI programs might be affected by the proposed State legislation we have recently seen.

As you know, FSIS annually evaluates State MPI programs to ensure that each has adopted and implemented laws, regulations, and programs "at least equal to" the Federal inspection program. During these reviews, FSIS evaluates nine components:

1. Statutory Authority and Food Safety Regulations
2. Inspection
3. Product Sampling Programs
4. Staffing, Training, and Supervision
5. Humane Handling
6. Compliance
7. Laboratory Methods and Quality Assurance Program
8. Civil Rights
9. Financial Accountability

Obviously, State MPI programs must be found to be "at least equal to" the Federal program for each of these components. Most of the draft legislation we have seen exempts from requiring inspection and labeling certain types of food products, including meat and poultry, depending on the manner and place of sale and the type of purchaser or end consumer. Some of these proposed exemptions appear to be consistent with Federal statutory and regulatory requirements, but many do not.

The Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA) and regulations issued under them require the slaughter, processing, and labeling of meat and poultry, with certain specific exemptions, to be conducted under inspection. In general, if State legislation exempts meat and poultry products from inspection or labeling otherwise required by the FMIA, PPIA or the Federal regulations, the State MPI program operating under that legislation would no longer be "at least equal to" the Federal inspection program.

Some examples from State bills inconsistent with Federal requirements:

- State legislation exempting from inspection and regulation the processing of meat and meat products by producers or other business, other than retail stores and restaurants, for sale to consumers who have been informed that the products were processed without inspection.
- State legislation that exempts from State inspection poultry producers that slaughter or prepare 1,000 or fewer birds for intrastate sales, but does not specifically require the producer who raised the poultry also to slaughter them.
- State legislation that would allow rental contracts between certain poultry producers and slaughterhouses, making the rental slaughterhouses exempt from State inspection. There is no comparable exemption in the PPIA.
- State legislation that would amend a State's definition of "custom" slaughter and processing to eliminate periodic State review of sanitation and wholesomeness for products produced by these operations. Eliminating these reviews would call into question compliance with Federal sanitation requirements for custom slaughter and processing establishments exempt from mandatory inspection.
- State legislation that would permit the slaughtering of livestock and direct sale of meat to consumers who are members of a "herd share" or similar organization that might, in turn, resell the meat. Such a provision would not be permitted under the FMIA's custom slaughter exemption provisions, because it does not limit the sale of the livestock to consumers for their personal use.

If you have any questions, please contact Ron Eckel by telephone at (402) 344-5000 or by e-mail at ron.eckel@fsis.usda.gov.

Sincerely,



Carl A. Mayes
Assistant Administrator
Office of Investigation, Enforcement and Audit