

RESPONSE TO STATE OF VERMONT ON THE PERSONAL USE EXEMPTION UNDER THE FEDERAL MEAT INSPECTION ACT

Correspondence from the State of Vermont raised questions regarding FSIS' interpretation of the personal use exemption in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 623) and FSIS' implementing regulations (9 CFR 303.1(a)(1)). Under the personal use exemption, the FMIA's requirements for inspection do not apply to "the slaughtering by any individual of livestock of his own raising, and the preparation by him and transportation in commerce of the carcasses, parts thereof, meat and meat food products of such livestock exclusively for use by him and members of his household and his nonpaying guests and employees."

This personal use exemption allows an individual, traditionally a farmer or rancher, to slaughter an animal of his or her own raising for personal use. However, the statutory personal use exemption does not allow uninspected meat products to be distributed to multiple owners on a widespread basis, to enter commerce, or to otherwise provide the public with access to sources of uninspected meat products. Thus, the discretion allowed for a farmer or rancher to slaughter an animal of his or her own raising under the personal use exemption has been, and will remain, extremely limited.

In general, if an individual or firm slaughters an animal on behalf of the animal owner or handles or delivers the resulting meat to the owner for his or her personal use, all regulatory requirements associated with the custom exemption (9 CFR 303.1(a)(2)) are applicable.

If a state were to apply the personal use exemption in a manner that did not align with the FMIA or FSIS regulations, it may call into question its "at least equal to" status.

The correspondence from the State of Vermont focuses on the following questions on the personal use exemption.

1. Can multiple owners of an animal slaughter that animal for personal use under the FMIA personal use exemption?

FSIS has not expressly allowed multiple owners under the statutory personal use exemption or the implementing regulations. In any case, it is improbable that multiple owners could slaughter an animal or handle the resulting products in a manner that complies with the personal use exemption. For one, the personal use

exemption requires all owners to be individuals who were involved in the raising of the animal. Second, the personal use exemption requires that all owners be present at and participate in the exempted slaughter, but that each owner only handle, transport, and receive his or her specific portion of the resulting product.

2. Can an animal be owned by a household or family farm for purposes of the personal use exemption?

The statute and regulations speak to, amongst other things, the slaughter by an individual for their own personal use or that of their household. Generally speaking, FSIS would consider a household, or family farm owned by an individual household, to be an “individual” for purposes of the personal use exemption. As such, FSIS would generally not take issue with members of said household assisting in the slaughter, preparation, and transport the animal for the household’s personal use.

3. Does FSIS allow animals to be owned as part of an animal-share arrangement for purposes of the personal use exemption?

No. Participation in an animal or herd share program does not establish ownership for purposes of the personal use exemption. Individuals may not receive uninspected meat from a herd or animal share program under the personal use exemption.

4. Can owners use itinerant slaughterers under the personal use exemption?

There is no provision in the statute or regulations allowing the use of third-party itinerant slaughterers under the personal use exemption. If a third party is engaged in the business of slaughtering animals for the personal use of the animal owners, they are acting as a custom operator, and all regulatory requirements associated with the custom exemption are applicable.