

Federal Poultry Products Inspection Act
(21 U.S.C. §§ 451-473)

§452. Congressional declaration of policy

It is hereby declared to be the policy of the Congress to provide for the inspection of poultry and poultry products and otherwise regulate the processing and distribution of such articles as hereinafter prescribed to prevent the movement or sale in interstate or foreign commerce of, or the burdening of such commerce by, poultry products which are adulterated or misbranded. It is the intent of Congress that when poultry and poultry products are condemned because of disease, the reason for condemnation in such instances shall be supported by scientific fact, information, or criteria, and such condemnation under this chapter shall be achieved through uniform inspection standards and uniform applications thereof.

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§455. Inspection in official establishments

(a) Ante mortem inspection

For the purpose of preventing the entry into or flow or movement in commerce of, or the burdening of commerce by, any poultry product which is capable of use as human food and is adulterated, the Secretary shall, where and to the extent considered by him necessary, cause to be made by inspectors ante mortem inspection of poultry in each official establishment processing poultry or poultry products for commerce or otherwise subject to inspection under this chapter.

(b) Post mortem inspection; quarantine, segregation, and reinspection

The Secretary, whenever processing operations are being conducted, shall cause to be made by inspectors post mortem inspection of the carcass of each bird processed, and at any time such quarantine, segregation, and reinspection as he deems necessary of poultry and poultry products capable of use as human food in each official establishment processing such poultry or poultry products for commerce or otherwise subject to inspection under this chapter.

(c) Condemnation; appeal; reprocessing

All poultry carcasses and parts thereof and other poultry products found to be adulterated shall be condemned and shall, if no appeal be taken from such determination of condemnation, be destroyed for human food purposes under the supervision of an inspector: Provided, That carcasses, parts, and products, which may by reprocessing be made not adulterated, need not be so condemned and destroyed if so reprocessed under the supervision of an inspector and thereafter

found to be not adulterated. If an appeal be taken from such determination, the carcasses, parts, or products shall be appropriately marked and segregated pending completion of an appeal inspection, which appeal shall be at the cost of the appellant if the Secretary determines that the appeal is frivolous. If the determination of condemnation is sustained the carcasses, parts, and products shall be destroyed for human food purposes under the supervision of an inspector.

§456. Operation of premises, facilities and equipment

(a) Sanitary practices

Each official establishment slaughtering poultry or processing poultry products for commerce or otherwise subject to inspection under this chapter shall have such premises, facilities, and equipment, and be operated in accordance with such sanitary practices, as are required by regulations promulgated by the Secretary for the purpose of preventing the entry into or flow or movement in commerce or burdensome effect upon commerce, of poultry products which are adulterated.

(b) Refusal of inspection

The Secretary shall refuse to render inspection to any establishment whose premises, facilities, or equipment, or the operation thereof, fail to meet the requirements of this section.

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§458. Prohibited acts

(a) No person shall—

(1) slaughter any poultry or process any poultry products which are capable of use as human food at any establishment processing any such articles for commerce, except in compliance with the requirements of this chapter;

(2) sell, transport, offer for sale or transportation, or receive for transportation, in commerce, (A) any poultry products which are capable of use as human food and are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or (B) any poultry products required to be inspected under this chapter unless they have been so inspected and passed;

(3) do, with respect to any poultry products which are capable of use as human food, any act while they are being transported in commerce or held for sale after such transportation, which is intended to cause or has the effect of causing such products to be adulterated or misbranded;

(4) sell, transport, offer for sale or transportation, or receive for transportation, in commerce or from an official establishment, any slaughtered poultry from which the blood, feathers, feet, head, or viscera have not been removed in accordance with regulations promulgated by the Secretary, except as may be authorized by regulations of the Secretary;

(5) use to his own advantage, or reveal other than to the authorized representatives of the United States Government or any State or other government in their official capacity, or as ordered by a court in any judicial proceedings, any information acquired under the authority of this chapter concerning any matter which is entitled to protection as a trade secret.

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§467e. Non-Federal jurisdiction of federally regulated matters; prohibition of additional or different requirements for establishments with inspection services and as to marking, labeling, packaging, and ingredients; recordkeeping and related requirements; concurrent jurisdiction over distribution for human food purposes of adulterated or misbranded and imported articles; other matters

Requirements within the scope of this chapter with respect to premises, facilities and operations of any official establishment which are in addition to, or different than those made under this chapter may not be imposed by any State or Territory or the District of Columbia, except that any such jurisdiction may impose recordkeeping and other requirements within the scope of paragraph (b) of section 460 of this title, if consistent therewith, with respect to any such establishment. Marking, labeling, packaging, or ingredient requirements (or storage or handling requirements found by the Secretary to unduly interfere with the free flow of poultry products in commerce) in addition to, or different than, those made under this chapter may not be imposed by any State or Territory or the District of Columbia with respect to articles prepared at any official establishment in accordance with the requirements under this chapter, but any State or Territory or the District of Columbia may, consistent with the requirements under this chapter exercise concurrent jurisdiction with the Secretary over articles required to be inspected under this chapter for the purpose of preventing the distribution for human food purposes of any such articles which are adulterated or misbranded and are outside of such an establishment, or, in the case of imported articles which are not at such an establishment, after their entry into the United States. This chapter shall not preclude any State or Territory or the District of Columbia from making requirement or taking other action, consistent with this chapter, with respect to any other matters regulated under this chapter.

Federal Poultry Products Inspection Regulations
(9 C.F.R. part 381)

9 C.F.R. §381.10(c). 1,000 Bird Exception

(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 not more than 1,000 poultry during the calendar year for which this exemption is being determined;

(2) Such poultry producer does not engage in buying or selling poultry products other than those produced from poultry raised on his own farm; and

(3) None of such poultry moves in “commerce” (as defined in § 381.1).
[note: Commerce means the exchange or transportation of poultry products between States, U.S. territories (Guam, Virgin Island of the United States, and American Samoa), and the District of Columbia]

9 C.F.R. §381.10(a)(5)-(7); 9 C.F.R. §381.10(b). 20,000 Bird Exception

§381.10(a)(5), (6), and (7)

(a) The requirements of the Act and the regulations for inspection of the processing of poultry and poultry products shall not apply to:

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(5) The slaughtering of sound and healthy poultry and processing of poultry products therefrom in any State or territory or the District of Columbia by any poultry producer on his own premises with respect to poultry raised on his premises, and the distribution by any person solely within such jurisdiction of the poultry products derived from such operations: Provided, That (i) in lieu of complying with all the adulteration provisions of the Act, such poultry is slaughtered and otherwise processed and handled under such sanitary standards, practices, and procedures as result in the preparation of poultry products that are sound, clean, and fit for human food when so distributed; (ii) such poultry products when so distributed, bear (in lieu of labeling that would otherwise be required) the producer’s name and address and the statement “Exempted—P.L. 90-492” and such poultry products are not otherwise misbranded; (iii) such producer and distributor do not engage in the current calendar year in the business of buying or selling any poultry or poultry products other than as specified in this paragraph (a) (5) or (6) of this section; and (iv) neither such producer or distributor slaughters or processes the products of more poultry than allowed by paragraph (b) of this section.

(6) The slaughtering of sound and healthy poultry or the processing of poultry products of such poultry in any State or territory or the District of Columbia by any poultry producer or other person for distribution by him solely within such jurisdiction directly to household consumers, restaurants, hotels, and boardinghouses, for use in their own dining rooms, or in the preparation of meals for sales direct to consumers: Provided, That (i) in lieu of complying with all the adulteration provisions of the Act, such poultry is slaughtered and otherwise processed and handled under such sanitary standards, practices, and procedures as result in the preparation of poultry products that are sound, clean, and fit for human food when distributed by such processor; (ii) such poultry products when so distributed bear (in lieu of labeling that would otherwise be required) the processor's name and address and the statement "Exempted—P.L. 90-492" and such poultry products are not otherwise misbranded; (iii) such processor does not engage in the current calendar year in the business of buying or selling any poultry or poultry products other than as specified in this paragraph (a) (6) or (5) of this section; and (iv) such processor does not exceed the volume limitation prescribed in paragraph (b) of this section.

(7) The operations and products of small enterprises (including poultry producers) not exempted under paragraphs (a) (1) through (6) of this section that are engaged in any State or territory or the District of Columbia in slaughtering and/or cutting up poultry for distribution as carcasses or parts thereof solely for distribution within such jurisdiction; Provided, That (i) such poultry is sound and healthy when slaughtered and is slaughtered and/or cut up and handled under such sanitary standards, practices and procedures as result in the preparation of poultry products that are not adulterated when so distributed; and (ii) when so distributed, such poultry products are not misbranded (except that the official inspection legend shall not be used).

9 C.F.R. §381.10(b)

(b) No person qualifies for any exemption specified in paragraph (a)(5), (6), or (7) of this section if, in the current calendar year, such person:

- (1) Slaughters or processes the products of more than 20,000 poultry, or
- (2) Slaughters or processes poultry products at a facility used for slaughtering or processing poultry products by any other person, except when the administrator grants such exemption after determining, upon review of a person's application, that such an exemption will not impair effectuating the purposes of the Act.

Summary of Federal Exceptions to Inspection

A. 1,000 Bird Exception

1. The poultry grower slaughters no more than 1,000 healthy birds of his or her own raising in a calendar year for distribution as human food;
2. The poultry grower does not engage in buying or selling poultry products other than those produced from poultry raised on his or her own farm;
3. The slaughter and processing are conducted under sanitary standards, practices, and procedures that produce poultry products that are sound, clean, and fit for human food (not adulterated);
4. The producer keeps records necessary for effective enforcement of the Act; and
5. The poultry products do not move in commerce. 1.

B. 20,000 Bird Exception.

1. The producer/grower slaughters and processes, on his or her own premises, no more than 20,000 poultry, raised by him or her, in a calendar year;
2. The producer/grower sells, in a calendar year, only poultry or poultry products he or she prepares; he or she may not buy or sell poultry products prepared under another exemption in the same calendar year in which he or she claims the Producer/Grower– 20,000 Limit Exemption;
3. The poultry products are distributed solely by the producer/grower and only in the District of Columbia or the State in which the poultry product is produced.
4. The poultry are healthy when slaughtered;
5. The slaughter and processing at the producer/grower's premises are conducted using sanitary standards, practices, and procedures that produce poultry products that are sound, clean, and fit for use as human food (not adulterated);
6. The producer only distributes poultry products he or she produced under the Producer/Grower Exemption;
7. The facility used to slaughter or process the poultry is not used to slaughter or process another person's poultry unless FSIS grants an exemption.
8. The shipping containers, when distributed in intrastate commerce (instead of the required features of a label of inspected product) bear: the producer's name; the producer's address, and the statement, "Exempt P.L. 90-492."

Sanitation Performance Standards Compliance Guide

Introduction

Introduction

On October 20, 1999, the Food Safety Inspection Service (FSIS) published a final rulemaking in the *Federal Register* that establishes regulatory sanitation performance standards applicable to all official meat and poultry establishments. (FSIS Docket 96-037F; 64 FR 56400) Performance standards set forth requirements in terms of an objective to be achieved, but do not prescribe the means to achieve that objective. Therefore, to meet the sanitation performance standards, establishments may develop and employ sanitation or processing procedures customized to the nature and volume of their production.

In this document, FSIS presents or references methods already proven to be effective in maintaining sanitary conditions in meat and poultry establishments. Past FSIS regulations and guidance, as well as recommendations from the 1999 Food Code and other technical sources, are included or cited. Establishments that follow the guidance in this document can be fairly certain that they are meeting the sanitation performance standards. Establishments should keep in mind, however, that each processing environment is unique and that in some cases, the methods presented in this document may be inadequate to ensure sanitary conditions or prevent the adulteration of meat and poultry products.

Establishments in compliance with past FSIS requirements may not want to change their procedures for maintaining sanitation. Such establishments may use this document as a reference, as it contains the past regulatory requirements governing sanitation (in the Appendix 1), as well as other guidance. Establishments that choose to innovate or customize their sanitation procedures also may find this document useful as a starting point for designing their new sanitation procedures.

The Performance Standards for Sanitation

§ 416.1 General rules.	+
§ 416.2 Establishment grounds and facilities.	+
§ 416.2(b) Construction.	+
§ 416.2(c) Light.	+
§ 416.2(d) Ventilation.	+
§ 416.2(e) Plumbing.	+
§ 416.2(f) Sewage disposal.	+
§ 416.2(g) Water supply and water, ice, and solution reuse.	+
§ 416.2(h) Dressing rooms, lavatories, and toilets.	+
§ 416.3 Equipment and utensils.	+
§ 416.4 Sanitary operations.	+
§ 416.5 Employee Hygiene.	+
§ 416.6 Tagging insanitary equipment, utensils, rooms or compartments.	+

Vermont Statutes Annotated Poultry Slaughter Exceptions

(6 V.S.A. § 3312)

§ 3308. PROHIBITED ACTS IN GENERAL

(a) No person shall, with respect to any livestock or poultry or any livestock products or poultry products:

(1) slaughter any livestock or poultry or prepare any products that are capable of use as human food, at any establishment preparing the products solely for intrastate commerce, except in compliance with the requirements of this chapter and the rules adopted pursuant to this chapter;

(2) sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce, any products that:

(A) are capable for use as human food; and

(B) are adulterated or misbranded at the time of the sale, transportation, offer for sale or transportation, or receipt for transportation; or

(C) have not been inspected and passed unless they are exempt from inspection pursuant to rules adopted by the Secretary; or

(3) do, with respect to any of these products that are capable of use as human food, any act while they are being transported in intrastate commerce or held for sale after transportation, which is intended to cause or has the effect of causing the products to be adulterated or misbranded.

(b) No person shall sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce, or from an official establishment, any slaughtered poultry from which the blood, feathers, feet, head or viscera have not been removed in accordance with rules adopted by the Secretary except as may be authorized by rules.

(c) No person shall violate any provision of this chapter, the rules adopted pursuant to this chapter, the orders of the Secretary, or of his or her inspectors.

§ 3312. INSPECTION; EXCEPTIONS

(a) Not intended for human food. Inspection shall not be provided under this chapter at any establishment for the slaughter of livestock or poultry or the preparation of any livestock products or poultry products that are not intended for use as human food, but these products shall, prior to their offer for sale or transportation in intrastate commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by rules of the Secretary to deter their use for human food. These licensed establishments shall be subject to periodic review.

(b) 1,000 bird exemption. Inspection shall not be required for the slaughter or preparation of poultry products of the producer's own raising on the producer's own premises, whether or not they are intended for use as human food if:

- (1) fewer than 1,000 birds are slaughtered annually;
- (2) no poultry products are offered for sale or transportation in interstate commerce; and
- (3) the poultry products are only sold, **as whole birds only**, from the farm, at a farmers' market, or to a food restaurant licensed by the Commissioner of Health, or are for personal use.

(c) 5,000 bird exemption.

(1) Inspection shall not be required for the slaughter or preparation of poultry products of the producer's own raising on the producer's own premises, whether or not they are intended for use as human food, if all of the following conditions are satisfied:

- (A) No more than 5,000 birds are slaughtered annually.
- (B) No poultry products are offered for sale or transportation in interstate commerce.
- (C) The poultry products are only sold, **as whole birds**, from the farm, at a farmers' market, directly to household consumers, or to a food restaurant licensed by the Commissioner of Health, or are for personal use.
- (D) The producer's facility is not used to slaughter or process poultry by any other person or business.
- (E) The producer does not purchase birds for resale that have been processed under the exemption under this section.
- (F) The poultry are healthy when slaughtered.
- (G) The poultry are slaughtered and otherwise processed and handled under sanitary standards, practices, and procedures that result in the preparation of poultry products that are sound, clean, and fit for human food when distributed by the producer.

(2) As used in this subsection, “sanitary standards, practices, and procedures” means:

(A) the poultry are slaughtered in a facility that is soundly constructed, kept in good repair, and of sufficient size;

(B) rooms or compartments in which an edible product is processed, handled, or stored shall be separated from areas used for slaughter, provided that a producer may use heavy duty plastic sheeting as a means of separation when such sheeting prevents the creation of insanitary conditions;

(C) all food-contact surfaces and nonfood-contact surfaces in the facility are cleaned and sanitized as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of the products;

(D) pest control shall be adequate to prevent the harborage of pests on the grounds and within the facility;

(E) substances used for sanitation and pest control shall be safe and effective under the conditions of use and shall not be applied or stored in a manner that will result in the contamination of edible products;

(F)(i) sewage from human waste shall be disposed of in a sewage system separate from other drainage lines; or

(ii) sewage is disposed of through other means to prevent the creation of insanitary conditions or the backup into the area where the product is processed, handled, or stored, including disposal of process wastewater through on-farm composting under the Required Agricultural Practices;

(G) a supply of potable water of suitable temperature is provided in all areas where required for processing the product, cleaning rooms, cleaning equipment, cleaning utensils, and cleaning packaging materials;

(H) equipment and utensils used for processing or handling edible product are of a material that is cleanable and sanitizable;

(I) receptacles used for storing inedible material are of such material and construction that their use will not result in adulteration of any edible product or create insanitary conditions;

(J) a person working in contact with the poultry products, food-contact surfaces, and product-packaging material shall maintain hygienic practices; and

(K) clothing worn by persons who handle poultry products shall be of material that is cleanable or disposable, and garments shall be cleaned or changed as often as necessary to prevent adulteration of poultry products or the creation of insanitary conditions.

(d) 20,000 bird exemption. Inspection shall not be required for the slaughter or preparation of poultry products of the producer's own raising on the producer's own premises, whether or not they are intended for use as human food, if:

- (1) no more than 20,000 birds are slaughtered annually;
- (2) no birds are offered for sale or transportation in interstate commerce;
- (3) the poultry products are only sold, **as whole birds**, from the farm, at a farmers' market, directly to household consumers, or to a food restaurant licensed by the Commissioner of Health, or are for personal use;
- (4) the producer's facility is not used to slaughter or process poultry by any other person;
- (5) the producer does not purchase birds for resale that have been processed under the exemption under this section;
- (6) the poultry are healthy when slaughtered; and
- (7) the poultry are slaughtered and otherwise processed and handled according to the sanitary performance standards of 9 C.F.R. §§ 416.1-416.17.

(e) Required label. All poultry sold from the farm, at a farmers' market, or to a food restaurant pursuant to the exemption in subsection (b), (c), or (d) of this section shall be labeled with the following information:

- (1) Name of farm and name of producer.
- (2) Address of farm, including zip code.
- (3) "Exempt per 6 V.S.A. § 3312(b): NOT INSPECTED." This statement shall be prominently displayed with such conspicuousness (as compared with other words or statements, designs, or devices in the labeling) as to render it likely to be read and understood under customary conditions of purchase and use.
- (4) Safe handling and cooking instructions as follows:
 "SAFE HANDLING INSTRUCTIONS: Keep refrigerated or frozen. Thaw in refrigerator or microwave. Keep raw poultry separate from other foods. Wash working surfaces, including cutting boards, utensils, and hands after touching raw poultry. Cook thoroughly to an internal temperature of at least 165 degrees Fahrenheit maintained for at least 15 seconds. Keep hot foods hot. Refrigerate leftovers immediately or discard."

(f) Menu items; label. Any menu item that includes poultry that is exempt under this section shall clearly state the name of the farm from which the poultry was purchased and shall prominently display the words “poultry processed on the farm and not inspected” on the menu in proximity to the menu item. Poultry sold to food restaurants under the exemption in this section shall include a label alerting the purchaser to these labeling requirements.

(g) Food restaurant; signed statement. The poultry producer, upon first selling poultry to a food restaurant, must procure a signed statement from the food restaurant stating that the food restaurant is aware that the poultry is exempted from inspection under subsection (b), (c), or (d) of this section, and that the menu of the food restaurant must have the information required by subsection (e) of this section. The poultry producer must keep the signed statement on file as long as the producer is selling poultry to the food restaurant under this section. The poultry producer must have a signed statement on file from each food restaurant to which poultry is sold under this section and an exact copy of each statement, including the name of the producer and the name of the purchasing restaurant shall be forwarded to the Department of Health.

(h) Approved label. Prior to selling poultry products slaughtered pursuant to the exemption in subsection (c) or (d) of this section, a poultry producer shall submit to the Secretary for approval a copy of the label that the poultry producer proposes to use for compliance with the requirements of subsection (e) of this section.