

# Guidance for Slaughtering and Selling Exempt Poultry



Vermont Agency of Agriculture, Food and Markets  
Vermont Meat Inspection Service

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## Introduction

An increasing number of small poultry producers are raising and slaughtering their poultry on their farms and selling the poultry directly to customers at the farms or at farmers' markets. Some of these small producers are going further by building larger processing facilities with the intent of supplying even more local customers from their farms, at farmers' markets, or to food restaurants.

At some point, a producer that plans to or has made the decision to sell poultry that he or she slaughters will face the question "Can I sell the poultry that I slaughter or process, without inspection, and what are the requirements I must satisfy?" The Vermont Agency of Agriculture, Food and Markets (VAAF) created this guide to help small poultry producers who slaughter poultry for human food to determine: 1) whether the slaughter operations at their farms are eligible for exemption from State inspection, 2) the requirements for operation under an exemption, 3) sanitary standards that must be satisfied, 4) labeling requirements, and 5) how to access financial assistance.

**Note:** This guidance does not address exemptions related to livestock product (e.g., meat from cattle, swine, sheep, goat, and equine). If you are interested in livestock exemptions, please refer to Vermont Statute related to [Livestock exemptions from inspection](#), or refer to the Federal Meat Inspection Act (FMIA).

## Background

The 1957 Wholesome Poultry Products Act (Public Law 90 – 492), which is commonly referred to as the [Poultry Products Inspection Act \(PPIA\)](#), was passed by Congress to ensure that only wholesome poultry that is not adulterated and not misbranded enters interstate or foreign commerce. The 1957 Act mandated Federal inspection at businesses that slaughter poultry or process poultry products that enter interstate or foreign commerce. Congress amended the Act in 1968, extending its mandate for Federal inspection to include all businesses that slaughter or process poultry for shipment *within* a State. Because of the PPIA, any business in VT that slaughters or processes poultry for use as human food is required to do so under inspection. However, since the USDA allows Vermont to operate a State Meat and Poultry Inspection Program that enforces requirements at least equal to the requirements in the PPIA, businesses can choose to use either State or Federal inspection (depending on where they plan to sell their product).

The PPIA also allows that if the business meets certain exemption criteria, the slaughter of poultry can be done without inspection.

## What does exempt mean?

The term "exempt" means that certain types of poultry slaughter operations qualify to operate without the benefit of State inspection on a daily basis. Such operations are exempt from continuous bird-by-bird inspection and the presence of inspectors during the slaughter of poultry. However, a facility operating under such an exemption is not exempt from all requirements of the Vermont Statutes or Federal Poultry Products Inspection Act. It was not the intent of the State Legislature to mandate State inspection of an owner's private holdings of poultry or to mandate inspection at farms that slaughter a

small amount of poultry. Therefore, VT state statutes exempts some poultry slaughter operations from certain requirements of the statutes.

The VT Statutes or PPIA **does not** exempt any person slaughtering poultry from the provisions requiring the manufacturing of poultry products that are not adulterated and not misbranded. Thus, all businesses slaughtering poultry for use as human food, including exempt operations, must produce a poultry product that is not adulterated or misbranded.

## How is Adulteration Defined?

Vermont Statutes define the circumstances and conditions that would render poultry products adulterated. Simply put, a product is adulterated if it bears or contains a substance that makes it injurious to health, or if it has been held, packed or produced under insanitary conditions. The specific definitions of circumstances that define adulteration are detailed in [6 V.S.A. Chapter 204 § 3302\(1\)](#). In addition, the definitions have been reproduced as [Attachment 1](#) of this document.

To qualify for any one of the poultry exemptions, a producer must slaughter poultry under sanitary conditions using procedures that produce sound, clean poultry products fit for human food. Included in each description of the exemptions is a list of sanitary standards and practices.

## How is Misbranded Defined?

The regulations require that poultry products transported or distributed in commerce bear specific information. Poultry products inspected and passed under state inspection at official state establishments must bear the official Vermont inspection legend and meet specific labeling requirements prescribed in the regulation.

However, exempt poultry products **cannot** bear the official mark of inspection. In addition, there is specific labeling or identification requirements for exempt product to meet in lieu of bearing all required elements of a label. The information that shipping containers or packages of exempt poultry products must bear varies depending on the exemption. The specific information required on the shipping containers or packages of exempt products is presented later in discussions for each type of exemption.

## What is Commerce?

Commerce is the exchange or transportation of poultry products within Vermont and between states, territories or the District of Columbia. In this document, we qualify “commerce” with “interstate” when referencing the exchange or transportation of poultry products between States, United States territories, and the District of Columbia. We also qualify “commerce” with “intrastate” when referring to the exchange or transportation of poultry products solely within a Vermont.

## What is Slaughter?

The term slaughter refers to the act of killing poultry for use as human food.

## What is Poultry?

"Poultry" means any domesticated bird, whether live or dead. (excludes Game Birds – Quail, Pheasants and Partridge)

# Exemptions

## 1,000 Bird Exemption

Inspection shall not be required for the slaughter or preparation of poultry products under this exemption if the producer meets the following requirements:

- (1) The poultry are of the producer's own raising and have been raised on the producer's own premises.
- (2) The slaughter and preparation of these birds take place on the producer's own farm premises.
- (3) Fewer than 1,000 total birds are slaughtered annually. The 999 total is inclusive of all species of poultry slaughtered. For example, 500 chickens and 499 turkeys= 999 limit
- (4) No poultry products are offered for sale or transportation in interstate commerce (i.e. across state lines); and
- (5) The poultry products are sold as whole birds only
- (6) The whole birds are only sold:
  - a. from the farm premises directly to household consumers,
  - b. at a [farmers' market](#) directly to household consumers, or
  - c. to a [food restaurant](#) licensed by the Commissioner of Health, or
  - d. are for personal use.

## Labelling Requirements for 1,000 Bird Exemption:

All poultry sold from the farm, at a farmers' market, or to a food restaurant under this exemption 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 (See [Attachment 3](#) for example):
  - (i) Safe handling instructions shall accompany the poultry products, destined for household consumers, hotels, restaurants, or similar institutions and shall appear on the label. The information shall be in lettering no smaller than one-sixteenth of an inch in size and shall be prominently placed with such conspicuousness (as compared with other words, statements, designs or devices in the labeling) as to render it likely to be

read and understood by the ordinary individual under customary conditions of purchase and use.

(ii) The safe handling information shall be presented on the label under the heading “Safe Handling Instructions” which shall be set in type size larger than the print size of the rationale statement and handling statements.

(iii) The safe handling information shall be set off by a border and shall be one color type printed on a single-color contrasting background whenever practical.

“SAFE HANDLING INSTRUCTIONS:

“Some food products may contain bacteria that could cause illness if the product is mishandled or cooked improperly. For your protection, follow these safe handling instructions.”

- Keep refrigerated or frozen. Thaw in refrigerator or microwave. (A graphic illustration of a refrigerator shall be displayed next to the statement.);
- Keep raw poultry separate from other foods. Wash working surfaces, including cutting boards, utensils, and hands after touching raw poultry. (A graphic illustration of soapy hands under a faucet shall be displayed next to the statement.);
- Cook thoroughly to an internal temperature of at least 165 degrees Fahrenheit maintained for at least 15 seconds. (A graphic illustration of a skillet shall be displayed next to the statement.);
- Keep hot foods hot. Refrigerate leftovers immediately or discard.” (A graphic illustration of a thermometer shall be displayed next to the statement.)

(5) Poultry sold to food restaurants under an exemption shall include a label alerting the purchase to the labeling of the items on the menu at the restaurant. (see [Additional requirements when selling to a restaurant](#))

**NOTE: Producers operating under the 1000 Bird exemption are not required to submit a copy of their label for approval to VAAFM. However, the Agency would be happy to provide technical assistance if requested.**

### 5,000 Bird Exemption

Inspection shall not be required for the slaughter or preparation of poultry products under this exemption if the producer meets the following requirements:

- (1) The poultry are of the producer’s own raising and have been raised on the producer’s own premises.
- (2) The slaughter and preparation of these birds take place on the producer’s own premises.

- (3) No more than 5,000 birds are slaughtered annually. The 5,000 total is inclusive of all species of poultry slaughtered.
- (4) No poultry products are offered for sale or transportation in interstate commerce (i.e. across state lines).
- (5) The poultry products are sold as whole birds only
- (6) The whole birds are only sold:
  - a. from the farm premises directly to household consumers,
  - b. at a [farmers' market](#) directly to household consumers, or
  - c. to a [food restaurant](#) licensed by the Commissioner of Health, or
  - d. are for personal use.
- (7) The producer's facility is not used to slaughter or process poultry by any other person or business.
- (8) The producer does not purchase poultry slaughtered under an exemption for resale to others.
- (9) The poultry are healthy when slaughtered.
- (10) 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.

#### Required Label and Approval Process

Prior to selling poultry products slaughtered under this exemption, a poultry producer is required to submit a copy of their proposed label to the Agency for approval. Please use mail, fax, or email:

Vermont Agency of Agriculture, Food and Markets  
Attn: Meat Inspection  
116 State St.  
Montpelier, VT 05620  
Fax (802) 828-5983  
[AGR.MeatInspection@vermont.gov](mailto:AGR.MeatInspection@vermont.gov)

All poultry sold from the farm, at a farmers' market, or to a food restaurant under this exemption is required to be labeled with the following information:

- (1) Product Name (i.e. Whole Young Chicken with giblets, Whole Young Chicken without giblets, Whole Young turkey with giblets, etc)
- (2) Name of farm and name of producer;
- (3) Address of farm, including zip code;
- (4) Net weight, price per pound and total price
- (5) Keep refrigerated or Frozen
- (5) **"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.
- (6) Safe Handling and Cooking Instructions as follows (See [Attachment 3](#) for example:

(i) Safe handling instructions shall accompany the poultry products, destined for household consumers, hotels, restaurants, or similar institutions and shall appear on the label. The information shall be in lettering no smaller than one-sixteenth of an inch in size and shall be prominently placed with such conspicuousness (as compared with other words, statements, designs or devices in the labeling) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(ii) The safe handling information shall be presented on the label under the heading “Safe Handling Instructions” which shall be set in type size larger than the print size of the rationale statement and handling statements.

(iii) The safe handling information shall be set off by a border and shall be one color type printed on a single-color contrasting background whenever practical.

“SAFE HANDLING INSTRUCTIONS:

“Some food products may contain bacteria that could cause illness if the product is mishandled or cooked improperly. For your protection, follow these safe handling instructions.”

- Keep refrigerated or frozen. Thaw in refrigerator or microwave. (A graphic illustration of a refrigerator shall be displayed next to the statement.);
- Keep raw poultry separate from other foods. Wash working surfaces, including cutting boards, utensils, and hands after touching raw poultry. (A graphic illustration of soapy hands under a faucet shall be displayed next to the statement.);
- Cook thoroughly to an internal temperature of at least 165 degrees Fahrenheit maintained for at least 15 seconds. (A graphic illustration of a skillet shall be displayed next to the statement.);
- Keep hot foods hot. Refrigerate leftovers immediately or discard.” (A graphic illustration of a thermometer shall be displayed next to the statement.)

(7) Poultry sold to food restaurants under an exemption shall include a label alerting the purchase to the labeling of the items on the menu at the restaurant. (see [Additional Requirements When Selling to a Restaurant](#))

Sanitary standards, practices, and procedures for 5,000 Bird Exemption

Sanitary standards, practices, and procedures, practices, and procedures mean:

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



- equipment and utensils used for processing or handling edible product are of a material that is cleanable and can be sanitized;
- 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;
- pest control shall be adequate to prevent the harborage of pests on the grounds and within the facility;
- 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;
- a person working in contact with the poultry products, food-contact surfaces, and product-packaging material shall maintain hygienic practices; and
- 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.
- 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
- Sewage from human waste shall:
  - be disposed of in a sewage system separate from other drainage lines; or
  - 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;

## 20,000 Bird Exemption

Inspection shall not be required for the slaughter or preparation of poultry products under this exemption if the producer meets the following requirements:

- (1) The poultry are of the producer's own raising and have been raised on the producer's own premises.
- (2) The slaughter and preparation of these birds take place on the producer's own premises.
- (3) No more than 20,000 birds are slaughtered annually. The 20,000 total is inclusive of all species of poultry slaughtered.
- (4) No poultry products are offered for sale or transportation in interstate commerce (i.e. across state lines).
- (5) The poultry products are sold as whole birds only
- (6) The whole birds are only sold:
  - a. from the farm premises directly to household consumers,
  - b. at a [farmers' market](#) directly to household consumers, or
  - c. to a [food restaurant](#) licensed by the Commissioner of Health, or
  - d. are for personal use.
- (7) The producer's facility is not used to slaughter or process poultry by any other person or business.
- (8) The producer does not purchase poultry slaughtered under an exemption for resale to others.

(9) The poultry are healthy when slaughtered, and

Sanitary Performance Standards for 20,000 Bird Exemption

The poultry are slaughtered and otherwise processed and handled according to the federal sanitary performance standards [of 9 C.F.R. §§ 416.1–416.17](#) (see [Attachment 2](#))

Required Label and Approval Process

Prior to selling poultry products slaughtered under this exemption, a poultry producer is required to submit a copy of their proposed label to the Agency for approval. Please use mail, fax, or email:

Vermont Agency of Agriculture, Food and Markets  
Attn: Meat Inspection  
116 State St.  
Montpelier, VT 05620  
Fax (802) 828-5983  
[AGR.MeatInspection@vermont.gov](mailto:AGR.MeatInspection@vermont.gov)

All poultry sold from the farm, at a farmers' market, or to a food restaurant under this exemption is required to be labeled with the following information:

- (1) Product Name (i.e. Whole Young Chicken with giblets, Whole Young Chicken without giblets, Whole Young turkey with giblets, etc)
- (2) Name of farm and name of producer;
- (3) Address of farm, including zip code;
- (4) Net weight, price per pound and total price
- (5) Keep refrigerated or Frozen
- (5) **“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.
- (6) Safe Handling and Cooking Instructions as follows (See [Attachment 3](#) for example:
  - (i) Safe handling instructions shall accompany the poultry products, destined for household consumers, hotels, restaurants, or similar institutions and shall appear on the label. The information shall be in lettering no smaller than one-sixteenth of an inch in size and shall be prominently placed with such conspicuousness (as compared with other words, statements, designs or devices in the labeling) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.
  - (ii) The safe handling information shall be presented on the label under the heading “Safe Handling Instructions” which shall be set in type size larger than the print size of the rationale statement and handling statements.

(iii) The safe handling information shall be set off by a border and shall be one color type printed on a single-color contrasting background whenever practical.

“SAFE HANDLING INSTRUCTIONS:

“Some food products may contain bacteria that could cause illness if the product is mishandled or cooked improperly. For your protection, follow these safe handling instructions.”

- Keep refrigerated or frozen. Thaw in refrigerator or microwave. (A graphic illustration of a refrigerator shall be displayed next to the statement.);
- Keep raw poultry separate from other foods. Wash working surfaces, including cutting boards, utensils, and hands after touching raw poultry. (A graphic illustration of soapy hands under a faucet shall be displayed next to the statement.);
- Cook thoroughly to an internal temperature of at least 165 degrees Fahrenheit maintained for at least 15 seconds. (A graphic illustration of a skillet shall be displayed next to the statement.);
- Keep hot foods hot. Refrigerate leftovers immediately or discard.” (A graphic illustration of a thermometer shall be displayed next to the statement.)

(7) Poultry sold to food restaurants under an exemption shall include a label alerting the purchase to the labeling of the items on the menu at the restaurant. (see [Additional Requirements When Selling to a Restaurant](#))

## Additional Requirements When Selling Poultry to a Restaurant

When selling poultry to a restaurant, the producer must first obtain a signed statement from each food restaurant to which exempted poultry is sold. This statement should state that:

- (1) the food restaurant is aware that the poultry is exempted from inspection under [6 V.S.A §3312 \(b\), \(c\), or \(d\)](#), and
- (2) the food restaurant is aware that the menu must have the information required by [6 V.S.A 3312 \(f\)](#). (see [Requirements of Food Restaurants Selling Exempt Poultry Products](#))

The poultry producer must keep the signed statement(s) on file as long as the producer is selling exempted poultry to the food restaurant(s).

The poultry producer must have a signed statement on file from each food restaurant to which poultry is sold under an exemption.

An exact copy of each statement, including the name of the producer and the name of the purchasing restaurant, shall be forwarded to:

**Department of Health, Food and Lodging**

108 Cherry St., PO Box 70

Burlington, VT 05402-0070

**Phone:** 802-863-7221 or

800-439-8550 (toll-free within VT)

**Fax:** 802-863-7483

## Requirements of Food Restaurants Selling Exempt Poultry Products

A restaurant including poultry slaughtered and processed under an exemption to inspection should work with the poultry producer to provide a signed statement indicating:

- (1) the food restaurant is aware that the poultry is exempted from inspection under [6 V.S.A §3312 \(d\)](#), and
- (2) the food restaurant is aware that the menu must have the information required by [6 V.S.A 3312 \(f\)](#):

The information required on the menu at the restaurant includes the following:

- (1) Any menu item that includes poultry that is exempt shall clearly state the name of the farm from which the poultry was purchased, and
- (2) 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 an exemption shall include a label alerting the purchaser to the requirement for labeling of the items on the menu at the restaurant. Restaurant personnel should be aware that exempt poultry sold to restaurants labeled as such, should have the menu item for this product contain the required language.

## Additional Resources and Technical Assistance

Technical assistance is available. Please use the contact information below with any questions related to the exemptions mentioned in this guidance.

### **Vermont Agency of Agriculture, Food & Markets (VAAFMM):**

#### **Vermont Meat & Poultry Inspection Information –**

For additional questions, contact Julie Boisvert, Chief of the VAAFMM Meat Inspection

service: [julie.boisvert@vermont.gov](mailto:julie.boisvert@vermont.gov) or 802-828-2426

Or [agr.meatinspection@vermont.gov](mailto:agr.meatinspection@vermont.gov)

### **VT Health Department Poultry Exemption Requirements When Selling to a Restaurant:**

#### **Department of Health, Food and Lodging**

108 Cherry St., PO Box 70  
Burlington, VT 05402-0070

**Phone:** 802-863-7221 or  
800-439-8550 (toll-free within VT)

**Fax:** 802-863-7483

[AHS.VDHFoodandLodging@vermont.gov](mailto:AHS.VDHFoodandLodging@vermont.gov)

## Vermont Agency of Agriculture, Food and Markets Financial Assistance for Poultry Producers

Poultry producers looking for financial assistance to support infrastructure or process upgrades to meet the required sanitary standards for slaughter under an exception would be encouraged to apply to applicable grant programs at the Vermont Agency of Agriculture, Food and Markets (VAAFAM).

Producers would be encouraged to contact VAAFAM's Ag Development Division and our program managers associated with the respective programs for eligibility information, funding allocation and program timelines.

General Contact information:

Abbey Willard

Ag Development Division Director

802-272-2885

[Abbey.willard@vermont.gov](mailto:Abbey.willard@vermont.gov)

[http://agriculture.vermont.gov/producer\\_partner\\_resources/funding\\_opportunities/vaafm\\_funding](http://agriculture.vermont.gov/producer_partner_resources/funding_opportunities/vaafm_funding)

Two potential programs that may be applicable, depending on the stage of business and market access potential of the poultry producer:

Working Lands Enterprise Initiative Funding Opportunities

<http://workinglands.vermont.gov/>

The Working Lands Enterprise Initiative (WLEI) supports Vermont entrepreneurs by providing financial assistance to help innovate and grow their business while also creating jobs, building infrastructure, and promoting growth in our economics and communities of Vermont's working landscape.

Business grants are typically available each year, initiated by a letter of intent process that commences in the fall, full applications due from invited applicants in mid-winter, and projects to start in the spring. This timeline and funding opportunity is contingent on annual legislative appropriations for the WLEI program. 2018 grants range from \$5,000 – \$50,000 with a target toward infrastructure, marketing, and research and development.

The Working Lands Enterprise Initiative also works with the [Vermont Community Loan Fund \(VCLF\)](#) to provide low-interest loan programs to Working Lands entrepreneurs. SPROUT, a low-interest, deferred payment loan program for working lands entrepreneurs was created to meet the capital needs of Vermont farms, food producers & processors, foresters, forest products businesses and others in the start-up and early stages of operations.

<http://www.investinvermont.org/borrowers/small-business/sprout>

Local Food Market Development Funding Opportunities

[http://agriculture.vermont.gov/producer\\_partner\\_resources/funding\\_opportunities/vaafm\\_funding/local\\_food\\_market](http://agriculture.vermont.gov/producer_partner_resources/funding_opportunities/vaafm_funding/local_food_market)

The Local Food Market Development (LFMD) program assists eligible Vermont farmers, businesses, and value-chain facilitators to reach new markets, with an institutional or other wholesale focus in Vermont.

Grants are typically available each year, with an application due in early winter and expected project start dates in the spring. 2018 grants range from \$3,000 – \$10,000 with a target toward supporting: Infrastructure Development: on-farm capital improvements, equipment purchases; Technology: accounting, tracking, and/or sales software, website, or app development; and Market Access and Development: innovative solutions to logistics and distribution challenges.

## Attachment 1

### 6 V.S.A Chapter 204 § 3302. Definitions

As used in this chapter, except as otherwise specified, the following terms shall have the meanings stated below:

(1) "Adulterated" shall apply to any livestock product or poultry product under one or more of the following circumstances:

(A) If it contains any poisonous or harmful substance which may render it injurious to health. The product shall not be considered adulterated under this definition if the quantity of the substance in or on the product does not ordinarily render it injurious to health.

(B) If it contains any added poisonous or harmful substance which may, in the judgment of the Secretary, make the product unfit for human food.

(C) If it is a raw agricultural commodity and the commodity contains a pesticide chemical which is unsafe within the meaning of 21 U.S.C. § 346a (tolerances for pesticide residues).

(D) If it contains any food additive which is unsafe within the meaning of 21 U.S.C. § 348 (unsafe food additives).

(E) If it contains any color additive which is unsafe within the meaning of 21 U.S.C. § 379e (listing of color additives). A product which is not otherwise deemed adulterated under subdivisions (C) and (D) of this subdivision (1) shall be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on the product is prohibited by rules of the Secretary in official or licensed establishments.

(F) If it consists of any filthy, putrid, or decomposed substance or is unsound, unhealthful, unwholesome, or otherwise unfit for human food.

(G) If it has been prepared, packed, or held under unsanitary conditions where it may have become contaminated with filth, or where it may have been rendered injurious to health.

(H) If it is the product of an animal, including poultry, which has died in a manner other than by slaughter.

(I) If its container is composed of any poisonous or harmful substance which may render the contents injurious to health.

(J) If it has been subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to 21 U.S.C. § 348.

(K) If any valuable constituent has been omitted or abstracted; or if any substance has been substituted, wholly or in part; or if damage or inferiority has been concealed in any manner; or if any substance has been added or mixed or packed so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

(L) If it is margarine containing animal fat and any of the raw material used consisted of any filthy, putrid, or decomposed substance.

## Attachment 2

### **9 C.F.R. §416.1 General rules.**

Each official establishment must be operated and maintained in a manner sufficient to prevent the creation of insanitary conditions and to ensure that product is not adulterated.

### **§416.2 Establishment grounds and facilities.**

(a) *Grounds and pest control.* The grounds about an establishment must be maintained to prevent conditions that could lead to insanitary conditions, adulteration of product, or interfere with inspection by FSIS program employees. Establishments must have in place a pest management program to prevent the harborage and breeding of pests on the grounds and within establishment facilities. Pest control substances used must be safe and effective under the conditions of use and not be applied or stored in a manner that will result in the adulteration of product or the creation of insanitary conditions.

(b) *Construction.*

(1) Establishment buildings, including their structures, rooms, and compartments must be of sound construction, be kept in good repair, and be of sufficient size to allow for processing, handling, and storage of product in a manner that does not result in product adulteration or the creation of insanitary conditions.

(2) Walls, floors, and ceilings within establishments must be built of durable materials impervious to moisture and be cleaned and sanitized as necessary to prevent adulteration of product or the creation of insanitary conditions.

(3) Walls, floors, ceilings, doors, windows, and other outside openings must be constructed and maintained to prevent the entrance of vermin, such as flies, rats, and mice.

(4) Rooms or compartments in which edible product is processed, handled, or stored must be separate and distinct from rooms or compartments in which inedible product is processed, handled, or stored, to the extent necessary to prevent product adulteration and the creation of insanitary conditions.

(c) *Light.* Lighting of good quality and sufficient intensity to ensure that sanitary conditions are maintained, and that product is not adulterated must be provided in areas where food is processed, handled, stored, or examined; where equipment and utensils are cleaned; and in hand-washing areas, dressing and locker rooms, and toilets.

(d) *Ventilation.* Ventilation adequate to control odors, vapors, and condensation to the extent necessary to prevent adulteration of product and the creation of insanitary conditions must be provided.

(e) *Plumbing.* Plumbing systems must be installed and maintained to:

- (1) Carry sufficient quantities of water to required locations throughout the establishment;
- (2) Properly convey sewage and liquid disposable waste from the establishment;
- (3) Prevent adulteration of product, water supplies, equipment, and utensils and prevent the creation of insanitary conditions throughout the establishment;
- (4) Provide adequate floor drainage in all areas where floors are subject to flooding-type cleaning or where normal operations release or discharge water or other liquid waste on the floor;
- (5) Prevent back-flow conditions in and cross-connection between piping systems that discharge waste water or sewage and piping systems that carry water for product manufacturing; and
- (6) Prevent the backup of sewer gases.

(f) *Sewage disposal.* Sewage must be disposed into a sewage system separate from all other drainage lines or disposed of through other means sufficient to prevent backup of sewage into areas where product is processed, handled, or stored. When the sewage disposal system is a private system requiring approval by a State or local health authority, the establishment must furnish FSIS with the letter of approval from that authority upon request.

(g) *Water supply and water, ice, and solution reuse.*

- (1) A supply of running water that complies with the National Primary Drinking Water regulations (40 CFR part 141), at a suitable temperature and under pressure as needed, must be provided in all areas where required (for processing product, for cleaning rooms and



equipment, utensils, and packaging materials, for employee sanitary facilities, etc.). If an establishment uses a municipal water supply, it must make available to FSIS, upon request, a water report, issued under the authority of the State or local health agency, certifying or attesting to the potability of the water supply. If an establishment uses a private well for its water supply, it must make available to FSIS, upon request, documentation certifying the potability of the water supply that has been renewed at least semi-annually.

(2) Water, ice, and solutions (such as brine, liquid smoke, or propylene glycol) used to chill or cook ready-to-eat product may be reused for the same purpose, provided that they are maintained free of pathogenic organisms and fecal coliform organisms and that other physical, chemical, and microbiological contamination have been reduced to prevent adulteration of product.

(3) Water, ice, and solutions used to chill or wash raw product may be reused for the same purpose provided that measures are taken to reduce physical, chemical, and microbiological contamination so as to prevent contamination or adulteration of product. Reuse that which has come into contact with raw product may not be used on ready-to-eat product.

(4) Reconditioned water that has never contained human waste and that has been treated by an onsite advanced wastewater treatment facility may be used on raw product, except in product formulation, and throughout the facility in edible and inedible production areas, provided that measures are taken to ensure that this water meets the criteria prescribed in paragraph (g)(1) of this section. Product, facilities, equipment, and utensils coming in contact with this water must undergo a separate final rinse with non-reconditioned water that meets the criteria prescribed in paragraph (g)(1) of this section.

(5) Any water that has never contained human waste and that is free of pathogenic organisms may be used in edible and inedible product areas, provided it does not contact edible product. For example, such reuse water may be used to move heavy solids, to flush the bottom of open evisceration troughs, or to wash antemortem areas, livestock pens, trucks, poultry cages, picker aprons, picking room floors, and similar areas within the establishment.

(6) Water that does not meet the use conditions of paragraphs (g)(1) through (g)(5) of this section may not be used in areas where edible product is handled or prepared or in any manner that would allow it to adulterate edible product or create insanitary conditions.

*(h) Dressing rooms, lavatories, and toilets.*

(1) Dressing rooms, toilet rooms, and urinals must be sufficient in number, ample in size, conveniently located, and maintained in a sanitary condition and in good repair at all times to ensure cleanliness of all persons handling any product. They must be separate from the rooms and compartments in which products are processed, stored, or handled.

(2) Lavatories with running hot and cold water, soap, and towels, must be placed in or near toilet and urinal rooms and at such other places in the establishment as necessary to ensure cleanliness of all persons handling any product.

(3) Refuse receptacles must be constructed and maintained in a manner that protects against the creation of insanitary conditions and the adulteration of product.

### **§416.3 Equipment and utensils.**

(a) Equipment and utensils used for processing or otherwise handling edible product or ingredients must be of such material and construction to facilitate thorough cleaning and to ensure that their use will not cause the adulteration of product during processing, handling, or storage. Equipment and utensils must be maintained in sanitary condition so as not to adulterate product.

(b) Equipment and utensils must not be constructed, located, or operated in a manner that prevents FSIS inspection program employees from inspecting the equipment or utensils to determine whether they are in sanitary condition.

(c) Receptacles used for storing inedible material must be of such material and construction that their use will not result in the adulteration of any edible product or in the creation of insanitary conditions. Such receptacles must not be used for storing any edible product and must bear conspicuous and distinctive marking to identify permitted uses.

### **§416.4 Sanitary operations.**

(a) All food-contact surfaces, including food-contact surfaces of utensils and equipment, must be cleaned and sanitized as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of product.

(b) Non-food-contact surfaces of facilities, equipment, and utensils used in the operation of the establishment must be cleaned and sanitized as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of product.

(c) Cleaning compounds, sanitizing agents, processing aids, and other chemicals used by an establishment must be safe and effective under the conditions of use. Such chemicals must be used, handled, and stored in a manner that will not adulterate product or create insanitary conditions. Documentation substantiating the safety of a chemical's use in a food processing environment must be available to FSIS inspection program employees for review.

(d) Product must be protected from adulteration during processing, handling, storage, loading, and unloading at and during transportation from official establishments.

### **§416.5 Employee hygiene.**

(a) *Cleanliness.* All persons working in contact with product, food-contact surfaces, and product-packaging materials must adhere to hygienic practices while on duty to prevent adulteration of product and the creation of insanitary conditions.

(b) *Clothing.* Aprons, frocks, and other outer clothing worn by persons who handle product must be of material that is disposable or readily cleaned. Clean garments must be worn at the start

of each working day and garments must be changed during the day as often as necessary to prevent adulteration of product and the creation of insanitary conditions.

(c) *Disease control.* Any person who has or appears to have an infectious disease, open lesion, including boils, sores, or infected wounds, or any other abnormal source of microbial contamination, must be excluded from any operations which could result in product adulteration and the creation of insanitary conditions until the condition is corrected.

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#### **§416.6 Tagging insanitary equipment, utensils, rooms or compartments.**

When an FSIS program employee finds that any equipment, utensil, room, or compartment at an official establishment is insanitary or that its use could cause the adulteration of product, he will attach to it a "U.S. Rejected" tag. Equipment, utensils, rooms, or compartments so tagged cannot be used until made acceptable. Only an FSIS program employee may remove a "U.S. Rejected" tag.

#### **§416.11 General rules.**

Each official establishment shall develop, implement, and maintain written standard operating procedures for sanitation (Sanitation SOP's) in accordance with the requirements of this part.

#### **§416.12 Development of Sanitation SOP's.**

(a) The Sanitation SOP's shall describe all procedures an official establishment will conduct daily, before and during operations, sufficient to prevent direct contamination or adulteration of product(s).

(b) The Sanitation SOP's shall be signed and dated by the individual with overall authority on-site or a higher-level official of the establishment. This signature shall signify that the establishment will implement the Sanitation SOP's as specified and will maintain the Sanitation SOP's in accordance with the requirements of this part. The Sanitation SOP's shall be signed and dated upon initially implementing the Sanitation SOP's and upon any modification to the Sanitation SOP's.

(c) Procedures in the Sanitation SOP's that are to be conducted prior to operations shall be identified as such, and shall address, at a minimum, the cleaning of food contact surfaces of facilities, equipment, and utensils.

(d) The Sanitation SOP's shall specify the frequency with which each procedure in the Sanitation SOP's is to be conducted and identify the establishment employee(s) responsible for the implementation and maintenance of such procedure(s).

#### **§416.13 Implementation of SOP's.**

(a) Each official establishment shall conduct the pre-operational procedures in the Sanitation SOP's before the start of operations.

(b) Each official establishment shall conduct all other procedures in the Sanitation SOP's at the frequencies specified.

(c) Each official establishment shall monitor daily the implementation of the procedures in the Sanitation SOP's.

#### **§416.14 Maintenance of Sanitation SOP's.**

Each official establishment shall routinely evaluate the effectiveness of the Sanitation SOP's and the procedures therein in preventing direct contamination or adulteration of product(s) and shall revise both as necessary to keep them effective and current with respect to changes in facilities, equipment, utensils, operations, or personnel.

#### **§416.15 Corrective Actions.**

(a) Each official establishment shall take appropriate corrective action(s) when either the establishment or FSIS determines that the establishment's Sanitation SOP's or the procedures specified therein, or the implementation or maintenance of the Sanitation SOP's, may have failed to prevent direct contamination or adulteration of product(s).

(b) Corrective actions include procedures to ensure appropriate disposition of product(s) that may be contaminated, restore sanitary conditions, and prevent the recurrence of direct contamination or adulteration of product(s), including appropriate reevaluation and modification of the Sanitation SOP's and the procedures specified therein or appropriate improvements in the execution of the Sanitation SOP's or the procedures specified therein.

#### **§416.16 Recordkeeping requirements.**

(a) Each official establishment shall maintain daily records sufficient to document the implementation and monitoring of the Sanitation SOP's and any corrective actions taken. The establishment employee(s) specified in the Sanitation SOP's as being responsible for the implementation and monitoring of the procedure(s) specified in the Sanitation SOP's shall authenticate these records with his or her initials and the date.

(b) Records required by this part may be maintained on computers provided the establishment implements appropriate controls to ensure the integrity of the electronic data.

(c) Records required by this part shall be maintained for at least 6 months and made available to FSIS. All such records shall be maintained at the official establishment for 48 hours following completion, after which they may be maintained off-site provided such records can be made available to FSIS within 24 hours of request.

#### **§416.17 Agency verification.**

FSIS shall verify the adequacy and effectiveness of the Sanitation SOP's and the procedures specified therein by determining that they meet the requirements of this part. Such verification may include:

(a) Reviewing the Sanitation SOP's;

(b) Reviewing the daily records documenting the implementation of the Sanitation SOP's and the procedures specified therein and any corrective actions taken or required to be taken;

(c) Direct observation of the implementation of the Sanitation SOP's and the procedures specified therein and any corrective actions taken or required to be taken; and





(d) Direct observation or testing to assess the sanitary conditions in the establishment.

### Attachment 3

#### Example of Exempt Poultry Safe Handling Instructions

## Safe Handling Instructions

Some food products may contain bacteria that could cause illness if the product is mishandled or cooked improperly. For your protection, follow these 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.

**Non-Discrimination Statement**

In accordance with Federal Law and U. S. Department of Agriculture (USDA) policy, the Vermont Meat Inspection Section is prohibited from discrimination in its programs and services on the basis of race, color, religious creed, sex, political beliefs, age, disability, national origin, limited English proficiency, and where applicable, marital status, familial status, parental status, sexual orientation, genetic information, reprisal, or because all or part of an individual’s income is derived from any public assistance program.

Any person who believes that he or she, individually, or as a member of any specific class of persons, has been subjected to discrimination on the basis of race, color, or national origin, may file a complaint with the Vermont Agency of Agriculture, Food and Markets, or the US Department of Agriculture.

**To File a Program Complaint**

To file a complaint of discrimination write or call:

Vermont Human Rights Commission 14-16 Baldwin Street Montpelier, VT 05633-6301 (800)416-2010 (in State only) (802)828-1625 Fax: (802)828-2481 <a href="mailto:Human.rights@vermont.gov">Human.rights@vermont.gov</a>	Vermont Agency of Agriculture, Food and Markets Director, Food Safety and Consumer Protection Division 116 State Street Montpelier, Vermont 05620 (802) 828-2426 Fax: (802) 828-5981 Email address: <a href="mailto:AGR.MeatInspection@vermont.gov">AGR.MeatInspection@vermont.gov</a>
Vermont Department of Human Resources Laurie Bouyea-Dumont, HR Manager <a href="mailto:Laurie.Bouyea-Dumont@vermont.gov">Laurie.Bouyea-Dumont@vermont.gov</a> 802-272-5903	U.S. Department of Agriculture Director, Office of Adjudication 1400 Independence Avenue, SW Washington, DC 20250-9410 Fax: (202)690-7442 Email: <a href="mailto:Program.intake@usda.gov">Program.intake@usda.gov</a> Web site: <a href="https://www.ascr.usda.gov/filing-program-discrimination-complaint-usda-customer">https://www.ascr.usda.gov/filing-program-discrimination-complaint-usda-customer</a> (866) 632-9992 (toll free voice) (800) 877-8339 (Federal Relay Service)

**State of Vermont Discrimination Complaints Labor Relations Policy**

**Persons with Limited English Proficiency or Disabilities**

Persons with Limited English Proficiency (LEP) who wish to file a program complaint, free language assistance is available. Please see information above on how to contact us by phone, mail or by email.

Les personnes ayant un faible niveau d'anglais qui souhaitent déposer une plainte relative au programme, une aide linguistique gratuite est disponible. S'il vous plaît voir les informations ci-dessus sur la façon de nous contacter par téléphone, par courrier ou par e-mail.

Las personas con dominio limitado del inglés que desean presentar una queja del programa, tendrán disponibles asistencia lingüística gratuita. Consulte la información anterior sobre cómo comunicarse con nosotros por teléfono, correo o correo electrónico.

Persons with disabilities who require alternative means for communication or program information (Braille, large print, audiotape, etc.) please contact the Vermont Meat Inspection Program at 802-828-2426 (voice) or email at:

[AGR.MeatInspection@vermont.gov](mailto:AGR.MeatInspection@vermont.gov)