



**Guidance for Determining
Whether a Poultry Slaughter or
Processing Operation is Exempt from
Inspection Requirements of the
Poultry Products Inspection Act**

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Introduction

An increasing number of small poultry producers, also called “growers,” are raising, slaughtering, and processing 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 processing facilities with the intent of supplying local customers, including household consumers, retail stores, restaurants, boarding houses, and institutions. Other producers and businesses are building processing plants to supply poultry that meets special religious dietary requirements such as Kosher and Halaal or (Halal), and niche markets, such as organically grown poultry and live poultry markets.

At some point, a grower or business that plans to or has made the decision to sell poultry that he or she slaughters or processes will face the question “Can I sell the poultry that I slaughter or process, without inspection by the Federal or State government?” The Food Safety and Inspection Service (FSIS) of the Department of Agriculture (USDA) created this guide to help small businesses and poultry producers who slaughter or process poultry for human food to determine whether the slaughter or processing operations at their businesses are eligible for exemption from Federal or State inspection. In other words, this guide is helpful to producers or businesses in determining whether their slaughter or processing operations require USDA or State inspection, as mandated in the Poultry Products Inspection Act (PPIA).

In addition, this guidance material can serve as a quick reference for Federal and State inspection personnel who have questions about whether a poultry operation qualifies for a exemption in the PPIA. This guidance does not address exemptions related to livestock product (e.g., meat from cattle, swine, sheep, goat, and equine) because the Federal Meat Inspection Act does not provide exemptions similar to those provided in the Poultry Products Inspection Act. In addition, this guidance material does not address exemptions requirements where State Laws may be different from those in the PPIA and FSIS/USDA regulations.

The 1957 Wholesome Poultry Products Act (Public Law 90 – 492), which is commonly referred to as the Poultry Products Inspection Act (PPIA)¹ was passed by Congress to ensure that only wholesome poultry that is not

¹ A copy of the Poultry Product Inspection Act can be accessed by browsing the FSIS home page at (http://www.fsis.usda.gov/regulations_&_policies/Poultry_Products_Inspection_Act/index.asp). This is the Act found in the United States Codes Sections 451-470. There are published copies of the PPIA with the sections numbered from 1 to 29 that correspond to U.S. Code sections 451 to 470.

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 the mandate for Federal inspection to all businesses that slaughter or process poultry for shipment within a State, when the State does not enforce requirements at least equal to the Federal inspection requirements in the PPIA. Because of this amendment, any business in any State that slaughters or processes poultry for use as human food is required to do so under Federal or State inspection, unless the slaughter or processing operations at the business meets certain exemption criteria in the Act.

What does exempt mean?

The term “exempt” means that certain types of poultry slaughter and processing operations qualify to operate without the benefit of Federal inspection on a daily basis, and a grant of Federal inspection is not required. Such operations are exempt from continuous bird-by-bird inspection and the presence of inspectors during the slaughter of poultry and processing of poultry products. However, a facility operating under such an exemption is not exempt from all requirements of the Act. It was not the intent of Congress to mandate Federal or State inspection of an owner’s private holdings of poultry or to mandate inspection at businesses that slaughter or process a small amount of poultry. Therefore, the PPIA exempts some poultry slaughter and some processing operations from certain requirements of the Act.

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

How is Adulteration Defined? Both the PPIA and the supporting Federal regulations 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 [Section 453 of the PPIA](#), and in [Title 9 Code of Federal Regulations](#) (9 CFR). In addition, the definitions have been reproduced as Attachment 5 of this document.

To qualify for any one of the poultry exemptions, a business must slaughter poultry or process poultry products under sanitary conditions using procedures that produce sound, clean poultry products fit for human food. Attachment 2 of this guidance is a list of sanitary standards and procedures. These sanitation procedures and practices are required for poultry businesses receiving full USDA inspection and are applicable to exempt poultry operations [[Title 9 CFR part 416](#)].

Specific sanitary practices are described in FSIS's [Sanitation Performance Standards Compliance Guide](#), dated October 13, 1999. The specific sanitary practices in the document are not requirements. In the Guide, FSIS presents or references methods already proven effective in maintaining sanitary conditions in meat and poultry establishments. Establishments that follow the guidance can be fairly certain that they comply with the requirements in the Act and regulations to conduct operations under sanitary standards, practices, and procedures that result in poultry products that are not adulterated.

How is Misbranded Defined? The regulations require that poultry products transported or distributed in commerce bear specific information. Poultry products inspected and passed under USDA inspection at official USDA establishments must bear the official 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 between States, U.S. territories (Guam, Virgin Island of the United States, and American Samoa), and the District of Columbia [[Title 9 CFR §381.1\(b\)](#)]. 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 State, territory, or the District of Columbia. FSIS will not view the product as having been introduced into commerce if it has not left the control of the processing entity.

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

What is Processed or Processing? The terms "processed" and "processing" refer to operations in which the carcasses of slaughtered poultry are defeathered, eviscerated, cut-up, skinned, boned, canned, salted, stuffed, rendered, or otherwise manufactured or processed.

How can I determine whether an operation qualifies for an exemption under the Poultry Products Inspection Act?

Use the decision chart on the following page to determine whether a slaughter or processing operation qualifies for one of the exemptions in the PPIA and supporting regulations. Read the question in bold type in the squares and then follow the “yes” or “no” response arrows to determine the exemption, if any, under which the poultry products may be produced. When the arrows lead to an oval read the exemption criteria for the exemption on the page indicated in the oval to determine the exemption, if any, for which the slaughter or processing operation would qualify.

You should contact the [FSIS District Office](#) responsible for Federal inspection or the State Agency responsible for administering a State Poultry Inspection Program in the State where your slaughter and processing is located. This contact will facilitate reviews of the operation by FSIS or the State Agency with oversight of businesses operating under an exemption in your State. Some States may have requirements in their exemption laws for a business to qualify for an exemption that differ from Federal requirements. The FSIS District Office or the State Agency will determine whether your operation qualifies for the exemption. Attachments 3 and 4 are lists of FSIS district offices for the Office of Field Operations (OFO), and FSIS regional offices of the Office of Program Evaluation Enforcement and Review (OPEER), and State contacts. The information in these lists is subject to change as is the web/ulr cite for, [OFO and OPEER](#).

If you slaughter or process poultry that is donated or sold for use as human food, and the operation does not qualify for an exemption from inspection, you must contact the FSIS District Office or State Office responsible for inspection in the State where your operation is located. The FSIS District Office or State Office will provide instructions and guidance on obtaining FSIS or State inspection for your poultry products.

Because the poultry exemption categories are complicated, please contact a FSIS, [District Office](#) if you have any questions.

Figure 1 Decision Flow Chart for Poultry Exemptions Under the PPIA*

Ask yourself the question in the bold type and then follow the appropriate Yes or No response arrows to determine whether your poultry slaughter or processing operation may qualify for an exemption. You must read the criteria on the cited page before you can determine whether your operation qualifies for the exemption. (* Some States Laws May Have Different Limitations/Criteria for Exemptions than the PPIA.)

Do you slaughter or process poultry for sale as human food?

No → Inspection requirements of the PPIA are not applicable

Yes → **Is the poultry you slaughter or process for your private use?**

Yes → **Personal Use Exemption – See page 6**

No → **Is the poultry you slaughter or process delivered to you by the owner of the poultry and you are not engaged in the buying and selling of poultry?**

Yes → **Custom Slaughter Exemption – See page 7**

No → **Do you raise, slaughter, and process for sale as human food no more than 1,000 poultry in a calendar year?**

Yes → **Producer/Grower – 1,000 Limit Exemption – See page 9**

No → **Do you slaughter and process in a calendar year no more than 20,000 poultry that you raised or you purchased for distribution directly to only household consumers, restaurants, hotels and boarding houses, for use as meals in such businesses?**

Yes → **PGOP Exemption – See page 11**

No → **Are you a producer/grower who in a calendar year slaughters, processes, and distributes between no more than 20,000 poultry that you raised?**

Yes → **Producer/ Grower – 20,000 Limit Exemption – See page 10**

No → **Are you a business that raises, slaughters, and dresses poultry or purchases dressed poultry that you distributed as carcasses or parts?**

Yes → **Small Enterprise Exemption – See page 13**

Yes → **Retail Exemption – See page 15**

No → **Do you slaughter and/or process poultry for sale in a retail store?**

Yes → **Your slaughter or processing operation is not exempt. Contact the FSIS District Office. See page 4 and Attachment 3, page 25**

Exemptions

Personal Use Exemption Mandatory inspection of the slaughter and processing of privately owned poultry is not required, provided that the following six criteria are met [[PPIA Section 464\(c\)\(1\)\(A\), \(d\), & \(e\)](#) “Section 15 (2)(1)(A),(d) & (e)”²; [Title 9 Code of Federal Regulations \(CFR\) §381.10\(a\)\(3\)](#)].

Criteria:

1. The slaughtered and processed poultry is for the private use of the:
 - a. grower/producer/owner,
 - b. members of his or her household, and
 - c. his or her nonpaying guests and employees;
2. The slaughter and processing of the poultry is performed by the grower/producer/owner;
3. The poultry is healthy when slaughtered;
4. The poultry is slaughtered and processed under sanitary conditions and practices that result in poultry products that are sound and fit for human food;
5. The exempt poultry is not sold or donated for use as human food; and
6. The shipping containers bear:
 - a. the producer’s name,
 - b. the producer’s address, and
 - c. the statement, Exempt P.L. 90-492.

“Exempt P.L. 90-492” identifies the product as product produced under an exemption from the Act, Public Law 90-492. Instead of the Federal law 90-492, a State law may be cited when the inspection of the slaughter and processing of poultry is exempted under the authority of a State law and the operations are reviewed by a State Agency.

Personal Use Exemption Notes:

- There is no limit to the total amount of poultry that owners of poultry may slaughter and process for their private use.
- If any of the six criteria are not met, the poultry is not eligible to be processed under the Personal Use Exemption.

² Some published copies of the PPIA number the sections from 1 to 29 not 451 to 470 as numbered in the United States Codes.

Custom Slaughter/Processing Exemption A custom poultry slaughterer is a business or person who slaughters and processes poultry belonging to someone else. A custom slaughterer provides a service to a customer and **does not engage in the business of buying or selling poultry products capable of use as human food.**

A custom slaughter business may slaughter or process an unlimited number of poultry when the poultry is delivered by the owner and the following five criteria are met [[PPIA Section 464\(c\)\(1\)\(B\)](#)] “Section 15 (c)(1)(B)”³; [Title 9 CFR §381.10\(a\)\(4\) & \(d\)](#)].

Criteria:

1. The custom slaughterer does not engage in the business of buying or selling **poultry products** capable for use as human food;
2. The poultry is healthy when slaughtered;
3. The slaughter and processing at the custom slaughter facility is conducted in accordance with sanitary standards, practices, and procedures that produce poultry products that are sound, clean, and fit for human food (not adulterated);
4. The custom slaughtered or processed poultry is for the personal use of the grower/owner of the poultry – the grower/owner of the custom slaughtered or processed poultry may not sell or donate the custom slaughtered poultry to another person or institution; and
5. The shipping containers bear:
 - a. the owner’s name,
 - b. the owner’s address, and
 - c. the statement, “Exempt P.L. 90-492”

These three items are in lieu of all the required features of a label for inspected and passed poultry products. Also, instead of the Federal law 90-492, a State law may be cited when the inspection of the slaughter and processing of poultry is exempted under the authority of a State law, and the operations are reviewed by a State Agency.

Custom Slaughter Exemption Notes:

- If any of the five criteria are not met, the owner of the poultry is not eligible for this exemption.

³ Some published copies of the PPIA number the sections 1 to 29 not 451 to 470 as numbered in the United States Codes.

- Selling live poultry to a customer does not disqualify a business from the Custom Slaughter Exemption. For example, a custom slaughterer may sell live poultry to a person and then custom slaughter the bird. However, a person who custom slaughters poultry may not buy or sell poultry products used for human food.
- A person operating under a Custom Slaughter Exemption may slaughter and process poultry of his or her own raising provided such slaughtered poultry is for his or her exclusive consumption, or consumption by members of his or her household, nonpaying guests, and employees.
- A person who is a custom slaughterer and who is also a poultry grower may raise and sell his or her live poultry to poultry businesses not associated with his or her custom slaughter business.
- A custom slaughter business may use a mobile slaughter/processing unit to custom slaughter and process poultry. There is compliance with the requirements of the Act and regulations when the owner of poultry delivers poultry to a mobile slaughter/processing unit operated by a custom slaughterer provided the slaughtered or processed poultry is for the personal use of the owner of the poultry. The owner of the poultry may deliver the poultry to the mobile slaughter/processing unit located at his or her own premises or any other person's premises.
- Ostrich and other poultry can be custom slaughtered and processed in an official red meat establishment that is subject to the regulatory requirements of the Federal Meat Inspection Act, provided the establishment does not engage in the business of buying and selling poultry products. Also, carcasses or parts of ostrich or poultry not slaughtered at the red meat establishment may be delivered by the owner for custom processing provided the poultry has been previously inspected, passed, and identified as such in accordance with the requirements of the Poultry Products Inspection Act or has been inspected and passed by an equivalent State inspection.

Producer/Grower – 1,000 Limit Exemption Limited provisions of the Act apply to poultry growers who slaughter no more than 1,000 poultry in a calendar year for use as human food. A person may slaughter and process on his or her premises poultry that he or she raised and they may distribute such poultry without mandatory inspection when the following five criteria are met [[PPIA Section 464\(c\)\(4\)](#) “Section 15 (c)(4)”⁴; [Title 9 CFR §381.10\(c\)](#)].

Criteria:

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 the effective enforcement of the Act [[Title 9 CFR 381.175](#)]; and
5. The poultry products do not move in commerce.

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 [[PPIA Section 453](#); [Title 9CFR §381.1\(b\)](#)].

Producer/Grower – 1,000 Limit Exemption Notes:

- If any of the five criteria are not met, the owner of the poultry is not eligible for this exemption.
- Records necessary for the effective enforcement of the Act include slaughter records and records covering the sales of poultry products to customers. USDA/FSIS or State employees review such records to determine compliance with the requirement of the sale of no more than 1,000 poultry in a calendar year.

⁴ Some published copies of the PPIA number the sections 1 to 29 not 451 to 470 as numbered in the United States Codes.

Producer/Grower – 20,000 Limit Exemption A poultry grower may slaughter and process more than 1,000 birds as exempt product for distribution as human food when the following eight criteria are met [[PPIA Section 464\(c\)\(1\)\(C\) &\(c\)\(3\)](#) “Section 15 (c)(4)”⁵; [Title 9 CFR §381.10\(a\)\(5\) and \(b\)\(1\) and \(2\)](#)].

Criteria:

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 according to the criteria for the Producer/Grower – 20,000 Limit Exemption; 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 [PPIA Section (464)(c)(1) last sentence before (c)(2)];
3. The poultry products are distributed solely by the producer/grower and only within the District of Columbia or the State or Territory 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 the Administrator of FSIS grants an exemption [[PPIA Section 464\(c\)\(3\)](#); [Title 9 CFR 381.10b\)\(2\)](#)]
8. The shipping containers, when distributed in intrastate commerce (instead of the required features of a label of inspected product) bear:
 - a. producer’s name,
 - b. producer's address, and

⁵ Some published copies of the PPIA number the sections 1 to 29 not 451 to 470 as numbered in the United States Codes.

c. the statement, “Exempt P.L. 90-492.”

Instead of the Federal law, a State law may be cited when operations are exempted under the authority of a State law and the operations are reviewed by a State Agency.

Producer/Grower 20,000 Limit Exemption Notes:

- The producer/grower may sell, intrastate, the poultry products he or she prepares to other businesses for resale as meat or meals, including a distributor, hotel, restaurant, retail store, institution, or small enterprise when the product is produced under a Federal or a State exemption.
- FSIS has determined that when a grower producing poultry under the Producer/Grower Exemption rents slaughtering or processing equipment and operates such equipment on his or her premises, he or she is not disqualified for the Producer/Grower Exemption. In this situation, the grower is not required to request an exemption from the Administrator of FSIS. However, the slaughter or processing unit may not be used to slaughter or process another person’s poultry while it is on the renter’s premises.

Producer/Grower or Other Person (PGOP) Exemption The term “Producer/Grower or Other Person” (PGOP) refers to a single entity, which may be:

(1) A poultry grower who slaughters and processes poultry that he or she raised for sale directly to household consumers, restaurants, hotels, and boarding houses to be used in those homes and dining rooms for the preparation of meals served or sold directly to customers.

(2) A person who purchases live poultry from a grower and then slaughters these poultry and processes such poultry for sale directly to household consumers, restaurants, hotels, and boarding houses to be served in those homes or dining rooms for the preparation of meals sold directly to customers.

A business may slaughter and process poultry under this exemption when the following nine criteria are met [[PPIA Section 464\(c\)\(1\)\(D\) &\(c\)\(3\)](#) “Section 15 (c)(4)”⁶; [Title 9 CFR §381.10\(a\)\(6\) and \(b\)](#)].

Criteria:

⁶ Some published copies of the PPIA number the sections 1- 29 not 451-470 as numbered in the United States Codes.

1. The producer/grower or other person slaughters for processing and sale directly to household consumers, restaurants, hotels, and **boarding houses** for use in dining rooms or in the preparation of **meals** sold directly to customers;
2. The PGOP **slaughters** no more 20,000 poultry in a calendar year that the producer/grower or other person raised or purchased are slaughtered and processed under this exemption;
3. The poultry processed by a PGOP is poultry that the PGOP slaughtered;
4. The poultry products produced under the PGOP Exemption are distributed solely by the manufacturer and only within the State or Territory or the District of Columbia in which the poultry product is produced;
5. The producer/grower or other person does not engage in the business of buying or selling poultry or poultry products prepared under other exemptions in the same calendar year he or she claims the Producer/Grower Exemption [PPIA Section 464(c)(1) last paragraph before (c)(2)];
6. The processing is limited to preparation of poultry products from poultry slaughtered by the PGOP for distribution directly to: 1) household consumers, 2) restaurants, 3) hotels, and 4) boarding houses for use in their dining rooms or in the preparation of meals sold directly to consumers within the jurisdiction where it is prepared;
7. The slaughter and processing at the producer/grower or other person's facility is conducted in a manner that results in the preparation of poultry products that are wholesome, sound, clean, and fit for human food (not adulterated), [PPIA Section 4 (g)];
8. The facility used to slaughter and process poultry is not used to slaughter or process another person's poultry unless the Administrator of FSIS grants an exemption [[PPIA Section 464\(c\)\(3\)](#); [Title 9 CFR 381.10b\(2\)](#)]; and
9. The shipping containers, when distributed in intrastate commerce, (instead of all the required features of a label for inspected product) bear:
 - a. the processor's name,
 - b. the address, and
 - c. the statement, Exempt P.L. 90-492.

State law, rather than Federal law, may be cited when product is produced in accordance with requirements of a State exemption.

Producer/Grower or Other Person Exemption Notes:

- A business preparing poultry product under the PGOP exemption may not slaughter or process poultry owned by another person.
- A business preparing poultry products under the PGOP exemption **may not sell products to a retail store** or other producer/grower.

Small Enterprise Exemption A business that qualifies for the Small Enterprise Exemption may be:

(1) A producer/grower who **raises, slaughters, and dresses** poultry for use as human food whose processing of dressed exempt poultry is limited to cutting up;

(2) A business that **purchases live poultry that it slaughters and dresses** whose processing of the slaughtered poultry is limited to the cutting up; or

(3) A business that **purchases dressed poultry, which it distributes** as carcasses and whose processing is limited to the cutting up of inspected or exempted poultry products, for distribution for use as human food.

Under this exemption, a business may slaughter, dress, and cut up poultry for distribution as human food when the following criteria are met [[PPIA Section 464\(c\)\(2\) & \(c\)\(3\)](#) “Section 15 (c)(2) & (c)(3)”⁷; [Title 9 CFR §381.10\(a\)\(7\) & \(b\)](#)].]

Criteria:

1. Processing of Federal or State inspected or exempt poultry product is limited to the cutting up of carcasses;
2. The business slaughters and dresses or cuts up no more than 20,000 birds in a calendar year under the exemption;
3. The facility operates and is maintained in a manner that prevents the creation of insanitary conditions and ensures that the product is not adulterated [[PPIA Section 464\(c\)\(2\)](#); and [Title 9 CFR 381.10\(a\)\(7\) and 416.2-416.5](#)]; See Attachment 2 for sanitation requirements for official establishments and businesses operating under the Small Enterprise and Retail Store Exemptions;
4. The facility used to slaughter or process poultry is not used to slaughter or process another person’s poultry unless the Administrator of FSIS grants an exemption [[PPIA Section 464\(c\)\(3\)](#); [Title 9 CFR 381.10b\)\(2\)](#)];
5. The exempted product is not distributed in interstate commerce; instead, its distribution is limited to premises within the District of

⁷ Some published copies of the PPIA number the sections from 1 to 29 not 451 to 470 as numbered in the United States Codes.

Columbia or the State or Territory in which the poultry product is produced; and

6. The product is not misbranded.

Note: Poultry products produced under a Small Enterprise Exemption are **not misbranded** when they bear all of the features of a label for inspected product with the exception that the labeling does not indicate that the product was inspected and passes. Label requirements for this exempt uninspected product include the following:

1. Name of the product;
2. Ingredients statement;
3. Statement of the quantity of contents in terms of weight or measures;
4. Name and address of manufacturer;
5. Handling statement;
6. Safe handling instruction that comply with the requirements of [Title 9 CFR 381.125\(b\)\(2\)\(ii\)](#),
7. Date of packing; and
8. Explanatory statement indicating why the inspection legend is not permitted; for example, the phrase “Small Enterprise Exemption from Inspection” is suggested by FSIS but is not a mandatory requirement.

In addition, if the labeling does not bear nutrition or health claims, the nutrition facts feature, as explained in, [Title 9 CFR 381.500 Exemption from nutritional labeling](#), is optional for poultry products produced by a business eligible for the small enterprise exemption.

Small Enterprise Exemption Notes:

- A small enterprise is **not** required to have slaughtered the poultry it cuts up under a Small Enterprise Exemption. The small enterprise may purchase Federal or State inspected and passed poultry for its cut up operation and from exempt businesses that are allowed to sell to a small enterprise.
- A small enterprise may handle “pass through” product and may cut exempt product produced under the Producer/Grower Exemption.
- A small enterprise may handle as “pass through” poultry product that was produced under Federal or State inspection.

- A business may slaughter or cut up poultry under the Small Enterprise Exemption for sale to:
 - a. household consumers,
 - b. hotels,
 - c. retail stores,
 - d. restaurants, and
 - e. similar institutions.

- A small enterprise may sell live poultry to a customer and then slaughtering, dressing, and cutting up the poultry for the customer. Selling live poultry is not the same as selling buying or selling **poultry products'** one of the criteria that prevents a business from claiming as "Custom Slaughter/Processing Exemption.

- A small enterprise **may not** cut up and distribute poultry products produced under the Small Enterprise Exemption to a business operating under the following exemptions:
 - a. Producer/Grower or PGOP Exemption,
 - b. Retail Dealer Exemption, or
 - c. Retail Store exemptions.

Retail Exemption (Store/Dealer/Restaurant): A retail business is a facility where poultry products are sold to a customer (household consumers and hotels, restaurants, and similar institutions) at the retail business and the amount purchased by the customer is considered to be a normal amount for a retail purchase.

The Act provides for several types of retail exemptions: (1) the Retail Dealer Exemption, (2) the Retail Store Exemption, and (3) the Restaurant Exemption. The type of poultry slaughter and processing operations a business conducts determines which retail exemption under which the business may produce poultry. A business is qualified to operate under a retail exemption when the following criteria are met [[PPIA Section 454.\(c\)\(2\)](#) "Section 5 (c)(2)"⁸, [PPIA Section 464.\(a\)\(1\)](#) "Section 15 (c)(2)"⁷; [Title 9 CFR 381.10\(a\)\(1\) and \(d\)\(2\)\(vi\)](#), and [381.10\(d\)\(1\) and \(d\)\(2\)\(i\), \(ii\) and \(iii\)](#)].

⁸ Some published copies of the PPIA number the sections from 1 to 29 not 451-470 as numbered in the United States Codes.

Criteria:

1. Only poultry carcasses and parts derived from federally inspected and passed poultry are transported in interstate commerce [Title 9 CFR §381.10(a)(1)];
2. Poultry products used in the preparation of meals at a restaurant are derived from federally inspected and passed poultry products or federally exempt poultry products from exempt operations that may sell to restaurants [§381.10(d)(2)(iv)(2)];
3. State inspected and passed or exempt State or exempt federal poultry products used in the preparation of poultry products, sold at the retail store, are **not** transported in interstate commerce, the exempt poultry product must be from an acceptable exempt source a Producer/Grower or Small Enterprise [§381.10(d)(2)(iii)(c)] (Note: A PGOP cannot sell their products to retailers – only to household consumers, boarding houses, hotels and restaurants);
4. The business **does not custom slaughter** poultry delivered by the owner;
5. The retail business **does not prepare** exempt products that the business **sells to another retail** store or a distributor of poultry products;
6. The only poultry slaughtered at a retail store is poultry that is purchased live by the customer, at the retail store, and then the poultry product is prepared according to the customer's instructions and delivered back to the customer;
7. The business **may custom process poultry** delivered by the owner provided that the poultry is from an acceptable source, Federal or State inspected and passed, or exempt poultry);
8. The facility operates and is maintained in a manner that prevents the creation of insanitary conditions and ensures that the product is not adulterated [PPIA Section 464(c)(2); and Title 9 CFR 381.10(a)(7) and [416.2-416.5](#)]; See Attachment 2 for sanitation requirements for official establishments and businesses operating under the Small Enterprise and Retail Store Exemptions;
9. Operations of types traditionally and usually conducted at retail stores are conducted in the store and include:
 - a. boning,
 - b. cut up,
 - c. stuffing,
 - d. smoking,
 - e. rendering, or
 - f. salting;

10. No canning operation is conducted in the retail store;
11. Product sold in commerce is not misbranded;

Note: Poultry products produced under a Retail Store Exemption are not misbranded when they bear all of the features of an official label with the exception that the labeling does not indicate that the product was inspected and passes. Official label requirements include the following:

1. Name of the product,
2. Ingredients statement,
3. Statement of the quantity of contents in terms of weight or measures,
4. Name and address of manufacturer,
5. Handling statement,
6. Safe handling instruction that comply with the requirements of [Title 9 CFR 381.125\(b\)\(2\)\(ii\)](#),
7. Date of packing, and
8. Explanatory statement indicating why the inspection legend is not permitted; for example, the phrase “Retail Exemption from Inspection” is suggested by FSIS but is not a mandatory requirement.

In addition, if the labeling does not bear nutrition or health claims, the nutrition facts feature, as explained in, [Title 9 CFR 381.500 Exemption from nutritional labeling](#), is optional for poultry products produced by a business eligible for the small enterprise exemption.

12. Sales of poultry and poultry products are in normal retail quantities or served to consumers at the retail store (normal retail quantities are 75 pounds or less to household consumers and 150 pounds or less to hotels, restaurants, and similar institutions); and
13. Sales to hotels, restaurants, and similar institutions do not exceed either one of two limits:
 1. 25 percent of the dollar value of total poultry product sales, or
 2. the calendar year dollar limit for retail stores set by the Administrator of FSIS;

Note: The **retail store dollar limitation** is the limit, measured in dollars, on sales of poultry products by retail stores each calendar year to non-household consumers such as hotels, restaurants, and similar institutions.

To maintain their exemption from inspection under the PPIA, retail stores may not exceed a specific dollar limit on the sale of poultry products to hotels, restaurants, and similar institutions. The dollar limitation is adjusted during the first quarter of the year if the Consumer Price Index, published by the Bureau of Labor Statistics, indicates an increase or decrease of more than \$500 in the price of the same volume of product from the previous year.

FSIS publishes a [notice of the adjusted dollar limitation](#) in the *Federal Register*.

The dollar limitation amount on retail sales does not include pass-through products that are derived from USDA inspected and passed poultry that are not further processed at the retail store.

Retail Store Exemption Notes:

When a retail store that slaughters poultry takes orders for dressed poultry before the arrival of the customer, and also slaughters several birds at one time for various customers that have requested them, the birds **must be identified throughout the process** so that processed bird that the customer receives is the same live birds selected for or by the customer.

How many exemptions may a person or business claim when slaughtering or processing poultry?

A person or business may slaughter or process poultry under an exemption if the operation qualifies for the exemption. However, a slaughterer or processor of poultry **may not simultaneously operate under more than one exemption**. When FSIS or a State reviews a business to determine compliance with the Act and regulations, FSIS or the State inspectors must be informed of which exemption the business is claiming. FSIS or State inspectors will determine compliance based on only one exemption. A business may not simultaneously claim or operate under more than one exemption.

The selection of either the Producer/Grower Exemption or the Producer/Grower or Other Person Exemption is for the calendar year.

In the same calendar year, a poultry producer or other person producing product under either the Producer/Grower Exemption or the Producer/Grower or Other Person Exemption may not produce product under another exemption. In addition, a poultry business that slaughters or processes poultry operating under a Custom Slaughter or Small Enterprise Exemption may not operate under the Producer/Grower or Producer/Grower or Other Person exemption in the same calendar year.

A facility or business may house more than one exempt operation if there is complete financial and structural autonomy of each operation. A true and complete separation must exist between the business records and the physical structures (rooms and equipment) of the two operations.

A facility or business producing product under a Custom Slaughter, Small Enterprise, or Retail Store Exemption may operate under another one of these three exemptions in the same calendar when there is financial and temporal autonomy of each operation. For example, a person using a facility for a custom slaughter business may close the custom slaughter business and open a retail store or small enterprise business at the facility in the same calendar year.

Who determines whether an operation qualifies for an exemption?

Inspectors of the USDA/FSIS are authorized to make inspections in accordance with the law to ascertain whether any of the provisions of the Act or the regulations applying to producers, retailers, or other persons purporting to be exempt from requirements (criteria) of the Act have been violated. [[Code of Federal Regulations Title 9 Section 381.14](#)]

A State that does not operate a poultry inspection program at least equal to the Federal poultry inspection program is a “Designated State” [Title 9 Code of Federal Regulations Subpart V §381.220-225]. In a designated State, FSIS is responsible for conducting reviews of establishments operating under exemptions provided for in Section 15 of the PPIA i.e. personnel use, retail dealer, custom slaughter, poultry producers, or small enterprise exemptions and of retail stores operating under the PPIA, Section 5(c)(2) retail exemption. Such reviews may be conducted by a State Agency under a cooperative agreement with FSIS/USDA. When either a State Agency that has a cooperative agreement with FSIS or FSIS determines that an exempt operation does not comply with requirements of the Act, USDA is responsible for enforcement of compliance with the requirements of the Act.

In States that operate a poultry inspection program equivalent to the Federal inspection program, a State Agency conducts inspections and reviews of exempted operations.

Suspension or termination of exemptions

The Administrator of FSIS may, by order, in accordance with the applicable rules of practice [[Code of Federal Regulations Title 9 Part 500](#)] suspend or terminate any exemption with respect to any person whenever FSIS finds that such action will aid in effectuating the purposes of the Act. Failure to comply with the conditions (criteria) of the exemption including but not limited to failure to process poultry and poultry products under clean and sanitary condition may result in termination of an exemption, in addition to other penalties [[Code of Federal Regulations Title \(Section 318.13\)](#)].

Religious dietary exemption

To avoid conflicts with certain religious dietary requirements, the PPIA allows for exemption from certain requirements of the PPIA and the [regulations](#) when a religious dietary requirement conflicts with the Act or regulations. However, this exemption from certain requirements of the PPIA and the regulations is granted only if the purposes of the Act or regulations are met.

Unlike the exemption previously discussed in this guidance, only official establishments may receive an exemption from a specific regulation that conflicts with a religious dietary requirement. An official establishment may request a religious dietary exemption on FSIS Form 5200-1 at the time that the establishment applies for inspection. Poultry prepared in accordance with a religious dietary law under a religious exemption does not bear the official inspection legend but must meet all inspection and regulatory requirements not specifically listed on the submitted application (FSIS Form 5200-1) and exempted on the exemption certificate issued by FSIS.

Attachment 1. A Summary Table of Exemptions and Limitations

Summary Table of Exemptions and Limitations								
Criteria	Personal Use	Custom	Produce Grower – 1,000 Bird Limit	Producer Grower – 20,000 Bird Limit	Producer Grower or Other Person	Small Enterprise 20,000 Bird Limit	Retail Dealer	Retail Store
Slaughter Limit	NONE	NONE	YES 1,000	YES 20,000	YES 20,000	YES 20,000	Yes ZERO	NONE
Processing	YES	YES	YES	YES	YES	CUT UP ONLY	CUT UP ONLY	YES
75 lb. Sale Limit to Consumer	NO SELLING	NO SELLING	NO LIMIT	NO LIMIT	NO LIMIT	NO LIMIT	NO LIMIT	YES
150-lb. Limit to HRI	NO SELLING	NO SELLING	NO LIMIT	NO LIMIT	NO LIMIT	NO LIMIT	NO LIMIT	YES
25% of Total product/75% HRI Sale	NO SELLING	NO SELLING	NO LIMIT	NO LIMIT	NO LIMIT	N/A	YES	YES
Can Sell to any customer	NO	NO	YES	YES	NO	YES	NO	NO
Can Sell to HRI	NO	NO	YES	YES	NOT TO ALL HRIs ¹	YES	YES	YES
Sell to Distributor	NO	NO	YES	YES	YES	YES	NO	NO
Sell to Retail Store	NO	NO	YES	YES	NO	YES	NO	NO
Intra-State Distribution	NO	NO	YES	YES	YES	YES	YES	YES
Inter-State Distribution	NO	NO	NO	NO	NO	NO	YES ²	NO ²

1. Product produced under the Producer/Grower or Other Person Exemption may not be sold to institutions.

2. Only poultry products derived from federally inspected and passed poultry may be transported in interstate commerce.

Attachment 1 B Table of Exemptions and Limitation

EXEMPTION	Customer(s) that the exempted poultry may be sold to.	Limitations: 1. on amount poultry product produced under the exemption 2. 25% or less exempt sales to HRIs 3. calendar year total sales dollar limitation 4. Identification/labeling requirements	Type of operations exempt: 1. Slaughter, 2. Processing, 3. Cut-up only.
Personal Use	Personal Use exempt poultry products may not be sold or donated for use as human food to any customer or consumer. The poultry is for the exclusive private use of the owner.	1 – No limit 2 & 3 – No sales of poultry permitted 4 – The statement "Exempt P.L. 90-492" and producer's name and address on shipping contains	1. Slaughter 2. Processing.
Custom Slaughter/ Processing	Custom Slaughtered exempt poultry products may not be sold or donated for use as human food. A custom slaughter may not engage in the business of buying or selling poultry used for human food	1 – No limit 2 & 3 – No sales permitted 4 – The statement "Exempt P.L. 90-492" and the producer's name and address on shipping containers.	1. Slaughter, 2. Processing other person's poultry.
Producer Grower 1,000 bird limit	Limited Provision of the Act apply May sell to any person, must keep records -of sales (Title 9 CFR 381.175)	1 – Yes, no more than 1,000 poultry in calendar year. Of their own raising on their own farm	1. Slaughter 2. Processing of poultry grower's raised poultry for sale to customers.
Producer Grower 20,000 bird limit	Slaughters & processes on his/her premises poultry for distribution by him/her to any person The product may only be distributed in the State, territory, or DC where it was prepared	1 – Yes, may slaughter and process no more than 20,000 poultry in calendar year of their raising on their own premises. 2 – 25% HRI limitation does not apply 3 – Dollar limitation not applicable. 4 – The statement "Exempt P.L. 90-492" and producer's name and address on product when it is distributed.	1. Slaughter & 2. Processing of poultry grower's raised poultry.
Producer Grower or Other Person (PGOP)	Slaughters & processes poultry for distribution to only household consumers, restaurants, hotels, or boarding houses. The exempt product may only be distributed in the State, territory, or District of Columbia where it is prepared.	1 – Yes, no more than 20,000 poultry in calendar year. 2 & 3 not applicable. 4 – The statement "Exempt P.L. 90-492" and producer's name and address are required on product when it is distributed. 5 – May not slaughter or process poultry at a facility used for slaughtering or processing by another person.	1. Slaughter 2. Processing of raised or purchased (live) poultry
Small Enterprise	No restrictions on type of customer A small enterprise may not use or distribute products from, PGOP, Retail Dealer, or Retail Store exemptions The exempt product may only be distributed in the State, territory, or DC where it is prepared.	1 – Yes no more than 20,000 poultry in a calendar year. 2 & 3 -- not applicable. 4 – All the features of an official label when distributed, with the exceptions that the official inspection legend cannot be used, modification of the safe handling instructions and the nutrition facts are optional, provided, the labeling does not bear nutrition or health claims. 5 – May not slaughter or process poultry at a facility used for slaughtering or processing by another person.	1. Slaughter 3. Cut-up only
Retail Dealer	Sales limited to household consumers, hotels, or restaurants, or similar institutions. Sales to household consumers in store must be 75% of total sales. Sales to retail markets or distributors disqualify an establishment from a Retail Exemption. Product prepared from poultry previously inspected and passed by USDA permitted to cross Stateline, move in "Commerce."	1 – No limit on pounds sold to consumers. 2 – 25% HRI limitation applies 3 – Dollar limitation not applicable. 4 – All the features of an official label, with the exceptions that the official inspection legend cannot be used, modification of the safe handling instructions and the nutrition facts are optional, provided, the labeling does not bear nutrition or health claims.	1. No Slaughter. 3. Processing limited to cutting up of previously USDA Inspected and Passed Poultry
Retail Store	Sales limited to household consumers, hotels, or restaurants, or similar institutions. Sales to household consumers in store must be 75% of sales. Sales to retail markets or distributors disqualify an operation from a Retail Store exemption. Product prepared from product previously inspected and passed by USDA permitted to cross Stateline, move in "Commerce " Other, exempt product may only be distributed in the State, territory, or DC where it is prepared.	1 – Yes, there is a limit of 75 lbs. for household sales and a 150 lbs. limit for HRI sales. 2 – 25% HRI limitation does apply 3 – Dollar limitation applicable.	1. Slaughter of live poultry purchased by consumer at the retail store and processed by the retail store operator in accordance with the consumer's instructions. 2. Processing

Attachment 2 Basic Sanitary Standards

Following are general basic sanitary standards, practices, and procedures [9 CFR 416.2-416.5]. The list is a summary of the regulatory requirements for sanitation procedures and practices that are required for a poultry business receiving full U.S. Department of Agriculture inspection and are applicable to poultry exempt operations {Title 9 CFR Part 416}. In addition, specific sanitary practices are described in FSIS's [*Sanitation Performance Standards Compliance Guide*](#), dated October 13, 1999. This 92-page document is also available from http://www.fsis.usda.gov/FSIS_Employees/Compliance_Guides_Index/index.asp

A. *Sanitary operating conditions.* All food-contact surfaces and non-food-contact surfaces of an exempt facility are cleaned and sanitized as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of product. Cleaning compounds, sanitizing agents, processing aids, and other chemicals used by an exempt facility are safe and effective under the conditions of use. Such chemicals are 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 are available to inspection program employees for review. Product is protected from adulteration during processing, handling, storage, loading, and unloading and during transportation from official establishments.

B. *Grounds and pest control.* The grounds of exempt operation are maintained to prevent conditions that could lead to insanitary conditions or adulteration of product. Plant operators have in place a pest management program to prevent the harborage and breeding of pests on the grounds and within the facilities. The operator's pest control operation is capable of preventing product adulteration. Management makes every effort to prevent entry of rodents, insects, or animals into areas where products are handled, processed, or stored. Openings (doors and windows) leading to the outside or to areas holding inedible product have effective closures and completely fill the openings. Areas inside and outside the facility are maintained to prevent harborage of rodents and insects. The pest control substances used are safe and effective under the conditions of use and are not applied or stored in a manner that will result in the adulteration of product or the creation of insanitary conditions.

C. *Sewage and waste disposal.* Sewage and waste disposal systems properly remove sewage and waste materials—feces, feathers, trash, garbage, and paper—from the facility. Sewage is disposed of 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, upon request, the management must furnish to the inspector a letter of approval from that authority.

D. Water supply and water, ice, and solution reuse. 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, is provided in all areas where required (for processing product; for cleaning rooms and equipment, utensils, and packaging materials; for employee sanitary facilities, etc.). If a facility uses a municipal water supply, it must make available to the inspector, 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 a facility uses a private well for its water supply, it must make available to the inspector, upon request, documentation certifying the potability of the water supply that has been renewed at least semi-annually.

E. Facilities. Maintenance of facilities during slaughtering and processing is accomplished in a manner to ensure the production of wholesome, unadulterated product.

F. Dressing rooms, lavatories, and toilets. Dressing rooms, toilet rooms, and urinals are 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. Dressing rooms, lavatories, and toilets are separate from the rooms and compartments in which products are processed, stored, or handled.

G. Inedible Material Control. The operator handles and maintains inedible material in a manner that prevents the diversion of inedible animal products into human food channels and prevents the adulteration of human food.

Attachment 3**[FSIS District Office Contact Information](#)**

[http://www.fsis.usda.gov/Contact_Us/Office_Locations_& One_Numbers/index.asp](http://www.fsis.usda.gov/Contact_Us/Office_Locations_&_One_Numbers/index.asp)

District Office Location	Office Address & Telephone Number	States and Territories Covered by District
Alameda, CA	620 Central Avenue Building 2C Alameda, CA 94501 Phone: (510) 337-5000 FAX: (510) 337-5081	California
Albany, NY	230 Washington Ave. Extension Albany, NY 12203-5369 Phone: (518) 452-6870	Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont
Atlanta, GA	100 Alabama St., SW; Bldg 1924 Suite 3R90 Atlanta, GA 30303 Phone: (404) 562-5900	Florida, Georgia, Puerto Rico, and the Virgin Islands.
Beltsville, MD	5601 Sunnyside Ave. Suite 1-2288 B Beltsville, MD 20705-5200 Phone: (301) 504-2136	Delaware, District of Columbia, Maryland, Virginia, and West Virginia.
Chicago, IL	1919 South Highland Avenue Suite 115C Lombard, IL 60148 Phone: (630) 620-7474	Illinois, Ohio, and Indiana
Dallas, TX	1100 Commerce Street Room 516 Dallas, TX 75242-0598 Phone: (214) 767-9116	Texas
Denver, CO	Denver Federal Center PO Box 25387, Building 45 Denver, CO 80225 Phone: (303) 236-9800	Alaska, American Samoa, Arizona, Colorado, Guam, Hawaii, Idaho, New Mexico, Nevada, Northern Mariana Islands, Oregon, Utah, Washington
Des Moines, IA	Room 985, Federal Building 210 Walnut Street Des Moines, IA 50309 Phone: (515) 727-8960 or 1-800-990-9834	Iowa and Nebraska
Jackson, MS	715 S. Pear Orchard Road Suite 101 Ridgeland, MS 39157 Phone: (601) 965-4312	Alabama, Mississippi, and Tennessee

Attachment 3 FSIS District Office Contact Information Continued		
District Office Location	Office Address & Telephone Number	States and Territories Covered by District
Lawrence, KS	4920 Bob Billings Parkway Lawrence, KS 66049-3855 Phone: (785) 841-5600	Kansas and Missouri
Madison, WI	2810 Crossroads Dr. Suite 3500 Madison, WI 53718-7969 Phone: (608) 240-4080	Michigan and Wisconsin
Minneapolis, MN	Butler Square West, Suite 989-C 100 N. 6th Street Minneapolis, MN 55403 Phone: (612) 370-2400	Minnesota, Montana, North Dakota, South Dakota, and Wyoming
Philadelphia, PA	Mellon Independence Center 701 Market Street – Suite 4100-A Philadelphia, PA 19106-1576 Phone: (215) 597-4219, Ext. 101 or 1-800-637-6681	Pennsylvania and New Jersey
Raleigh, NC	6020 Six Forks Road Raleigh, NC 27609 Phone: (919) 844-8400 or 1-800-662-7608	North Carolina, South Carolina, and Kentucky.
Springdale, AR	Country Club Center Bldg. B, Suite 201 4700 South Thompson Springdale, AR 72764 Phone: (479) 751-8412	Arkansas, Louisiana, and Oklahoma

Attachment 4 [OPEER Regional Offices Contact Information](http://www.fsis.usda.gov/Contact_Us/Office_Locations_& Phone_Numbers/index.asp#opeer)

http://www.fsis.usda.gov/Contact_Us/Office_Locations_& Phone_Numbers/index.asp#opeer

OPEER, FSIS. Regional Offices, Location	Office Address & Telephone Number	States and Territories Covered by District
Alameda, CA	Regional Manager 620 Central Avenue, Building 2B Alameda, CA 94501 Phone: (510) 337-5000, Ext. 249 FAX: (510) 337-5080 Emergency: (202) 276-1610	Western Region States: Alaska, American Samoa, Arizona, California, Colorado, Guam, Hawaii, Idaho, Mariana Islands, Nevada, New Mexico, Oregon, Utah, Washington
Dallas, TX	Regional Manager 1100 Commerce Street, Room 516 Dallas, TX 75242 Phone: (214) 767-9116, Ext. 400 FAX: (214) 767-8230 Emergency: (214) 763-1853	Southwest Region States: Arkansas, Louisiana, Oklahoma, Texas
Lawrence, KS	Regional Manager 4920 West 15th Street, Suite B Lawrence, KS 66049 Phone: (785) 840-9026 FAX: (785) 843-0548 Emergency: (785) 423-5402	Great Plains Region States: Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wyoming
Lombard, IL	Regional Manager 1919 South Highland Avenue, Suite 120C Lombard, IL 60148 Phone: (630) 916-6226, Ext. 264 FAX: (630) 620-7876 Emergency: (630) 768-8418 (Alert 1)	Midwest Region States: Illinois, Indiana, Ohio, Michigan, Wisconsin
Atlanta, GA	Regional Manager 100 Alabama Street SW 1924 Building, Suite 3R90 Atlanta, GA 30303 Phone: (404) 562-5962 FAX: (404) 562-5935 Emergency: (404) 569-3060	Southeast Region States: Alabama, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maryland, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Virginia, Virgin Islands, West Virginia

Attachment 5 Adulterated

The term adulterated applies to any poultry product under one or more of the following circumstances:

- (1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;
- (2) If it bears or contains (by reason of administration of any substance to the live poultry or otherwise) any added poisonous or added deleterious substance (other than one which is a pesticide chemical in or on a raw agricultural commodity; a food additive; or a color additive) which may, in the judgment of the Administrator, make such article unfit for human food;
- (3) If it is, in whole or part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;
- (4) If it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;
- (5) If it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act;
- (6) if use of a pesticide chemical, food additive, or color additive in or on poultry or poultry products is prohibited by the regulations;
- (7) If it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;
- (8) If it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;
- (9) If it is, in whole or in part, the product of any poultry which has died otherwise than by slaughter;
- (10) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;
- (11) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act; or
- (13) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefrom; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith 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.

Attachment 6

STATE OFFICIALS
COOPERATIVE MEAT AND POULTRY
INSPECTION PROGRAMS

ALABAMA

Honorable Ron Sparks
Commissioner
AL Department of Agriculture &
Industries
P. O. Box 3336
Montgomery, AL 36109-0336
(334) 240-7100
FAX (334) 240-7190

Dr. Robert L. Barlow, Director
Meat & Poultry Inspection
Section
Richard Beard Building
P.O. Box 3336
Montgomery, AL 36109-0336
(334) 240-7210
FAX (334) 223-7352
Email:
mipbismgr@agi.state.al.us

ARIZONA

Mr. Donald Butler, Director
AZ Department of Agriculture
1688 West Adams
Phoenix, AZ 85007
(602) 542-0998
FAX (602) 542-5420

Mr. Stewart Jacobson
Program Manager
AZ Department of Agriculture
AZ Meat & Poultry Inspection
1688 West Adams
Phoenix, AZ 85007
(602) 542-6398
FAX (602) 542-4194
Email:
sjacobson@azda.gov

DELAWARE

Honorable Michael T. Scuse
Secretary of Agriculture
DE Department of Agriculture
2320 S. Dupont Highway
Dover, DE 19901-5515
(302) 698-4502
FAX (302) 697-4463

Dr. Edwin Odor, Veterinarian/
Food Inspection Administrator
DE Department of Agriculture
2320 S. Dupont Highway
Dover, DE 19901-5515
(302) 698-4539
FAX (302) 697-4464
Email:
edwin.odor@state.de.us

GEORGIA

Honorable Thomas T. Irvin
Commissioner
GA Department of Agriculture
19 Martin Luther King Jr. Drive
Suite 204
Atlanta, GA 30334-2001
(404) 656-3600
FAX (404) 657-8206

Dr. Rex Holt, Director
Meat Inspection Division
GA Department of Agriculture
19 Martin Luther King Jr. Drive
Room 108
Atlanta, GA 30334-2001
(404) 656-3673
FAX (404) 463-1998
Email:
rholt@agr.state.ga.us

ILLINOIS

Mr. Charles A. Hartke, Director
IL Department of Agriculture
801 Sangamon Avenue
P.O. Box 19281
Springfield, IL 62794-9281
(217) 785-4789
FAX (217) 785-4505

Dr. Kris Mazurczak, Bureau Chief
Meat & Poultry Inspection
IL Department of Agriculture
801 Sangamon Avenue
P.O. Box 19281
Springfield, IL 62794-9281
(217) 782-6684
(312) 814-6903 (Chicago Office)
FAX (217) 524-7801
Email:
kmazurczak@agr.state.il.us

INDIANA

Bret D. Marsh, D.V.M., State
Veterinarian
IN State Board of Animal Health
805 Beachway Drive
Suite 50
Indianapolis, IN 46224-7785
(317) 227-0335
FAX (317) 227-0330

Paul L. Dieterlen, D.V.M.
Director
Division of Meat & Poultry
IN State Board of Animal Health
805 Beachway Drive
Suite 50
Indianapolis, IN 46224-7785
(317) 227-0359
FAX (317) 227-0330
Email:
pdieterlen@boah.in.gov

January 25, 2006

Attachment 6

STATE OFFICIALS
COOPERATIVE MEAT AND POULTRY
INSPECTION PROGRAMS

IOWA

Honorable Patty Judge,
Secretary
IA Department of Agriculture
& Land Stewardship
Wallace Building
Des Moines, IA 50319
(515) 281-5322
FAX (515) 281-6236

Mr. Michael M. Mamminga,
Bureau Chief
Division of Consumer
Protection & Animal Health
Wallace Building
Des Moines, IA 50319
(515) 281-5597
FAX (515) 281-4819
Email:
mike.mamminga@idals.state.ia.us

KANSAS

Mr. Adrian Polansky
Secretary
KS Department of Agriculture
109 SW 9th Street
Topeka, KS 66612
(785) 296-3558
FAX (785) 296-8389

Dr. Evan Sumner
Program Director
Meat & Poultry Inspection
KS Department of Agriculture
Division of Inspection
109 SW 9th Street
3rd Floor
Topeka, KS 66612
(785) 296-3511
FAX (785) 296-0673
Email:
Esumner@kda.state.ks.us

LOUISIANA

Honorable Robert F. Odom, Jr.
Commissioner
LA Department of Agriculture
& Forestry
P.O. Box 631
Baton Rouge, LA 70821-0631
(504) 922-1234
FAX (504) 922-1253

Mr. Mike Windham
Program Manager
LA Department of Agriculture
& Forestry
P.O. Box 1951
Baton Rouge, LA 70821-1951
(225) 922-1358
FAX (225) 925-4103
Email:
Mike_w@ldaf.state.la.us

MAINE

Mr. Robert W. Spear,
Commissioner
ME Dept of Agriculture
Food & Rural Resources
Div. of Animal Health &
Industry
28 State House Station
Augusta, ME 04333-0028
(207) 287-3871

Mr. David Gagnon
Acting Program Manager
ME Department of Agriculture
Food & Rural Resources
Div. of Animal Health &
Industry
28 State House Station
Augusta, ME 04333-0028
(207) 287-4516
FAX (207) 287-5576
Email:
Henrietta.Beaufait@maine.gov

MINNESOTA

Mr. Gene Hugoson,
Commissioner
MN Department of
Agriculture
625 Robert Street
St. Paul, MN 55155-2538
(651) 201-6219
FAX (651) 201-6118

Mr. Kevin Elfering
Division Director
Dairy, Food Feed & Meat
Inspection Division
Department of Agriculture
625 Robert Street
St. Paul, MN 55155-2538
(651) 201-6453
FAX (651) 201-6116
Email:
kevin.elfering@state.mn.us

Nicole Neeser, DVM
Program Manager
Dairy, Meat & Poultry Insp.
MN Department of
Agriculture
625 Robert Street
St. Paul, MN 55155
(651) 201-6225
FAX (651) 201-6116
Email:
Nicole.neeser@state.mn.us

January 25, 2006

Attachment 6

STATE OFFICIALS
COOPERATIVE MEAT AND POULTRY
INSPECTION PROGRAMS

MISSISSIPPI

Honorable Lester Spell, Jr.,
D.V.M.
Commissioner
MS Department of Agriculture
& Commerce
P.O. Box 1609
Jackson, MS 39215-1609
(601) 359-1100
FAX (601) 354-6502

Dr. Richard A. Benton
Director
Meat Inspection Division
MS Department of Agriculture
& Commerce
P.O. Box 1609
Jackson, MS 39215-1609
(601) 359-1191
FAX (601) 359-1105
Email:
Richardb@mdac.state.ms.us

MISSOURI

Mr. Fred Ferrell
Director of Agriculture
Division of Animal Health
P.O. Box 630
Jefferson City, MO 65102-
0630
(573) 751-3377
FAX (573) 751-6919
Email:
Peter_Hofherr@mail.mda.state.mo.us

Dr. Harold Treese
Director
MO State Meat Inspection
Program
MO Department of Agriculture
P.O. Box 630
Jefferson City, MO 65102-0630
(573) 751-3377
FAX (573) 751-6919
Email:
harold.treese@mda.mo.gov

MONTANA

Mr. Marc Bridges
Executive Director
MT Board of Livestock
P.O. Box 202001
Helena, MT 59620-2001
(406) 444-2023
FAX (406) 444-1929

Ms. Carol A. Olmstead
Bureau Chief
Meat Inspection
MT Department of Livestock
P.O. Box 202001
Helena, MT 59620-2001
(406) 444-5202
FAX (406) 444-1929
Email:
colmstead@mt.gov

NEW MEXICO

Mr. Daniel M. Manzanares
Executive Director
NM Livestock Board
300 San Mateo Blvd., NE
Suite 1000
Albuquerque, NM 87108
(505) 841-6161
FAX (505) 841-6160

Mr. Art Marquez
Program Manager
NM Livestock Board
Meat & Poultry Inspection Div.
300 San Mateo Blvd., NE
Suite 1000
Albuquerque, NM 87108-1500
(505) 841-6162
FAX (505) 841-6160
Email:
art.marquez@state.nm.us

NORTH CAROLINA

Mr. Steven W. Troxler.
Commissioner
NC Department of Agriculture
and Consumer Services
1001 Mail Service Center
Raleigh, NC 27699-1001
(919) 733-4136
FAX (919) 733-1141

Dr. Steven C. Wells
State Director
Meat & Poultry Inspection
Services
NC Department of Agriculture
P.O. Box 27647
Raleigh, NC 27611
(919) 733-4136
FAX (919) 715-0246
Email:
Steven.Wells@ncmail.net

NORTH DAKOTA

Honorable Roger Johnson
Commissioner
ND Department of Agriculture
Dept. 602
600 East Boulevard Avenue
Bismarck, ND 58505-0020
(701) 328-2231

Dr. Andrea Grondahl
Director
State Meat Inspection
ND Department of Agriculture
Dept. 602
600 East Boulevard Avenue
Bismarck, ND 58505-0020
(701) 328-4762
FAX (701) 328-4567
agrondah@state.nd.us

January 25, 2006

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STATE OFFICIALS COOPERATIVE MEAT AND POULTRY INSPECTION PROGRAMS

OHIO

Honorable Fred L. Dailey
Director
OH Department of Agriculture
8995 East Main Street
Bromfield Adm. Bldg., 3rd Floor
Reynoldsburg, OH 43068
(614) 466-2732
FAX (614) 466-6124

Dr. Michael Hockman,
Chief
Division of Meat Inspection
OH Department of Agriculture
8995 East Main Street
Bromfield Adm. Bldg., 2nd Floor
Reynoldsburg, OH 43068
(614) 728-6260
FAX (614) 728-6434
Email:
hockman@mail.agri.state.oh.us

OKLAHOMA

Honorable Terry L. Peach
Secretary and Commissioner
OK Department of Agriculture,
Food and Forestry
P.O. Box 528804
Oklahoma City, OK 73152-8804
(405) 522-5719
FAX (405) 522-0909

Mr. Stan Stromberg, Director
Meat Inspection Services
Food Safety Division
OK Department of Agriculture,
Food and Forestry
2800 North Lincoln Blvd.
Oklahoma City, OK 73105-4298
(405) 521-3741
FAX (405) 522-0756
Email: Stan.stromberg@oda.state.ok.us

SOUTH CAROLINA

Dr. Tony Caver, Director
Livestock-Poultry Health Programs
P.O. Box 102406
Columbia, SC 29224-2406
(803) 788-2260
FAX (803) 788-8058

Dr. Daniel Lafontaine, Director
SC Meat-Poultry Inspection
Department
P.O. Box 102406
Columbia, SC 29224-2406
(803) 788-8747
FAX (803) 788-8114
Email:
Dlfntn@clemson.edu

SOUTH DAKOTA

Dr. Sam D. Holland, State
Veterinarian & Administrator
SD Animal Industry Board
411 South Fort Street
Pierre, SD 57501
(605) 773-3321
FAX (605) 773-5459
Email:
Dr.Holland@state.sd.us

TEXAS

Eduardo J. Sanchez, MD, MPH
Commissioner of Health
Texas Department of State
Health Services
1100 West 49th Street
Austin, TX 78756
(512) 458-7375
FAX (512) 458-7477

TEXAS (Con't)

Mr. Adam Buuck
Acting Manager
Meat Safety Assurance Unit
Division of Regulatory Services
1100 West 49th Street
Austin, TX 78756
(512) 834-6760
FAX (512) 834-6763
Email:
adam.buuck@dshs.state.tx.us

UTAH

Honorable Cary Peterson
Commissioner
UT Department of Agriculture &
Food
350 N. Redwood Road
P.O. Box 146500
Salt Lake City, UT 84116-6500
(801) 538-7101
FAX (801) 538-7169

Dr. Michael R. Marshall, Director
Division of Animal Industry
350 N. Redwood Road
P.O. Box 146500
Salt Lake City, UT 84116-6500
(801) 538-7160
FAX (801) 538-7169

Wyatt Frampton, DVM, MPH
Program Manager
Meat & Poultry Insp. Bureau
350 N. Redwood Road
P.O. Box 146500
Salt Lake City, UT 84114-6500
(801) 538-7117
FAX (801) 538-7169
Email: wframpton@utah.gov

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STATE OFFICIALS
COOPERATIVE MEAT AND POULTRY
INSPECTION PROGRAMS

VERMONT

Mr. Stephen R. Kerr, Secretary
VT Agency of Agriculture
116 State Street
Drawer 20
Montpelier, VT 05620-2901
(802) 828-2430
FAX (802) 828-2361

Mr. Carl Cushing, Director
VT Agency of Agriculture
Food Safety & Consumer
Protection
Meat Inspection Service
116 State Street
Drawer 20
Montpelier, VT 05620-2901
(802) 828-2426
FAX (802) 828-5983
Email:
carl@agr.state.vt.us

VIRGINIA

Honorable J. Carlton Courter III
Commissioner
VA Department of Agriculture &
Consumer Services
P.O. Box 1163
Richmond, VA 23218-1163
(804) 786-3501
FAX (804) 371-2945

VIRGINIA Continued

Dr. Richard Hackenbracht
Program Manager
Office of Meat & Poultry
Services
VA Department of Agriculture &
Consumer Services
Washington Building
1100 Bank Street, Suite 614
Richmond, VA 23219
(804) 786-4569
FAX (804) 371-2380
Email:
Richard.hackenbracht@vdacs.virginia.gov

WEST VIRGINIA

Honorable Gus R. Douglass
Commissioner
WV Department of Agriculture
Room E-28
State Capitol
Charleston, WV 25305-0170
(304) 558-2201
FAX (304) 558-2203

Dr. Jan Charminski, Director
WV Department of Agriculture
Meat & Poultry Inspection Division
1900 Kanawha Blvd. East
State Capitol
Charleston, WV 25305-0179
(304) 558-2206
FAX (304) 558-1882
Email:
Jcharminski@ag.state.wv.us

WYOMING

Honorable John Etchepare,
Director
WY Department of Agriculture
2219 Carey Avenue
Cheyenne, WY 82002-0100
(307) 777-7321
FAX (307) 777-6593

Mr. Dean Finkenbinder,
Manager
Consumer Health Services
WY Department of Agriculture
2219 Carey Avenue
Cheyenne, WY 82002-0100
(307) 777-6587
FAX (307) 777-6593
Email:
dfinke@state.wy.us

Ms. Linda Stratton
Assistant Manager
Consumer Health Services
WY Department of Agriculture
2219 Carey Avenue
Cheyenne, WY 82002-0100
(307) 777-6592
lstrat@state.wy.us

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STATE OFFICIALS
COOPERATIVE MEAT AND POULTRY
INSPECTION PROGRAMS

***NEW YORK**

Mr. Nathan Rudgers
Commissioner
NY Department of Agriculture
1 Winner Circle
Albany, NY 12235
(518) 457-8876
FAX (518) 457-3087

Mr. Joe Corby
Division Director
Upstate District
NY Department of Agriculture
1 Winners Circle
Albany, NY 12235
(518) 457-4492
FAX (518) 485-8986 or
(518) 457-8892
Email:
Joe.corby@agmkt.state.ny.us

Mr. Steven Biehler
Food Products Quality Manager
NYS Dept. of Agriculture &
Markets
10-B Airline Drive
Albany, NY 12235
(518) 457-2090
Email:
Stephen.biehler@agmkt.state.ny.us

***CALIFORNIA**

Mr. William (Bill) Lyons, Jr.
Secretary
Department of Food &
Agriculture
1220 N. Street, Suite 409
Sacramento, CA 95814
(916) 654-0433
FAX (916) 654-0403

Dr. Dennis Thompson, Chief
Meat & Poultry Inspection
Branch
Department of Food
Agriculture
1220 N. Street, Room A-125
Sacramento, CA 95814
(916) 654-0504
FAX (916) 654-2608
Email
Dthompson@cdfa.ca.gov

***COLORADO**

Mr. Don Ament, Commissioner
Colorado Department of
Agriculture
700 Kipling Street
Suite 4000
Lakewood, CO 80215-5894
(303) 239-4100
FAX (303) 239-4176

Mr. Scott Boyd
Program Administrator
Meat Inspection
2331 West 31st Avenue
Denver, CO 80211
(303) 477-0086
FAX (303) 480-9236
Email:
Scott.boyd@ag.state.co.us

*

California, Colorado and New York are listed last. These states perform Custom Exempt reviews for the Agency, under cooperative agreement.