

Guidelines to Operate a Custom Exempt Slaughter and/or Processing Facility in Vermont

Vermont Agency of Agriculture Food and Markets

Meat Inspection Service

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References:

9 C.F.R. parts 303.1, 309.3, 310.22, 313, 316.6, 320.1, 381.10, 381.13, 381.14, and 416.1-5

21 U.S. Code § 610

USDA FSIS Directive 5930.1

Title 6 V.S.A. Chapter 204

Title 6 V.S.A Chapter 201

VAAFMEat Inspection Website: <https://agriculture.vermont.gov/food-safety/vermont-meat-poultry-inspection>

Enclosed, please find information that deals with your legal responsibility under the Federal Meat Inspection Act ([FMIA](#)) and Poultry Products Inspection Act ([PPIA](#)) and the [Vermont Meat and Poultry Inspection Statutes](#). This information packet is being provided to assist in understanding your responsibilities to operate a custom livestock and/or poultry slaughter and/or processing facility.

The slaughter and processing of meat and poultry must be performed in a way that ensures that carcasses, their parts, and products produced from these carcasses and/or parts are wholesome, not adulterated, properly marked, packaged and transported in a sanitary environment.

All custom exempt slaughter and processing facilities must be licensed as a meat handler with the VAAFME. Licensing requirements and the application can be found here: <https://agriculture.vermont.gov/food-safety/vermont-meat-poultry-inspection/forms-and-applications>.

As part of the requirements for custom exempt operations, a review and inspection will be performed at your establishment before initiating operations, and then periodically to ensure that you are meeting the legal requirements. If during the review and inspection process, a Vermont Meat Inspection Service (MIS) representative identifies a critical deficiency, such as, adulterated product or an unsanitary condition that has a high risk to adulterate product, the plant owner/operator may be required to trim, recondition, or condemn any adulterated product and/or clean and sanitize the facility and equipment. In the event a plant owner does not comply with the requests of the Vermont MIS representative, a tag retaining the product or rejecting the facility and/or equipment will be applied.

To treat all custom exempt operators the same, the visits to each custom exempt facility are unannounced, other than the initial review and inspection. Because some custom exempt operators only operate seasonally, at night or on the weekends, the operator of each plant should provide the Meat Inspection Office with hours of operation and dates of operation as applicable. However, this does not exempt those operators from review of their facilities. Arrangements can be made to review your operation at any time. When your facility is not operational for long periods of time (i.e. seasonal) you are required to provide the Meat Inspection Office with a [Vermont Form MI-85 Notice of Temporary Custom Plant Closing](#).

Background:

A. The FMIA and the PPIA exempt the preparation of livestock and poultry products from mandatory inspection when they are for the owner's own use, for use by members of the owner's household and nonpaying guests, or for persons employed by the owner.

B. Custom slaughter or processing may also be conducted when the animal is slaughtered or processed by someone other than the owner for the personal use of the owner.

C. Under 21 U.S.C. 610 (b), slaughterers of livestock must comply with the Humane Methods of Slaughter Act ([HMSA](#)) and the Vermont Humane Slaughter Statutes ([VHHS](#)). The HMSA and VHHS apply to the slaughter of cattle, calves, horses, mules, sheep, swine, and other livestock. (Poultry slaughter is not included.) The HMSA applies at custom exempt facilities.

D. Custom exempt product cannot be sold or donated.

E. The adulteration and misbranding provisions of the FMIA and PPIA and Vermont Statutes apply to meat and poultry products that are exempted from inspection requirements.

F. The FMIA and PPIA and Vermont Statutes require that custom exempt operations:

1. Not adulterate or misbrand products
2. Handle livestock humanely
3. Prepare products under sanitary conditions
4. Keep certain records
5. Properly mark, label, and package product
6. Keep exempt products separate from inspected products

G. Owners and operators who conduct custom exempt operations must comply with the meat and poultry regulations for exempt operations (9 CFR 303.1, 381.10, 381.13, and 381.14) and some of the sanitation regulations (9 CFR 416.1 through 416.5, except for 9 CFR 416.2 (g) (2) through (6)). However, under 9 CFR 303.1 (a) (2), if an official meat establishment (USDA or State inspected) at specified times conducts custom exempt operations, even though those operations are exempt from inspection, the establishment must, while conducting the custom exempt operations, comply with all of the provisions of the sanitation regulations (9 CFR part 416).

H. Federally inspected poultry establishments are prohibited under the PPIA (21 U.S.C. 464 (c) (1) (B)) from conducting custom exempt poultry operations. In addition, poultry custom exempt operators cannot buy or sell any poultry products for use as human food.

I. Additional information on whether or not an establishment is exempt from federal or state inspection requirements can be found in the USDA FSIS [Guideline for Determining Whether a Livestock Slaughter or Processing Firm is Exempt from the Inspection Requirements of the Federal Meat Inspection Act](#) and [Guidance for Determining Whether a Poultry Slaughter or Processing Operation is Exempt from Inspection Requirements of the Poultry Products Inspection Act](#).

A representative of the Vermont Meat Inspection Service will review your operation for compliance with the following basic requirements for operation under custom exemption privileges:

A. Humane Handling (9 CFR 315):

1. The HMSA requires that livestock be humanely handled in connection with slaughter, (21 U.S.C. 610(b)). If you are slaughtering livestock in your facility, you are required to handle livestock in a humane manner by:
 - i. Ensuring water is available to any livestock in holding pens
 - ii. Handling livestock humanely, moving animals calmly, and without excessive prodding. Ensuring pens and alleys are in good repair and handling any disabled livestock humanely
 - iii. Appropriately and effectively administer stunning methods that produce unconsciousness in any animal slaughtered before the animal is shackled, hoisted, thrown, cast, or cut
 - iv. If slaughter of animals is done in accordance with the ritual requirements of a religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia of the brain, caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument and handling in connection with such slaughtering.
 - v. The USDA FSIS *Compliance Guide for Systematic Approach to the Humane Handling of Livestock* can be found here:
<https://www.fsis.usda.gov/wps/portal/fsis/topics/regulatory-compliance/humane-handling>

B. Sanitation Operations (9 CFR 416.1 through 416.5, except for 9 CFR 416.2 (g) (2) through (6)):

1. **General Sanitation (9 CFR 303.1 (a) (2) (i), 381.10 (e) (3) (i), 416.3, and 416.4):**
 - i. Daily, after operation, prior to use the next day, and between species, all equipment and product contact surfaces (e.g. hand tools, knives, hooks, tables, handsaws, grinders, etc.) shall be thoroughly cleaned. When equipment or product contact surfaces are contaminated with milk, pus, fecal material, or ingesta, operations must be stopped, and affected surfaces and/or equipment will be cleaned and sanitized. In addition, equipment and hand utensils must be cleaned between species and as often as needed to prevent organic matter accumulation.
 - ii. Employees must wear clean clothing, wash hands at the start of operation, wash hands after using restroom, wash hands when contaminated with fecal material ingesta, pus, or milk, and wear a head covering to restrain hair.
 - iii. All product shall be unadulterated (e.g. free of fecal material, dust, dirt, scaling paint, rust, grease, cigarette ashes, etc.) and the facility must protect product from adulteration during processing, handling, storage, loading and unloading, and transportation.
 - iv. The facility must clean and sanitize nonfood contact surfaces, equipment, and utensils as necessary to prevent insanitary conditions and the adulteration of product.
 - v. All cleaning compounds, sanitizing agents, processing aids, and other chemicals used by the facility must be safe and effective under the conditions of use.

2. Maintenance of Facilities (9 CFR 303.1 (a) (2) (i), 381.10 (a) (3) & (4), and 416.2 (b)):

- i. Floors, walls, and ceiling shall be constructed to be readily cleanable, kept clean, leak proof, and in good repair. There shall be abundant light, of good quality and well distributed, and sufficient ventilation for all rooms to insure sanitary conditions.
- ii. The buildings, including structures, rooms, and compartments must be kept in good repair, and are of sufficient size to allow for processing, handling, and storage of product. The walls, floors, ceilings, doors, windows, and other outside openings must be maintained in a manner that prevents the entrance of vermin and rodents, such as flies, rats, and mice.
- iii. The facility must process, handle, and store edible products and inedible products in a manner that will prevent product adulteration, cross-contamination, or the creation of insanitary conditions and must properly denature or decharacterize inedible product.

3. Dressing Rooms, Lavatories, and Toilets (9 CFR 303.1 (a) (2) (i), 381.10 (a) (3) & (4), and 416.2 (h) (1-3)):

- i. The facility must maintain dressing rooms, toilet rooms, and urinals (sufficient in number, ample in size and conveniently located) in a sanitary condition and in good repair.
- ii. Dressing rooms, toilet rooms, and urinals must be separate from the rooms and compartments in which products are processed, stored, or handled.
- iii. Lavatories with running hot and cold water with soap and towels must be placed in or near toilet and urinal rooms and other places in the facility as necessary.
- iv. Refuse receptacles must be constructed and maintained in a sanitary manner.

C. Recordkeeping and Documentation (9 CFR 303.1(b)(3), 309.3, 310.22, 320, and 381.175):

1. The plant operator is responsible for maintaining records of all animals or carcasses brought in for slaughter or processing. The name and address of the owner of the animal, or carcass, the date, how many animals were brought to the operation and the types and quantities of products prepared must be included in the records to include an ownership certificate. The [Vermont Form MI-C1 Certificate of Ownership \(Slaughter-Process\)](#) or the [Vermont Form MI-C2 Certificate of Ownership \(Process\)](#) is highly recommended, depending on the services you are providing. These forms are also available from our office.
2. Maintain monthly production records that document the number and kinds of custom livestock slaughtered (if applicable), the quantities and types of custom product prepared and the names and addresses of owners of the livestock and products. Utilization of [Vermont Form MI-27 Monthly Custom Production](#) is highly recommended.
3. Additional documentation includes:
 - i. Records demonstrating water potability and adequate sewage and wastewater systems. (See Section H
 - ii. Records to demonstrate that the chemicals used in the facility are safe for the food processing environment
 - iii. Records that document the ages of slaughtered cattle (less than 30 months or 30 months of age and older), that cattle were ambulatory at the time they were

delivered to slaughter, and that Specified Risk Materials (SRM) were disposed of properly. (See Section E).

- iv. Records that document the custom operator did not observe any condition that would render the cattle unfit for human food, or if they became non-ambulatory disabled after they were delivered to the facility. Vermont Form MI-C1 Certificate of Ownership can be used to document this requirement.
 - v. Records demonstrating that the product is or was being transported at the product owner's direction, or if the custom exempt facility is transporting product to another custom exempt facility for further processing. If an owner wishes to move custom exempt product from one custom exempt facility to another for further processing, the owner must demonstrate that they maintain control over the product, either by having direct physical control or by giving written direction to the custom facility owner or operator to move the product.
 - vi. Records documenting the implementation and monitoring of the Sanitation SOP if custom exempt operations are conducted in a federal or state inspected facility.
4. The facility is required to keep records for two years after December 31 of the year in which the record was made.

D. Pest Control (9 CFR 303.1(a)(2)(i), 381.10(a)(3) & (4), and 416.2(a)):

1. The facility must maintain the grounds around the operation to prevent conditions that could lead to insanitary conditions or adulteration of product. Facility operators must prevent the harborage and breeding of pests on the grounds and within the facility.
2. The plant operators must make every effort to prevent entry of insects, rodents, vermin, animals (e.g. dogs, cats, raccoons, skunks, etc.) and wild birds into the facility. Outside premises must be kept clean and tidy; rubbish must not accumulate, and weeds must be controlled to avoid harborage and breeding places.
3. The facility must use safe and effective pesticides.

E. Inedible Material Control including Specified Risk Materials (SRMs) (9 CFR 303.1 (a) (2) (i), 303.1 (b) (4), 381.10 (a) (4), 416.2 (b) (4), and 416.3 (c)):

1. The facility must handle and maintain inedible material to prevent the diversion of inedible animal products (including SRM) into human food channels, resulting in the adulteration of human food.
2. Inedible material (e.g. bones, intestines, lungs, heads, hooves, etc.), fat, and meat scraps must be in a watertight container, properly denatured and identified with a record showing how the inedible material will be disposed.
3. Custom exempt product cannot contain SRM. SRM are defined as the skull, brain, trigeminal ganglia, eyes, vertebral column, spinal cord, and dorsal root ganglia of cattle 30 months of age and older. The distal ileum of the small intestine and tonsils from all cattle are SRM, considered inedible and, therefore, are not to enter the food supply.
4. The facility must maintain records that document the ages of slaughtered cattle (less than 30 months or 30 months of age and older), that cattle were ambulatory at the time they were delivered to slaughter, and that Specified Risk Materials (SRM) were disposed of properly. The Vermont MI-C1 Certificate of Ownership can be used to document these requirements.

5. Cattle that are not ambulatory at the time they are delivered to slaughter must be condemned (9 CFR 309.3(e) and 303.1(f)).
6. If one custom exempt facility needs to transport carcasses with SRM (vertebral column) for removal and further processing to another custom exempt facility, it may do so if the owner directs in writing that this movement occurs. Each custom exempt facility should have a copy of the owner's written communication as evidence of the owner's continuing control.

F. Marking and Labeling Custom Exempt Products and Containers (9 CFR 303.1 (a) (2) (ii) & (iii), 316.16, 317.16, 381.10 (a) (3) and (4)).

1. Red meat carcasses and parts that are prepared on a custom basis shall be marked, "Not for Sale" with edible ink when it leaves the kill floor. Each primal cut must be marked "Not for Sale" with edible ink upon arrival at the processing facility, and a Certificate of Ownership completed (Vermont Form MI-C2), prior to entering the cooler. The wording may be on a tag or card securely attached to the meat, the immediate container, or paper wrapping the meat.
2. Each individual package must be marked "Not for Sale" immediately after being prepared and kept identified until delivered to the owner. The size of the lettering will not be smaller than 3/8 of one inch. Poultry shipping containers must add a label with the exempted statement "Exempted P.L. 90-492" and the owner's name and address.
3. The custom processing facility must remove the mark of inspection and mark the products "Not For Sale" when they process inspected product under the custom exemption for an individual owner.
 - i. Commingling of fat trimmings and meat trimmings from custom exempt products to facilitate rendering or sausage production is allowed when the owners involved accept the commingling. The proportionate distribution of product from the commingled trimmings must also be acceptable to the owners of the animals as indicated on records. All of the resulting commingled processed product must have the mark of inspection removed and must be clearly marked "Not for Sale."

G. Pathogen Control (9 CFR 303.1 (b) (1) and 381.10 (a) (3) & (4)):

1. Custom exempt facilities that cook product are to heat the product at a sufficient temperature and for a sufficient time to kill pathogens to prevent adulteration of products. The custom exempt facility must properly cool the product to prevent the growth of pathogens.
2. Cooking and cooling information and support can be found in the Appendix A USDA FSIS *Compliance Guidelines For Meeting Lethality Performance Standards For Certain Meat And Poultry Products* and Appendix B FSIS *Compliance Guideline for Stabilization (Cooling and Hot Holding) of Fully and Partially-Heat Treated RTE and NRTE Meat and Poultry Products Produced by Small and Very Small Establishments* which can be found here: <https://www.fsis.usda.gov/wps/portal/footer/policies-and-links/significant-guidance-documents>.
3. Trichinae/Raw Pork Control:
 - i. The facility must treat meat food products containing raw pork or pork as ingredient to destroy trichinae (excluding fresh pork products that are customarily well cooked in the home or elsewhere as defined by 9 CFR 318.10(a)).

- ii. Meat food products containing raw pork must be treated to destroy trichina and are subject to the control of restricted ingredients (i.e. curing agents). The plant operator must keep a time and temperature log for cooking to show what was done to destroy trichina (i.e. cook to temperature of 144 degrees Fahrenheit or above.) Cooking is only one way to destroy Trichina.
- iii. Freezing, smoking, and curing can also be used as outlined in the Vermont Statutes. Cross contamination with other species must be avoided. Swine carcasses and parts must not touch any other species and equipment must be cleaned after swine carcasses or parts are processed and before any other species is processed.
- iv. Additional guidance information to control Trichina can be found in USDA FSIS *Compliance Guideline for the Prevention and Control of Trichinella and Other Parasitic Hazards in Pork and Products Containing Pork* found here: <https://www.fsis.usda.gov/wps/wcm/connect/2ca75475-3efd-4fa7-8f34-7393c245a1df/Trichinella-Compliance-Guide-03162016.pdf?MOD=AJPERES>

H. Water Supply (42 U.S.C. Chapter 6A Section 300g-1, 40 CFR 141, and 9 CFR 416.2 (g) (1)):

- 1. The facility needs to have a supply of running water that complies with the National Primary Drinking Water Standards (NPDWS). Custom exempt operations conducted at non-inspected facilities cannot reuse water.
- 2. The initial potable water tests to meet both the NPDWS and the State of Vermont Regulations include Total coliform and E. coli test, Arsenic, chloride, fluoride, iron, manganese, nitrate, nitrite, sodium, uranium, pH and odor; Gross alpha radiation screening test and First Draw Lead. The tests must be done at a Certified Drinking Water lab. A list of certified labs can be found here: <https://ahsvt.maps.arcgis.com/apps/webappviewer/index.html?id=1814e5a1da074c69bf496caf4e24855d>
- 3. The NPDWS can be found here: https://www.epa.gov/sites/production/files/2015-11/documents/howepargulates_cfr-2003-title40-vol20-part141_0.pdf. The State of Vermont potable water regulations can be found here: <https://dec.vermont.gov/sites/dec/files/dwgwp/rorules/pdf/Wastewater-System-and-Potable-Water-Supply-Rules-April-12-2019.pdf>.
- 4. If your facility is on a public water supply, once the initial testing is complete, the public water supply company/agency or town will provide an annual potable water report that will be reviewed by MIS inspectors at least annually. If you are using a well, then water testing as detailed in H (2) above must be done every six (6) months.
- 5. The facility must provide sufficient quantities of water throughout the facility And there must be sufficient water available at a sufficient temperature and pressure to ensure proper cleaning of equipment. All non-potable water pipes must be separate from potable water pipes. If the operation reuses water for any purpose, the operator must ensure products do not become adulterated.

I. Sewage and Waste Disposal (9 CFR 303.1 (a) (2) (i), 381.10 (a) (3) & (4), and 416.2 (e) & (f)):

- 1. The facility must maintain sewage waste disposal systems that properly remove sewage and waste materials to prevent the adulteration of food products.

2. The plumbing system must provide adequate floor drainage. The system must prevent back-flow conditions and cross connections between piping systems that discharge wastewater or sewage, and piping systems that carry water for product manufacturing and prevent the backup of sewer gases.
3. The sewage system must be separate from all other drainage lines or other means to prevent backup of sewage into areas where product is processed, handled, or stored.
4. If the sewage disposal system is a private system, it must be approved/permited by a state or local health authority. Details on the State of Vermont Department of Environmental Conservation wastewater regulations, permitting requirements and office contact information can be found here: <https://dec.vermont.gov/water/ww-systems>.

J. Additional Requirements for Custom Exempt Operations at Official (State or Federal) Establishments:

1. In addition to the general requirements above that apply to all custom exempt operations, there are several requirements that only apply to custom exempt operations conducted at official establishments.
 - i. The establishment must segregate animals intended for custom exempt slaughter from animals designated for inspected slaughter. Once an establishment offers an animal for ante-mortem inspection, the establishment cannot change the animal status to “intended for custom exemption.”
 - ii. An official establishment can maintain a custom exempt operation if there is a complete physical separation of product and processes by time and space. The establishment must maintain separation of custom prepared product vs. inspected product throughout the process.
 - iii. The establishment must clearly mark all carcasses and parts from custom slaughter as “Not For Sale” (9 CFR 303.1 (a) (2) (iii) and 316.16) and separate the “Not For Sale” carcasses from carcasses and parts slaughtered under inspection (9 CFR 303.1 (a) (2) (ii)).
 - iv. When an establishment conducts custom exempt operations, such as cutting or boning, before the hours it operates under inspection, the establishment must ensure that before its employees begin working during the hours of operation under inspection, that they change outer garments, clean and sanitize their hands and clean and sanitize the facilities and equipment as described in the Sanitation SOPs.
 - v. The establishment will verify that field-slaughtered or farm-dressed carcasses or parts entering an official establishment for custom processing are delivered in a sanitary manner, ready for cutting up or processing, clearly marked “Not For Sale” upon entering any part of the facility and ensure cattle are ambulatory at the time of slaughter, as provided in writing by the owner of the animal (9 CFR 309.3 (e) and 303.1 (f)).