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INFORMATIONAL HANDOUT

WHAT IS CUSTOM MEAT?

MEAT *exempted* from Federal (USDA) Inspection is "CUSTOM MEAT" or "UNINSPECTED MEAT".

(FMIA Sec. 23. {U.S.C. 623} & 9 CFR 303.1 exemptions)

Custom Meat includes any part of a meat food animal: Cattle, Swine, Sheep, or Goat.

USDA, FSIS, Inspection operations regulates custom slaughter & custom processing meat facilities and operators. Custom meat is not Federally (USDA) Inspected at slaughter or during it's processing. This meat is intended exclusively for use, in the household of the owner only. The exemption from Federal (USDA) Inspection carries with it specific requirements for the use of the meat and all other parts of uninspected carcasses.

CUSTOM MEAT

WHAT YOU NEED TO DO AS A PARTICIPANT IN A CUSTOM MEAT TRANSACTION

SELLER OF LIVE ANIMAL

- ◆ Sale live animals only, transfer of ownership of any portion of a custom slaughtered and/or processed animal after slaughter is illegal.
- ◆ Complete the sales transactions prior to slaughter.
- ◆ Provide all names and addresses of buyers to slaughterer or cut/wrap processing facility.
- ◆ You can compensate employees with live animals only. Transfer of ownership of any portion of custom carcass after slaughter is illegal. The employee(s) as the owner of the live animal, must be listed at the Processing (cut/wrap) facility as the ultimate owner of the meat.

BUYER OF LIVE ANIMAL AND/OR GROWER/CONSUMER

- ◆ Complete all sales transactions while the animal is alive.
- ◆ Persons who raise their own animals and have them slaughtered and processed as custom meat are subject to the same provisions as buyers of live animals listed below
- ◆ Give detailed cutting instructions. Request all items from the carcass that you wish to be delivered to you. Include liver, heart, tongue, oxtail, head, and dog bones. You are the

owner of the complete carcass including these parts. If you do not wish the return of some carcass components tell the facility operator who then **must effectively denature** all portions capable of being used for human consumption.

- ◆ Custom meat is for the sole use of the owner **in their household**, for their immediate family, and non-paying guests and employees only.
- ◆ You may not sell, give away or transfer ownership of un-inspected meat in any way.

CUSTOM FARM SLAUGHTER

- ◆ Record accurate transaction information about the sale of the live animal. Ownership may include more than one party. Get the names and addresses of all owners to pass along to the cut/wrap processing operator.
- ◆ All animals must be identified with the words "NOT FOR SALE" along with the names of the owner(s).
- ◆ Identify all portions of the carcass with the owner including organ meats and other portions of the carcass that don't hang on the rail with the carcass.
- ◆ The custom farm slaughterer must denature and render and/or destroy all portions of the animal capable of being used for human consumption, not delivered to the custom facility. (9 CFR 303.1 (b) (4))

CUT/WRAP OPERATOR

PROVIDES THE SERVICE OF CUT AND WRAP AND DOES NOT OWN ANY PORTION OF THE CARCASS. ALL PORTIONS OF THE ANIMAL NOT RETURNED TO THE OWNER MUST BE DENATURED PRIOR TO DISCARDING.

- ◆ Properly identify the owners of all animals upon arrival at the facility including plainly marking each carcass and/or part "NOT FOR SALE". 9 CFR 303.1 (a) (1) (iii)
- ◆ Maintain owner's identity on all carcass parts throughout the cut/wrap process. **Names and addresses** of all owners of each animal must be included in your records. (9 CFR 303.1 (b) (3))
- ◆ **Denature** with ink or other approved denaturant, **all portions** capable of being used for human consumption **not returned to the owner**. i.e. heads, tails, hearts, livers, any trimmings not used, fat, bones etc.

9 CFR 303.1 (b) (4)

THE SOURCE OF FAT OR TRIM ADDED TO SAUSAGE OR OTHER GROUND CUSTOM MEAT PRODUCTS MUST:

- ◆ Be from Federally (USDA) Inspected meat products or,
- ◆ All fat trimmings and meat that make up fresh ground products, cooked comminuted products, dried products (Jerky) etc. must come from custom animals owned by the same customer who owns the product.

- ◆ Transfer of fat and/or trimmings derived from one custom owned carcass to one owned by another individual for use in a processed product is **not legal**. i.e. ground beef, Sausage, Jerky, Salami, Bologna, etc.

SANITATION REQUIREMENTS

- ◆ Establishments that conduct custom operations must be maintained and operated in accordance with the provisions of § 416.1 through §416.6 except for §416.2 (g)(2) through (6). If a custom exempt operations in an official establishment, however; all of the provisions of §416 will be met. If the custom operator handles any products for sale, they are to be kept separate and apart from the custom prepared products at all times while in their custody.

Note: This handout is for use as an informational guideline only. It is not intended to replace and/or amend any portion and/or sections of the FMIA. Sec. 23 {21 U.S.C. 623}

RETAIL MARKETS

May Not Sell Non Federally inspected (NFI) meat and/or meat food products in commerce.

May Not use other than Federally inspected meat in the preparation of products.

May Not represent meat to be Federally inspected when it is not inspected.

May Not can meat food products nor render fat products.

May Not cure, cook, smoke, or further process and sell meat food products to other than household consumers.

May Not sell products that they cut, prepare or package to another retail store.

May Not apply the mark of Federal Meat Inspection on products prepared or packaged at the retail market.

May Not handle meat or meat food products in a manner as to cause it to become adulterated or misbranded.

May Not process or sell adulterated or misbranded meat.

May Not slaughter livestock, except under custom exempt requirements.

Must identify the owners names and addresses and label all custom carcasses or custom processed meat products "NOT FOR SALE"

Must keep records and allow access to records.

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RETAIL/RESTAURANT/CENTRAL KITCHEN

FMIA (Federal Meat Inspection Act)

The provisions of this Act requiring inspection of the slaughter of animals and the preparation of carcasses, parts thereof, meat and meat food products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service of such articles to consumers at any such establishments if such establishments are subject to such inspection provisions only under this paragraph (c). For the purposes of this subparagraph, operations conducted at a restaurant central kitchen facility shall be considered as being conducted at a restaurant if the restaurant central kitchen prepares meat or meat food products that are ready to eat when they leave such facility and are served in meals or as entrees only to customers at restaurants owned or operated by the same person, firm, or corporation owning or operating such facility: *Provided*, That such facility may be subject to the inspection requirements under title I of the Act for as long as the Secretary deems necessary, if the Secretary determines that the sanitary condition, or practices of the facility or the processing procedures or methods at the facility are such that any of its meat or meat food products are rendered adulterated.

9 CFR Ch. III (Code of Federal Regulations - Animal & Animal Products)

303.1 (d)(1) The requirements of the Act and the regulations in this subchapter for inspection of the preparation of products do not apply to operations of types traditionally and usually conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments.

(2) For purposes of paragraph (d)(1) of this section:

(i) Operations of types traditionally and usually conducted at retail stores and restaurants are the following:

(a) **Cutting up, slicing, and trimming carcasses, halves, quarters, or wholesale cuts into retail cuts**

such as steaks, chops, and roasts, and freezing such cuts;

(b) **Grinding and freezing products made from meat;**

(c) **Curing, cooking, smoking, rendering, or refining of livestock fat, or other preparation of**

products, except slaughtering or the retort processing of canned products;

(d) **Breaking bulk shipments of products;**

(e) **Wrapping, or rewrapping products.**

(ii) Any quantity or product purchased by a consumer from a particular retail supplier shall be deemed to be a normal retail quantity if the quantity so purchased does not in the aggregate exceed one-half carcass. The following amounts of product will be accepted as representing one-half carcass of the species identified:

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One-half carcass pounds

Cattle-----	300
Calves-----	37.5
Sheep-----	27.5
Swine-----	100
Goats-----	25

- (iii) A retail store is any place of business where:
- (a) The sales of product are made to consumers only:

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(b) At least 75 percent, in terms of dollar value, of total sales of product represents sales to household consumers and the total dollar value of sales of product to consumers other than household consumers does not exceed the dollar limitation per calendar year set by the Administrator. This dollar limitation is a figure which will automatically be adjusted during the first quarter of each calendar year, upward or downward, whenever the Consumer Price Index, published by the Bureau of Labor Statistics, Department of Labor, indicates a change in the price of this same volume of product which exceeds \$500. Notice of the adjusted dollar limitation will be published in the Federal Register. **FOR Calendar year 2006, DOLLAR LIMITATION SET AT \$55,100 - MEAT; AND \$45,200 POULTRY PRODUCTS; TOTAL HRI (hotels, restaurants, & institutions) SALES.**

(c) **Only federally or State inspected and passed product** is handled or used in the preparation of any product, except that product resulting from the custom slaughter or custom preparation of product may be handled or used in accordance with paragraph (a)(2) and (b) of this section but not for sale;

(d) **No sale of product is made in excess of normal retail quantity** as defined in paragraph (d)(2)(ii) of this section;

(e) **The preparation of products for sale to household consumers is limited to traditional and usual operations** as defined in paragraph (d)(2)(i) of this section; and

(f) The preparation of products for sale to other than household consumers is limited to traditional and usual operations as defined in paragraph (d)(2)(i)(a), (b), (d), and (e) of this section. **{NOTE: PARAGRAPH (c) Curing, cooking, smoking, rendering or refining is not included. This prohibits the sale of any multiple ingredient meat food product prepared by the retail store to other than household consumers.}** (A retail store at which custom slaughtering or preparation of products is conducted is not thereby disqualified from exemption as a retail store under this paragraph (d).)

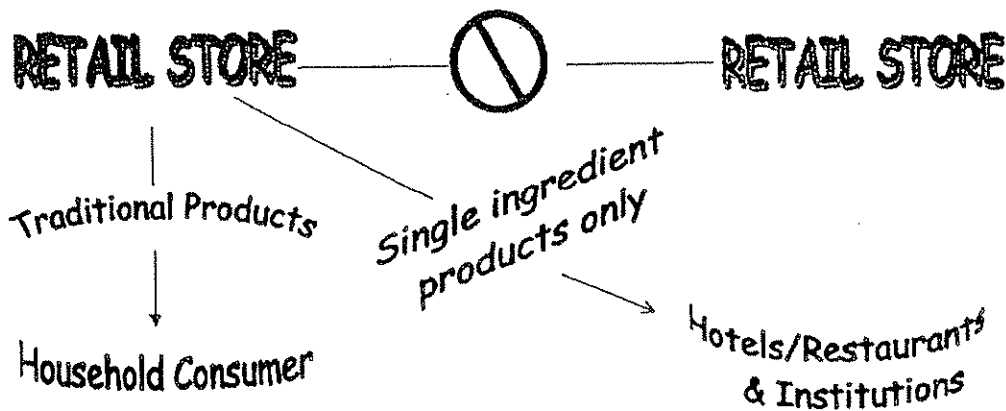
(iv) *Restaurants.*

RETAIL/RESTAURANT/CENTRAL KITCHEN

(a) A restaurant is any establishment where: (1) Product is prepared only for sale or service in meals or entrees directly to individual consumers at such establishment; (2) Only federally or State inspected and passed product or such product prepared at a retail store exempted under paragraph (d)(2)(iii) of this section is handled or used in the preparation of any product; (3) No sale of product is made in excess of a normal retail quantity as defined in paragraph (d)(2)(ii) of this section; and (4) The preparation of product is limited to traditional and usual operations as defined in paragraph (d)(2)(i) of this section.

(b) The definition of a restaurant includes a caterer which delivers or serves product in meals, or as entrees, only to individual consumers and otherwise meets the requirements of this paragraph.

(c) For the purposes of this paragraph, operations conducted at a restaurant central kitchen facility shall be considered as being conducted at a restaurant if the restaurant central kitchen prepares meat or meat food products that are ready to eat when they leave such facility (i.e., no further cooking or other preparation is needed, except that they may be reheated prior to serving if chilled during transportation), transported directly to a receiving restaurant by its own employees, without intervening transfer or storage, maintained in a safe, unadulterated condition during transportation, and served in meals or as entrees at restaurants, or through vending machines, owned or operated by the same person that owns or operates such facility, and which otherwise meets the requirements of this paragraph.



PART 3 EXEMPTIONS

Subpart 3-A

(Regs: M-303; P-Subpart C)

- 3.1 GAME ANIMALS
- 3.2 CATALO OR CATTALO
- 3.3 BEEFALO
- 3.4 CUSTOM PRODUCT
- 3.5 RETAIL EXEMPTION AT OFFICIAL PLANT
- 3.6 EQUINES

TITLE: 3.2 CATALO OR CATTALO

This is a hybrid animal with bison appearance resulting from direct crossbreeding of bison and cattle.

It is not amenable to the Federal Meat Inspection Act, but may be slaughtered under the reimburseable inspection program (Part 350 of the regulations).

TITLE: 3.3 BEEFALO

Beefalo are a breed of cattle (3/8 bison and 5/8 domestic cattle) recognized by the American Beefalo World Registry (ABWR), the national organization representing beefalo producers. These animals are amenable to the Federal Meat Inspection Act. The ABWR has established a Meat Registry program to register animals intended to be marketed for meat purposes. An animal presented for slaughter as a Beefalo must be accompanied by documentation that this animal is registered in ABWR's Meat Registry program. Products from such animals may be labeled as Beefalo beef. If such documentation is not provided, products from the animal are to be identified as beef. Control procedures for product bearing the label Beefalo Beef are contained in Section 17.13(n).

TITLE: 3.4 CUSTOM PRODUCT

(a) Identification; Separation

Field dressed game carcasses may be custom processed by official establishments in rooms where edible products are handled, provided they are kept separate and identified, and their handling does not hinder inspection.

TITLE: 3.5 RETAIL EXEMPTION AT OFFICIAL PLANT

Preparation of meat or meat products and slaughter and/or preparation of poultry and poultry products, for exclusive retail sale, may be exempt from inspection provided they:

1. Are conducted in separate facilities or rooms, or at a different time from operations requiring inspection. When conducted at a different time, a work schedule, signed by the owner or operator and outlining all retail activities and hours of operation, must be on file and available to MPI personnel.

2. Do not result in a nuisance or an insanitary condition to area(s) where operations require inspection, and all products prepared for retail sale are kept separate from inspected products.

TITLE: 3.6 EQUINES

The Federal Meat Inspection Act, as amended, specifically exempts from inspection the custom slaughter and preparation of carcasses, parts thereof, meat and meat food products of cattle, sheep, swine, and goats delivered by the owner, exclusively for use in his household, by him and members of his household, employees and nonpaying guests.

It should be noted that horses, mules, and other equines are not listed among those animals that may be slaughtered or processed for the owner on a custom basis. Therefore, the custom exempt slaughter and preparation of carcasses, parts, meat and meat food products of such animals is not permissible.

SUBCHAPTER E—REGULATORY REQUIREMENTS UNDER THE FEDERAL MEAT INSPECTION ACT AND THE POULTRY PRODUCTS INSPECTION ACT

PART 416—SANITATION

- Sec. 416.1 General rules.
 416.2 Establishment grounds and facilities.
 416.3 Equipment and utensils.
 416.4 Sanitary operations.
 416.5 Employee hygiene.
 416.6 Tagging insanitary equipment, utensils, rooms or compartments.
 416.11 General rules.
 416.12 Development of sanitation SOP's.
 416.13 Implementation of SOP's.
 416.14 Maintenance of Sanitation SOP's.
 416.15 Corrective Actions.
 416.16 Recordkeeping requirements.
 416.17 Agency verification.

AUTHORITY: 21 U.S.C. 451-470, 601-696; 7 U.S.C. 450, 1901-1906; 7 CFR 2.18, 2.53.

SOURCE: 61 FR 38668, July 25, 1996, unless otherwise noted.

§ 416.1 General rules.

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

(64 FR 56417, Oct. 20, 1999)

§ 416.2 Establishment grounds and facilities.

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

(b) *Construction.* (1) Establishment buildings, including their structures, rooms, and compartments must be of sound construction, be kept in good repair, and be of sufficient size to allow for processing, handling, and storage of

product in a manner that does not result in product adulteration or the creation of insanitary conditions.

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

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

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

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

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

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

- (1) Carry sufficient quantities of water to required locations throughout the establishment;
- (2) Properly convey sewage and liquid disposable waste from the establishment;
- (3) Prevent adulteration of product, water supplies, equipment, and utensils and prevent the creation of insanitary conditions throughout the establishment;
- (4) Provide adequate floor drainage in all areas where floors are subject to

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flooding-type cleaning or where normal operations release or discharge water or other liquid waste on the floor;

(5) Prevent back-flow conditions in and cross-connection between piping systems that discharge waste water or sewage and piping systems that carry water for product manufacturing; and

(6) Prevent the backup of sewer gases.

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

(g) *Water supply and water, ice, and solution reuse.* (1) A supply of running water that complies with the National Primary Drinking Water Regulations (40 CFR part 141), at a suitable temperature and under pressure as needed, must be provided in all areas where required for processing product, for cleaning rooms and equipment, utensils, and packaging materials, for employee sanitary facilities, etc.). If an establishment uses a municipal water supply, it must make available to FSIS, upon request, a water report, issued under the authority of the State or local health agency, certifying or attesting to the potability of the water supply. If an establishment uses a private well for its water supply, it must make available to FSIS, upon request, documentation certifying the potability of the water supply that has been renewed at least semi-annually.

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

(3) Water, ice, and solutions used to chill or wash raw product may be re-

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

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

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

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

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

(2) Lavatories with running hot and cold water, soap, and towels, must be placed in or near toilet and urinal

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rooms and at such other places in the establishment as necessary to ensure cleanliness of all persons handling any product.

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

[64 FR 56417, Oct. 20, 1999]

§416.3 Equipment and utensils.

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

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

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

[64 FR 56417, Oct. 20, 1999]

§416.4 Sanitary operations.

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

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

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

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

[64 FR 56417, Oct. 20, 1999]

§416.5 Employee hygiene.

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

(b) Clothing. Aprons, frocks, and other outer clothing worn by persons who handle product must be of material that is disposable or readily cleaned. Clean garments must be worn at the start of each working day and garments must be changed during the day as often as necessary to prevent adulteration of product and the creation of insanitary conditions.

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

[64 FR 56417, Oct. 20, 1999]

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

When an FSIS program employee finds that any equipment, utensil, room, or compartment at an official establishment is insanitary or that its use could cause the adulteration of product, he will attach to it a "U.S.

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Rejected" tag. Equipment, utensils, rooms, or compartments so tagged cannot be used until made acceptable. Only an FSIS program employee may remove a "U.S. Rejected" tag.

[64 FR 56417, Oct. 20, 1999]