

Guidelines for Exempt Poultry Operations

MEAT, POULTRY AND EGG SAFETY BRANCH (MPES) GUIDELINES FOR POULTRY MEAT SALES

The purpose of these Guidelines is to provide regulatory clarification to those who raise poultry in California and are desirous to sell poultry meat products within the framework of existing federal (United States Department of Agriculture (USDA), state (California Department of Agriculture (CDFA), and county/city applicable regulations, codes, and ordinances.

Federal Code of Regulations

<https://www.ecfr.gov/current/title-9/chapter-III/subchapter-A/part-381>

California Food and Agriculture Code

https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=FAC&division=12.&title=&part=1.&chapter=2.&article=3.

California Code of Regulations

[https://govt.westlaw.com/calregs/Document/I5C0E04A35A0D11EC8227000D3A7C4BC3?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I5C0E04A35A0D11EC8227000D3A7C4BC3?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

The following is a summary of applicable requirements from local, state, and federal levels:

Local (county/municipality)

Local government may have many, and different from each other, local requirements regarding raising, slaughtering, and sales of poultry meat, therefore no attempt has been made to list such requirements.

Poultry producers and growers should contact local authorities and determine such requirements prior to engaging in such operations that apply to raising, slaughtering, and selling of poultry meat in California. All poultry operations, that are exempt from federal and state inspection requirements, are not exempt from local regulations, including but not limited to:

- County and Municipal Zoning, Planning and Building Department laws, ordinances and requirements for all poultry production and processing operations, permitting building construction, expansion or modification, and compliance with Americans with Disabilities Act (ADA) and review of accessibility of retail facilities, as applicable
- Business licensing or permit requirements, as applicable
- Local County retail food production and sales limitations as applicable
- Labeling, and product representation requirements (county, state and federal)
- Environmental Health Services (EHS) requirements for selling poultry at specific points of sale, (e.g., Certified Farmer's Markets)

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State (CDFA)

A poultry meat producer is exempt from CDFA regulatory inspectional requirements when produced under an alternative CDFA recognized inspection system (e.g., USDA). However, in the State of California, any packing, repacking, or cutting up or recutting of poultry meat products, except in a retail store or public eating house, shall be conducted in a CDFA licensed poultry plant.

A poultry meat producer is also exempt from CDFA regulatory inspectional requirements if they produce processed poultry in a manner that meets the criteria for one or both state exemptions.

CDFA exempt poultry operations are not required to register as a Custom Exempt Poultry Establishment with CDFA, but the poultry products produced by an exempt operation can only be sold directly to individual customers at specified locations within the state of California.

CDFA exempt Growers/Producers who wish to expand their sales options (e.g., Hotels, Restaurants, Institutions (HRI) other than direct sales to retail customers will first need to obtain CDFA licensing for such sales expansion.

A CDFA licensed Poultry Plant may not be used to slaughter or process another person's poultry, except when the USDA Administrator grants such exemption after determining, upon review of a person's application, that such an exemption will not impair effectuating the purposes of the Act (PPIA).

[https://www.ecfr.gov/current/title-9/part-381#p-381.10\(b\)\(2\)](https://www.ecfr.gov/current/title-9/part-381#p-381.10(b)(2))

It is important to note that there is no CDFA production number limitations for CDFA licensed poultry plant or exempt poultry operation.

Federal (USDA)

California is a "Designated State" meaning California's Meat and Poultry Inspection (MPI) system is NOT recognized by the USDA as an "Equal To" USDA inspection system and therefore all poultry meat producing operations within the state of California (both CDFA licensed and un-licensed Custom Exempt operations) are a Federal exempt poultry operation.

All CDFA licensed and un-licensed exempt poultry grower/producer are only exempt from federal mandatory bird by bird inspection requirements. They are still required to comply with other federal requirements, detailed in 9 CFR 381.10 Subpart C Exemptions:

<https://www.ecfr.gov/current/title-9/chapter-III/subchapter-A/part-381>

Under 1,000 birds annual federal limitation - A poultry producer is only **exempt** from all federal regulatory inspectional requirements and reviews for compliance with USDA regulations if less than 1,000 birds are produced, processed annually by the poultry producer.

Between 1,000 and 20,000 annual birds federal limitation – production numbers, total dollar amount of sales, percentage limitations, and other requirements do apply for more than 1,000 birds

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produced/processed up to 20,000 birds and are specific to the federal exemption which the processor is claiming to be operating under during a calendar year.

Guidance for Determining Whether a Poultry Slaughter or Processing Operation is Exempt from Inspection Requirement of the Poultry Products Inspection Act can be reviewed at;
<https://www.fsis.usda.gov/guidelines/2006-0001>

SUMMARY

To operate a state exempted Custom Exempt Poultry Operation in excess of the 1,000-bird federal limitation in California, the producer/processor must meet all of the following criteria.

- a) Meet local governmental requirements,
- b) Qualify for exemption from state inspection,
- c) Comply with one of the exemptions from Federal inspection

A poultry operation that complies with local laws/ordinances, qualifies for a CDFA exemption, and meets one of USDA's above 1,000 bird exemptions, does not need its poultry slaughter/processing operation to be inspected by CDFA, but will be subject to periodic reviews by the USDA for compliance with the requirements for the operation's claimed federal exemption by the USDA's Compliance Investigative Division (CID) and subject to other investigations by local enforcement agencies if warranted.

ADDITIONAL INFORMATION

1. Best Manufacturing Practices (BMP) Poultry Slaughter
https://www.cdfa.ca.gov/AHFSS/MPES/pdfs/BMP_PoultrySlaughter.pdf
2. Exempt Poultry Questions from CDFA to USDA
<https://www.cdfa.ca.gov/AHFSS/MPES/pdfs/ExemptPoultryQuestionCDFAtoUSDA.pdf>
3. Exempt Poultry Flow Chart
<https://www.cdfa.ca.gov/AHFSS/MPES/pdfs/CSAExemptPoultryFlowchart.pdf>