

**DEPARTMENT OF FOOD AND AGRICULTURE
MEAT, POULTRY AND EGG SAFETY BRANCH
INITIAL STATEMENT OF REASONS**

Hearing Date

No hearing is scheduled for this proposal. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department of Food and Agriculture no later than 15 days prior to the close of the written comment period.

Subject Matter of Proposed Regulations

Custom Livestock Slaughterhouses

Sections Affected

Adopt sections 901.12, 901.13 and 908.12; Amend sections 900 and 904.15

Specified Purpose of Each Adoption, Amendment, or Repeal

Existing law, Chapter 4 (commencing with section 18650), Chapter 4.1 (commencing with section 18940); and Chapter 6 (commencing with section 19501), of Part 3, Division 9, and Chapter 3 (commencing with section 24951) of Part 1, Division 12, Food and Agricultural Code, authorize the Department of Food and Agriculture (Department) to regulate Custom Livestock Slaughterhouses and meat and poultry processing plants. The facilities are exempt from inspection by the United States Department of Agriculture (USDA) but require a license and inspection in California.

Existing regulations for the slaughter of livestock and other animals and the processing of meat and poultry are found under Subchapter 1 (commencing with section 900) of Chapter 4, Division 2, of Title 3 of the California Code of Regulations.

This proposal will augment the sanitation and safe handling procedures for meat and poultry at Custom Livestock Slaughterhouses and require that safe handling instructions are to be provided to the customer for the proper handling, storing and cooking of meat and poultry. This proposal would adopt sections 901.12, 901.13 and 908.12, and amend sections 900 and 904.15 of Subchapter 1, Chapter 4, Division 2, of Title 3 of the California Code of Regulations.

The Department has conducted a search of applicable existing statutes and regulations relating to meat and poultry slaughter and processing procedures. The Department does not believe the proposed regulations are inconsistent or incompatible with existing state regulations.

Problems Intended To Address

The Department needs to augment its sanitation, pathogen reduction, and consumer education procedures at Custom Livestock Slaughterhouses due to recent Salmonella outbreaks associated with these State-inspected slaughter facilities.

Statement of Factual Basis and Rationale

The Department's Meat, Poultry and Egg Safety Branch (Branch) licenses and inspects the following meat, poultry and egg production establishments that are exempt from federal (USDA) inspection:

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- Meat Processing Establishments that prepare meat and poultry products by curing, smoking for preservation, drying, or rendering for retail sales only, except products of fallow deer, which can be transported and sold in commerce.
- Custom Livestock Slaughterhouses that slaughter cattle, sheep, swine, goats and fallow deer raised or bought live by owners. The meat from cattle, sheep, swine and goats is used by the animal's owner, members of the owner's household, nonpaying guests and employees. It cannot be sold. Fallow deer meat can be transported and sold in commerce.
- Poultry Plants that slaughter species that don't require (non-amenable) federal inspection: rabbits; small game birds such as quail, pheasant, and partridge, or
 - Retail Poultry Plants that sell live poultry and slaughter them for customers or
 - Non-retail Poultry Plants that slaughter or process fewer than 20,000 poultry of all amenable species (chickens, ducks, geese, guineas, squab and ratites) or fewer than 5,000 turkeys a year.
- The branch also trains, licenses and evaluates Poultry Meat Inspectors (PMIs) who inspect poultry and rabbits in licensed poultry plants, Livestock Meat Inspectors (LMIs) who inspect livestock in licensed custom livestock slaughterhouses and Processing Inspectors (PIs) who inspect meat and poultry products in licensed retail meat processing establishments. PMI's, LMI's and PI's also enforce sanitation standards, pest control, humane handling and slaughter, inedible/condemned material control, marking and labeling and record-keeping requirements in licensed plants.

Additionally the branch licenses and inspects the following:

- Renderers who recycle animal carcasses, packinghouse waste and inedible kitchen grease into animal feed ingredients and inedible industrial fats, oils, and other products.
- Collection Centers used for temporary storage of animal carcasses, packinghouse waste and inedible kitchen grease before transport to a licensed rendering plant.
- Dead Animal Haulers who transport carcasses of dead livestock and horses.
- Pet Food Slaughterers who slaughter animals for use as pet food.
- Pet Food Processors who prepare fresh or frozen raw meat products for pet food.
- Pet Food Importers of fresh or frozen raw meat, meat by-products, horsemeat, poultry meat or poultry meat by-products for pet food or horsemeat for human food.
- Egg Safety and Quality Management Program inspects and regulates shell egg quality and production at the wholesale and retail levels.
- Registers transporters of inedible kitchen grease for commercial or personal use.
- Inspection of imported, slaughtered non-amenable poultry species shipped to California from other countries and reviews for approval or disapproval inspection systems of other states and foreign countries desiring to ship slaughtered non-amenable poultry species to California.
- Review sanitation and records at Federally Exempt Establishments (locker plants that cut, wrap and process meat from farm killed livestock; custom livestock slaughterhouses; poultry plants).
- Conducts Compliance Investigations into alleged violations of sections of the Food and Agricultural Code pertaining to the above activities.

Custom Livestock Slaughterhouses slaughter customers' livestock (cattle, swine, sheep and goats) for the customer's own use. The meat is labeled, "Not for Sale" and may not be sold. Only meat from fallow deer may be sold to the public. Custom Livestock Slaughterhouses are defined in section 18946 of the Food and Agricultural Code, to mean a licensed establishment where (a) cattle, sheep, swine, or goats are slaughtered and prepared for the owners of the livestock, and (b) fallow deer are slaughtered and prepared for transportation and/or sale.

Recently, the Department has become aware of food borne Salmonella bacteria outbreaks associated with Custom Livestock Slaughterhouses, which are licensed by the Department and inspected by Livestock Meat Inspectors (LMIs).

Salmonella infection or salmonellosis is a bacterial disease of the intestinal tract. Salmonella is a group of bacteria that cause typhoid fever, food poisoning, gastroenteritis, enteric fever and other illnesses. People become infected mostly through contaminated water or foods, especially meat, poultry and eggs. Salmonella can be fatal to persons with weakened immune systems, or to infants and children in some case, but some severe cases can be affectively treated with antibiotics. Salmonella live in the intestines of birds, animals and humans. Most human infections are caused by eating food or drinking water that has been contaminated by feces (excrement). The most common ways of contracting Salmonella are from (1) uncooked meat and poultry - contamination most commonly occurs during the slaughtering process; (2) uncooked eggs - Salmonella can be present in the eggs when laid if the chicken is infected, or; (3) lack of hygiene - kitchen surfaces that are not kept clean, lack of hand washing procedures during food preparation or handling raw meats or poultry. A person with contaminated hands can pass the infection on to other people by touching them, or touching surfaces which others then touch.

Beginning in 2011, a pattern of illnesses associated with the Department's licensed and inspected Custom Livestock Slaughterhouses became evident, as follows:

August 2011: One illness due to Salmonella that was associated with meat from two pigs purchased and harvested at a Custom Livestock Slaughterhouse in Orland, California;

July 2012: Four people were affected with an outbreak of Salmonella that was associated with a beef cow purchased and harvested at a Custom Livestock Slaughterhouse in Gilroy, California;

November 2012: One outbreak of Salmonella sickened five people and was associated with a lamb purchased and harvested at a Custom Livestock Slaughterhouse in Corona, California.

May 2013: Three additional Salmonella outbreaks associated with another Department-licensed and inspected Custom Livestock Slaughterhouse in Fresno, California, resulting in more than 120 people becoming ill.

March and May 2013: Three further outbreaks reported by the California Department of Public Health are under investigation and suspected to involve meat from another Custom Livestock Slaughterhouse, licensed and inspected by the Department.

Therefore, the Department believes it is necessary to augment its regulations relating to sanitation, pathogen reduction, and consumer education at Custom Livestock Slaughterhouses in accordance with sections 407, 18693, 18735, 18960, 18961 and 19014 of the Food and Agricultural Code.

The proposal is outlined below.

1) Amend the definitions in section 900 of Article 1, Subchapter 1, Chapter 4, Division 2, of Title 3 of the California Code of Regulations.

For clarity purposes and consistency with existing Articles of Subchapter 1, the Department is adding definitions for terms used in this proposal. Subsection (b)(22) is added to specify that “fecal material” or “ingesta” means any foreign matter that is brown, yellow or green and that has a fibrous or plant material texture. Subsections (b)(22) through (b)(56) are renumbered due to the addition of subsection (b)(22). Subsection (b)(57) is added to specify that “viscera” means the internal organs and glands contained in the thoracic and abdominal cavities.

2) Adopt new sections 901.12 and 901.13 of Article 2, Subchapter 1, Chapter 4, Division 2, of Title 3 of the California Code of Regulations.

Proposed new section 901.12 is needed to clarify that customers who bring their animals for slaughter are not allowed in slaughter areas unless they receive permission from authorized plant personnel to observe the slaughter of their own animals, but not interfere with the slaughter process.

Custom Livestock Slaughterhouses are licensed facilities by the Department of Food and Agriculture and must operate under sanitary conditions in accordance with section 19017 of the Food and Agricultural Code. Section 18948 of the Food and Agricultural Code, defines “sanitary” to mean free from dirt, filth, and contamination and free from any other substance or organisms which are known to be injurious to human health or which would render the product adulterated.

Many owners of the animal [or a representative] wish to be present to observe the preparation for slaughter of their animal. For Custom Livestock Slaughterhouses, the Department licenses Livestock Meat Inspectors (LMIs) who conduct ante mortem and post mortem inspections while plant personnel slaughter the animals for customers. LMI's enforce sanitation standards, pest control, humane handling and slaughter, inedible/condemned material control, and marking and labeling requirements in licensed plants in accordance with sections 18990 and 18991 of the Food and Agricultural Code.

Some customers may request, and receive permission by authorized plant personnel, to bleed their own animal after stunning and before the slaughter process begins. This is allowable under this proposal and is consistent with Food and Agricultural Code section 19501(a)(2) regarding certain religious practices for animal slaughter.

Customer involvement in the slaughter and stunning/bleeding process has long been an issue with the Department in Custom Livestock Slaughterhouses. Many customers wish to be present to prepare their own animals for slaughter [e.g., cleaning, singeing, or retaining blood from the animal]. There have been numerous instances when customers have eviscerated their own animals, resulting in spillage of intestinal contents on the skinned carcass, which can result in contamination of the carcass. However, such practices are allowable only in the presence of authorized plant personnel. This is because pathogenic bacteria, such as E. coli and Salmonella, often reside in the digest tracks of livestock and are also commonly found on the skin. It is almost impossible to skin and eviscerate an animal without getting some contamination from the digestive system and/or skin on the surface of the carcass muscles. Visible contamination can be trimmed

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off but some contamination is microscopic and cannot be seen. Organic acid rinses consistently remove over 95 percent of this contamination from treated carcasses. Pathogenic bacteria, such as E. coli and Salmonella can cause human illness if ingested. Therefore, it is important that only trained plant personnel perform the actual slaughter of the animal, and supervise the bleeding of the animal. Also, there have been instances of customers performing inhuman slaughter of their animals in these State-inspected establishments. Therefore, it is critical that customers and animals be protected by limiting slaughter activities to trained and experienced plant personnel which will serve to prevent any food borne illnesses from contaminated meat and to protect animals from inhumane handling and slaughter.

The Department believes that the adoption of proposed regulation section 901.12 will serve to prevent unsanitary conditions in a slaughter establishment and thereby serve to prevent disease outbreaks, such as Salmonella from raw meat that is inspected, cut, packaged, and labeled for a customer.

Proposed new section 901.13 is needed to clarify that only plant personnel may actually slaughter the animal after ante mortem inspection is conducted by an LMI to inspect the carcass for any disease conditions. The owner [or a representative of the owner] may prepare the animal for slaughter, only after ante mortem inspection by an LMI [as stated above in proposed regulation section 901.12] however, they may not slaughter the animal.

Some customers may request, and receive permission by authorized plant personnel, to bleed their own animal after stunning and before the slaughter process begins. This is allowable under this proposal and is consistent with Food and Agricultural Code section 19501(a)(2) regarding certain religious practices for animal slaughter.

When the animal is slaughtered by plant personnel, the LMI conducts a post mortem inspection of the carcass. If the carcass passes both ante mortem and post mortem inspection by an LMI, then it will be marked showing the Department's stamp as passing inspection, and the meat will be released to the customer.

As stated, there have been numerous instances when customers have eviscerated their own animals, resulting in spillage of intestinal contents on the skinned carcass which can result in contamination of the carcass. Therefore, it may only take place in the presence of authorized plant personnel to ensure proper procedures are followed. Pathogenic bacteria, such as E. coli and Salmonella, often reside in the digest tracks of livestock and are also commonly found on the skin. It is almost impossible to skin and eviscerate an animal without getting some contamination from the digestive system and/or skin on the surface of the carcass muscles. Visible contamination can be trimmed off but some contamination is microscopic and cannot be seen. Organic acid rinses consistently remove over 95 percent of this contamination from treated carcasses. Pathogenic bacteria, such as E. coli and Salmonella can cause human illness if ingested. Therefore, it is important that only trained plant personnel perform the actual slaughter of the animal, and not customers. It is critical that customers and animals be protected by limiting slaughter activities to trained and experienced plant personnel which will serve to prevent any food borne illnesses from contaminated meat and to protect animals from inhumane handling and slaughter.

Additionally, the LMI will maintain control of any blood and viscera from the animal and release it to the customer only after the carcass has passed post mortem inspection. This is because if the

carcass is found to show any disease conditions that would render the carcass and the meat from the carcass as condemned, the entire carcass, including the meat, blood and viscera would need to be condemned and disposed of by a LMI.

These procedures will ensure conditions at the slaughter establishments remain sanitary, as defined in section 18948 of the Food and Agricultural Code, which states that “sanitary” means free from dirt, filth, and contamination and free from any other substance or organisms which are known to be injurious to human health or which would render the product adulterated.

3) Amend section 904.15 of Article 5, Subchapter 1, Chapter 4, Division 2, of Title 3 of the California Code of Regulations.

The Department is amending section 904.15(a) to include, for clarity purposes, the term “ingesta”, as defined in regulation section 900, as amended by this proposal. This accurately describes some of the materials found when a carcass is inspected that could cause contamination of the carcass and the meat from the carcass.

Subsections 904.15(a)(1), (2), and (b)(1), (2) and (3) are added to clarify the procedures for treating the skinned carcasses to ensure they are free from contamination that would render the meat unfit for human consumption. The cleaning and sanitizing procedures are intended for plant personnel to reduce bacterial contamination. As stated, pathogenic bacteria, such as E. coli and Salmonella, often reside in the digest tracks of livestock and are also commonly found on the skin. When an animal is eviscerated and skinned, it is almost impossible to do so without getting some contamination from the digestive system and/or skin on the surface of the carcass muscles. Visible contamination can be trimmed off but some contamination is microscopic and cannot be seen. Organic acid rinses consistently remove over 95 percent of this contamination from treated carcasses. Pathogenic bacteria, such as E. coli and Salmonella can cause human illness if ingested. Therefore, it is critical that trained and experienced plant personnel adhere to these regulatory requirements which will serve to prevent any food borne illnesses from contaminated meat.

Additionally, the last subsection (b) is relettered to (c) for consistency and accuracy purposes to designate each subsection of regulation section 904.15.

4) Adopt section 908.12 of Article 9, Subchapter 1, Chapter 4, Division 2, of Title 3 of the California Code of Regulations.

Proposed new section 908.12 is needed to specify the safe handling instructions for meat from the slaughtered animal that has passed ante mortem and post mortem inspection by an LMI, and has been labeled and released to the customer.

Food borne illness is often due to people mishandling meat and poultry after they purchase it. Improper refrigeration and cooking and cross contamination of other foods are frequent factors involved in food borne disease outbreaks. Customers at Custom Livestock Slaughterhouses normally take their meat home before it has been chilled and refrigerated. If the meat is not promptly put under refrigeration, pathogenic bacteria can multiply making the food potentially hazardous. It is very important that customers be educated about the proper handling of their meat products.

Therefore, the Department is proposing to require that safe handling instructions be given to customers at the time the meat is given to the customer. A variety of ways to provide the customer with safe handling instructions is allowable, as specified, either placing it on the label, container, or as a flyer, and it must be readable, at least 1/8 inches in height.

The safe handling instructions must provide instructions for sanitation and hand washing to reduce contamination to the meat product. The Department is require the following temperature statements for cooking meat, which are the minimum standards for destroying harmful food borne bacteria, such as E. coli or Salmonella, that may be present:

- *Ground meat should be cooked to a minimum internal temperature of 160 degrees Fahrenheit*
- *Other meat products should be cooked to a minimum internal temperature of 145 degrees Fahrenheit and then allowed to sit three minutes before serving.*
- *Poultry products should be cooked to a minimum internal temperature of 165 degrees Fahrenheit."*

Leftover meats must be either discarded, or immediately refrigerated to prevent food borne illnesses from E. coli or Salmonella. Leftovers must be reheated to at least a minimum internal temperature of 140 degrees Fahrenheit. And a graphic illustration of a thermometer may be used to help customers understand the statement.

The Department believes that these pathogen reduction measures will make meat safer and will prolong shelf life of product. The safe handling statements are meant to educate customers that meat might have pathogenic bacteria on it and they need to refrigerate, handle and cook meat in a way that will protect them from food-borne illness.

Technical, Theoretical, and Empirical Study, Report, or Similar Document

- Custom Livestock Slaughter Illustration & General Information
- Economic Impact Assessment

Statement of Justification for Prescriptive Standards

This regulation does not mandate the use of specific technologies or equipment or prescriptive standards.

Consideration of Reasonable Alternatives

No reasonable alternative considered or that has otherwise been identified and brought to the attention of the Department would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. This proposal specifies the safe handling of meat and poultry at Custom Livestock Slaughterhouses in accordance with sections 407, 18693, 18735, 18960, 18961 and 19014 of the Food and Agricultural Code.

Reasonable alternatives the Department has identified that would lessen any adverse impact on small business

No alternatives were identified by the Department and no adverse impact to small businesses is anticipated. This proposal specifies the safe handling of meat and poultry at Custom Livestock Slaughterhouses in accordance with sections 407, 18693, 18735, 18960, 18961 and 19014 of the Food and Agricultural Code.

Benefits of the Proposed Regulations

This proposal benefits the public and the Custom Livestock industry. The purpose is to augment the sanitation, pathogen reduction and consumer education procedures at Custom Livestock Slaughterhouses due to recent Salmonella outbreaks associated with these State-licensed and inspected slaughter facilities. The proposed requirements will serve to ensure that meat and poultry products are clean, safe and wholesome for human consumption. Custom Livestock Slaughterhouses are defined in section 18946 of the Food and Agricultural Code, to mean a licensed establishment where (a) cattle, sheep, swine, or goats are slaughtered and prepared for the owners of the livestock, and (b) fallow deer are slaughtered and prepared for transportation and/or sale. Conditions at slaughter facilities must be sanitary, as defined in section 18948 of the Food and Agricultural Code, which states that “sanitary” means free from dirt, filth, and contamination and free from any other substance or organisms which are known to be injurious to human health or which would render the product adulterated. If meat and poultry at slaughter are not properly handled, packaged, and labeled to describe safe handling of the raw meat could cause contamination of the products. If the meat is not refrigerated and cooked properly, it could cause food borne illnesses, such as Salmonella, which is the most common form of food poisoning. This proposal also requires that safe handling statements must be provided to customers which are meant to educate customers that meat might have pathogenic bacteria on it and they need to refrigerate, handle and cook meat in a way that will protect them from food-borne illness.

Facts, evidence, documents, testimony, or other evidence of no significant adverse impact on business

No facts, evidence, documents, testimony, or other evidence of no significant adverse economic impact on business have been identified. This proposal specifies the safe handling of meat and poultry at Custom Livestock Slaughterhouses in accordance with sections 407, 18693, 18735, 18960, 18961 and 19014 of the Food and Agricultural Code.

Persons/Businesses affected by this proposal:

- There are approximately 38 licensed Custom Livestock Slaughterhouses in California. In Fiscal Year 2012/13 approximately 112,384 head of livestock were slaughtered that weighed a total of approximately 22,127,014 pounds.
- There are approximately 119 Livestock Meat Inspectors licensed by the Department who conduct ante-mortem and post-mortem inspections at Custom Livestock Slaughterhouses in California.

Anticipated compliance requirements as a result of this proposal:

- *Paperwork requirement:* Safe handling instructions are to be provided to customers by authorized plant personnel after the meat is cut, packaged, labeled and released to the customer. The instructions can be a part of the label, or a separate flyer provided to the

customer. The instructions are to outline the proper refrigeration of raw meat, and the cooking and reheating temperatures to prevent the growth of harmful bacteria that could cause food borne illnesses, as specified in this proposal. The Department believes the cost to businesses is minimal to insignificant, as labeling of the product is an existing requirement under section 909.9 (Custom Prepared Products) of Title 3 of the California Code of Regulations.

Results of Economic Impact Assessment

The Department has made an initial determination that the proposed regulatory action will not have any significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states by making it more costly to produce goods or services, and that it will not create or eliminate jobs or occupations. The proposal does not affect the creation of new businesses or the elimination of existing businesses within the State of California, and does not affect the expansion of businesses currently doing business within the State of California. The proposed regulation benefits human health, worker safety, and the environment by implementing pathogen reduction intervention measures that will make meat safer and will prolong shelf life of product. This proposal also requires that safe handling statements must be provided to customers which are meant to educate customers that meat might have pathogenic bacteria on it and they need to refrigerate the meat and handle and cook meat in a way that will protect them from food-borne illness. When handled properly, such meat and poultry products are safe and wholesome for human consumption. This proposal benefits the custom livestock slaughter industry and the public by implementing additional sanitation, pathogen reduction, and consumer education procedures at Custom Livestock Slaughterhouses in accordance with sections 407, 18693, 18735, 18960, 18961 and 19014 of the Food and Agricultural Code.

Duplication or Conflicts with Federal Regulations

This proposal does not duplicate or conflict with federal regulations. State-inspected Custom Livestock Slaughterhouses are exempt from mandatory federal inspection. The Department may adopt regulations made under federal acts with such changes therein as appropriate to make them applicable to operations and transactions relating to meat and poultry slaughter and processing facilities in accordance with Food and Agricultural Code section 18961.