

# Rule R58-11, Slaughter of Livestock and Poultry

Utah Department of Agriculture and Food  
Administrative Rules Review and General Oversight Committee  
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# Federal Poultry Exemptions-20,000 birds or less

## 9 CFR 381.10(a)(5)

The slaughtering of **sound and healthy poultry** and processing of poultry products therefrom in any State or territory or the District of Columbia by any poultry producer **on his own premises** with respect to poultry raised on his premises, and the distribution by any person solely within such jurisdiction of the poultry products derived from such operations: *Provided*, That

(i) in lieu of complying with all the adulteration provisions of the Act, **such poultry is slaughtered and otherwise processed and handled under such sanitary standards, practices, and procedures as result in the preparation of poultry products that are sound, clean, and fit for human food when so distributed;**

(ii) such poultry products when so distributed, **bear (in lieu of labeling that would otherwise be required) the producer's name and address and the statement "Exempted—P.L. 90-492"** and such poultry products are not otherwise misbranded;

(iii) such producer and distributor do not engage in the current calendar year in the business of buying or selling any poultry or poultry products other than as specified in this paragraph (a) (5) or (6) of this section; and

(iv) neither such producer or distributor slaughters or processes the products of more poultry than allowed by paragraph (b) of this section.

# Federal Poultry Exemption- no more than 1,000 birds

## 9 CFR 381.10(c)

The provisions of the Act and the regulations do not apply to any poultry producer with respect to poultry, of his own raising on his own farm, which he slaughters if:

- (1) Such producer slaughters **not more than 1,000 poultry** during the calendar year for which this exemption is being determined;
- (2) Such poultry producer does not engage in buying or selling poultry products other than those produced from poultry raised on his own farm; and
- (3) **None of such poultry moves in “commerce”** (as defined in [§ 381.1](#)).



# Current Utah Statute 4-32-109

(11) Subject to Subsection (14), the department shall make rules for exemptions for persons who slaughter or process fewer than 20,000 poultry during the calendar year to be **no more stringent** than the exemptions described in 21 U.S.C. Secs. 464(c)(1)(C), 21 U.S.C. Sec. 464(c)(3), 9 C.F.R. Sec. 381.10(a)(5), and 9 C.F.R. Secs. 381.10(b)(1) and (2).

(12) Subject to Subsection (14), the department shall make rules for exemptions for persons who slaughter or process fewer than 1,000 poultry during the calendar year to be **no more stringent** than the exemptions described in 21 U.S.C. Sec. 464(c)(4) and 9 C.F.R. Sec. 381.10(c).

(13) The department **may** maintain:

(a) a registry of persons who slaughter or process fewer than 20,000 poultry during the calendar year; and

(b) a registry of persons who slaughter or process fewer than 1,000 poultry during the calendar year.



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

Not mandatory, but a *valuable tool* to help the state understand the requirements of the federal exemptions.

“State and local governments have an increasingly important role in helping improve public health through food safety and security. FSIS provides guidance and assistance on the use of science-driven, risk-based approaches to the control of foodborne hazards. States and local governments help oversee the raising and transporting of food producing animals, the administration of inspections to intrastate meat and poultry processing facilities, and the regulatory oversight of retail and inspection-exempt businesses handling those products.”

**If Utah does not adhere to the guidance we risk losing our federal “at least equal to status” and funding for our meat inspection program.**



# USDA Guidance

## What does exempt mean?

“Certain types of poultry slaughter and processing operations qualify to operate **without** the benefit of **Federal inspection on a daily basis...**”

“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.”

“To qualify for 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.”



# USDA Guidance- 1,000 Bird Exemption

## Requirements- all must be met to qualify

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.
5. The poultry products do not move in commerce.



# R58-11-8(3) 1,000 bird exemption

## (3) Producer or Grower 1,000 Bird Limit Exemption

(a) A poultry grower may slaughter no more than 1,000 birds of their own raising (#1) in a calendar year for distribution as human food if:

(i) the poultry grower does not engage in buying or selling poultry product other than product produced from poultry raised on their own farm, including rented or leased property (#2);

(ii) the slaughtering and or processing are conducted under the sanitation standards capable of producing poultry products that are sound, clean, fit for human food, and not adulterated (#3);

(iii) the producer keeps slaughter records and records covering the sales of poultry product to customers for the current calendar year (#4);

(iv) the poultry products do not move in commerce (#5); and

(v) as required by the U.S. Public Health Service, Food and Drug Administration, Food Code 2013, adopted by the department in Section R70-530-3, the immediate container bears the following information:

(A) name of product; and

(B) name and place of business of the processor; and

(vi) the immediate container bears the statement "Exempt R58-11-8(3)."

(b) The department shall maintain a registry of persons who slaughter or process fewer than 1,000 poultry during the calendar year.





# USDA Guidance- 20,000 Bird Exemption

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...
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...
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
  - c. The statement "Exempt P.L 90-492" (corresponding state law may be referenced)



# R58-11-8(4) 20,000 bird exemption

(4) Producer or Grower 20,000 Bird Limit Exemption.

(a) A poultry grower may slaughter no more than 20,000 healthy (#4) birds of their own raising in a calendar year for distribution as human food if (#1 and #2):

(i) the poultry grower does not engage in buying or selling poultry product other than that produced from poultry raised on their own farm, including rented or leased property (#1, #2, #6);

(ii) the slaughtering or processing is conducted in a fixed establishment (#7) and in accordance with sanitation standards that produce poultry product that is sound, clean, and fit for human food (#5);

(iii) the producer keeps slaughter records and records covering the sales of poultry products to customers for the current calendar year;

(iv) the poultry product does not move in commerce, as the term is defined in 9 CFR 381.1 (#3 and #8); and

(v) the immediate container bear the following information (#8):

(A) name of product;

(B) name and address of processor;

and

(C) the statement "Exempt R58-11-8(4)."



# Registration Requirement

- The Department interprets 4-32-109 (13) to give us the discretion to require exempt poultry processors to register with us.
- Rule R58-11-8 currently requires both 1,000 bird exempt and 20,000 bird exempt processors to register with the Department.
- Requiring an inspection is a reasonable extension to the registration requirement because it is the only way the Department can verify that exemption requirements are met and that products are produced under sanitary conditions.



# Registration v. Permit or License

How is a mandatory registration and inspection different from a license?

- Registration is free.
- Registration is focused on education.
- Inspection requirements are more limited.
- No bird by bird or daily inspection required.



# Current Department Practice

Due to feedback The Department has received regarding the registration requirement and different interpretations of the “may maintain a registry” language in statute, the Department is **not currently requiring exempt poultry processors register or be subject to an inspection**. Registration is voluntary.

## Current Process:

- Processors contact the Department to register
- Department provides information about exemption requirements
- Department inspectors verify whether sanitation and labeling requirements are met.
- Follow up inspections during processing as resources allow.



# Challenges with Current Practice:

- Backyard poultry processors are increasing.
- The Department does not have good information about where exempt poultry are being processed.
- The Department cannot verify whether poultry are produced in a sanitary manner or labeled properly.
- Tracking is difficult in the event of an outbreak.
- Public health concerns.



# Recommendation

Amend 4-32-109 to clarify that registration is required and the Department may inspect exempt processors.





A photograph of several chickens in a natural, outdoor setting. In the center, a brown hen with a red comb stands prominently. To its left, another brown hen is partially visible. To the right, a white chicken is seen from the back. The background is a soft-focus mix of green foliage and brown branches. The word "Questions?" is written in a large, white, sans-serif font across the middle of the image.

# Questions?

