

Summary of Requirements for Custom Exempt Meat Processors



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INTRODUCTION

This booklet provides a summary of the requirements for Custom Exempt meat processors to operate in the state of North Dakota. All processors must register with the North Dakota Department of Agriculture (NDDA) prior to custom processing of meat. Before beginning construction, we strongly recommend that future meat processors contact the ND Meat and Poultry Inspection Program (NDMPIP) at (701) 328-4767.

After a facility review is conducted and all facility requirements have been met, the Custom Exempt operator will be issued a grant of exemption. During future reviews, which are most often conducted quarterly, the inspectors will verify compliance with meat inspection regulations.

The NDMPIP cooperates with the USDA-Food Safety and Inspection Service (FSIS) by performing inspections of meat and meat products at custom exempt establishments. FSIS monitors and audits the NDMPIP to ensure that inspections are done in a manner that is at least equal to the Federal system.

DEFINITIONS

“Custom Exempt” - The requirements of the ND Meat Inspection Laws (North Dakota Century Code §4.1-31) requiring the inspection of the slaughter of animals, the preparation of the carcasses and meat and meat food products at establishments conducting those operations do not apply to the custom processing by a person of animals delivered by the owner for processing, and the preparation or transportation in intrastate commerce of the carcasses and meat food product of the animals, provided the products are to be used for the owner’s household, nonpaying guests, and employees.

- Custom Exempt means that slaughter and processing activities are exempt from mandatory inspection, if done they are done as a service for only the owner(s) of the animal and the meat is returned for personal use.

“Custom Processing” - Means slaughtering, eviscerating, dressing, or processing of an animal carcass or meat food products for the owner of the animal carcass or the meat food products, if all meat food products derived from the custom processing are returned to the owner.

- A custom processor may not engage in the business of buying or selling carcasses or meat food products of animals, other than poultry, usable for human food unless the carcasses or meat food products have been inspected and passed and are identified as inspected and passed by the commissioner or the USDA.
- The provisions of this chapter requiring inspection of the preparation of poultry carcasses and poultry food products at establishments conducting those operations do not apply to any retailer with respect to poultry products sold in commerce directly to consumers in an individual retail store, provided the retailer does not engage in the business of custom slaughter, and provided the poultry products sold in commerce are derived from poultry inspected and passed by the commissioner or the United States Department of Agriculture.

“Animal”- Includes cattle, swine, sheep, goat, farmed cervidae, llama, horses, equines, bison, other large domesticated animals, domesticated rabbits, and poultry.

Certified scales are required to charge for services rendered on a per pound basis. Public Service Commission weights and measures sets the regulations. More information available at <https://www.psc.nd.gov/jurisdiction/weights/index.php>

SUMMARY OF REQUIREMENTS FOR CUSTOM EXEMPT MEAT PROCESSORS

Every custom exempt meat processing facility must meet and maintain the minimum sanitary conditions of the facility to safely process meat. The requirements are set in the North Dakota Century Code §4.1-31 and North Dakota Administrative Code §7-13. Within the administrative code, the NDMPIP also adopts by reference some federal regulations, specifically; Title 9, Code of Federal Regulations (CFR), most sections of Part 300 to end. Facility and sanitation requirements are necessary to ensure food safety, as safe and wholesome processing is impossible without clean and sanitary conditions. The regulations for the facility requirements are under a section called “Sanitation Performance Standards” (Parts 416.1-416.6). The NDDA also has a facility requirements handbook that is available online, describing the specific requirements.

The inspector has the authority and obligation in custom exempt facilities to ensure food safety by verifying that product is protected during processing, handling, and storage. Any equipment, utensil, room, or compartment that is insanitary (unclean enough to endanger health) or that could cause the adulteration of product, is not to be used until it is cleaned and sanitized prior to use. The inspector restricts the use of the insanitary equipment, utensil, room, or compartment by use of a Reject Tag. The equipment, utensil, room or compartment so tagged cannot be used until regulatory requirements are met and sanitary conditions are restored. The tag may only be removed by an inspector. Use of a tagged item or room may result in administrative or enforcement actions.

SAFE AND WHOLESOME PROCESSING IS IMPOSSIBLE WITHOUT CLEAN AND SANITARY CONDITIONS.

General Rules- Each facility must be operated and maintained in a manner sufficient to prevent the creation of insanitary conditions.

Virtually all foodborne illness outbreaks can be prevented by proper sanitation. Improper sanitation of food contact surfaces, rodents and pests physically transferring microbes, contamination of carcasses and meat products with visible fecal, milk, or ingesta and many other deficiencies have led to contamination of products.

NDDA Inspection Verification- inspectors that find general sanitation conditions that lead to or could lead to production contamination have the authority to prevent further operation until the deficient conditions are corrected. This might mean temporary suspension of all custom processing activities or rejection of specific equipment.

Establishment Grounds and Pest Control- Proper pest control management programs must be implemented to prevent pest harborage and breeding of pests in or near the facility.

Pest control programs do not need to be elaborate, nor written down. The facility is responsible for eliminating and controlling pests that would create insanitary conditions in and near the facility. Pest control substances and chemicals used must be safe and effective for use around food areas, be used according to labeled directions, and be stored properly.

NDDA Inspection Verification- the inspectors will look in and around the facility to determine if there are significant pest harborage areas. All chemicals and traps will be verified to ensure that they are not potentially contaminating food, food processing equipment, or food handling areas.

Construction- The facility must be of sound construction and be kept in good repair. The floors, walls, and ceilings must be built of durable materials that are impervious to moisture and be cleaned and sanitized as necessary.

The facility must be built to prevent the creation of insanitary conditions. The best construction materials are those that are durable and can handle the rigors of the high moisture environment found in meat shops. All junctures between the walls, floor, and ceiling must be sealed up very well to prevent water from absorbing into the juncture. Mold, mildew, and other construction issues can be very expensive to fix and create food safety hazards. A mouse can fit through ¼ quarter inch gap, so the doors and windows must be sealed up tightly to prevent the entrance of pests.

EFFECTIVE PEST CONTROL INCLUDES PREVENTING ACCESS OF PESTS, MONITORING FOR PEST ACTIVITY, AND ACTIVELY ELIMINATING ANY PESTS OR EVIDENCE OF PEST ACTIVITY. OF PESTS MUST BE ELIMINATED.

NDDA Inspection Verification - The establishment must be constructed with durable materials that are impervious to moisture and be free of any gaps or unsealed junctures prior to being issued an initial grant of exemption. Over time, if the facility shows signs of wear and tear that could create insanitary conditions or allow for the entrance of pests, repairs will need to be made.

Lighting and Ventilation- The facility must be lit well enough so that everyone can see if the sanitary conditions of the facility are being maintained. The ventilation must be sufficient to control objectionable odors and prevent condensation that may contaminate product.

NDDA Inspection Verification- The inspector must be able to see all areas of the plant to determine if the facility is clean and well maintained. Moisture that condenses anywhere that could drip onto product would require better ventilation or other means of control. The inspector may prevent further processing until lighting or condensation is corrected and then permanent fixes would need to be implemented.

Plumbing. Sewage. Water Supply- The facility must have adequate potable water supply.

The facility must have enough water to operate in a sanitary manner. Rural or city water supply must comply with National Drinking Water regulations, and the establishment must provide documentation that the plant is connected to the city or rural water system. Contact the local sanitarian or water supply company for specific information on water supply requirements. Well water is acceptable, if tested every 6 months and documentation is on file for inspector verification. Ice that may contact products must also come from an approved water source.

The wastewater and sewage must be handled in a manner that is acceptable to the local sanitarian. Sewage must be disposed of into a sewage system separate from all other drainage lines in the establishment or disposed of through other means sufficient to prevent backup of sewage into areas where product is processed, handled, or stored.

NDDA Inspection Verification- The inspector will verify that the water source is acceptable, and the sewage system is acceptable to the local sanitarian. The inspector will verify that the water and waste systems in place have not changed over time, and the appropriate documentation is on file. If significant changes have been made or conditions have changed, the inspector may prevent further operation until the system is evaluated and approved by the local sanitarian.

Dressing Rooms, Lavatories, and Toilets- The facility must have appropriately-sized and conveniently-located toilet rooms, dressing rooms, and lavatories.

The bathrooms must be separated from the rooms and compartments where products are processed, handled, or stored. This could be achieved by having a self-closing door on a bathroom that leads directly to the processing area as long as the door remains shut during operations. Hand sinks with soap and paper towels must be located in areas that are convenient for frequent use. Diseases and illnesses are often easily spread through poor handwashing, especially after using the restrooms without proper handwashing.

NDDA Inspection Verification- The inspectors will check the bathrooms for general cleanliness, adequate supplies, and ensure that the proper separation from processing areas is maintained.

Equipment and Utensils- Equipment and utensils used for processing or handling edible products must be cleanable and kept in good condition. All equipment and utensils must be stored properly (clean and off the floor). Inedible must be placed in containers that are clearly marked as inedible.

NDDA Inspection Verification- The inspectors will observe the equipment and utensils to ensure that they are kept clean and are free of flaking paint, rust, or hard to clean areas. Anything worn to the point of not being able to be cleaned and sanitized will ineligible for use until the equipment or utensils are repaired or replaced. No inedible containers can be used for edible product.

Sanitary Operations- All areas of the facility must be cleaned and sanitized as often as necessary to maintain sanitary conditions. All chemicals used must be safe and effective under the conditions of use.

All pesticides and chemicals used in custom exempt establishments must be labeled for use in and around food processing areas and be used according to the directions on the label. Sanitizers must be mixed at proper concentrations according to labeled directions and be applied as directed (temperature, concentration, time). Establishments are responsible for ensuring that they are not inadvertently contaminating food and food contact surfaces with any chemicals used.

MIXING SOAPS AND SANITIZERS IS NOT RECOMMENDED--USE EACH CHEMICAL ACCORDING TO THE DIRECTIONS. AT BEST, EACH CHEMICAL WILL BE LESS EFFECTIVE. AT WORST, YOU COULD RELEASE POISONOUS CHLORINE GASSES.

NDDA Inspection Verification- The inspectors will review chemical labels to determine if they are designed for food processing use and to determine if they are being used appropriately. Food contact surfaces of equipment and utensils must be clean and free from all organic material to be considered clean and free from any chemical residues prior to use.

Employee hygiene- All employees must adhere to hygienic practices to prevent contamination of food products.

Hygienic practices include proper handwashing, wearing clean outer clothing, and using a cap or hair restraint. Any person that has open sores must cover them and those that have symptoms of infectious diseases, such as vomiting, diarrhea, and jaundice, shall be removed from working with food.

NDDA Inspection Verification- The inspector will also verify employees are washing hands when necessary and wearing proper clean attire (including but not limited to aprons, hairnets, or caps) to protect product from adulteration. If the inspector observes any employees expressing symptoms of illnesses, then they will be asked to be removed from the processing area. If evidence of contamination occurs, then the affected products may be destroyed.

NOTE: All meat shops that are selling retail products will have to be licensed through the ND Department of Health, or local food inspection authority. Facility requirements for a retail exempt establishment may be different than the facility requirements for a custom exempt establishment.

*A 3 compartment sink may be required to effectively clean and sanitize equipment and utensils. A mop sink may be required, as well

*A separate hand washing sink may be required for proper employee hygiene.

HUMANE HANDLING OF LIVESTOCK REQUIREMENTS

All livestock, excluding poultry, slaughter facilities (federal, state, or custom exempt), must comply with the Humane Methods of Slaughter Act (HMSA- 21 U.S.C. 610(b)).

Water- Water must be available at all times when animals are held on site in a holding pen and includes trailers set up for use as a holding pen. A simple pail is sufficient, as long as water is available.

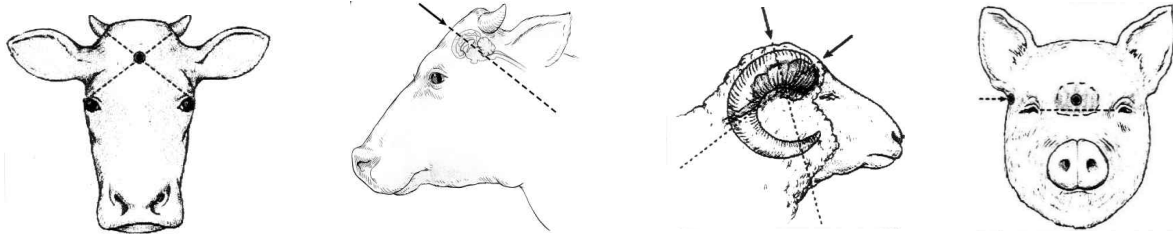
Animal Movement- When moving animals, they must move calmly and cannot be driven with excessive prodding. Dragging live animals is not acceptable, unless loaded on a skid plate or sled. Causing an animal to be trampled by another animal would also be non-compliant with the HMSA.

Pen and Alley Construction- The facility must be built and maintained to prevent injury to an animal. The pens, gates, and walls cannot have broken panels or protruding or sharp objects that can hurt an animal or cause pain. The floors must be slip resistant and kept clean enough to prevent excessive sliding, tripping, and falling hazards to animals.

Disabled Livestock- Cattle must be ambulatory, meaning they must be able to walk under their own ability prior to slaughter. Documentation of ambulatory status must be kept for all cattle slaughter. Animals that are injured or non-ambulatory cannot be dragged or prodded. Custom exempt slaughter facilities should keep records of conditions that would render called unfit for human food and records if they became non-ambulatory disabled after they were delivered to the facility.

Humane Methods of Slaughter- Every animal must be stunned by an approved method. A single gunshot to the brain is the most common method. It is important for accurate placement of shots to prevent suffering. Another stun attempt must be administered immediately if the animal is not immediately rendered insensible to pain, or immediately after signs of regaining consciousness are seen. Captive bolt and electrical stunning is also acceptable, if the equipment is properly maintained and sized for the type of animal. If the animal vocalizes, blinks, or rhythmically breaths, the stun was ineffective.

Correct Placement of Stunning (Gun or Captive Bolt)



The animals must be completely insensible to pain before shackling, hoisting, or cutting. If the animal vocalizes, blinks, or rhythmically breathes the stun was ineffective.

Signs of properly stunned animal:

- The head should hang straight down and should limp and floppy (sheep may have slight angle in neck, due to anatomical differences compared to pigs and cattle).
- The tongue should hang straight and limp, and the eyes should have a blank stare. A curling tongue or eye movement, or an attempt to right itself are signs of return from insensibility.
- The animal should not have rhythmic breathing, such as the ribcage moving two or more times. There should not be any gasping for air in animal stunned by captive bolt or firearm.
- No vocalization (moo, bellow, or squealing).

If any sign of return from insensibility is noticed, another stunning attempt must be performed to properly stun the animal.

Any exemption from the requirements to stun the animal prior to slaughter, for religious reasons only, must be made with the NDMPPI prior to implementation. The slaughtering method must be written and approved by the governing authority of that religious sect or group.

NDDA Inspection Verification- The inspector will verify that animals are handled in a humane manner. Any conditions with facility requirements or animal handling that could lead to animal suffering or injury must be addressed. If egregious acts are witnessed, the inspector may apply a reject tag to the slaughter room and prevent any further slaughter until the conditions are corrected.

THE PRODUCTION PROCESS REQUIREMENTS

The following is in overview of the expectations for sanitary production for custom exempt operators. Not every custom exempt operation may perform every production process, but they are expected to ensure proper animal handling and prevent adulteration or misbranding of product during every production step that is performed.

Animal receiving

Live animals that are received must be treated in accordance with the Humane Handling requirements as previous described. If only carcasses are received, they must be trimmed free from fecal material, dirt, straw, hair, and foreign matter at receiving. Documentation that cattle were ambulatory is required.

Slaughter

Animals slaughtered by a custom exempt operator must be properly stunned as described by the Humane Handling Requirements.

Carcass Hanging and Aging

Carcasses stored in the cooler must be trimmed free of visible fecal, milk, and ingesta contamination as well as dirt, hair, and foreign material. It is important to trim contaminants off during skinning (prior to washing), because wash water will simply spread invisible microorganisms as the water flows across the carcass surface. Excessive mold or putrefaction of carcasses is unacceptable. The inspector may request that carcasses are trimmed immediately or possibly destroyed. Every carcass half or quarter must be stamped "NOT FOR SALE" with food safe ink or tags.

Processing

All food contact surfaces of equipment, utensils, and the facility (i.e. walls, doorways, etc.) shall be cleaned and sanitized prior to use and as often as necessary throughout the day.

Records Required for all Custom Exempt Establishments:

- Custom exempt operations must maintain records of all transactions. This includes records/invoices for all animals and wild game that are slaughtered, processed, or received.
- A record of Specified Risk Material (SRM) removal and disposal for all cattle received or slaughtered must be made. The record must include whether the animal was able to walk at the time of slaughter, whether the animal was over or under 30 months of age, and whether SRMs were removed and disposed of properly. Grinding logs are required for all ground beef production intended for retail sales.
- Cooked or smoked meats (whether cured or not) must be heated to temperatures sufficient to destroy pathogens. Those products must also be cooled quickly enough to control the growth of pathogens. Records of production logs and cook temps should be maintained.

Labeling

All boxes, cartons, packages or containers of custom processed meat must be marked **at the time of packaging** with the name of the facility or the registration number assigned by the ND Dept of Ag. and labeled "NOT FOR SALE" in block lettering no less than 3/8s of an inch (0.95cm).

- Reusing Boxes- If the plant reuses boxes from inspected meat or poultry products, then the inspection legend (commonly referred to as 'the bug') must be blackened out (defaced). Other labeling with product name/plant name/identity shall also be removed or blackened out.

Disposal of waste

The inedible (bones, viscera, hide, etc.) shall be denatured and separated from food areas and disposed of in a manner acceptable to the ND Dept. of Environmental Quality. Inedible also includes ANY meat products (i.e. liver, heart, tongue) that is not being returned to the owner of the live animal. Denaturing means that inedible is visibly discolored or otherwise made unusable for food use.

THE INSPECTION PROCESS

After You've Started:

After start-up, every custom exempt meat processor is routinely inspected by the local meat inspector. During these inspections, the inspector will make observations of the production process, review equipment to ensure that is clean and stored properly, assess the overall facility environment, review records and perform other activities (including asking questions) to verify that the regulatory requirements are being met.

The inspections are unannounced, and the frequency is based on an established risk rating. The inspector will typically conduct inspections when the facility is open or operating at reasonable times. The inspectors have extensive food safety training. Inspectors are tasked to ensure compliance with regulatory requirements but also to provide education to ensure food safety for the end consumer. If there is a finding, we encourage the plant manager to discuss the findings with the inspector and ask questions for clarification so there is less confusion and possible resolutions can be determined.

Documents each custom exempt operation must maintain and make available:

- Water source and testing results
- Sewer connection notice or on-site wastewater acceptance
- Ambulatory status, age, and SRM removal/disposal for all cattle slaughtered on-site and carcasses brought in by owners
- Slaughter and processing records documenting owner's names, address, numbers and kinds of livestock slaughtered, and quantities and types of products prepared on a custom basis
- Chemical use instructions if not directly on label
- Records of all transactions for meat sold through retail counter and HRI records if applicable
- Grinding logs for source materials used for retail ground beef production

What to expect during the inspection:

- Entrance meeting to discuss any new or pertinent information not shared since the previous inspection
- A visual inspection of the facility, equipment, and surroundings
- Examination of equipment and utensils to ensure that they are clean and in good repair
- Observations while the plant is in production
- Inspection of carcasses for any visible fecal, ingesta, milk or other foreign material contamination
- Labeling verification to ensure all carcasses and custom products are properly marked "NOT FOR SALE" and with the establishment name or number
- Review of labels and containers for any chemicals used
- Observations to ensure coolers and freezers are properly functioning
- Review of cooking and smoking logs to ensure that minimum pathogen or parasite controls are in place
- Review of records to ensure that cattle were ambulatory and SRMs have been removed and disposed of properly
- Review of records to verify water and sewage certificates are still acceptable
- Review of records to determine if the retail exempt sales to Hotels, Restaurants, and Institutions are not exceeding the annual dollar or sales limitation
- An exit meeting to go over findings and violations found

Documentation of Inspections

The inspections are documented using a standard inspection form. When the inspector documents their findings on an inspection form, they will include written descriptions of the specific items that they observed as non-compliant. Depending on the severity of the items and the overall risk to food safety, the inspector will assign a risk assessment and inform the facility of the inspection frequency for follow up inspections.

Risk Assessment- Follow up Requirements Based on Inspection Results

1. Unacceptable- conditions have caused adulteration or misbranding of product
 - Regulatory control action with inspection to follow up within one week
2. Unacceptable- conditions that may cause adulteration or misbranding of product
 - 30 day follow-up review
3. Unacceptable- potential conditions for adulteration or misbranding of product
 - Quarterly review (30 day follow up if previous risk assessment was 1 or 2)
4. Acceptable- minor findings
 - Semi-annual review
5. Acceptable- only for Official Plants- minor findings
 - Annual review

RIGHT TO APPEAL AN INSPECTION FINDING

Every custom exempt operator has the right to an appeal for any findings. For information, ask your inspector or look for the “Custom Exempt Establishments- Authority for Inspections and Right to Appeal” document found on the ND Dept of Ag- Meat Inspection Program webpage at <https://www.nd.gov/ndda/livestock-development-division/meat-inspection>.

***The NDMPIP has the authority to enter and inspect any place where food or any other product is stored, handled, transported, offered for sale, etc. The program has legal authority to inspect any room, vehicle, or container that is believed to hold food or ingredients and also take samples from it for analysis.

It is a class A misdemeanor for any person that obstructs or fails to assist in an inspection. NDCC 4.1-31-03.

OTHER RESOURCES FOR CUSTOM EXEMPT OPERATIONS

Visit the ND Dept of Ag- Meat and Poultry Inspection webpage at <https://www.nd.gov/ndda/livestock-development-division/meat-inspection>.

Many documents are available on the NDMPIP webpage.

- List of all Meat Plants operating in ND
- Latest issue of the Meat Messenger
- Application for Meat Inspection
- Facility Requirements Handbook
- Custom Exempt Authority and Appeals
- Donating Meat - Frequently Asked Questions
- Specified Risk Materials in Beef
- Example Ground Beef Production Log
- Other brochures about meat inspection or poultry exemptions
- Link to ND State Laws and Regulations