



Custom Exempt Operations

Information Packet



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Self-Checklist for New Custom Exempt Establishments

- 1) Complete Application
- 2) Inedible release permit for removal or approved system for disposal of inedibles
- 3) Current water certificate for potability
- 4) Sewage approval letter from appropriate authority
- 5) Not For Sale Stamp
- 6) Approved construction of facility by authorized MMPIP personnel
 - a. Walls, floors, and ceilings built of durable material, impervious to moisture
 - b. Available, convenient restroom
 - c. Method of cooling product to prevent out-growth of bacteria
 - d. Water and sewer pipelines constructed according to 9 CFR 416.2(e)
 - e. Lighting sufficient to conduct routine inspections
 - f. Pest control in place
 - g. Method of cleaning and sanitizing

Federal Regulations- 623 and 303 Exemptions

To read each section, follow the link and click on the PDF link on the left side of the screen.

Section 623 Exemptions from inspection requirements

<https://www.govinfo.gov/app/details/USCODE-2018-title21/USCODE-2018-title21-chap12-subchapI-sec623/summary>

Section 303 Exemptions

<https://www.govinfo.gov/app/details/CFR-2020-title9-vol2/CFR-2020-title9-vol2-sec303-1>

Donated Products Questions and Answers

Q1. What is a donated product?

A1. A donated product is any product distributed without charge to a public or charitable cause. Meat, poultry, or egg products donated by persons subject to the Federal Meat Inspection, Poultry Products Inspection, and Egg Products Inspection Act must be not adulterated (other than economically adulterated).

Q2. What is economically adulterated product?

A2. Economically adulterated is defined in 21 USC 453(g)(8), §601(m)(8), and §1033(a)(8). Product is economically adulterated if, in whole or in part, any

1. valuable constituent is omitted or abstracted;
2. substance is substituted;
3. damage or inferiority is concealed in any manner, or;
4. substance has been added or mixed or packed that increases its bulk or weight, reduces its quality or strength, or makes it appear better or of greater value than it is.

Q3. Can a person (individual, firm or corporation) donate meat or poultry product that was prepared under the retail store or restaurant exemption to non-profit organizations (e.g. food banks, mobile food pantries) engaged in the distribution of food without charge to [food insecure households](#)?

A3. Yes, a person can donate wholesome, unadulterated meat or poultry product that was prepared under the retail store or restaurant exemptions, consistent with [9 CFR 303.1\(d\)](#) for livestock meat food products and [9 CFR 381.10\(d\)](#) for poultry products, to non-profit organizations engaged in the distribution of food without charge to food insecure households.

The adulteration and misbranding provisions of [the Acts](#) apply to articles which are exempted from inspection, per [9 CFR 303.1\(f\)](#) for livestock meat food products and [9 CFR 381.10\(d\)\(4\)](#) for poultry products.

Q4. Can livestock or poultry slaughtered and processed under the personal-use exemption or the custom-exemption be donated?

A4. No, 21 USC 464(c) and §623(a) limit personal-use and custom-exempt meat and poultry product as exclusively for the individual product owner, for use in the household of such person, by him and members of his household and his non-paying guests and employees.

Regulatory Requirements under the Federal Meat Inspection Act and the Poultry Products Inspection Act

To read each section, follow the link and click on the PDF link on the left side of the screen.

416.1 General Rules

<https://www.govinfo.gov/app/details/CFR-2020-title9-vol2/CFR-2020-title9-vol2-sec416-1>

416.2 Establishment grounds and facilities

<https://www.govinfo.gov/app/details/CFR-2020-title9-vol2/CFR-2020-title9-vol2-sec416-2>

416.3 Equipment and utensils

<https://www.govinfo.gov/app/details/CFR-2020-title9-vol2/CFR-2020-title9-vol2-sec416-3>

416.4 Sanitary operations

<https://www.govinfo.gov/app/details/CFR-2020-title9-vol2/CFR-2020-title9-vol2-sec416-4>

416.5 Employee hygiene

<https://www.govinfo.gov/app/details/CFR-2020-title9-vol2/CFR-2020-title9-vol2-sec416-5>

416.6 Tagging insanitary equipment, utensils, rooms or compartments

<https://www.govinfo.gov/app/details/CFR-2020-title9-vol2/CFR-2020-title9-vol2-sec416-6>

416.11 General rules

<https://www.govinfo.gov/app/details/CFR-2020-title9-vol2/CFR-2020-title9-vol2-sec416-11>

416.12 Development of Sanitation SOP's

<https://www.govinfo.gov/app/details/CFR-2020-title9-vol2/CFR-2020-title9-vol2-sec416-12>

416.13 Implementation of SOP's

<https://www.govinfo.gov/app/details/CFR-2020-title9-vol2/CFR-2020-title9-vol2-sec416-13>

416.14 Maintenance of Sanitation SOP's

<https://www.govinfo.gov/app/details/CFR-2020-title9-vol2/CFR-2020-title9-vol2-sec416-14>

416.15 Corrective Actions

<https://www.govinfo.gov/app/details/CFR-2020-title9-vol2/CFR-2020-title9-vol2-sec416-15>

416.16 Recordkeeping requirements

<https://www.govinfo.gov/app/details/CFR-2020-title9-vol2/CFR-2020-title9-vol2-sec416-16>

416.17 Agency verification

<https://www.govinfo.gov/app/details/CFR-2020-title9-vol2/CFR-2020-title9-vol2-sec416-17>

417- Hazard Analysis and Critical Control Point (HACCP) Systems

417.1 Definitions

<https://www.govinfo.gov/app/details/CFR-2020-title9-vol2/CFR-2020-title9-vol2-sec417-1>

417.2 Hazard Analysis and HACCP Plan

<https://www.govinfo.gov/app/details/CFR-2020-title9-vol2/CFR-2020-title9-vol2-sec417-2>

Potable Water Supply

9 CFR 416.2(g)(1)

Potable: safe to drink; drinkable.

- Establishments with a municipal source of water must have a report from the municipality certifying the potability of the water source **annually**.
 - If a “boil order” were to occur, the establishment **MUST** contact the MDA’s MPIP inspector assigned to the establishment immediately! Until the boil order is lifted, the establishment **must cease operation** until a potable water source can be verified.

- Establishments with a private well source of water must have a water test conducted **every 6 months**. These tests may be conducted through local or state health agencies. The sample must be negative for coliform bacteria and E. coli bacteria, to be considered potable.
 - If a “bad” sample result occurs (i.e. positive for coliform or E. coli bacteria), the establishment **MUST** contact the MDA’s MPIP inspector assigned to the establishment immediately.
 - Establishments **must cease operation** until a potable water source can be verified.

If the inspector assigned to your facility is unavailable, please call our office at: (573) 522-1242.

MO-G822000 General Operating Permit for Meat Processors
Missouri Department of Natural Resources

<https://dnr.mo.gov/pubs/pub1238.htm>

Bovine Spongiform Encephalopathy

Bovine Spongiform Encephalopathy (BSE), widely referred to as “mad cow disease,” is a chronic degenerative neurologic disease of cattle. BSE has been linked to variant Creutzfeldt-Jakob disease (vCJD) in humans, hence the public health significance.

The first case of BSE was confirmed in 2003 in Washington State in a 6 year-old dairy cow imported from Canada. As a result, U.S. beef exports dropped 80% after 2003 and have not yet fully recovered. It was not until May 2017 that China allowed U.S. beef exports to flow directly to the country since 2003.

In the U.S., public or human health protective measures are maintained by both the Food Safety and Inspection Service (FSIS) and our program. The most important public health protective measure is the removal of Specified Risk Materials (SRMs) from the human food supply. Other controls include banning non-ambulatory, disabled cattle from the human food chain; prohibiting air-injection stunning of slaughter cattle; and requiring additional process controls.

Custom exempt facilities are not exempted from 9 CFR 310.22. Therefore, it is your responsibility to document the following: (1) whether cattle entering your facility for slaughter are ambulatory (have the ability to walk), (2) the age of the animal (over 30 months or under 30 months of age), and (3) whether or not SRMs were properly removed, segregated, and disposed of properly. Our inspection staff will be monitoring your compliance with 9 CFR 310.22. Records documenting this information shall be maintained for at least one year and must be accessible to inspection staff.

If you have any questions concerning this matter, please call (573) 522-1242.

Food Safety and Inspection Service 310.22

To access Food Safety and Inspection Service, follow the link and click the PDF link on the left side of the screen.

<https://www.govinfo.gov/app/details/CFR-2020-title9-vol2/CFR-2020-title9-vol2-sec310-22>

Specified Risk Materials

Non-ambulatory disabled cattle

Non-ambulatory disabled cattle are those cattle that cannot rise unassisted from a recumbent position or that cannot walk, including, but not limited to, those with broken appendages, severed tendons or ligaments, nerve paralysis, fractured vertebral column or metabolic conditions (9 CFR 309.2(b)).

Non-ambulatory disabled cattle are not allowed to enter the slaughter establishment. Non-ambulatory disabled cattle are NOT allowed to be slaughtered by mobile on-farm slaughters for human consumption. However, custom operators are permitted to slaughter for human food cattle that become non-ambulatory disabled AFTER they are delivered to a custom operation, if the custom operator does not observe any other condition that would render the animal unfit for human food. If this does occur, the facility must maintain records that document:

- cattle were ambulatory at the time of delivery to the establishment; AND
- the custom operator did not observe any other condition that would render the animal unfit for human food.

Specified risk materials (SRMs)

The BSE regulations (9 CFR 310.22) apply to all Custom Exempt operations and mobile slaughters. The following are considered SRMs:

- brain, skull, eyes, trigeminal ganglia, spinal cord, vertebral column (excluding the tail vertebrae, thoracic and lumbar transverse processes, and sacral wings) and dorsal root ganglia (DRG) of cattle 30 months of age and older; AND
- the tonsils and distal ileum of the small intestine of all cattle, regardless of age.

These materials were identified as SRMs because scientific studies have shown them to contain the infective agent for BSE.

Specified risk materials are declared as inedible and cannot be used for human food (9 CFR 310.22 (b)). Therefore, during the custom exempt review process, Missouri Department of Agriculture's Meat and Poultry Inspection Program (MDA's MPIP) personnel will determine the following:

- Does the facility maintain records that document the ages of slaughtered cattle (less than 30 months or 30 months of age and older), that cattle were ambulatory at the time they were delivered to slaughter, and that SRMs were disposed of properly?

Records required by custom exempt operations must be maintained for at least one year and made available to MDA's MPIP personnel.

All establishments slaughtering cattle should first, identify the age of cattle because SRMs are different for cattle 30 months of age and older. If the establishment does not have records on

the age and is not using dentition, it should handle all carcasses and parts as if they were from cattle 30 months of age and older.

Sanitation

According to (9 CFR 310.22 (f)), if an establishment that slaughters and/or processes cattle and does not segregate the carcasses and parts from cattle 30 months of age and older from the carcasses and parts from cattle younger than 30 months during processing operations it must:

- Use dedicated equipment to cut through specified risk materials; or
- Clean and sanitize equipment used to cut through specified risk materials before the equipment is used on carcasses or parts from cattle younger than 30 months of age.

If an establishments that slaughters cattle, or that process the carcasses or parts from cattle, segregates the carcasses and parts of cattle 30 months of age and older from cattle younger than 30 months of age during processing operations, and processes the carcasses or parts from the cattle younger than 30 months first, it may use routine operational sanitation procedures on equipment used to cut through the SRMs.

The regulations allow the establishment flexibility to choose if they will segregate young cattle (less than 30 months of age) from older cattle in their establishment. In establishments that slaughter both young cattle and cattle 30 months and older, FSIS recommends that young cattle be slaughtered first. When cattle 30 months of age and older are slaughtered first, inspection program personnel should verify that equipment is sanitized and cross contamination of carcasses younger than 30 months does not occur.

All SRMs are prohibited from being used in edible rendering (9 CFR 318.6 b (4)).

Specified Risk Material

In all cattle:

Tonsils and distal ileum

In cattle 30 months of age or older:

Brain, skull, eyes, trigeminal ganglia, spinal cord, dorsal root ganglia, vertebral column (excluding the vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae, and the wings of the sacrum)

SRM Handling and Dispositions

Because of structural differences between establishments, procedures for separating and isolating the various SRM may vary. Generally, separation of SRM should occur as soon as possible and care should be taken to avoid gross contamination of meat products and the establishment environment by SRM

Handling of SRM within the establishment

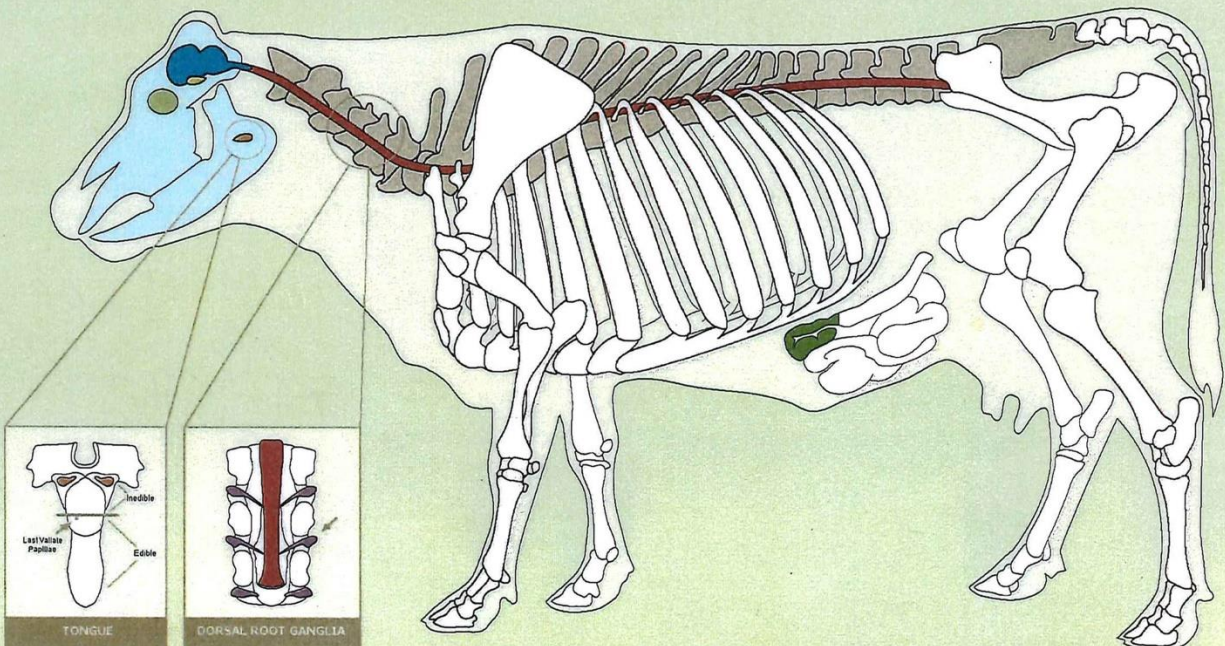
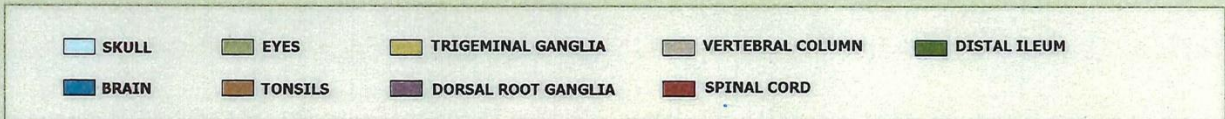
SRM should be separated from carcasses at the earliest opportunity during the dressing process. SRM should be placed in inedible containers without delay and regularly moved to the inedible products area. This must include all SRM separated from the carcass, the floor and gross debris

Floor Waste

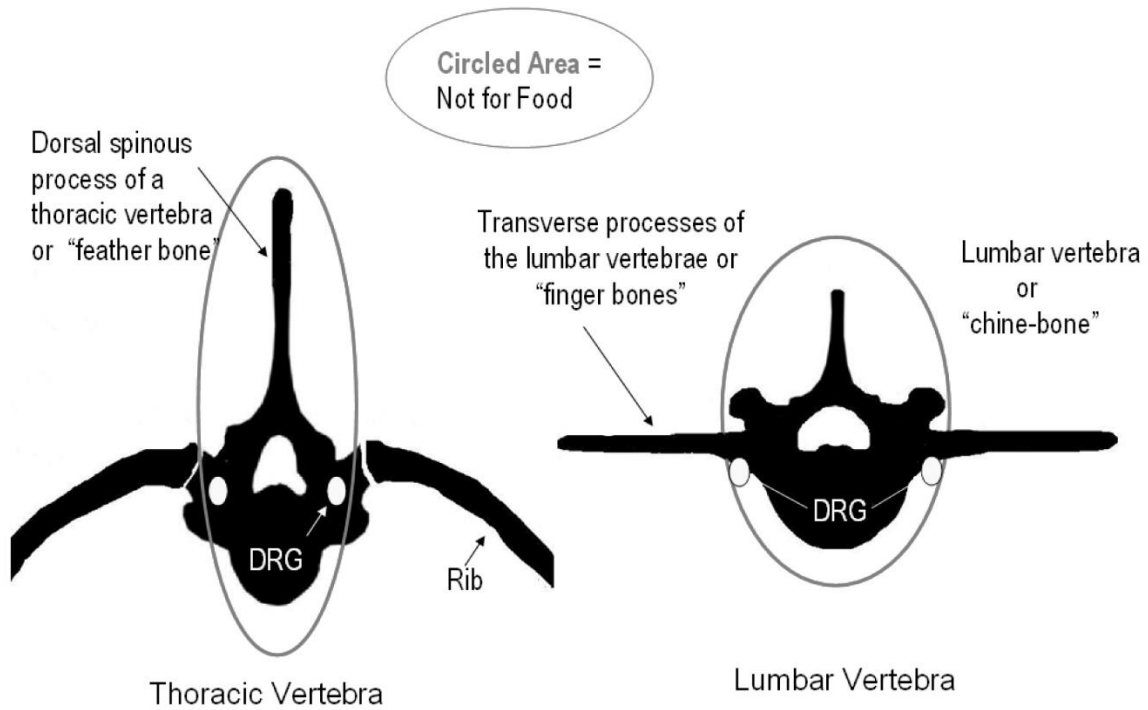
Systems for containing gross debris and operational cleaning of these areas is important. SRM shoveled from the floor and any SRM debris from channels and drain covers/traps should be deposited into an inedible container. Use of squeegees is recommended. Drain covers and traps should be lifted and all matter collected from these sources should be deposited into an inedible container, at least at the end of each day.

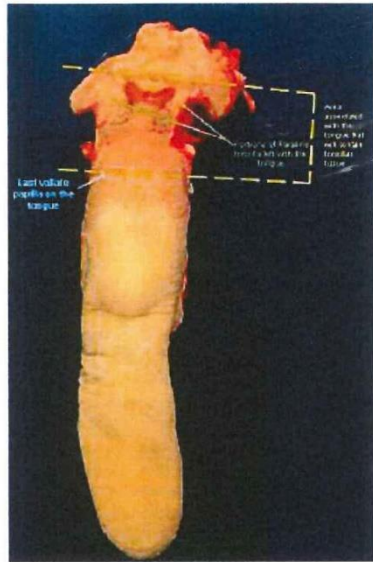
Specified Risk Material

Illustrated below are the specified risk materials that are required to be removed from cattle 30 months of age or older, as per USDA regulations.



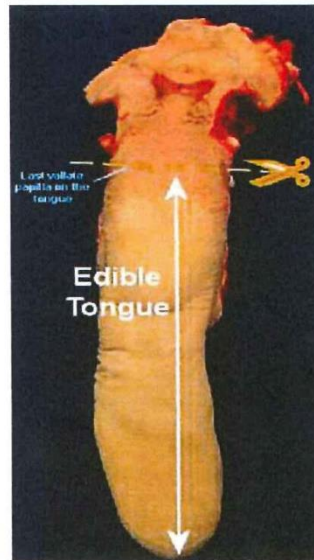
Schematic Cross-section of SRM Vertebrae.





This photo further identifies the specific portion of the tongue containing both sets of tonsils (i.e. lingual and palatine) which are SRM.

Removal of the edible portion of the tongue is accomplished by making a transverse cut (yellow line) just behind the last vallate papilla.





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BONES THAT ARE DESIGNATED AS SPECIFIED RISK MATERIAL IN BEEF CUTS

JAY WENTHER, DIRECTOR OF SCIENCE & TECHNOLOGY

SUBJECT: BONES THAT ARE DESIGNATED AS SPECIFIED RISK MATERIAL (SRM) AND MUST BE REMOVED FROM CUTS ORIGINATING FROM ANIMALS OF 30 MONTHS OF AGE OR OLDER

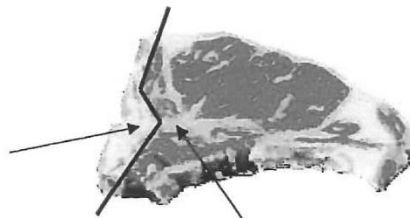
We have recently received a few phone calls from AAMP members concerning which bones must be removed from beef cuts fabricated from beef animals 30 months of age or older. In accordance to USDA/FSIS Docket No. 03-0251F (*Prohibition of the Use of Specified Risk Materials for Human Food and Requirements for the Disposition of Non-Ambulatory Disabled Cattle*) the vertebral column (excluding the vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae, and the wings of the sacrum), and dorsal root ganglia must be removed. This affects traditional cuts including, but no limited to, T-bone steaks, porterhouse steaks, bone-in rib roasts, and blade roasts.

To clarify the situation, AAMP has compiled photos to identify which bones must be removed. Remember, this only applies to cuts fabricated from animals 30 months of age or older!

According to Dr. Dan Engeljohn of USDA/FSIS, it is **NOT** appropriate to remove the SRM material from the vertebral column **AFTER** the steaks were cut from carcasses of 30+ months of age cattle. Although it is not appropriate to remove the SRM material from the vertebral column after the steaks are cut from carcasses of 30+ months of age cattle, the following images identify which bones should be removed from primal cuts prior to fabrication into steaks and roasts.

Beef Loin, T-Bone Steak

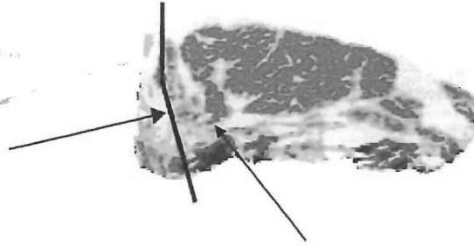
Remove this entire portion



Can leave this portion of the bone in the product

Beef Loin, Top Loin Steak (Bone-in)

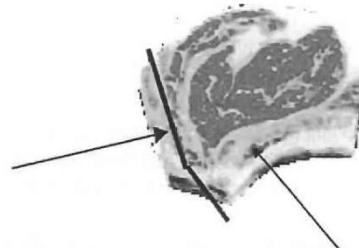
Remove this entire portion
(i.e. the feather bone and
the chine bone)



Can leave the "finger bone" or
"transverse process" in the product

Beef Rib, Rib Steak (Bone-in)

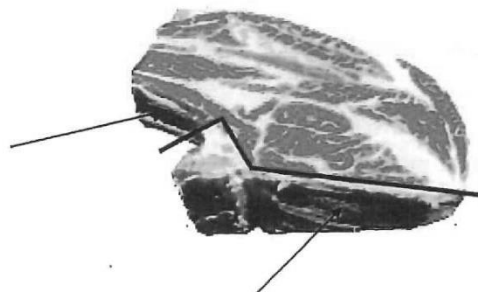
Remove this entire portion
(i.e. the feather bone and
the chine bone)



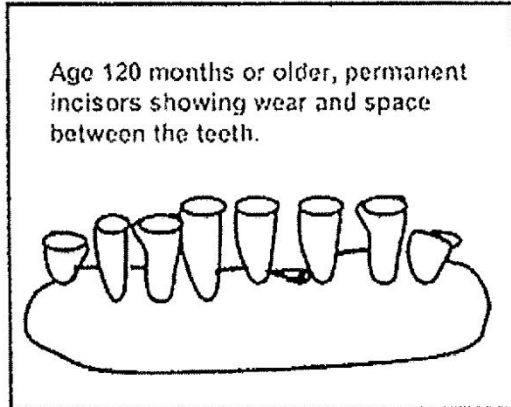
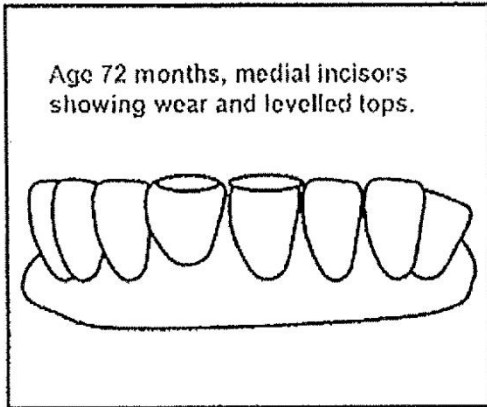
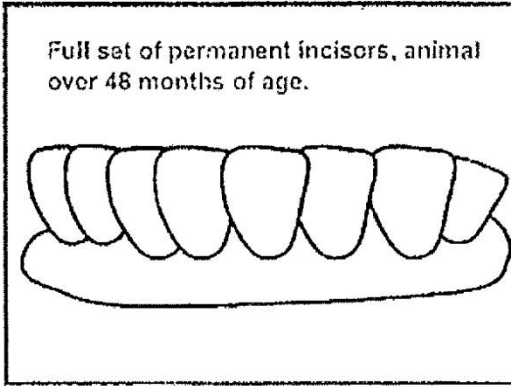
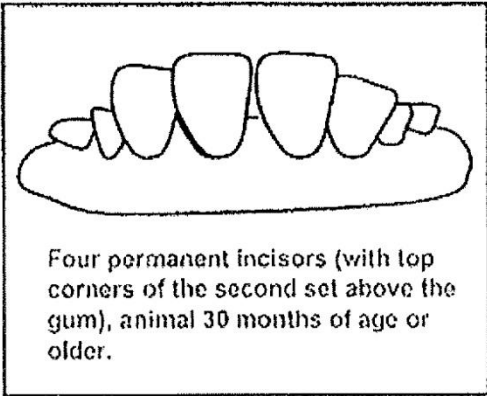
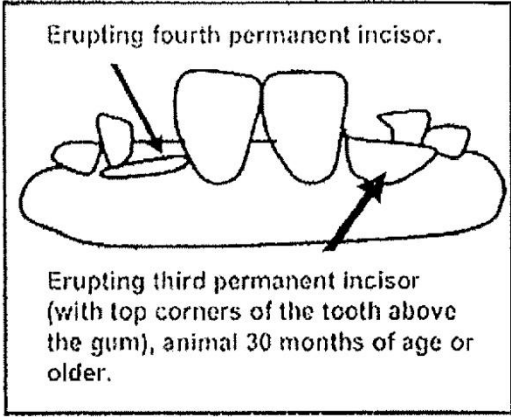
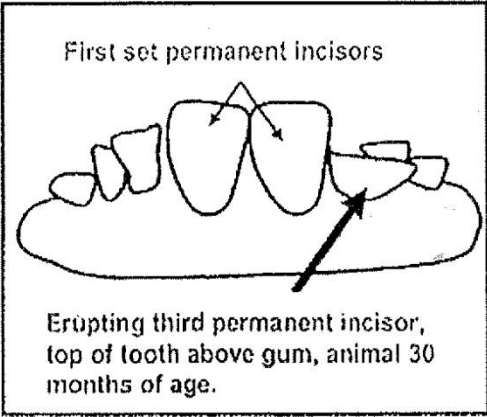
Can leave the rib bone in the
product

Beef Chuck, Blade Roast

Can leave the rib bone in the
product



Remove this entire portion
(i.e. the feather bone and
the chine bone)



Receiving Form for Livestock

This letter indicates that the cattle I/we are presenting to you for slaughter and/or processing are not non-ambulatory disabled livestock. I/we understand that non-ambulatory disabled cattle cannot be harvested and/or slaughtered for human food, in either inspected or custom-exempt establishments, per 9 CFR 309.2 (b) and 309.3 (e).

Non-ambulatory disabled livestock are livestock that cannot rise from a recumbent position or that cannot walk, including, but not limited to, those with broken appendages, severed tendons or ligaments, nerve paralysis, fractured vertebral column, or metabolic conditions. Non-ambulatory disabled cattle that are offered for slaughter must be condemned and disposed of in accordance with § 309.13.

It is imperative that the information you are furnishing in this letter concerning the ambulatory condition on the cattle presented for slaughter and/or processing be accurate.

_____ The cattle I am/ we are presenting for slaughter and/or processing is 30 months of age or older.

_____ The cattle I am/ we are presenting for slaughter and/or processing is under 30 months of age.

The livestock I am/ we are presenting for slaughter and/or processing have not been treated with any chemicals including, but not limited to pesticides and antibiotics that would violate the FDA's recommended residue withdrawal standards.

Signature _____ Printed Name _____

Street Address _____

City/State/Zip _____

Phone _____

Revised Statutes of Missouri, RSMo Section 269.020
Disposal of Dead Animals

<https://revisor.mo.gov/main/OneSection.aspx?section=269.020&bid=14537&hl=\>

Dead Animal Disposal Laws in Missouri
University of Missouri Extension

<https://extension2.missouri.edu/wq216>

Retail Exemption- Designated States (Meat)

Under paragraph 301(c)(2) of the Federal Meat Inspection Act and Part 303 of the Regulations, routine inspection is not required for operations of types traditionally and usually conducted at retail stores, restaurants, and similar retail-type establishments.

A. An exempted retail store:

1. Can handle for sale or use meat products in the preparation of product for sale only if such meat products were previously federally inspected and passed.
2. Can sell to customers only. At least 75%, in terms of dollar value, of total sales of product represents sales to household consumers. The dollar value of sales of product to other than household consumers (hotels, restaurants, institution, etc.) must not exceed a certain dollar amount per year. It's important to note that the specific dollar amount set by the administrator is subject to change every year, based on annual changes to the Consumer Price Index. Sales of cured, cooked, or other product prepared at a retail store to other than household consumers are prohibited. However, sale of prepackaged inspected product to other than household consumers is permitted provided, such product is not repackaged or reprocessed, and is handled in a sanitary manner.
3. Can sell a normal retail quantity to a consumer which shall be deemed in the aggregate not exceed one-half carcass. The following amounts of product will be accepted as representing one-half carcass of the species identified:

Species	One-Half Carcass Pounds
Cattle	300
Calves	37.5
Sheep	27.5
Swine	100
Goats	25

4. Can engage in custom slaughtering or processing if conditions for custom exemptions are met. Can conduct certain other processing operations involved in preparing products for sale. Sale of products for uninspected slaughter livestock is prohibited.

Policies on Custom Exemption (Meat)

The Federal Meat Inspection Act (FMIA) provides that custom slaughterers are exempted from certain inspection requirements. The Regulations specify operations that may be conducted at such establishments. Guidelines follow.

1. Custom operators can:

- a. Slaughter and prepare products of cattle, sheep, swine, and goats delivered by the owner of a custom basis for the exclusive use in the household of the owner, by him, members of his household, and his nonpaying guests and employees.
- b. Prepare carcasses, parts thereof, meat or meat food products, derived from the slaughter by any person of cattle, sheep, swine, or goats of his own raising, (e.g., farm dressed animals) delivered by such person for custom preparation and use as specified under item 1.
- c. Prepare carcasses of wild game delivered by the owner for use as specified under item 1.
- d. Conduct custom operations as described here at an official establishment without ante-or post-mortem inspection, or inspection of preparation of meat products.
- e. Buy and sell Federal or State inspected meat or meat food products.

2. Custom operators must:

- a. Except for game carcasses, parts and products, plainly mark all custom prepared product. Keep such product separate and apart from product intended for sale until delivered to the owner.
- b. Maintain the establishment in a sanitary manner. Preparation and handling of product must be under such sanitary standards, practices, and procedures that result in the production of wholesome product.

3. Must maintain and operate the establishment in a sanitary manner to assure that products are not adulterated or misbranded. Preparation of any product containing pork must be done in compliance with acceptable procedures to assure the elimination of viable trichinae.

Humane Handling Guide

Dr. Marin DeBauch, MMPIP Director

Background

Under 21 U.S.C. 610(b), slaughterers of livestock must comply with the Humane Methods of Slaughter Act (HMSA). The HMSA applies to the slaughter of cattle, calves, horses, mules, sheep, swine, and other livestock. (Poultry slaughter is not included.) The HMSA applies at custom exempt facilities.

Establishment Expectations:

Establishment expectations:

- Adequate measures for inclement weather:
 - When the weather conditions warrant concern (e.g., extreme cold, heat, humidity, heavy rains, or high winds), assess what effect these conditions have on the animals and prevent undue distress.
- Facility maintenance:
 - Vehicles, pens, floors, driveways, etc. must be maintained in good condition.
 - Facilities must permit the unloading of animals without injury. Animals should be unloaded and driven to pens with minimum excitement.
 - Floors should provide adequate footing for animals in order to prevent slips and falls.
- Water and feeding availability:
 - Per 9 CFR 313.2(e), Animals shall have access to water in all holding pens and, if held longer than 24 hours, access to feed.
- Electric prod/alternative object use:
 - Use of sharp objects or excessive use of electric prods when moving livestock is prohibited. When electric prods must be used, care should be practiced in order to prevent excitement or pain in livestock. Electric prods should never be applied to sensitive areas (eyes, anus, vulva, etc.).
- Stunning effectiveness:
 - All animals must be rendered unconscious after the first stunning attempt.
 - All animals must remain unconscious prior to being shackled, hoisted, thrown, cast, or cut.
- Animals on the rail:
 - Animals must remain unconscious during the shackling, sticking, and bleeding process.
 - Indications that an animal is properly stunned:
 - Animal has a straight back and floppy head.
 - Absence of righting reflex, including an arched back.
 - Tongue is hanging out—NOT curled.
 - Absolutely no vocalization of any kind.
 - Indications that an animal is NOT properly stunned:
 - Vocalization.
 - Eye blinks.
 - Eye reflexes in response to touch.
 - Rhythmic breathing.
 - Curled tongue.

Federal Regulations- Humane Slaughter of Livestock

To read each section, follow the link and click on the PDF link on the left side of the screen.

Part 313

313.1 Livestock pens, driveways and ramps and 313.2 handling of livestock

<https://www.govinfo.gov/app/details/CFR-2020-title9-vol2/CFR-2020-title9-vol2-sec313-1>

313.5 Chemical; carbon dioxide

<https://www.govinfo.gov/app/details/CFR-2020-title9-vol2/CFR-2020-title9-vol2-sec313-5>

313.15 Mechanical; captive bolt

<https://www.govinfo.gov/app/details/CFR-2020-title9-vol2/CFR-2020-title9-vol2-sec313-15>

313.16 Mechanical; gunshot

<https://www.govinfo.gov/app/details/CFR-2020-title9-vol2/CFR-2020-title9-vol2-sec313-16>

313.30 Electrical; stunning or slaughtering with electric current

<https://www.govinfo.gov/app/details/CFR-2020-title9-vol2/CFR-2020-title9-vol2-sec313-30>