

H. 522 (excerpt)

*** On-farm Poultry Processing and Labeling for Sale ***

Sec. 7. DEPARTMENT OF HEALTH AND AGENCY OF AGRICULTURE, FOOD AND MARKETS REGULATIONS

The department of health shall amend Regulation 5-204(1)(X) (requirement of agency of agriculture, food and markets or United States department of agriculture inspection of poultry) so that the regulation does not require inspection of poultry that is exempt from inspection under 6 V.S.A. § 3312(b).

Sec. 8. 6 V.S.A § 3312 is amended to read:

§ 3312. INSPECTION; ~~EXCEPTION~~ EXCEPTIONS

(a) Inspection shall not be provided under this chapter at any establishment for the slaughter of livestock or poultry or the preparation of any livestock products or poultry products which are not intended for use as human food, but these products shall, prior to their offer for sale or transportation in intrastate commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by rules of the secretary to deter their use for human food. These licensed establishments shall be subject to periodic review.

(b) Inspection shall not be required for the slaughter or preparation of poultry products of the producer's own raising on the producer's own farm, whether or not they are intended for use as human food if fewer than 1,000 birds are slaughtered annually and no birds are offered for sale or transportation in interstate commerce, and the poultry products are only sold from the farm, at a farmers' market, or to a food restaurant licensed by the commissioner of health, or are for personal use.

(c) All poultry sold pursuant to the exemption in subsection (b) of this section shall be labeled with the following information:

(1) Name of farm and name of producer;

(2) Address of farm;

(3) Exempted per 6 V.S.A. § 3312(b): NOT INSPECTED.

(d) The department of health shall establish labeling requirements for all poultry products exempt from inspection pursuant to subsection (b) of this section and sold at a food restaurant licensed by the department. Labels shall include safe handling and cooking instructions and shall identify the poultry grower for purposes of traceability. The requirements shall be effective November 1, 2007.

(e) Poultry sold to food restaurants under the exemption in subsection (b) of this section shall also include the following on the label:

Any menu item that includes this poultry must clearly state the name of the farm and have the words "poultry processed on the farm and not inspected" on the menu in proximity to the menu item.

(f) The poultry producer, upon first selling poultry to a food restaurant, must procure a signed statement from the food restaurant stating that the food restaurant is aware that the poultry is exempted from inspection under subsection (b) of this section, and that the menu of the food restaurant must have the information required by subsection (d) of this section. The poultry producer must keep the signed statement on file as long as the producer is selling poultry to the food restaurant under this section. The poultry producer must have a signed statement on file from each food restaurant to which poultry is sold under this section.

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What the *On Farm Poultry Processing* provision would do:

1. Allow poultry producers raising fewer than 1000 birds annually to sell their poultry from the farm, at farmers markets, and to restaurants, without having the poultry slaughtered in an inspected facility. This means the birds can be slaughtered on the farm and sold at these venues. It will bring Vermont state law into line with the federal regulations, which allow for this activity.
2. Require that farmers who sell uninspected poultry to restaurants obtain from the restaurant a written statement indicating that the restaurant is aware that the poultry is uninspected, and that the restaurant is aware of the menu labeling requirements.
3. Require the restaurant to note on the menu next to any item that contains the uninspected poultry that it is uninspected and processed on the farm, and name the farm that it comes from.
4. Require the Department of Health to develop a label that farmers would have to use on the poultry that is sold to restaurants.

Why do farmers want to sell uninspected poultry?

- ✓ The federal regulations allow for an exemption for producers who produce 1000 birds or less per year. Vermont regulations are more stringent than the federal regulations, and make it difficult for small producers to sell into the local market.
- ✓ The requirements to build “inspectable” facilities are overly burdensome and not cost-effective for a small scale producer. For instance, an inspectable facility must have a bathroom that is only used by the inspector.
- ✓ Consumers want to buy it. Restaurants in Vermont want to buy local poultry, but there is not currently enough capacity to process it in inspected facilities.

What kinds of health risks are there?

- ✓ The main concerns have to do with processing the birds in a clean environment and making sure that the carcasses are cooled and cleaned appropriately. Farmers are already processing birds on the farm and selling directly to consumers from the farm, so they have already set up systems that are clean and have good safeguards.
- ✓ There is very high motivation for the farmer to get it right, as the liability for any sickness will go straight back to the farm.
- ✓ The people buying the poultry at the restaurants will be trained chefs – professionals who are responsible for ensuring safe food every day.
- ✓ The scale that is allowed under this exemption is very small. Producers will likely be processing less than 100 birds/week, while inspected facilities sometimes process several hundred, or even several thousand a day.

What about the consumers' expectation that the poultry in a restaurant will be inspected?

- ✓ The bill has a clear requirement that menus have a notation next to any menu item that contains uninspected poultry.
- ✓ It is the farmer's responsibility to get a signed statement from the restaurant stating that they are aware of the menu labeling requirements.

Who is opposed to this provision?

- ✓ The Agency of Agriculture and the Department of Health. Their main contention is that consumers expect that meat sold in restaurants will be inspected. This concern is addressed with the menu labeling requirement in #3, above.

Who supports this provision?

- ✓ Small scale poultry producers
- ✓ Chefs
- ✓ Consumers
- ✓ Many who want to see Vermont agriculture thrive, and a strong local food system!

