



RAISING, PROCESSING, & SELLING FARM-FRESH POULTRY WITHOUT INSPECTION IN VERMONT



INFORMATION FOR FARMERS, RESTAURANTS & CONSUMERS

NOTE: All information provided in this booklet is current as of September 15, 2017

HOW DID WE GET HERE? SOME DEFINITIONS AND HISTORY:

The State of Vermont is one of 25 states that has its own poultry inspection program. All 25 states must oversee state inspection programs that meet or exceed the standards of the USDA Food and Safety Inspection Service (FSIS).

The Vermont Agriculture Viability Act of 2007 (fondly known as “the chicken bill”), for which Rural Vermont was a prime advocate, allowed farmers raising fewer than 1000 birds per calendar year to be exempt from state inspection and enabled them to sell their poultry at farmers’ markets and to restaurants, in addition to selling directly from their farm. This uninspected poultry (including chickens, ducks, and turkeys) could be sold as whole birds only, and only within Vermont.

Restaurants who wish to offer this uninspected poultry, must be licensed by the VT Department of Health, and indicate on their menu that the poultry is uninspected.

- 2007 “Chicken Bill” supported increased demand for farm-fresh poultry**
As Vermont’s local food economy began to grow, the 1000 bird exemption of the 2007 “chicken bill” enabled more farmers to add poultry as a viable income stream for their farms. Consumer demand grew steadily and now many farmers are finding the 1000 bird cap a real economic limitation.
- 2017 Legislative session brings expansion of the “chicken bill”**
East Albany farmer, Bill Pearce, is one of the farmers who wanted to expand his poultry business, in part so that his daughter could join him. Bill sought help from his legislators and a bill amending the 2007 law created the opportunity to raise, process and sell more birds each year. The new law, Act 52, was passed and signed into law by the governor in May of 2017. Rural Vermont supported the passage of Act 52 and many of our members contributed testimony which helped shape the final version of the new law.

(See pages 4-7 for a complete description of the provisions of the current law.)

HOW YOU CAN HELP MAKE THE NEW “CHICKEN BILL” WORK WELL FOR FARMERS, CONSUMERS & RESTAURANTS:

Any law, regulation or policy is only as good as its implementation, and that implementation needs to work effectively for the people who will use or be impacted by the law.

You can help Rural Vermont ensure that the new “Chicken Bill” effectively accomplishes its goals - increasing economic opportunity for farmers and increasing access to healthy, locally produced poultry for Vermonters - by sharing your plans and experiences with us.

HERE ARE SOME THINGS YOU CAN DO TO HELP RURAL VERMONT MONITOR THE NEW LAW:

1. Please [contact Rural Vermont](#) if you have questions about the new law and how it might apply to you or about the information in this booklet.
2. Please let Rural Vermont know if you are currently raising, processing and selling poultry under the provisions of the 1000 bird exemption. We'd like to better understand who makes up that community of farmers.
3. Please also let Rural Vermont know if you are planning to begin or expand your poultry operation under the provisions of the new law at either the 5000 or 20,000 bird limits.
4. **MOST IMPORTANT:** Please [share with Rural Vermont](#) your experiences in dealing with the VT Agency of Agriculture Food & Markets (VAAFMM) and the VT Department of Health regarding your poultry operation (at whatever size). *NOTE: All information you share with Rural Vermont will be kept strictly confidential unless you give permission for it to be used publicly.*
5. Let us know if there are changes to the law that you feel need to be made to improve it. The 2018 Legislative session, which begins in January, is our next opportunity to fine tune this law.
6. If you are not already on it, [please sign up for our email list](#), so we can keep you informed of new information and resources or advocacy actions that may be needed.

Contact Rural Vermont by calling 802-223-7222 or emailing info@ruralvermont.org

1000 BIRD EXEMPTION

The 1000 bird exemption, created by the Agriculture Viability Act of 2007, is preserved in the 2017 amendments to the “chicken bill”.

Requirements for using the 1000 bird exemption:

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 premises if:

- (1) Fewer than 1,000 birds are slaughtered annually; and
- (2) No poultry products are offered for sale or transportation in *interstate* commerce;
- (3) The poultry products are sold, as whole birds only, from the farm, at a farmers’ market, or to a restaurant licensed by the VT Commissioner of Health.

Rural Vermont’s Recommended Best Practices for On-farm Poultry Processing:

- ✓ Farm-processed poultry must be kept separate from any other products being sold (in a separate cooler at a farmers’ market and in a separate freezer on the farm).
- ✓ You must have an adequate supply of potable water on site for processing. **Tip: about 1000 gallons is needed for processing 300 birds.* Have your water tested to ensure safe processing. Water testing is available through the VT Dept. of Health and other certified labs. Information and order forms can be found at: <https://www.healthvermont.gov/lab>
- ✓ Rapid chilling is critical in keeping birds clean and ensuring a healthy product. Be sure to chill your poultry immediately after evisceration. *Do not co-mingle eviscerated birds with those that have not been eviscerated.*
- ✓ Poultry must always be kept at 40° F or lower, until it is sold.
- ✓ Poultry processed without inspection must be labeled (See sample label on page 6).
- ✓ The Agency of Agriculture can inspect a farm to ensure it is meeting basic sanitary conditions and not exceeding the exemption limit. The farmer’s best practice is to keep accurate records of slaughtered birds.
- ✓ If you have any questions, The VT Agency of Agriculture’s Meat Inspection Service can be reached at (802) 828-2426 or at: <https://agriculture.vermont.gov/food-safety/vermont-meat-poultry-inspection>

2017 CHANGES TO VERMONT'S POULTRY PROCESSING LAW: "CHICKEN BILL" 2.0 OR [ACT 52](#)

Legislative summary of what the 2017 changes do:

Act 52 authorizes two new exceptions to the required inspection of the slaughter and preparation of poultry products. The first new exception from inspection authorizes a poultry producer to slaughter and sell up to 5,000 birds a year if the birds are slaughtered under sanitary conditions that ensure the product is not adulterated. The second new exception authorizes a poultry producer to slaughter and sell up to 20,000 birds a year if the poultry producer meets U.S. Department of Agriculture sanitary standards. Under both new exceptions, the poultry products are subject to conditions on sale, including: the sale shall occur entirely within the State; the poultry products shall be sold as whole birds only from the farm, at farmers' markets, and to restaurants; the poultry are healthy when slaughtered; and the poultry products are properly labeled. The act also requires the Secretary of Agriculture, Food and Markets to approve the label used by a poultry producer selling poultry products slaughtered under one of the two new exceptions.

THE DETAILS

To operate under the 5,000-bird exemption, the following requirements must be met:

- (A) No more than 5,000 birds are slaughtered annually.
- (B) No poultry products are offered for sale or transportation in *interstate* commerce.
- (C) The poultry products are sold only as whole birds, from the farm, at a farmers' market, directly to household consumers, or to a food restaurant licensed by the Commissioner of Health, or are for personal use.
- (D) The producer's facility is not used to slaughter or process poultry by any other person or business.
- (E) The producer does not purchase birds for resale that have been processed under the exemption under this section.
- (F) The poultry are healthy when slaughtered.
- (G) The poultry are slaughtered and otherwise processed and handled under sanitary standards, practices, and procedures that result in the preparation of poultry products that are sound, clean, and fit for human food when distributed by the producer.

Sanitary standards, practices, and procedures means:

- (A) The poultry are slaughtered in a facility that is soundly constructed, kept in good repair, and of sufficient size;
- (B) Rooms or compartments in which an edible product is processed, handled, or stored shall be separated from areas used for slaughter, provided that a producer may use heavy duty plastic sheeting as a means of separation when such sheeting prevents the creation of insanitary conditions;

- (C) All food-contact surfaces and nonfood-contact surfaces in the facility are cleaned and sanitized as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of the products;
- (D) Pest control shall be adequate to prevent the harborage of pests on the grounds and within the facility;
- (E) Substances used for sanitation and pest control shall be safe and effective under the conditions of use, and shall not be applied or stored in a manner that will result in the contamination of edible products;
- (F) (i) Sewage from human waste shall be disposed of in a sewage system separate from other drainage lines; or (ii) sewage is disposed of through other means to prevent the creation of insanitary conditions or the backup into the area where the product is processed, handled, or stored, including disposal of process wastewater through on-farm composting under the Required Agricultural Practices;
- (G) A supply of potable water of suitable temperature is provided in all areas where required for processing the product, cleaning rooms, cleaning equipment, cleaning utensils, and cleaning packaging materials;
- (H) Equipment and utensils used for processing or handling edible product are of a material that is cleanable and can be sanitized;
- (I) Receptacles used for storing inedible material are of such material and construction that their use will not result in adulteration of any edible product or create insanitary conditions;
- (J) A person working in contact with the poultry products, food-contact surfaces, and product-packaging material shall maintain hygienic practices; and
- (K) Clothing worn by persons who handle poultry products shall be of material that is cleanable or disposable, and garments shall be cleaned or changed as often as necessary to prevent adulteration of poultry products or the creation of insanitary conditions.

To operate under the 20,000-bird exemption, all the above requirements must be met as well as:

- (A) no more than 20,000 birds are slaughtered annually;
- (B) the poultry are slaughtered and otherwise processed and handled according to the sanitary performance standards of [9 C.F.R. §§ 416.1–416.17](#). *NOTE: These numbers refer to the USDA sanitary standards which are essentially the same as those required for federally inspected facilities.*

Labeling Requirements:

All poultry sold from the farm, at a farmers' market, or to a food restaurant under the 1000, 5000 and 20,000 bird exemptions shall be labeled with the following information:

- (1) Name of farm and name of producer;
- (2) Address of farm, including zip code;

(3) “Exempt per 6 V.S.A. § 3312(b): NOT INSPECTED.” This statement must be prominently displayed so that anyone purchasing the poultry will see and understand it.

(4) Safe handling and cooking instructions as follows --

SAFE HANDLING INSTRUCTIONS:

- Keep refrigerated or frozen. Thaw in refrigerator or microwave.
- Keep raw poultry separate from other foods.
- Wash working surfaces, including cutting boards, utensils, and hands after touching raw poultry.
- Cook thoroughly to an internal temperature of at least 165 degrees Fahrenheit maintained for at least 15 seconds.
- Keep hot foods hot. Refrigerate leftovers immediately or discard.”

Additional requirements for sale of uninspected poultry to restaurants:

- (1) Any menu item that includes poultry that is produced under an exemption from inspection shall clearly state the name of the farm from which the poultry was purchased and shall prominently display the words “poultry processed on the farm and not inspected” on the menu in proximity to the menu item. Poultry sold to food restaurants under the exemption in this section shall include a label alerting the purchaser to these labeling requirements.
- (2) The poultry producer, upon first selling poultry to a restaurant, must procure a signed statement from the restaurant stating that the restaurant is aware that the poultry is exempted from inspection under Vermont law and that the menu of the restaurant must have the information required above (“poultry processed on the farm and not inspected”). The poultry producer must keep the signed statement on file for as long as the producer is selling poultry to that restaurant. The poultry producer must have a signed statement on file from each restaurant to which poultry is sold under this exemption and an exact copy of each statement, including the name of the producer and the name of the purchasing restaurant shall be forwarded to the VT Department of Health. *(See back page for how to access the required form from the VT Dept. of Health)*
- (3) Prior to selling poultry products slaughtered pursuant to one of the exemptions, a poultry producer shall submit to the Secretary of Agriculture, for approval, a copy of the label that the poultry producer proposes to use for compliance with the requirements of Act 52. Send your label via mail, fax, or email to Vermont Agency of Agriculture, Food and Markets, Attn: Meat Inspection, 116 State St., Montpelier, VT 05620; Fax (802) 828-5983; AGR.MeatInspection@vermont.gov.

ADDITIONAL RESOURCES:

Vermont Agency of Agriculture, Food & Markets (VAAFAM):

Vermont Meat & Poultry Inspection Information –

<https://agriculture.vermont.gov/food-safety/vermont-meat-poultry-inspection/poultry-exemptions-inspection>

Find the “Guidance for Slaughtering and Selling Exempt Poultry” under the above link.

For additional questions, contact the Meat Inspection service: 802-828-2426

VT Health Department Poultry Exemption Requirements:

Restaurant Inspection Exemption Form:

http://www.healthvermont.gov/sites/default/files/documents/2016/12/ENV_FL_Poultry%20Exemption%20Instruction%20Sheet%20and%20Form.pdf

For additional information please contact the VT Department of Health Food & Lodging Program at 802-863-7221.

General Resources on Small Scale Poultry Farming:

NOTE: These resources are only suggestions, Rural Vermont is not responsible for the content. These links were current at the time of publication.

<http://rodaleinstitute.org/establishing-a-small-scale-sustainable-pastured-poultry-operation/>

<https://attra.ncat.org/attra-pub/summaries/summary.php?pub=235>

<http://www.beginningfarmers.org/information-about-raising-chickens/>

<http://www.chelseagreen.com/the-smallscale-poultry-flock>

For questions about any of the material in this booklet, please contact Rural Vermont
info@ruralvermont.org or 802-223-7222.