Marketing Poultry Slaughtered Under USDA Exemption

Are you raising poultry and wondering what rules apply to you? The following summary states where you can sell your poultry depending on how it was processed and what other regulations apply.

Producer/ Grower 20,000 bird exemption

USDA exempts producers who raise and slaughter less than 20,000 poultry on their premises in a calendar year. Whether you want to get into smaller-scale poultry processing or already have an operation that falls under these exemption categories, USDA FSIS is a great resource that can help provide the most up-to-date information.

Poultry processing regulations can be confusing, especially for small-scale producers and processors, and can vary from state to state. The Federal Meat Inspection Act and the Poultry Products Inspection Act provide for FSIS to cooperate with State agencies in developing and administering their own meat or poultry inspection. Currently, 29 out of the 50 states operate their own Meat and Poultry Inspection (MPI) programs. However, Pennsylvania does not have this type of program, so all exemption categories are under the sole jurisdiction and oversight of the USDA.

Although you are not required to register your operation with USDA/FSIS, it is useful to reach out to them to receive relevant information. USDA/FSIS conducts reviews at custom-exempt slaughter and processing operations to determine if the operator complies with applicable statutory and regulatory requirements. These reviews may be periodic or risk-based.

How may poultry be processed? Slaughtering methods

<table>
<thead>
<tr>
<th>Selling Method</th>
<th>On-Farm</th>
<th>Custom</th>
<th>USDA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farmers Market</td>
<td>Yes*</td>
<td>Yes***</td>
<td>Yes</td>
</tr>
<tr>
<td>On-Farm Sales</td>
<td>Yes*</td>
<td>Yes***</td>
<td>Yes</td>
</tr>
<tr>
<td>CSA Operations</td>
<td>Yes*</td>
<td>Yes***</td>
<td>Yes</td>
</tr>
<tr>
<td>Buying Clubs</td>
<td>Yes*</td>
<td>Yes***</td>
<td>Yes</td>
</tr>
<tr>
<td>Restaurants</td>
<td>Yes*</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Retail Stores</td>
<td>Yes*</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Schools and Hospitals</td>
<td>Yes*</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Distributors/Wholesalers</td>
<td>Yes*</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Out of State</td>
<td>No**</td>
<td>No</td>
<td>Yes</td>
</tr>
</tbody>
</table>

*Assumes 20,000 or fewer birds sold per year raised on his/her own premise **Unless also USDA Inspected ***All birds must be pre-sold before slaughter
What are the regulatory requirements?

<table>
<thead>
<tr>
<th>Facilities</th>
<th>USDA Sanitation Inspection</th>
<th>USDA Registration</th>
<th>Specified Labeling</th>
</tr>
</thead>
<tbody>
<tr>
<td>On-Farm Processor (solely processes their own poultry)</td>
<td>Subject to potential yearly review by USDA/FSIS</td>
<td>No</td>
<td>Yes, for &lt; 20,000 birds annually Producer’s name Producer’s address The statement, “Exempt P.L. 90-492” Safe handling instructions No, for &lt; 1,000 birds annually</td>
</tr>
<tr>
<td>Custom Processor (processes other persons poultry)</td>
<td>Subject to potential yearly review by USDA/FSIS</td>
<td>No, unless handling 4-D (i.e., dead, dying, disabled, diseased).</td>
<td>Yes, promptly marked or labeled “not for sale” in letters at least 3/8” high.</td>
</tr>
<tr>
<td>USDA Processor</td>
<td>Daily</td>
<td>No</td>
<td>Yes*</td>
</tr>
<tr>
<td>Farm (not doing processing)</td>
<td>No</td>
<td>No</td>
<td>n/a**</td>
</tr>
</tbody>
</table>

*Contact USDA FSIS for further guidelines **Except as required by FDA for marketing purposes Note: Farmers selling through farm stands and farmers markets must also maintain the appropriate license for doing so.

"Can I sell poultry that I raised but have processed by a custom butcher?"

Birds processed off-farm by a licensed custom processor must be sold to the end user before being slaughtered. Otherwise, such poultry can only be used for personal consumption by the producer for whom the birds were slaughtered, including that individual’s family and/or farm workers. After being processed by a custom processor, poultry may not enter into commerce of any kind. Producers may sell poultry (before slaughtering) to individual customers, providing them with a written receipt for the sale of the birds. The producer (the seller) may arrange the service of processing and delivery of the finished product to the buyer. These transactions may occur at a farmer’s market, but both producer and buyer are responsible for maintaining records and receipts sufficient to support the aforementioned arrangements.

"Does the poultry that I raise, slaughter, and sell at farmers markets need to be labeled?"

Yes, all exempted poultry must be labeled. The label and/or shipping container must include:

- Producer’s name
- Producer’s address
- The statement, Exempt P.L. 90-492

"If I am selling my poultry at farmers’ markets, does it have to be frozen?"

No. Poultry may be sold fresh or frozen. Whether you sell fresh or frozen poultry, proper temperatures must be maintained and monitored according to PDA requirements. Cold products must be stored at 41°F degrees or lower, and frozen products must be kept frozen to the touch.

"Do I need to have my poultry processing area inspected and registered with PDA?"

No. You are not required to register your poultry processing area with the PDA. The USDA oversees all exemption categories in Pennsylvania. Registering with USDA/FSIS is not required, though it is useful to reach out to them to receive relevant information. Depending on risk or recent food safety breaches, USDA/FSIS may periodically conduct reviews at custom-exempt slaughter and processing operations.

Frequently Asked Questions (FAQs)

"Can I sell poultry that I raised and processed on my farm using a rented mobile processing unit?"

Yes. According to the USDA Food Safety Inspection Service (FSIS), "FSIS has determined that when a grower producing poultry under the Producer/Grower Exemption rents slaughtering or processing equipment and operates such equipment on his or her premises, he or she is not disqualified for the Producer/Grower Exemption." The Producer/Grower must follow basic sanitary standards for on-farm slaughter of poultry.
"Can I sell exempt poultry that I raised and processed on my farm across state lines?"

No. Poultry raised and slaughtered under the USDA FSIS Poultry Exemptions can only be sold intra-state (within state lines). Poultry must be processed under USDA inspection to be sold out of state.

Questions

Contact: USDA Food Safety Inspection Services (FSIS), Mr. Thomas Collaro, Deputy Regional Director at 215-430-6222 or Thomas.Collaro@usda.gov

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