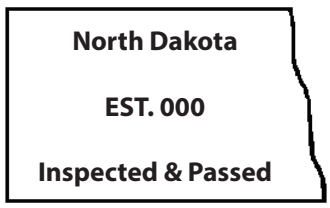
# North Dakota Poultry Slaughter, Processing, and Sales Guidelines for Small-scale Producers

This publication is to help small-scale poultry producers operating in the state of North Dakota understand regulations related to the slaughter, processing, and marketing of poultry.

The regulations allow for several exemptions which are limited to different types of business transactions. Unlike meat, poultry plants must operate under one exemption only. All businesses must slaughter healthy poultry and operate under sanitary standards, practices and procedures that produce poultry products that are sound, clean and fit for human food (not adulterated.)

This information is subject to legislative and administrative change, and this guide will be updated as necessary.

**Officially Inspected Poultry Establishment:** Birds slaughtered under official inspection are inspected by the North Dakota Meat and Poultry Inspection Program (NDMPIP) or the United States Department of Agriculture's Food Safety Inspection Service (FSIS). The carcass is marked with a state or federal mark of inspection that looks similar to the images above or below. If the carcass is processed under official inspection (only birds slaughtered under official inspection are eligible for this), all parts will also bear a state or federal mark of inspection. Any poultry carcasses or parts produced under NDMPIP's Cooperative Interstate Shipment Program (CISP) or that bear a FSIS official mark of inspection may be retailed or wholesaled across state lines (interstate commerce). Any poultry carcasses or parts bearing an NDMPIP or FSIS official mark of inspection may be retailed or wholesaled within state (intrastate commerce). Official inspection has several regulatory requirements, including: an approved facility, ante-mortem (before death) and post-mortem (after death) inspection both performed by an inspector, inspection related activities (verifying carcass hygiene, microbiological testing, etc.), carcass chilling standards, a HACCP plan, a SSOP plan, approved labeling, potable water certification, a waste water disposal certificate, and several recordkeeping requirements.



**Producer-Grower less than 1,000 Birds (per year) Exemption:** A producer/grower may slaughter and sell up to 1,000 healthy birds per year of any domesticated poultry on their farm. The producer/grower may only slaughter birds they raised themselves. Birds must be slaughtered and sold at the owner's farm under sanitary conditions and may be sold only to household consumers. The producer/grower may not buy or sell poultry products other than those produced from poultry raised on their own farm. Carcasses or parts from birds under this exemption may not be sold to hotels, restaurants, institutions, retail stores, or at farmers markets. Producers must maintain complete and accurate records, including: number of birds processed in a calendar year, and customers' names and dates for each sale. The facility used to slaughter or process the poultry may not be used to slaughter or process another person's poultry. Producer/growers under this exemption are required to register with the NDMPIP.

There are five additional exemptions under the Poultry Products Inspection Act (PPIA). All of the following exemptions include the subsequent requirements: approved facilities, potable water certification, wastewater disposal certification, sanitation standards, and recordkeeping requirements. NDMPIP inspectors inspect these establishments on a risk-based system to ensure compliance with regulatory requirements. These exemptions differ based on the amount of birds that can be processed, how the birds can be processed, and to whom the products can be sold.

**Custom-Exempt Inspection:** A bird slaughtered and/or processed at a custom-exempt facility is not inspected, does not bear a mark of inspection, and must be returned to the owner of the animal. Custom-exempt product is intended to be used exclusively by the owner of the animal, the owner's immediate family, nonpaying guests and employees of the

North Dakota officially inspected products may be wholesaled or retailed across state lines if produced under the cooperative interstate shipment program.

# Additional Exemptions

owner. Custom slaughtered poultry must be marked with the owner's name and address and the statement "Exempted – P.L. 90-492." Custom poultry slaughterers may not engage in the business of buying or selling poultry products capable of use as human food. Custom-exempt products cannot be sold or donated.

**Producer-Grower less than 20,000 Birds (per year) Exemption:** A producer/grower may slaughter and sell up to 20,000 healthy birds per year of any domesticated poultry raised on their farm. The producer/grower may only slaughter birds they raised. Birds must be slaughtered and processed at the producer's farm under sanitary conditions and may be sold only to household consumers. The poultry products may be distributed within North Dakota; however, carcasses or parts from birds under this exemption may not be sold to hotels, restaurants, institutions, retail stores, or at farmers markets. Complete and accurate records must be maintained, including: number of birds processed in a calendar year and customers' names and dates for each sale. The producer/grower may not buy or sell poultry products other than those produced from poultry raised on their own farm. Shipping containers must bear the producer's name, the producer's address and the statement "Exempt P.L. 90-492." The facility used to slaughter or process the poultry may not be used to slaughter or process another person's poultry.

**Producer-Grower or Other Person (PGOP) less than 20,000 Birds (per year) Exemption:** This exemption refers to a single entity, which may be:

(1) A poultry grower who slaughters and processes healthy poultry that he or she raised directly for sale to household consumers.

(2) A person who purchases live poultry from a grower, slaughters these healthy poultry, and processes such poultry for sale directly to household consumers.

Processing is limited to poultry slaughtered by the PGOP. The poultry products may be distributed within North Dakota; however, carcasses or parts from birds under this exemption may not be sold to hotels, restaurants, institutions, retail stores, or at farmers markets. The PGOP may not buy or sell poultry or poultry products prepared under other exemptions. The facility used to slaughter or process the poultry may not be used to slaughter or process another person's poultry. The PGOP must maintain complete and accurate records, including: number of live birds purchased, birds processed in a calendar year and customers' names and dates for each sale. Shipping containers must bear the producer's name, the producer's address and the statement "Exempt P.L. 90-492."

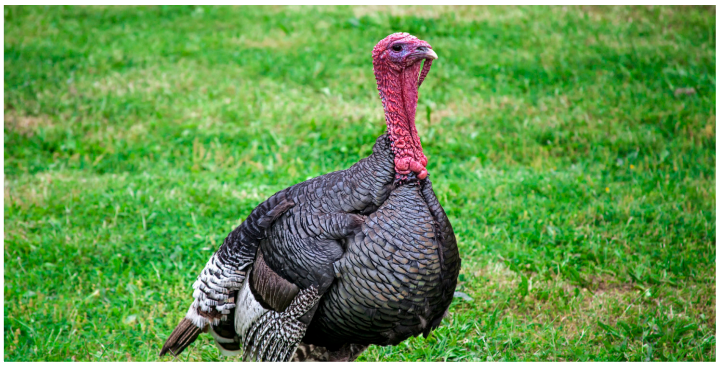
**Small Enterprise (less than 20,000 birds per year) Exemption:** A business that qualifies for the Small Enterprise Exemption may be:

(1) A producer/grower who raises, slaughters and dresses (cut-up only) healthy poultry for use as human food.

(2) A business that purchases live, healthy poultry that it slaughters and dresses (cut-up only) for use as human food.

(3) A business that purchases federally or state inspected and passed, dressed poultry, which it sells as carcasses or processes (cut-up only) and sells.

The poultry products may be distributed within North Dakota; however, carcasses or parts from birds under this exemption may not be sold to hotels, restaurants,



institutions, retail stores, or at farmers markets. The small enterprise may not buy or sell poultry or poultry products prepared under other exemptions. The facility used to slaughter or process the poultry may not be used to slaughter or process another person's poultry. The small enterprise must maintain complete and accurate records, including: number of birds processed in a calendar year and customers' names and dates for each sale. Businesses under this exemption are subject to more stringent labeling regulations. Labels must include: name of the product, ingredients statement, net weight, name and address of establishment, handling instructions, safe handling instructions, date of packaging, and an explanatory statement indicating why inspection is not required such as "Small Enterprise Exemption from Inspection."

**Retail Exemption:** Under retail exemption, a business may purchase officially inspected poultry carcasses or parts, further process them, and sell them to end consumers and certain products to hotels, restaurants and institutions (HRIs) in limited quantities. The North Dakota Department of Health inspects these businesses. Product labeling requirements are as follows: name of product, ingredients statement, quantity of contents, name and address of establishment, name of food source for each major allergen, and, unless exempt, nutrition facts. Products must be sold in "normal retail quantities," 75 pounds or less, to household consumers and 150 pounds or less to HRIs per sale. Sales to HRIs are also limited to 25% of the dollar value of total poultry sales or the calendar year dollar limit established by FSIS (changes yearly). Records must fully and correctly disclose all transactions involved in the business.

| Criteria | USDA Inspected | NDMPIP Inspected | Custom Exemption | Producer/ Grower 1,000 Bird Exemption | Producer/ Grower 20,000 Bird Exemption | Producer/ Grower or Other Person Exemption | Small Enterprise Exemption |
|---|---|---|---|---|---|---|---|
| Slaughter Limit/ Calendar Year | No Limit | No Limit | No Limit | 1,000 Birds | 20,000 Birds | 20,000 Birds | 20,000 Birds |
| Further Processing | Yes | Yes | Yes | Yes | Yes | Yes | Cut-Up Only |
| Sell to Home Consumer | Yes | Yes | No | Yes | Yes | Yes | Yes |
| Sell to Distributor | Yes | Yes | No | No | No | No | No |
| Sell to Retail Store | Yes | Yes | No | No | No | No | No |
| Sell Interstate Commerce | Yes | Yes - Under the CIS Program | No | No | No | No | No |

If you are interested in operating a business under one of the above exemptions, contact the North Dakota Meat and Poultry Inspection Program. If you have any questions, please contact:

Telephone: (701) 328-2231 or (800) 242-7535
Fax: (701) 328-4567
E-mail: ndda@nd.gov
Website: www.nd.gov/ndda/program/meat-inspection