

QUICK LOOKUP

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Thanks to HB 410, passed by the Texas Legislature in 2019, farmers can legally process a limited number of poultry and rabbits on their farms subject to far fewer and less expensive requirements than previously.

This fact sheet provides information on the options for on-farm processing. **This information is not legal advice; please consult an attorney about your specific operation.**

The options for processing rabbits and poultry are divided into three categories, based on the number and types of animals being processed. For **all** of these options, the farmer can only process animals of his or her own raising, on his or her own farm. If you wish to process animals for other people, you must become licensed as an inspected facility.

Background

In general, under federal law, processing of “amenable species” – cattle, hogs, sheep, goats, and poultry – must be done in facilities that have an inspector on-site at all times during slaughter. Rabbits are not an “amenable species,” and thus are not subject to that requirement, but are subject to other regulations at the federal and state levels.

Congress and the USDA have created several exemptions for small-scale on-farm poultry producers, all of which rely on state implementation to be effective. This paper covers the exemptions applicable in Texas.

“USDA exempt poultry processing” does **not** mean exempt from all regulation. It just means that the poultry operation is exempt from bird-by-bird inspection and the presence of USDA inspectors during the slaughter and processing of poultry. Anyone slaughtering or processing poultry for use as human food, including exempt operations, must produce poultry product that is not adulterated or misbranded.¹ Simply put, a product is adulterated if it bears or contains a substance that makes it injurious to health, or if it has been held, packed or produced under insanitary conditions. Misbranding refers to the labeling.

The governing federal statute is the Poultry Product Inspection Act (PPIA) §464(c)(4), sometimes referred to as “Section 15(c)(4).” The governing state statute is Texas Health & Safety Code §433.0245, addressing “low-volume livestock processing establishments,” as amended by HB 410 in 2019.

General requirements, including labeling

Under the federal regulations, “poultry” is defined as “any domesticated bird,”² and includes turkeys, chickens, ducks, geese, and guinea fowl.

The information contained in this fact sheet is not intended as legal advice. Consult an attorney if you have questions about how this law applies to your situation.

¹ USDA-FSIS, Guidance for Determining Whether a Poultry Slaughter or Processing Operation is Exempt from Inspection Requirements of the Poultry Products Inspection Act (Apr. 2006) (“USDA Guidance on Exemptions”), available at https://www.fsis.usda.gov/wps/wcm/connect/0c410cbe-9f0c-4981-86a3-a0e3e3229959/Poultry_Slaughter_Exemption_0406.pdf?MOD=AJPERES

² 21 U.S.C. §453(e)

USDA interprets the exemption per “farm,” not per farmer; if a number of farmers or family members operate on a given location known as “a farm,” only 1,000 birds in total are allowed from this farm for the exemption.

Although the farmer must do the slaughter and processing, the equipment used can be rented or provided in the form of a mobile unit. The exemptions include both the slaughter of the animals and basic processing, such as cutting them into pieces and freezing them. The farmer **cannot** do additional processing, such as marinating, spicing, or breeding, without complying with additional regulations.

The meat must be labeled with the product name (e.g. Whole Chicken, Chicken Breast), the producer’s name, the producer’s address, and the statement “Exempt P.L. 90-492.”

If sold by the pound, the net weight must be on the package and the price per lb. must be posted for all consumers to see. If sold by the package, the net weight does not need to be on the label. The label must also include a “packed on” date, and unless frozen, a “sell by” date.

Category 1: Processing 1,000 or fewer poultry

For farms that process 1,000 poultry or fewer annually, the Texas Department of State Health Services (DSHS) is empowered to enforce the federal regulations discussed below but cannot impose any additional requirements. **No registration is required.**

Such farms are limited to selling their poultry directly to consumers. Poultry processed under this exemption **cannot** be sold wholesale, including to restaurants. (See Category 3 for options for wholesale transactions.)

The federal requirements³ are as follows:

1. The poultry grower slaughters no more than 1,000 healthy birds of his or her own raising in a calendar year for distribution as human food;
2. The poultry grower does not engage in buying or selling poultry products other than those produced from poultry raised on his or her own farm;
3. The slaughter and processing are conducted under sanitary standards, practices, and procedures that produce poultry products that are sound, clean, and fit for human food (not adulterated);
4. The producer keeps records necessary for the effective enforcement of 9 CFR §381.175;
5. The poultry products do not move in interstate commerce.⁴

The required records are flock records, slaughter records, and records on the sale of poultry products to customers (e.g. sales receipts), to verify that the farm is staying within the 1,000-bird limit.

The requirement that the poultry be slaughtered and processed under sanitary conditions does **not** include a requirement for a particular type of facility or equipment. The USDA’s guidance document on poultry exemptions includes a list of basic sanitary requirements, such as cleaning and sanitizing surfaces “as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of the product.”⁵ One key specific requirement is to have a potable running water supply.⁶ In practical terms, it is complaint-driven, with the USDA and DSHS investigating any complaints of allegedly adulterated products.

³ 9 C.F.R. §381.10(c).

⁴USDA Guidance on Exemptions at p.9.

⁵ See USDA Guidance on Exemptions, Attachment 2, p. 23-24.

⁶ USDA Guidance on Exemptions, Attachment 2, Section D, p.24.

Although not required for farmers processing 1,000 birds or fewer, having a Sanitary Operating Procedures Plan (SOPP) is strongly recommended. First, it helps ensure that the farmer is following sanitary practices, protecting both the farm and its customers. Second, if a question ever arises as to whether the farmer is meeting the sanitary requirements, the SOPP provides documentation of their practices.

DSHS is authorized to inspect the farm to determine if the producer is selling an adulterated product, not keeping the required records, or otherwise not complying with these federal requirements.

Category 2: Processing 500 or fewer rabbits

Rabbit is not an “amenable species” and thus is not subject to the federal requirement to have an inspector on site at all times. Instead, rabbit meat is subject to the general regulations under the Federal Food, Drug, and Cosmetic Act⁷ – primary among them, that the food cannot be misbranded or adulterated.

Under Texas state law, rabbit must be processed in a licensed establishment (i.e. **not** on-farm), unless the farm qualifies as a “low-volume livestock processor.” DSHS has interpreted this to mean people processing 10,000 or fewer rabbits on-farm, as discussed in the next category. HB 410 created a new category, for farms processing 500 or fewer rabbits annually; such producers do **not** need to register with DSHS or submit any paperwork.

As mentioned above, having a SOPP is still recommended, even though it does not need to be submitted to the agency.

The statute does not restrict where rabbit meat processed under this exemption can be sold. Under federal law, it cannot be sold across state lines. But it can be sold both direct-to-consumer and wholesale within the state of Texas.

Category 3: Processing between 500 & 10,000 rabbits, or between 1,000 & 10,000 poultry

Farms that wish to process more than 500 rabbits or 1,000 birds annually remain subject to the pre-HB 410 exemption in Texas law.

These low-volume livestock processing establishments can process up to 10,000 combined poultry and rabbits per year, and must:

- 1) Register with DSHS, and
- 2) Develop a Sanitary Operations Procedures Plan.⁸

While, on its face, this second requirement does not appear unduly burdensome, DSHS’s policy is that the SOPP must be approved by the agency, **and** that it will **not** approve a SOPP unless the farm constructs a facility that meets all of the federal requirements for a fully licensed and inspected operation. The cost to build such a facility will vary depending on whether the farmer has a suitable building available already and the farmer’s ability to do the construction him or herself; but building it from scratch can cost between \$40,000 and \$50,000.

You can obtain more details on the requirements for low-volume livestock operations from DSHS’s Meat Safety Assurance Unit, 512-834-6760, <https://dshs.texas.gov/meat/>. FARFA is working on solutions to bring this exemption in line with its original intention. Stay tuned.

⁷ <https://www.fsis.usda.gov/wps/portal/fsis/topics/food-safety-education/get-answers/food-safety-fact-sheets/meat-preparation/rabbit-from-farm-to-table>

⁸ Texas Health & Safety Code §433.0245(b) & (c).

Additional resources

USDA-FSIS, Guidance for Determining Whether a Poultry Slaughter or Processing Operation is Exempt from Inspection Requirements of the Poultry Products Inspection Act (Apr. 2006) (“USDA Guidance on Exemptions”), available at https://www.fsis.usda.gov/wps/wcm/connect/0c410cbe-9f0c-4981-86a3-a0e3e3229959/Poultry_Slaughter_Exemption_0406.pdf?MOD=AJPERES

NCAT-ATTRA has a “small-scale poultry processing” guide at <https://attra.ncat.org/attra-pub-summaries/?pub=235>. It covers equipment needs, waste product management, and packaging needed to get poultry meat to market by ATTRA Sustainable Ag. Note: This guide does **not** address specific state and local requirements.

Cornell University has a 28-page guide focused on the 1,000-bird exemption at <https://smallfarms.cornell.edu/resources/guides/on-farm-poultry-slaughter-guidelines/>. It includes sample records and Sanitary Operating Procedures.

**Please consider joining the Farm and Ranch Freedom Alliance,
which led the fight for HB 410.**

We can only do this work with your support!

<http://farmandranchfreedom.org/farfa-memberships/>

For more information, visit www.FarmAndRanchFreedom.org or call 254-697-2661