

RELEVANT REGULATIONS FOR POULTRY PROCESSING IN MARIN COUNTY

On March 14, 2017 the Marin County Board of Supervisors approved amendments to the County's Development Code to allow for on-farm slaughter & processing of poultry/rabbits for commercial sale. This amendment to the Marin County code gives producers access to a kind of agricultural activity that is already embraced by the California Department of Food and Agriculture (CDFA) and United States Department of Agriculture (USDA). And while these operations are exempt (due to their small scale) from continuous bird-by-bird inspection and the presence of USDA Food Safety Inspection Services (FSIS) inspectors during the slaughter of poultry and processing of poultry products, they are not exempt from laws pertaining to sanitation and record keeping. In other words, all processing must be conducted under sanitary standards, with practices and procedures that produce poultry products that are sound, clean and fit for human food. Records must also be kept to demonstrate that farms are genuinely in compliance with the terms of the exemptions¹.

LAND-USE

Below are the conditions and standards outlined in the Marin County Development Code as updated in 2017.

- This activity is labeled as "Poultry Processing" and defined as follows: "This land use consists of facilities permanently installed on a site engaged in slaughtering fowl for meat to be sold."²
- Poultry Processing is a Principally Permitted use in lands zoned A3-A60 and forbidden in other ag zones (A2, ARP and all lands within the Coastal Zone.³)
- Poultry Processing includes domestic fowl (chickens, ducks, turkeys, geese as well as other domesticated birds such as guineas, squab, and ratites) AND domesticated rabbits raised for food
- Poultry Processing is limited to a maximum of 20,000 animals per year.
- All animals used in Poultry Processing must have been raised on the same site as the processing facility or on other agricultural properties located in Marin County that are owned or leased by the processing facility owner or operator
- The indoor area used for Poultry Processing shall not exceed 5,000 square feet.

NOTE: These amendments to the Development Code have no impact on slaughter of animals for personal use. The USDA, CDFA and the county grant unrestricted slaughter for your own consumption or sharing with your household and non-paying guests or employees provided that this meat is never sold and there is no negative impact on public health or safety.

Oversight Agency: Marin County Community Development Agency – Planning Department - (415) 473-6269

FOOD SAFETY

The CDFA has a set of written guidelines⁴ adapted from Butte County which describe best practices around facility design, slaughter procedures and product handling including packaging and labeling. Additional oversight of facilities and practices depend on the number of birds⁵ being processed:

- 0-1,000 animals - no additional CDFA oversight, compliance with standards and expectations around production of unadulterated products is required.
- 1,001-20,000 animals – producers must register with the CDFA using their "[USDA Exempt Poultry Establishment Registration Form](#)". CDFA will inspect facilities prior to first operation and up to 4 times annually thereafter.⁶

¹ The terms of the USDA and CDFA exemptions revolve largely around the number of birds processed per year and channels through which the birds are sold. All of these criteria are described within this document. Logs documenting flock size and sales of all processed poultry are key for demonstrating compliance.

² Upon consultation with the Planning Department, it was determined that the use of the word "fowl" was actually a mistake that will be fixed. It should instead read "poultry" so as to include rabbits alongside fowl.

³ You can find out how any property in unincorporated Marin is zoned by going to the Marin County Zoning Lookup here: <http://www.marincounty.org/depts/cd/divisions/planning/zoning-and-general-plan-lookup>

⁴ <http://caff.org/wp-content/uploads/2012/06/PoultryGuidelines.pdf>

⁵ While Marin County has allowed for commercial ranch slaughter of both rabbits and fowl, both the USDA and CDFA treat rabbits slightly differently. All federal oversight of rabbit slaughter and processing is voluntary as the USDA does not require inspection of rabbit meat. The CDFA restricts the sale of ranch-harvested rabbit the same way it does for chickens, etc. but unlike fowl, there is no cap on the number of rabbits that can be slaughtered and processed under the exemption. Of course, the 20,000 animal cap placed by Marin County does create a ceiling on the number of rabbits.

⁶ The USDA says that producers harvesting their own birds, up to 1000 per year, may also concurrently send animals to inspected facilities elsewhere, but between 1001-20,000 animals, the producer cannot also be harvesting rabbits/poultry off-ranch in the same calendar year unless they first conclude their exempt harvest for the year and then transition to inspected processing.

Oversight Agency: CDFA Meat Poultry & Egg Safety Branch – (916) 900-5004

Equipment used for slaughter and processing can be owned by the producer or borrowed/rented from someone else in the form of a mobile poultry processing unit. If equipment is being borrowed/rented, it must be brought to the producer's property for use (see "land use" above).

All products can be sold fresh or frozen, but if sold fresh, consumers must pick up product within 4 hours of slaughter or product must be held at less than 41° for no more than 4 days (after which time the product is no longer deemed suitable for sale).

Freezers used on-farm to store products for sale must be commercial grade and kept in a clean, enclosed area with floor, walls and ceiling.

SOLID WASTE

California State law says that mammalian tissue cannot be composted, so offal from rabbit processing must be taken to a licensed rendering plant for disposal⁷. Poultry offal, however, can be composted on-site according to CalRecycle rules around on-farm composting. Offal is generally understood to mean the castoff organs and other parts not kept for sale/consumption.

CalRecycle compost rules state that:

1. Farms that handle only their own agricultural material (plant or animal-derived) may compost an unlimited amount of material as long as they do not sell or give away more than 1,000 yds³ of compost per year.
2. Farms matching the description in #1 above as well as farms that compost green material, food material or vegetative food material (alone or in combination) cannot have more than 100 yds³ and 750 ft² of combined feedstock and finished compost on site at any given time.
3. Any farms that exceed either of the 2 criteria above must register with Marin County Environmental Health Services (EHS) as an "[Agricultural Material Composting Operation](#)"

Oversight Agency: Marin County Community Development Agency – EHS - (415) 473-6907

Farms that comply with 1 and 2 above, though excluded from the definition of a Compost Operation, must ensure that their operation does not jeopardize public health, safety or the environment via excessive odors, dust, feathers or vectors⁸. Marin County EHS, as Lead Enforcement Agency for compost regulations, is entitled to inspect any operation to verify they are complying with the rules – even in the case of excluded operations. Public concerns over odors, vectors or safety should be submitted to [Community Development Agency – Code Enforcement](#).

Farms must also consider the impact of compost and feedstock materials on the watershed. Composting operations must be set back at least 100 feet from the nearest surface water body and/or the nearest water supply well and designed to facilitate drainage, minimize ponding and minimize the potential for waste constituents to enter groundwater or surface water.

In addition to the oversight by Marin County EHS, the Region II Water Quality Control Board (RWQCB) oversees compost and other ag waste as part of an operation's participation in the Dairy Waiver or General Waste Discharge Requirement (WDR) programs. Farms conducting Poultry Processing that already participate in one of these programs will need to include management of offal in its water quality management and nutrient management plans. Farms conducting Poultry Processing that are not already enrolled in one of RWQCB's programs may voluntarily enter the WDR program as a means of demonstrating good management of waste and its impact on water resources. At a minimum, they should develop a site-specific Pollution Prevention Plan (narrative and map) as a means of assessing their unique infrastructure, location in relation to waterways, scope of activity, etc. and developing the set of composting practices that will protect surface and groundwater.

Oversight Agency: Water Quality Control Board, Region II – (510) 622-2300

⁷ As of Spring, 2017, one such facility is Petaluma By-Products - (707) 763-9181

⁸ Guidelines around safely managing this waste are available in the UCCE Marin handout "Composting Poultry Waste on the Farm"

WATER

Marin County EHS oversees domestic water systems – on ag land, that typically means wells. All water used in Poultry Processing must be potable, with evidence of water quality testing conducted 2 times per year.

Oversight Agency: Marin County Community Development Agency – EHS - (415) 473-6907

Marin County EHS also oversees septic systems on ag land. Blood and other contaminated water from Poultry Processing must not go into septic systems. Instead, the water should be discharged onto the land according to best management practices from the Region II Water Quality Control Board. These practices include⁹:

- Not discharging at a rate that exceeds the intake rate of the soil
- Not discharging to surface waters or flood-prone areas and
- Implementing protective measures when activities are within 100 feet of surface waters. (e.g. filter strips, berms or trenching)

For operations that are already enrolled in the Regional Water Quality Control Board’s Dairy Waiver or General Waste Discharge Requirement program, any practices related to discharge of blood and waste water from Poultry Processing should be detailed in water quality management and nutrient management plans as part of the RWQCB’s programs. At a minimum, even operations not enrolled in a RWQCB program should develop a site-specific Pollution Prevention Plan (narrative and map) as a means of assessing their unique infrastructure, location in relation to waterways, scope of activity, etc. and developing the set of practices that will protect surface and groundwater.

Additionally, Marin County Department of Public Works advises that both processing facilities and any related composting activity be designed to divert stormwater away from areas where processing/composting occurs and ensure that neither solid waste nor processing wash water be allowed to enter storm drains or waterways.

Oversight Agency: Water Quality Control Board, Region II – (510) 622-2300

SALES

The USDA has one main restriction on sales of uninspected poultry products: They cannot “move in commerce” (i.e. be sold across state lines). The CDFA further restricts sales of uninspected poultry to just 2 options:

1. If a farm uses **NO employees** (i.e. just family members) they can sell at retail upon the premises or at retail off of the premises, either direct to consumers at their homes or at a retail stand which is operated by the producer in a farmers’ market (CA FAC §24713)
2. If a farm **DOES** use employees, sales are limited to just retail upon the premises (CA FAC §24713)

In both cases, products may not be sold wholesale or for resale in any form. Farms that sell at farmers’ markets according to #1 above must complete the Non-Certifiable Ag Producer form from Marin County EHS and be prepared to show records that demonstrate compliance with the 1,000 or 20,000 bird-limit. If producers harvest between 1,001-20,000 birds per year, they should also be prepared to show proof of CDFA registration as an exempt poultry operation. All poultry products must be kept at or below 41° at all times.

Oversight Agency: Marin County Community Development Agency – EHS - (415) 473-6907

Additionally, representatives of the Marin County Department of Agriculture/Weights and Measures may inspect labels on poultry products to ensure that they display essential “IRQ” information:

- Identity (What is the product? Whole chicken? Thighs? Breast? Etc.)
- Responsibility (Who produced it? This means name and physical address of the producer)
- Quantity (Product weight in both ounces and grams)

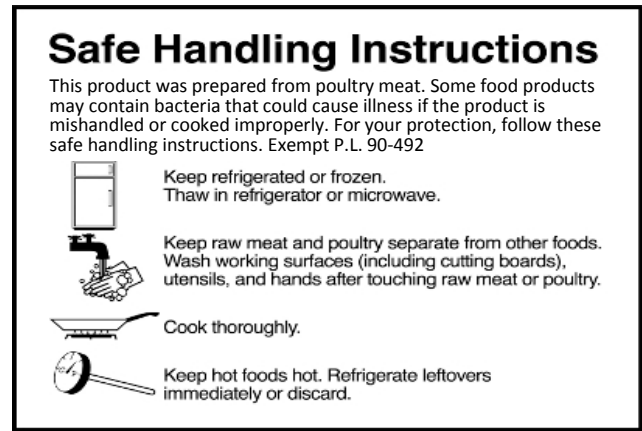
Oversight Agency: Marin County Department of Agriculture/Weights and Measures – (415) 473-6700.

The USDA, CDFA and Marin EHS also require that labels include the following additional information:

- ***“This product is exempt from inspection: P.L. 90-492”***

⁹ Additional guidelines are available in the UCCE Marin handout “Managing Water in Poultry Processing”

- Poultry safe handling instructions (inset) which are best captured in the standard pictographic information often found on USDA and CDFA inspected poultry and can be provided either:
 - On the product itself
 - In a flier given to customers
 - On a sign placed on the container holding packaged or unpackaged product.



Organic egg producers should also be able to market their meat as Organic because the same standards for raising the birds apply to both eggs and meat. In addition to the birds themselves, the materials and procedures used in the processing of the birds must be included in the producer's Organic Systems Protocol (OSP). This includes chemicals used in the cleaning of equipment and provision of a Cleanout Affidavit when renting or borrowing equipment that is also used for non-organic certified poultry processing.

To obtain organic certification for poultry products, ranchers should take the following steps:

1. Consult with their organic certifier to amend their OSP and secure any additional inspections required.
2. [Update](#) their organic registration with the CDFA.

Operations that are not already certified Organic but wish to pursue certification should consult the USDA Agricultural Marketing Service's [Organic Regulations Page](#).

ANIMAL TREATMENT

While the USDA does not maintain mandatory standards for the humane slaughter of exempt poultry or rabbits, it does have a set of rules which it advises exempt operations to adopt as Good Commercial Practices. These are outlined in the USDA Humane Handling of Livestock and Poultry Guidebook: https://www.fsis.usda.gov/wps/wcm/connect/96407439-2142-40c7-8e16-c24949f637ce/humane_handling_booklet.pdf?MOD=AJPERES

Similarly, the CDFA recommends (but does not require) that exempt operations comply with the rules that apply to fully inspected poultry plants including the stunning of poultry prior to slaughter.

OTHER RESOURCES

Details on USDA exemption from inspection, USDA Food Safety and Inspection Service:

http://www.caes.uga.edu/topics/sustainag/documents/USDA_Poultry_Slaughter_Exemption_0406.pdf

Small Scale Poultry Processing publication, ATTRA:

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

Poultry Mortality Composting Guide, University of Georgia Cooperative Extension:

https://secure.caes.uga.edu/extension/publications/files/pdf/B%201266_4.PDF

Best Practices Guide to Open Air Poultry Slaughter, OSU Small Farms Program:

http://smallfarms.oregonstate.edu/sites/default/files/small-farms-tech-report/bestprxopenairpoultryslaughter_september_2012.pdf