

Meat and Poultry at the Farmer's Market: What a Farmer Needs to Know

Over the last few years, the New York Small Farm Work Team on Livestock Processing Issues has undertaken a significant effort trying to understand and interpret all the numerous regulations that affect farmers. There are many state, federal, and local laws that direct farmers wishing to direct-market their own farm-raised meat and poultry. The following is a summary of the regulations guiding the sale of meat and poultry at a farmers' market. This information is written for market managers and the farmers they work with. This is a generalized document which does not include every last detail and nuance of the regulations. For specific questions, please inquire with the contacts listed at the end of this document.

It's implied in the regulations that the farmer's market is an extension of the farm; in order to fulfill this legal definition for meat and poultry sales, the farmer must maintain control of his/her product. A farmer cannot be responsible for selling the meat or meat products of another farmer at the market, contract out their sales at a farmers market nor can they give their product to another vendor to sell on their behalf. This is one reason the farmer or his/her employees must be in attendance at the market. The only exception is in the case of meat products that are both slaughtered AND processed under USDA inspection. These products can be sold at a shared stand when the owner of the meat is not present assuming that the market allows joint or group ownership of booths. (Farmers that sell the meat or poultry of other farmers are considered wholesalers (as opposed to farmers) and need to be licensed and bonded with the New York State Department of Agriculture if they purchase more than \$500,000 worth of product.)

Facility Types: It is helpful to have an initial understanding of the different types of facilities available to producers before discussing what is legal at a farmers' market.

- **USDA:** A facility that is inspected by the USDA. A USDA facility must be used to slaughter all amenable red meat, and poultry over the 20,000 bird limit to sell in commerce (in and out of state), and to sell amenable red meat through wholesale channels.
- **5-A Poultry:** This New York State inspected facility may slaughter and process poultry under the 20,000 bird limit, but above the 1000 bird limit. There are several 5-A exempt facilities including Producer Grower, Producer Grower Other Person, Small Enterprise and Retail Exempt. A plant can operate under only one of these exemptions at a time. In most cases a 5-A plant can only slaughter and process birds owned by the plant itself. However, dual 5-A Producer Grower licenses can be approved on a case by case basis for the same facility. A 5-A plant operating under the Producer Grower or Small Enterprise Exemption can also petition USDA for permission to slaughter other farmers' birds. A 5-A plant operating under a Small Enterprise Exemption can also purchase birds from another farmer, process them, and then sell them back to a distributor who happens to be the same farmer. In this case the label of the 5-A plant needs to be on the poultry with the words "distributed by: -----" where the farmer's name is put into the ---.
- **5-A Exotic:** These New York State inspected facilities may slaughter and process non-amenable (exotic) species such as deer, elk, buffalo, and rabbit; allowing the meat from such animals to be sold in commerce.
- **20-C Processing:** These facilities may process (cut up or add value through smoking, curing, fermenting, or manufacturing) USDA inspected slaughtered amenable red meat or poultry.
- **Custom Exempt:** These facilities may slaughter and process for personal use or freezer trade only. Custom exempt processed meat and poultry cannot be legally sold at retail, either on or off farm. All custom meat is stamped "Not For Sale."

The On-Farm 1000 Bird Exemption: A single farm may process on their own farm less than 1000 birds for direct sale to end-user, household-only consumer. For on farm slaughter only, one turkey is the equivalent of four birds.

Inspected Product Required

Meat, Poultry and Game for sale at a farmers' market must be slaughtered and processed at an approved source. The sale of custom slaughtered and/or processed cuts of meat at a farmers' market is forbidden. Frozen meat and poultry must be maintained at $\leq 0^{\circ}$ F. Fresh chilled meat or poultry must be maintained at $\leq 40^{\circ}$ F. A farmer must use inspected product (see below as to what constitutes an inspected product) when selling cooked product at his farmers' market stall.

Amenable meat includes meat from those animals specifically listed in the Federal Meat Inspection Act; while non-amenable meat is not listed and falls outside the Act.

Amenable Meat (cattle, swine, sheep, goat meat, emu, ostrich, rhea)

- All amenable meat sold at farmers market must be slaughtered under USDA inspection.
- Must be processed (cut up, value added) at a USDA or a NYS 20-C facility. When a 20C facility is used the seller of the meat must hold the 20-C license. Multiple 20-C licenses on the same facility are allowed on a case by case basis.

Non-Amenable Meat (farm raised deer, elk, bison, water buffalo, antelope, rabbit)*

- Must be slaughtered at a USDA or NYS 5-A exotic facility.
- Must be processed at a USDA or NYS 5-A exotic facility. A 20-C facility can be used to process the meat if slaughtered under USDA inspection. Again, the seller of the meat must hold the 20-C license if the meat was processed at a 20-C facility.

*ONLY FARM RAISED GAME MAY BE SOLD. HUNTER HARVESTED GAME MAY NOT BE SOLD IN COMMERCE IN ANY MARKET.

Poultry (chicken, duck, turkey, goose, guinea hen, squab)

- May be slaughtered on farm under the "1000 bird exemption" if the farmer sells no more than 1000 birds. (For on farm slaughter 1 turkey = 4 birds). Birds slaughtered under this exemption CAN be cut up AND can be sold fresh or frozen.
- Poultry may be slaughtered at a USDA or a NYS 5-A poultry licensed facility. There are not currently any USDA poultry facilities in New York
- Poultry may be processed (cut up or made into value added products) at a USDA or NYS 5-A poultry facility. Poultry that is slaughtered at a USDA facility may be processed at a 20-C facility but the seller of the meat must hold the 20-C license.

Labeling Required

New York State has adopted the USDA FSIS Mandatory Labeling Requirements. The following items are required on the principal display panel (the main label) for all sales of meat or poultry, or meat and poultry products. Please note that labels on meat that is USDA Slaughtered and Processed must be approved by the USDA-FSIS:

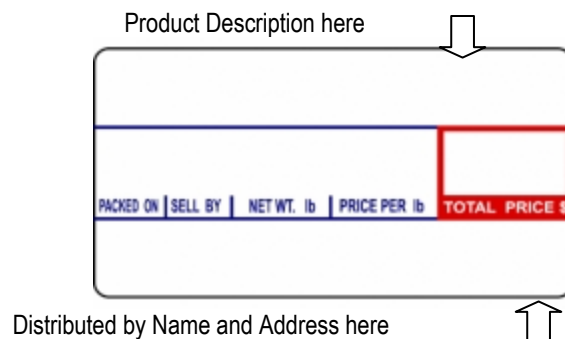
- Product name (example- Beef Chuck Roast, Hot Italian Pork Sausage, Chicken Breasts)
- Inspection legend and establishment number - For USDA inspection this is the round purple stamp if amenable, or the triangular purple stamp if non-amenable. For 5-A the following wording must be on the label or carton, "Processed at a NYSDAM Article 5-A Facility" . The 5-A plant number is optional. If it is poultry processed under the 1000 bird exemption, this does not need to be stated.
- Net weight statement- this includes packed on date, sell by date, price per pound, and net weight. Frozen meat does not require a sell-by date. Some products can be sold by the package (like sausage) as opposed to by the pound, but in this case the net weight MUST be on the package.

- **Address line-** It must include the name or trade name and place of business of the manufacturer, packer or distributor for whom the product is prepared. The address should reflect the business or farm which will deliver the product to the end consumer. In other words, if the manufacturer or packer such as a 20-C or 5-A plant sells directly to the end consumer then the address should be the 20-C manufacturer/packer or 5-A plant. If the farmer is acting as a distributor, then the address should be the farm's address. If a USDA plant is manufacturing/packing for a distributor, the address should be the distributor.

The name of the distributor must be preceded by a phrase such as "Prepared for _____", or "Distributed by _____". An additional "Raised by _____" may be added, but can not replace the distributor line.

If the business is listed in a telephone or city directory, the information listed for the place of business must include the city, state and postal zip code. If the business is not listed in a telephone or city directory, the street address must also be included in the address line.

- **Handling statement-** Packaged products that required special handling to maintain their wholesome condition must have prominently displayed on the principal display panel, the applicable handling statement: "Keep Refrigerated", "Keep Frozen", "Perishable- Keep Refrigerated or Frozen". Additional safe handling instructions are also required.
- **Ingredient statement-** This is only needed if the product is composed of more than one ingredient, so this is irrelevant for most fresh meat products. However, products like sausage fall into this category. This list of ingredients must show common names of all ingredients in descending order of their predominance.
- **Nutrition facts-** not required for raw (fresh or frozen) meat but is required on meat and poultry processed products like sausages. A NY processor employing fewer than 100 employees or producing fewer than 100,000 units are exempt from nutritional labeling. USDA processors with fewer than 500 employees and producing fewer than 100,000 pounds (of one recipe) are exempt from nutritional labeling. HOWEVER, if a farmer makes a nutritional claim in any way, then he must have a nutritional label.



Safe Handling Instructions: Safe handling instructions are required if the meat or poultry component of a product is raw or partially cooked (NOT considered Ready to Eat (RTE)). This additional label is required if the product is destined for household consumer or institutional users (including hotels and restaurants). Meat and poultry products intended for further processing at another official establishment (state or federal) are exempt from this requirement. Whole, halved and quartered carcasses are not considered packaged product and do not need a handling statement.



Label Claims:

To make nutrient claims about a product such as “lean” or “low-fat”, the claim must be verified at the producers expense, and the producer must have documentation that the product meets the requirements for the definition.

Producers who wish to make the claims “Naturally Raised”, “Grass Fed”, or “Free Range” must contact the Labeling and Review Branch of the USDA to make an animal production claim. Producers will be asked to submit an Operational Protocol that outlines their production practices. Independent auditors will certify the specific claims including “Humanely Raised” or “Certified Organic”. Provisions of the certifying agency must be complied with. There are no provisions to claim “Antibiotic Free” or “Hormone Free”; while “Chemical Free” is expressly prohibited.

Packaging:

All packaging materials in direct contact with food must be safe for their intended use under the Federal Food, Drug and Cosmetic Act (FFDCA). Meat and poultry products may not be packaged in a container which is composed of any substances which may adulterate the contents or be injurious to health. (Garbage bags can not be used.) Only FDA approved food grade packaging is allowed. Packaging materials for meat or poultry must be accompanied or covered by a guaranty or statement of assurance from the packaging supplier. The guaranty must state that the material complies with the FFDCA. It must also state the brand name, supplier, and conditions for use, including temperature, and other limits. Farmers who are direct marketing should ask their processors for a copy of this guaranty or assurance statement. FSIS monitors the packaging material used in all meat and poultry plants. The plants must maintain a file containing guarantees for all packaging materials in the plant. This file must be open to FSIS officials at all times. NYSDAM does not routinely inspect or monitor meat and poultry packaging, unless there are consumer complaints or if a blatant violation is noticed on a routine inspection.

Vacuum Packaging

Vacuum packaging reduces the amount of air from a package and hermetically seals the package so that a near-perfect vacuum remains inside. This is also known as modified atmospheric packaging. Only USDA processors and 20-c retail food-stores are licensed to vac-pac. A 20-c plant without a retail food store is considered for variance on a case-by-case basis, but a HACCP plan will most likely be required with the application. 5-A plants may also apply for a variance for vacuum packaging of raw meat (no poultry) with the submission of a HACCP plan. Barrier Films and Meat Trays are acceptable packaging. Freezer paper is also acceptable. Shrink bags, which are not vacuumed are also acceptable.

Storage and Transportation:

Products must be stored at 0 degrees Fahrenheit, if frozen, or 41 degrees Fahrenheit (or colder) if refrigerated. The product must be transported to and maintained at these temperatures for market sales. This can be accomplished by either a freezer or an ice chest/cooler. All units holding frozen or refrigerated product should contain a thermometer in order to monitor the temperature of the product at all times.

While a freezer is generally preferred, a heavy duty ice chest/cooler may also be used provided sufficient ice is available to maintain safe product temperatures. This can be very challenging during the heat of the summer. Styrofoam coolers are not approved. If an ice chest is used, the meat must be covered in the ice. Provisions must be made to drain away melted ice from the product. The meat should NEVER be sitting or floating in melted ice water. Additionally, vendors should ensure that juices from one species (i.e., chicken) do not drip onto and contaminate another species (beef). Storing product in dedicated species-specific coolers or freezers can reduce the risk of cross-contamination from one species to another.

For more information:

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