

**DEPARTMENT OF FOOD AND AGRICULTURE  
MEAT, POULTRY AND EGG SAFETY BRANCH  
PROPOSED REGULATIONS  
MEAT INSPECTION  
MOBILE CUSTOM LIVESTOCK SLAUGHTER**

**Summary**

The Department of Food and Agriculture, Meat, Poultry and Egg Safety Branch, proposes to make various changes to Subchapter 1, Chapter 4, Division 2 of Title 3 of the California Code of Regulations, to make technical and organizational changes to the regulations as specified below.

**Legend for Proposed Text**

- Deleted text is shown in ~~strikeout~~
- New text is shown in underline

**Article 1. Meat and Poultry Inspection**

**§ 900. Definitions.**

(a) As used in this subchapter, unless otherwise required by the context, the singular form shall also import the plural and the masculine form shall import the feminine, and vice versa.

(b) Unless otherwise required by the context, the following terms shall be construed, respectively, to mean:

(1) "Act" means the California Meat and Poultry Inspection Act, Chapter 4 (commencing with section 18650) and as supplemented by the California Meat and Poultry Supplemental Inspection Act, Chapter 4.1 (commencing with section 18940) of Part 3, Division 2 of the Food and Agricultural Code.

(2) "Additive" means anything added to a meat or poultry product other than meat, poultry, or meat and poultry byproducts

(3) "Animal" used in this subchapter means livestock as defined by subsection 900(b)(36).

(4) "Animal share" means an ownership interest in an animal created by a written contract between an informed end consumer and a Registered Livestock Producer, as defined in FAC section 19021(b)(1), that includes a bill of sale to the consumer for an ownership interest in the animal and the consumer is entitled to receive a share of meat from the animal.

(5) "Approved cleaning agent" means cleaning agents that are approved by the Manufacturer for usage in food processing plants that may be used in-leu of potable water being available. Potable water is defined under section 902.4 of this subchapter.

~~(3)~~ (6) "Area" means a geographical region under the supervision of an Area Supervisor.

~~(4)~~ (7) "Area Supervisor" means the official in charge of an area.

(8) "Bill of sale" refers to a document or set of documents that includes the following information for the sale of livestock:

(A) The name, address, and telephone number of the seller;

(B) The name, address, and telephone number of the buyer;

(C) The species of each livestock purchased;

(D) All ear tag numbers and/or all other identification markings of all livestock purchased.

(E) The price paid for each livestock; and

(F) The date of purchase of each livestock.

~~(5)~~ (9) “Biological residue” means any substance, including metabolites, remaining in livestock at time of slaughter or in any of its tissues after slaughter as the result of treatment or exposure of the livestock to a pesticide, organic or inorganic compound, hormone, hormone-like substance, growth promoter, antibiotic, anthelmintic, tranquilizer, or other therapeutic or prophylactic agent.

~~(6)~~ (10) “California Condemned” means that the livestock so identified has been inspected by an inspector and found to be in a dying condition, or to be affected with any other condition or disease that would require condemnation of its carcass or its affected parts.

~~(7)~~ (11) “California Inspected and Condemned” means that the carcass, viscera, other part of carcass, or other product so identified has been inspected by inspector, found to be adulterated, and condemned under the regulations in this subchapter.

~~(8)~~ (12) “California Inspected and Passed” means that the product so identified has been inspected by an inspector and passed under the regulations in this subchapter, and at the time it was inspected, passed, and identified, it was found to be not adulterated.

~~(9)~~ (13) “California Rejected” means that the compartment, room, utensil, or piece of equipment so identified is unacceptable for use in the official establishment and cannot be used until the condition that renders it unacceptable is corrected and it has been reexamined and released by inspector. This is accomplished by applying a red or green California Rejected tag to the compartment, room, utensil, or piece of equipment. The compartment, room, utensil, or piece of equipment is released by removal of the California Rejected tag.

~~(10)~~ (14) “California Retained” means that the carcass, viscera, other part of carcass, or other product, or article so identified is held for further examination by a program employee to determine its disposal. This is accomplished by applying a red California Retained tag to the carcass, viscera, other part of carcass, or other product or article.

~~(11)~~ (15) “California Suspect” means that the livestock so identified by inspector is suspected of being affected with a disease or condition which may require its condemnation, in whole or in part, when slaughtered, and is subject to further examination by a program employee to determine its disposal.

~~(12)~~ (16) “Capable of use as human food” applies to any carcass, or part or product of a carcass, of any livestock, unless it is denatured or otherwise identified as required by this subchapter to deter its use as a human food, or it is naturally inedible by humans such as hoofs or horns in their natural state.

~~(13)~~ (17) “Carcass” means all parts, including viscera, of any slaughtered livestock or poultry.

~~(14)~~ (18) “Chemical preservative” means any chemical that, when added to a meat, meat food product, poultry product, or poultry meat food product tends to prevent or retard deterioration thereof, but does not include common salt, sugars, vinegars, spices, or oils extracted from spices or substances added to meat, meat food products, poultry products, or poultry meat food products by exposure to wood smoke.

~~(15)~~ (19) “Condemned” means the product or ingredient has been inspected and determined to be unfit for human food purposes.

~~(16)~~ (20) "Consciousness" means the responsiveness of the brain to the impressions made by the senses.

~~(17)~~ (21) "Dead livestock" means the body or cadaver of livestock that has died other than by slaughter.

~~(18)~~ (22) "Denature" means to make an item visually, physically, and/or odoriferously unfit, through the use of an agent or process, for human consumption.

~~(19)~~ (23) "Department" means the California Department of Food and Agriculture.

~~(20)~~ (24) "Dying, diseased, or disabled livestock" is livestock that has or displays symptoms of having any of the following:

(A) Central nervous system disorder;

(B) Abnormal temperature (high or low);

(C) Difficult breathing;

(D) Abnormal swellings;

(E) Lack of muscular coordination;

(F) Inability to walk or stand;

(G) Any of the conditions for which livestock is required to be condemned on ante-mortem inspection in accordance with the requirements under Article 4 of this subchapter.

~~(24)~~ (25) "Edible" means the product is intended for use as human food.

(26) "Easily cleanable" means equipment designed so that the surfaces are readily accessible and made of such material and finish so that residue may be effectively removed by normal cleaning and are to be routinely cleaned and sanitized between slaughter operations.

(27) "Farm slaughter" means the slaughtering of an animal or animals for the owner(s) on a producer's premises for personal use by the owner(s) of the animal(s) pursuant to Food and Agricultural Code section 19020.

~~(22)~~ (28) "Firm" means any partnership, association, or other unincorporated business organization.

~~(23)~~ (29) "Immediate container" means the receptacle or other covering in which any product is directly contained or wholly or partially enclosed.

~~(24)~~ (30) "Inedible" means adulterated, uninspected, or not intended for use as human food.

(31) "Informed end consumer" means the final consumer of a custom meat or poultry product who has knowledge of their ownership of an individual animal prior to its slaughter, and the amount of resulting meat product or carcass from a shared animal.

~~(25)~~ (32) The term "inhumane slaughter" or "inhumane handling in connection with slaughter" means the slaughter or handling in connection with slaughter not in accordance with the federal Humane Methods of Slaughter Act, 7 USC, section 1901 et seq.

~~(26)~~ (33) "Inspector" means a Meat, Poultry and Egg Safety Branch-employed Veterinarian (Meat Inspection), Meat Food Inspector, Supervising Meat Inspector, or Branch Chief or an industry-employed and Department-licensed Livestock Meat Inspector or Processing Inspector.

~~(27)~~ (34) "Label" means a display of written, printed, or graphic matter upon the immediate container (not including package liners) of any article.

~~(28)~~ (35) "Labeling" means all labels and other written, printed, or graphic matter:

(A) Upon any article or any of its containers or wrappers; or

(B) Accompanying such article

~~(29)~~ (36) "Livestock" means cattle, sheep, swine, goats, and fallow deer or equine for pet food, unless referring to Livestock (cattle, sheep, swine, and goats) in Mobile Slaughter Operations, pursuant to Food and Agricultural Code section 19020(c)(4)(A).

~~(30)~~ (37) "Meat" means the part of the muscle of any cattle, sheep, swine, goats or fallow deer that is skeletal or that is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve, and blood vessels that normally accompany the muscle tissue and that are not separated from it in the process of dressing. It does not include the muscle found in the lips, snout, or ears.

~~(34)~~ (38) "Meat, Poultry and Egg Safety Branch" or "MPES" means the Meat, Poultry and Egg Safety Branch of the Department.

~~(32)~~ (39) "Meat byproduct" means any part capable of use as human food, other than meat, that has been derived from one or more cattle, sheep, swine, goats, or fallow deer.

~~(33)~~ (40) "Meat food product" means any article capable of use as human food that is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, goats, or fallow deer. This does not include articles exempted from the definition of a meat food product by the Department in specific cases or by the requirements of this subchapter, upon a determination that they contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry. Such exempted articles shall comply with any requirements that are imposed in such cases or regulations to assure that the meat or other portions of such carcasses contained in such articles are not adulterated and that such articles are not represented as meat food products.

(41) "Mobile Slaughter Operation" means a business that performs the service of "Farm Slaughter", including the trucks, trailers, or other vehicles capable of performing slaughter pursuant to Food and Agricultural Code section 19020(c), and the equipment and utensils used to slaughter animals and transport animal carcasses in a sanitary manner.

(42) "Mobile Slaughter Operator" means a person or persons performing the service of Farm Slaughter licensed by the Department as a Mobile Slaughter Operation and a Livestock Meat Inspector.

~~(34)~~ (43) "Nonambulatory" means unable to stand or walk without assistance.

~~(35)~~ (44) "Official device" means any device prescribed by section 903.17 of this subchapter for use in applying any official mark.

~~(36)~~ (45) "Official establishment" means any slaughtering, curing, smoking, drying, rendering, or similar establishment at which inspection is maintained under the regulations in this subchapter.

~~(37)~~ (46) "Official inspection legend" means any symbol prescribed by the regulations in this subchapter showing that an article was inspected and passed in accordance with the Act.

~~(38)~~ (47) "Official mark" means the official inspection legend or any other symbol prescribed by the requirements of this subchapter to identify the status of any article or animal under the Act.

~~(39)~~ (48) "Packaging material" means any cloth, paper, plastic, metal, or other material used to form a container, wrapper, label, or cover for meat and poultry products.

~~(40)~~ (49) "Passed" means the product or ingredient has been inspected and determined to be fit for human food purposes.

~~(44)~~ (50) "Person" means any individual, firm, or corporation.

~~(42)~~ (51) "Potentially Hazardous Product" means any meat and/or poultry product that is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms that may cause food infections or food intoxications. "Potentially hazardous product" does not include meat and/or poultry products that have a pH level of 4.6 or below and/or a water activity (aw) value of 0.85 or less.

~~(43)~~ (52) "Poultry" means domestic fowl and domesticated rabbit to be used for human food. "Fowl" includes chickens, turkeys, ducks, geese, squab, quail, pheasant, ratites, and other domesticated birds.

~~(44)~~ (53) "Poultry Meat Food Product" means any article of food or any article intended or capable of being used as human food that is derived or prepared, in whole or in substantial and definite part, from any portion of poultry.

~~(45)~~ (54) "Poultry Product" means dressed poultry, ready-to-cook poultry, edible poultry by-product, and poultry meat food product. However, the following items contain poultry ingredients only in a relatively small proportion or historically have not been considered by consumers as products of the poultry food industry. Therefore, the following items are exempt from the definition of "poultry product", and the requirements of the Act and the regulations applicable to poultry products, if they comply with the conditions specified in this subchapter:

(A) Any human food product (in a consumer package) not provided for in subsection (B) of this section, if:

1. It contains less than 2 percent cooked poultry meat (deboned white or dark poultry meat, or both);

2. It contains less than 10 percent of cooked poultry skins, giblets, or fat, separately, and less than 10 percent of cooked poultry skins, giblets, fat, and meat (as meat is limited in this section) in any combination;

3. The poultry ingredients used in the product were prepared under federal inspection or were inspected under a foreign or state inspection system approved by the USDA or Department and imported in compliance with the Act and the requirements of this subchapter;

4. The immediate container of the product bears a label that shows the name of the product in accordance with this subchapter; and

5. The product is not represented as a poultry product. The aforementioned percentages of ingredients shall be computed on the basis of the moist, deboned, cooked poultry in the ready-to-serve product when prepared according to the serving directions on the consumer package.

(B) Bouillon cubes, poultry broths, gravies, sauces, seasonings, and flavorings if:

1. They contain poultry meat or poultry fat only in condimental quantities;

2. They comply with the provisions of subsections (b)(45)(A) 3., 4., and 5. of this section in all respects; and

3. In the case of poultry broth, it will not be used in the processing of any poultry product in any official establishment.

(C) Fat capsules and sandwiches containing poultry products if they comply with the provisions of subsections (b)(45)(A) 3., 4., and 5. of this section in all respects.

~~(D) Products of the types specified in this section except those specified in subsections (b)(45)(A) and (C) of this section will be deemed to be represented as poultry products if the kind name of the poultry (chicken, turkey, etc.) is used in the product name of the product without appropriate qualification. For example, a consumer packaged noodle soup product containing less than 2 percent chicken meat on a ready-to-serve basis may not be labeled “Chicken Noodle Soup” but, when appropriate, could be labeled as “Chicken Flavored Noodle Soup.”~~

~~(46)~~ (55) “Prepared” means slaughtered, cured, smoked, dried, rendered, or otherwise manufactured or processed.

~~(47)~~ (56) “Process schedule” means a written description of processing procedures, consisting of any number of specific, sequential operations directly under the control of the establishment employed in the manufacture of a specific product, including the control, monitoring, verification, validation, and corrective action activities associated with production.

(57) “Producer” means the person who owned and was responsible for feeding and caring for the livestock before its sale and slaughter on the producer’s premises, as defined in Food and Agricultural Code section 19020.

~~(48)~~ (58) “Product” means any carcass, meat, meat byproduct, meat food product, poultry product, or poultry meat food product capable of use as human food.

~~(49)~~ (59) “Program” means the Meat, Poultry and Egg Safety Branch.

(60) “Registered Custom Exempt Operations” means custom exempt operations that are registered with MPES (complete MPES Form 79-001 USDA Exempt Meat and Poultry Establishment Registration) and must have an MPES issued Inedible Permit.

(61) “Registered Producer” means a livestock “Producer” registered with MPES that utilizes custom mobile slaughter services provided by a Licensed Mobile Slaughter Operation on their premises of multiple animals for multiple owners.

~~(50)~~ (62) “Renderer” means any person engaged in the business of rendering carcasses or parts or products of the carcasses of any livestock or poultry except rendering of products intended for human consumption and conducted under inspection.

~~(54)~~ (63) “Restricted ingredient” means an additive for which the amount that can be used in a meat or poultry product is limited by this subchapter.

(64) “Sanitize” means the treatment of physically clean surfaces of equipment, utensils, refrigeration units, and structures by a process, accepted by the Department, that effectively destroys microorganisms including pathogens.

(65) “Slaughter” means:

(A) the killing of an animal, amenable species, or nonamenable species in a humane manner including skinning or dressing; or

(B) the process of performing any of the specified acts in preparing an animal, amenable species, or nonamenable species for human consumption.

~~(52)~~ (66) “State” means the State of California.

~~(53)~~ (67) “State Veterinarian” means an officially designated employee of the California Department of Food and Agriculture who has jurisdiction over livestock and poultry disease control, meat inspection, and dairy inspection.

~~(54)~~ (68) “Subchapter” references mean the regulations contained in Subchapter 1 of Chapter 4, Division 2, of Title 3 of the California Code of Regulations.

~~(55)~~ (69) "Supervision" means the controls, as prescribed in instructions to ~~program employees~~ MPES Authorized Personnel, to be exercised by them over particular operations to ~~insure~~ ensure that such operations are conducted in compliance with the Act and the requirements of this subchapter.

Note: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Chapter 4 (commencing with section 18650), Chapter 4.1 (commencing with section 18940); and Chapter 6 (commencing with section 19501), of Part 3, Division 9, and Chapter 3 (commencing with section 24951) of Part 1, Division 12, and section 19020, Food and Agricultural Code.

### **§ 900.1. Incorporation by Reference.**

(a) The following Code of Federal Regulations (CFR), United States Code (USC), and the federal directives and policies, as specified in these regulations (Subchapter 1 of Chapter 4, Division 2, of Title 3 of the California Code of Regulations), are incorporated by reference:

(1) 9 CFR Parts 301, 307, 309, 310, 311, 312, 313, 314, 316, 317, 318, 319, 320, 381, 416 and 424 (2006).

(2) 21 CFR Part 170 (2006).

(3) Humane Methods of Slaughter Act, 7 USC section 1901 et seq.

(4) Federal Food, Drug, and Cosmetic Act, 21 USC section 301.

(5) Wholesome Meat Act, 21 USC section 601(m)(8) and (n).

(6) Federal Meat Inspection Act, 21 USC section 71 et seq.

(7) Directive 7220.1, Food Labeling Division Policy Memoranda (August 2, 2005), published by the United States Department of Agriculture, Food Safety and Inspection Service.

(8) Directive 7120.1, Safe and Suitable Ingredients Used in the Production of Meat and Poultry Products, Amendment 10 (January 18, 2007), published by the United States Department of Agriculture, Food Safety and Inspection Service.

(9) Food Standards and Labeling Policy Book (August 2005) published by the United States Department of Agriculture, Food Safety and Inspection Service.

(b) The following Departmental forms, guidelines, and handbooks, as specified in these regulations (Subchapter 1 of Chapter 4, Division 2, of Title 3 of the California Code of Regulations), are incorporated by reference:

(1) Meat, Poultry and Egg Safety Branch Form 79-001 (Rev. 08/11) USDA Exempt Meat and Poultry Establishment Registration Form.

(2) Meat, Poultry and Egg Safety Branch Form 79-010A (Rev. 08/11) Processing Inspector License Application.

(3) Meat, Poultry and Egg Safety Branch Form 79-008A (Rev. 08/11) Livestock Meat Inspector License Application.

(4) Meat, Poultry and Egg Safety Branch Form 79-002A (Rev. 09/11) Custom Livestock Slaughter or Meat Processing Plant License Application.

(5) Meat, Poultry and Egg Safety Branch Form 79-014 (Rev. 08/11) Application and Permit to Obtain Specimens from Official Meat Inspection Establishment.

(6) Meat, Poultry and Egg Safety Branch Form 79-030 (Rev. 09/11) Plant Inspection Report.

(7) Meat, Poultry and Egg Safety Branch Form 79-038 (Rev. 10/11) Schedule of Operations.

(8) Meat, Poultry and Egg Safety Branch Form 79-039 (Rev. 10/11) General Facility Notes.

(9) Meat, Poultry and Egg Safety Branch Form 79-070 (Rev. 10/11) Daily and Monthly Processing Report.

(10) Meat, Poultry and Egg Safety Branch Form 79-071 (Rev. 10/11) Monthly Report Processing Operations at State Inspected Meat and Poultry Official Establishments.

(11) Meat, Poultry and Egg Safety Branch Form 79-072 (Rev. 10/11) Daily Livestock Slaughter Report.

(12) Meat, Poultry and Egg Safety Branch Form 79-073 (Rev. 10/11) Monthly Summary Livestock Slaughtered and Inspected.

(13) Meat, Poultry and Egg Safety Branch Form 79-080 (Rev. 10/11) Label Formulation and Approval.

~~(14) Meat, Poultry and Egg Safety Form 79-082 (Rev. 10/11) In-Depth Review of Cooked Sausage.~~

~~(15) Meat, Poultry and Egg Safety Branch Form 79-085 (Rev. 10/11) In-Depth Review of Cured/Cooked and Smoked Meats.~~

~~(16)~~ (14) Meat, Poultry and Egg Safety Branch Form 79-086 (Rev. 10/11) Smokehouse Chart.

~~(17) Meat, Poultry and Egg Safety Branch Form 79-087 (Rev. 11/11) Plants Freezing Pork to Destroy Trichina.~~

~~(18) Meat, Poultry and Egg Safety Branch Form 79-088 (Rev. 11/11) Plant Certified Pork Use Record.~~

~~(19)~~ (15) Meat and Poultry Inspection Branch Rev. 9/04 Custom Livestock Slaughterhouse Plan Guidelines.

~~(20)~~ (16) Meat and Poultry Inspection Branch Rev. 9/04 Custom Livestock Slaughterhouse Construction and Equipment Guidelines.

~~(21)~~ (17) Meat and Poultry Inspection Branch Rev. 9/04 Meat Processing Establishment Plan Guidelines.

~~(22)~~ (18) Meat and Poultry Inspection Branch Rev. 9/04 Meat Processing Establishment Construction and Equipment Guidelines.

~~(23)~~ (19) Meat and Poultry Inspection Branch Rev. 6/05 California Department of Food and Agriculture, Livestock Slaughter Inspection Handbook.

~~(24)~~ (20) Meat and Poultry Inspection Branch Rev. 5/03 California Department of Food and Agriculture, Processing Inspector Handbook.

(21) Meat, Poultry and Egg Safety Branch Registration of Livestock Producer Form 79-021A

(22) Meat, Poultry and Egg Safety Branch Application for Mobile Slaughter Operation License Form 79-021B

(23) Good Manufacturing Practices (GMP) Guidelines for Meat, Poultry and Egg Safety Branch (MPES) Licensed Mobile Slaughter Operation (Rev. 3/24)

(24) SAMPLE- Good Manufacturing Practices (GMP) for Meat, Poultry and Egg Safety Branch (MPES) Licensed Mobile Slaughter Operation (Rev. 3/24)



Note: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Chapter 4 (commencing with section 18650), Chapter 4.1 (commencing with section 18940), and Chapter 6 (commencing with section 19501), of Part 3, Division 9, and Chapter 3 (commencing with section 24951) of Part 1, Division 12, and Section 19020, Food and Agricultural Code; 9 CFR Parts 301, 307, 309, 310, 311, 312, 313, 314, 316, 317, 318, 319, 320, 381, 416 and 424 (2006), 21 CFR Part 170 (2006), Humane Methods of Slaughter Act, 7 USC section 1901 et seq., Federal Food, Drug, and Cosmetic Act, 21 USC section 301 et seq., Wholesome Meat Act, 21 USC section 601 et seq.; and the Federal Meat Inspection Act, 21 USC section 71 et seq.

**§ 900.2. Code of Federal Regulations (CFR) Terminology.**

(a) The terminology used in 9 CFR (2006) shall mean the following corresponding terminology as used or referenced in this subchapter:

9 CFR (2006)	<i>Subchapter 1 of Chapter 4, Division 2 of Title 3 of the California Code of Regulations</i>
Secretary of Agriculture, United States Department of Agriculture, Food Safety and Inspection Service (FSIS)	Secretary of the California Department of Food and Agriculture or the Director of the California Department of Food and Agriculture, Division of Animal Health and Food Safety Services
Administrator	Director of the California Department of Food and Agriculture, Division of Animal Health and Food Safety Services, or the Chief of the Meat, Poultry and Egg Safety Branch
Deputy Administrator, Meat and Poultry Inspection	Chief of the Meat, Poultry and Egg Safety Branch
Circuit Supervisor	Area Supervisor of the Meat, Poultry and Egg Safety Branch
Interstate Commerce	Intrastate Commerce within California
FSIS Inspection	California Inspection
Inspector in Charge or Veterinary Medical Officer	Meat Food Inspector or Supervising Meat Inspector or Veterinarian (Meat Inspection) of the Meat, Poultry and Egg Safety Branch
US Condemned	California Condemned
US Suspect	California Suspect
US Retained	California Retained
US Rejected	California Rejected
US Inspected and Condemned	California Inspected and Condemned
US Inspected and Passed	California Inspected and Passed
Food Labeling Division or Regulatory Programs	Meat, Poultry and Egg Safety Branch

(b) Any references to the Federal Food, Drug, and Cosmetic Act, 21 USC section 301 et seq., and the Federal Meat Inspection Act, 21 USC section 71 et seq., as amended by the

Wholesome Meat Act 21 USC section 601 et seq., shall refer to the corresponding California Meat and Poultry Inspection Act, Chapter 4 (commencing with section 18650) of Part 3, Division 9, of the Food and Agricultural Code. However, any federal references to foreign commerce shall not be applicable to this subchapter.

(c) References to specific parts of 9 CFR (2006) shall refer to the articles or sections of this subchapter according to the following table:

9 CFR (2006)	<i>Subchapter 1 of Chapter 4, Division 2 of Title 3 of the California Code of Regulations</i>
Part 301. Definitions	Section 900. Definitions
Part 307. Facilities for Inspection	Article 3. Facilities for Inspection and Sanitation
Part 309. Ante-Mortem Inspection	Article 4. Ante-mortem Inspection
Part 310. Post-Mortem Inspection	Article 5. Post-Mortem Inspection
Part 311 Disposal of Diseased or Otherwise Adulterated Carcasses and Parts	Article 6. Disposal of Diseased or Otherwise Adulterated Carcasses and Parts; General
Part 312 Official Marks, Devices, and Certificates	Article 9. Marking Products and Containers
Part 313 Humane Slaughter of Livestock	Article 7. Humane Slaughter of Livestock
Part 314. Handling and Disposal of Condemned or Other Inedible Products at Official Establishments	Article 8. Handling and Disposal of Condemned or Other Inedible Products at Official Establishments
Part 316. Marking Products and Their Containers	Article 9. Marking Products and Containers
Part 317. Labeling, Marking Devices, and Containers	Article 10. Labeling, Marking Devices, and Containers
Part 318. Entry Into Official Establishments; Reinspection and Preparation of Products	Article 11. Entry Into Official Establishments; Reinspection and Preparation of Products
Part 319. Definitions and Standards of Identity or Composition	Article 12. Definitions and Standards of Identity or Composition
Part 320. Records, Registration, and Reports	Article 14. Records and Reports
Part 416. Sanitation	Article 3. Facilities for Inspection and Sanitation Requirements

Part 424. Preparation and Processing Operations	Article 13. Preparation and Processing Operations
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Note: Authority cited: Sections 407 and 18735, Food and Agricultural Code. Reference: Section 18735, Food and Agricultural Code; and 9 CFR Parts 301, 307, 309, 310, 311, 312, 313, 314, 316, 317, 318, 319, 320, 416 and 424 (2006).

**§ 900.3. Scope of Inspection.**

(a) State inspection is required for those establishments and products subject to inspection pursuant to Chapter 4 (commencing with section 18650), Chapter 4.1 (commencing with section 18940), Chapter 4.5 (commencing with section 19051), Chapter 5 (commencing with section 19200), and Chapter 6 (commencing with section 19501), of Part 3, Division 9, Food and Agricultural Code, and Chapter 2 (commencing with section 24651), and Chapter 3 (commencing with section 24951), of Part 1, Division 12, Food and Agricultural Code, and that are not under inspection by the United States Department of Agriculture, or apply to the Department for an exemption pursuant to section 19020 of the Food and Agricultural Code. Applicants for exemption shall complete the Meat and Poultry Inspection Form 79-001(Rev. 12/04), Custom Exempt Registration Form, which shall be provided by the Department upon request.

(b) The following establishments and products therefrom, while operating and distributing products solely within California and while under exemption from federal inspection pursuant to 9 CFR sections 303.1 and 381.10 (2006) and Food and Agricultural Code section 19020, require state inspection:

(1) The custom slaughter by any person of cattle, sheep, swine, or goats delivered by the owner thereof for such slaughter, and the preparation by such slaughterer and transportation in intrastate commerce of the carcasses, parts thereof, and meat and meat food products of such livestock, exclusively for use, in the household of such owner, by him, members of his household, and his nonpaying guests and employees.

(2) The custom slaughter by any person of poultry delivered by the owner for such slaughter, and the processing by such slaughterer and transportation in intrastate commerce of the poultry products exclusively for use, in the household of such owner, by him, members of his household, and his nonpaying guests and employees.

(3) Operations involving the preparation of products of cattle, sheep, swine, goats, or poultry traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store, restaurant, or similar retail-type establishment, for sale in normal retail quantities or service of such articles to consumers at such establishments when involving curing, drying, smoking, or rendering. A normal retail quantity is an amount in accordance with 9 CFR section 303.1(d)(2)(ii) (2006).

(4) The custom slaughter by a Mobile Slaughter Operator licensed as a Mobile Slaughter Operation of multiple cattle, sheep, swine, or goats; for multiple owners of the livestock on a producer’s premises and the intrastate transportation of the carcasses, parts thereof, and meat and meat food products of such cattle, sheep, swine, or goats, exclusively for use, in the household of such owner, by him, members of his household, and his nonpaying guests and employees.

(A) A Mobile Slaughter Operator licensed as a Mobile Slaughter Operation performing the service of slaughtering livestock pursuant to subdivision (c) of section 19020 of the Food and Agriculture Code is exempt from the requirements of this subchapter's Article 2 (sections 901.1, 901.2, 901.6, 901.10, and 901.11), Article 3 (sections 902., 902.2, 902.4, 902.5, 902.6, 902.7, 902.9, 902.10, 902.11, 902.12, 902.13, and 902.14), Article 4 (sections 903 and 903.16), Article 7 (section 906.1), Article 8 (section 907(a)), Article 9 (sections 908.4, 908.5(b), 908.6, 908.7, and 908.8), Article 10 (sections 909, 909.1, 909.4, 909.5, 909.6, 909.7, 909.8, 909.10, 909.11, 909.12, 909.13, and 909.14), Article 11 (sections 910, 910.1, 910.2, 910.3, 910.4, 910.5, 910.6, 910.9, 910.10, 910.11, 910.12, 910.13, 910.14, 910.15, 910.16, 910.17, and 910.18), Article 12 (sections 911 and 911.1), Article 13 (Sections 912, 912.1, 912.2, and 912.3), and Article 14 (Sections 913(a) and 913.1).

(c) State inspection is required, except where exempted by sections 24713, 24714, 25022, 25023, 25702, and 25704 of the Food and Agricultural Code, at every establishment that slaughters poultry and is not under inspection by the United States Department of Agriculture.

(d) This section does not affect activities involving horsemeat and pet food pursuant to Chapter 5 (commencing with section 19200) of Part 3, Division 9, of the Food and Agricultural Code.

(e) The following establishments that are not under inspection under the Federal Wholesome Meat Act are required to have state inspection pursuant to Chapter 4.1 (commencing with section 18940) of Part 3, Division 9 of the Food and Agricultural Code: establishments slaughtering fallow deer and/or preparing fallow deer products for transportation and/or sale.

Note: Authority cited: Sections 407, 18693, 18735, 18960, and 18961 Food and Agricultural Code. Reference: Chapter 4 (commencing with section 18650), Chapter 4.1 (commencing with section 18940), Chapter 4.1 (commencing with section 19020), Chapter 4.5 (commencing with section 19051), Chapter 5 (commencing with section 19200), and Chapter 6 (commencing with section 19501), of Part 3, Division 9, Food and Agricultural Code, and Chapter 2 (commencing with section 24651), and Chapter 3 (commencing with section 24951), of Part 1, Division 12, Food and Agricultural Code; and 9 CFR sections 303.1 and 381.10 (2006).

## **Article 2. Supplemental Requirements, Licensing and Inspection**

### **§ 901. Authority of Livestock Meat Inspectors, Processing Inspectors, and Persons Responsible for Operation of Custom Livestock Slaughterhouses, Mobile Slaughter Operations, and Meat Processing Establishments.**

(a) No person licensed as a livestock meat inspector or processing inspector and no person responsible for the operation of a custom livestock slaughterhouse, Mobile Slaughter Operation, or meat processing establishment shall exercise the authority of the license:

(1) To perform or allow the performance of any operation not in accordance with the requirements in this subchapter: or

(2) Contrary to instructions of a Department inspector-, including instructions relating to proper procedures, wholesomeness inspection, condemnation, or other disposition of diseased animals, carcasses, parts and adulterated or mislabeled meat and poultry products; sanitation inspection; and the maintenance of accurate records.

(b) No person licensed as a livestock meat inspector or processing inspector and no person responsible for the operation of a custom livestock slaughterhouse, Mobile Slaughter Operation, or meat processing establishment shall allow establishment duties to interfere with livestock meat inspector and processing inspector official inspection duties.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18971, 18972, 18973, ~~and 18974~~, 19020, 19021, 19022, and 19023 Food and Agricultural Code.

#### **§ 901.1. Condemnation and Retention of Product.**

Violation of any provisions of Chapter 4 (commencing with section 18650) or of Chapter 4.1 (commencing with section 18940) of Part 3, Division 9 of the Food and Agricultural Code or this subchapter, shall be grounds for condemnation of affected product when in the judgment of a Department inspector such violation could affect the wholesomeness of such product. Other violations affecting the product or its packaging shall be grounds for retention of the product until the violation is corrected.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18991, 19001, 19012 and 19017, Food and Agricultural Code.

#### **§ 901.2. Grounds for Disciplinary Action.**

Violation of any provisions of Chapter 4 (commencing with section 18650) or of Chapter 4.1 (commencing with section 18940) of Part 3, Division 9 of the Food and Agricultural Code, or the requirements of this subchapter, shall be grounds for disciplinary action against the license or firm involved. Continued violation shall be grounds for permanent withdrawal of plant inspection.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 19017, 19030, 19035, and 19036, Food and Agricultural Code.

#### **§ 901.3. Licenses.**

(a) Applicants for a Processing Inspector license shall complete the Meat, Poultry and Egg Safety Branch Form 79-010A (Rev. 08/11), Processing Inspector License Application. Applicants for a Livestock Meat Inspector license shall complete the Meat, Poultry and Egg Safety Branch Form 79-008A (Rev. 08/11), Livestock Meat Inspector License Application. The forms may be obtained by contacting the Department. Applicants for licensure or renewal shall submit the fees of required by section 18980, 19021, and 19022, Food and Agricultural Code.

(b) License applicants, upon payment of the application fee, shall be furnished by the Department with a copy of extracts from the Food and Agricultural Code and the California Code of Regulations pertaining to meat and poultry inspection, the Department's Processing Inspector Handbook (5/03 Edition) or Livestock Slaughter Inspection Handbook (6/05 Edition), and other information that the applicant should know to pass the examination and properly conduct inspection activities. Duplicate materials shall be furnished at cost.

(c) Each licensee shall maintain a current copy of the applicable state and federal statutes and regulations and Department handbook at each establishment where the inspector is performing inspection services.

(d) Identification of livestock meat inspectors and processing inspectors. The current license renewal certificate or a copy thereof for each licensed livestock meat inspector or processing inspector shall be posted in a readily visible location at each official establishment where they are employed.

(e) No person licensed as a livestock meat inspector or processing inspector shall purport to exercise license authority while not on official duty at an establishment subject to inspection.

(f) Applicants for a license to operate a custom livestock slaughter establishment or a meat processing plant must complete MPES Form 79-002A (Rev. 09/11), Custom Livestock Slaughter or Meat Processing Plant License Application. Applicants for license issuance or renewal shall submit the fees required by sections 19010 and 19011 of the Food and Agricultural Code.

(g) Mobile Slaughter Operators who want to operate a Mobile Slaughter Operation must complete MPES Form Mobile Slaughter Operation License Application. The MPES Form 79-021B Mobile Slaughter Operation License Application shall contain all of the information specified below. Applicants for license issuance or renewal shall submit an accompanying fee of five hundred dollars (\$500) required by section 19022 of the Food and Agricultural Code. Any changes in the information given must be reported in writing to the Meat, Poultry and Egg Safety Branch within fifteen (15) days of the change.

(1) MPES Form Mobile Slaughter Operation License Application:

(A) Business Name.

(B) Phone Number.

(C) Mailing Address: Street, City, State, Zip.

(D) Street Address (if different from Mailing Address), including County.

(E) Name(s) of Owner(s).

(F) Contact Person Name.

(G) Electronic Mail Address.

(H) Contact Phone.

(I) Names of Livestock Meat Inspector(s), if different than applicant.

(J) County of Operation.

(K) Vehicle Make.

(L) Vehicle Model.

(M) Vehicle Year.

(N) Vehicle License Plate Number.

(O) Name(s) Of Registered Custom Exempt Plants to Be Utilized.

(P) Printed Name of Applicant.

(Q) Signature of Applicant and Date.

(h) MPES Mobile Slaughter Operation must adhere to the following requirements in order to maintain a license:

(1) The license number shall be prominently displayed on both sides of the Mobile Slaughter Operator's vehicle used during transportation of carcass(es) and shall be in contrasting colors at least three (3) inches high.

(2) The operator shall renew the Mobile Slaughter Operation license annually.

(3) A violation of any portion of this Chapter constitutes grounds for suspension or revocation of a Mobile Slaughter Operator's Mobile Slaughter Operation License. Licenses are non-transferable.

(4) In the event of a quarantine declared by the State Veterinarian, the license of the Mobile Slaughter Operator who operates a Mobile Slaughter Operation may be temporarily suspended or modified as is consistent with public health and safety or to prevent a significant risk to the livestock industry or any portion thereof within the State of California.

(gj) If the license for a livestock slaughter establishment, Mobile Slaughter Operation, or meat processing establishment is issued to other than a natural person, the license shall also state the name of a natural person or persons responsible for operations under the license. Any change in ownership, authorized agent or location of a livestock slaughter establishment, Mobile Slaughter Operation, or meat processing establishment requires a new application fee and license. Any such change in ownership, authorized agent or location of a custom livestock slaughterhouse, Mobile Slaughter Operation, or meat processing establishment shall subject the establishment's facilities, equipment, and procedures to reassessment by the Department to determine the establishment's adequacy to produce wholesome product before issuance of a new license. Such reassessment shall be equivalent to that required by the Department for a newly proposed establishment.

Note: Authority cited: Sections 407, 9562, 18693, 18735, 18960, 18961, 18962, 19010, 19011 and 19014, Food and Agricultural Code. Reference: Sections 9562, 18980, 18981, 18990, ~~and~~ 19000, 19021, 19022, and 19030, Food and Agricultural Code.

#### **§ 901.4. Examinations.**

(a) The Department shall conduct mandatory inductive training for persons desiring to become licensed pursuant to Chapter 4.1 (commencing with section 18940) of Part 3, Division 9, of the Food and Agricultural Code. The inductive training shall relate to subjects covered in license examinations and job requirements and shall include the following areas:

- (1) Livestock Slaughter Training for applicants to become livestock meat inspectors.
  - (A) Basic sanitation of equipment and facilities;
  - (B) Rodent and pest control;
  - (C) Sanitary dressing procedures and product handling;
  - (D) Records and record keeping;
  - (E) Ante-mortem and post-mortem inspection techniques;
  - (F) Common generalized and localized conditions seen on ante-mortem and post-mortem inspection as outlined in the regulations; and
  - (G) Disposition of diseased carcasses and parts.
  - (H) Humane handling and slaughter of animals;
  - (I) Livestock Slaughter Department Regulatory Requirements.
- (2) Meat Processing Inspection Training for applicants to become processing inspectors.
  - (A) Basic sanitation of equipment and facilities;
  - (B) Sanitary product handling;
  - (C) Records and record keeping;
  - (D) Recognizing localized disease conditions;
  - (E) Rodent and pest control;
  - (F) Proper formulation of meat food products;
  - (G) Fat and moisture control;
  - (H) Control of restricted ingredients;

- (I) Trichina control; and
- (J) Adulteration and mislabeling.

(b) Plant management shall provide time and resources for the training of employees who apply to become livestock meat inspectors or processing inspectors. The time and resources provided shall be what are required to enable the applicant to acquire the knowledge and skills necessary to pass the written and oral/practical examinations required to become a livestock meat inspector or a processing inspector.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961, 18962 and 19014, Food and Agricultural Code. Reference: Sections 18982, 18983, 18990, ~~and 19000, and 19022,~~ Food and Agricultural Code.

#### **§ 901.5. Mandatory Maintenance Training.**

(a) The Department shall conduct mandatory annual maintenance training for licensed livestock meat inspectors and processing inspectors. The Department shall provide licensees with training information at least one month before scheduled training, including the location and dates of training classes throughout California.

(b) Each licensed livestock meat inspector and processing inspector shall be responsible for attending formal annual maintenance training provided by the Department. The training shall cover topics such as sanitation, ante- and post-mortem inspections and dispositions, humane handling and slaughter of livestock, product formulation and restricted ingredient control, pathogen reduction, microbiology, and current topics in meat and poultry processing and inspection.

(c) Failure of a livestock meat inspector or processing inspector to attend annual maintenance training, as specified in subsection (a) of this section shall be grounds for non-renewal, suspension, or revocation of the livestock meat inspector or processing inspector license.

(d) It is the responsibility of official establishment management and of licensed livestock meat inspectors and processing inspectors to make arrangements in the work schedule to attend annual maintenance training.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961, 18962 and 19014, Food and Agricultural Code. Reference: Sections 18982, 18983, 18990 and 19000, Food and Agricultural Code.

#### **§ 901.6. Animals Killed off Premises.**

Livestock that have been killed or bled off the premises of a custom livestock slaughter establishment, or animals that have died other than by slaughter, with the exception of livestock that have died en route and are received with livestock for slaughter, shall not be brought on the premises of a custom slaughter establishment. Livestock that have died en route shall be immediately disposed of in accordance with section 907 of this subchapter and shall not enter edible product areas of the official establishment.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Section 18991, Food and Agricultural Code.



### **§ 901.7. Presence of Inspector on Premises.**

(a) A livestock meat inspector shall be present on the premises of the livestock slaughter establishment during slaughter and shall supervise sanitary dressing procedures and perform post-mortem inspection of each carcass and part while the viscera is identified with the respective carcasses.

(b) A Livestock Meat Inspector shall perform ante-mortem inspection as well as supervise the sanitary dressing procedures and perform post-mortem inspection of each carcass and part of the carcass on the premises of the registered livestock producer, while the viscera and head are identified with the respective carcasses.

~~(b)~~ (c) A processing inspector shall be present on the premises of a meat processing establishment when product is being formulated and when monitoring of weights or temperatures is required.

Note: Authority cited: Sections 407, 18980, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18991, 19000, 19001, ~~and~~ 19012, 19021, 19022, and 19023, Food and Agricultural Code.

### **§ 901.8. Inspector Responsibilities.**

(a) Livestock meat inspectors and processing inspectors shall inspect slaughter and processing operations in official establishments to ensure that meat and poultry products are produced in compliance with applicable requirements of Chapter 4 (commencing with section 18650) or Chapter 4.1 (commencing with section 18940) of Part 3, Division 9, of the Food and Agricultural Code, and this subchapter.

(b) Livestock meat inspectors and processing inspectors shall inspect official establishments to ensure they conduct operations that require state inspection on days and during hours specified on each establishment's current MPES Form 79-038 (Rev. 10/11), Schedule of Operations, unless different days or hours are approved in advance by the Department.

~~(c) A processing inspector shall complete, at least once a year, an in-depth review, on MPES Form 79-082 (Rev. 10/11), In-Depth Review of Cooked Sausage, for each cooked sausage product and an in-depth review, on MPES Form 79-085 (Rev. 10/11), In-Depth Review of Cured, Cooked and Smoked Meats, for each cured, cooked, and smoked meat product produced in the meat processing establishment where the inspector is employed. The in-depth review forms shall be presented, upon completion, to a Department inspector for approval and signature.~~

~~(d)~~ (c) When, during an in-depth review for a product, the processing inspector finds any deviation(s) from the requirements of Chapter 4 (commencing with section 18650) or Chapter 4.1 (commencing with section 18940) of Part 3, Division 9, of the Food and Agricultural Code, this subchapter, and the approved MPES Form 79-080 (Rev. 10/11), Label and Formulation Approval, for the product, the inspector shall place a California Retained tag on the involved lot of product and immediately contact the Department. A ~~program employee~~ MPES authorized personnel shall determine the disposition of the product and shall require the official establishment to take corrective measures, if necessary, to assure that the product conforms to its standard of identity and is wholesome and unadulterated before it is presented for sale. If the official establishment does not or cannot correct the deviation(s), the product shall be condemned and disposed of in accordance with section 907 of this subchapter.

~~(e)~~ (d) The processing inspector shall review all labels and product formulations with the Department inspector before sending them, with a completed MPES Form 79-080 (Rev. 10/11), Label and Formulation Approval, to the Department for approval.

~~(f)~~ (e) A processing inspector shall record the temperature of each lot of smoked product on MPES Form 79-086 (Rev. 10/11), Smokehouse Chart, and shall complete all items on a line on the smokehouse chart at least once a month.

~~(g)~~ (f) A processing inspector notify the Department when the official establishment makes a change in product formulation or in product manufacturing procedures.

~~(h)~~ (g) A processing inspector shall inspect the processing of each cured pork or cured beef product produced by the establishment at least once a month, using the following procedure:

(1) Mark one or more pieces of uncured meat with its weight. This is called the green weight of the product.

(2) Determine the weight of the cured product before it is cooked/smoked. This is called the pumped weight of the product. Check the pumped weight against the green weight to determine compliance with procedures in the approved MPES Form 79-080 (Rev. 10/11) Label and Formulation Approval, for the product.

(3) Plant management shall notify the processing inspector of the time the establishment plans to cure or pump product. This is to provide opportunity for the inspector to record the green weight of the meat and the amount of curing solution uptake during processing.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18991, 19000, 19001 and 19012, Food and Agricultural Code.

**§ 901.9. Custom Livestock Slaughterhouse, ~~or~~ Meat Processing Establishment, Mobile Slaughter Operation, or Livestock Producer: Approval of Plans, Notice of Approval, and Granting of a License.**

(a) Each applicant for a license to operate a custom livestock slaughterhouse or a meat processing establishment shall submit copies of plans, in triplicate, drawn to scale, not necessarily blueprints, and with specifications detailing the finish of all walls, floors, ceilings, doors, and door casings; ceiling heights; dimensions of doorways; diameter of floor drains and principal drainage lines; and slope of window sills. The plans shall show the locations of features such as walls, windows, doorways, principal pieces of equipment, floor drains, principal drainage lines, lavatories, hand washing basins, hose connections for cleanup purposes, and conveyor rails. The plans shall indicate the use of each room of the establishment. There shall also be a plot plan, drawn to scale, showing features such as the limits of the establishment's premises, locations in outline of buildings on the premises, cardinal points of the compass, locations of wells, locations of septic tanks and lagoons, and roadways and railroads serving the establishment.

(b) Each applicant for a license to operate a custom livestock slaughterhouse or a meat processing establishment shall submit, along with the plans described in subsection (a) of this section, a completed MPES Form 79-039 (Rev. 10/11), General Facility Notes. The applicant shall also submit a completed MPES Form 79-002A (Rev. 09/11), Custom Livestock Slaughter or Meat Processing Plant License Application. Applicants for licensure and renewal shall submit the fees required by sections 19010 and 19011 of the Food and Agricultural Code.

(c) Each applicant for a license to operate a custom livestock slaughterhouse or a meat processing establishment shall submit official results of tests for potability of the establishment's water supply provided by the California Department of Health Services, from an agency or laboratory approved by the California Department of Health Services, or laboratory of the Department.

(d) Persons intending new construction or major reconstruction may request information about plans, construction, and equipment from the Branch before submitting plans. Upon request, the Branch will provide the Meat Processing Establishment Plan Guidelines (Rev. 9/04), the Custom Livestock Slaughterhouse Plan Guidelines (Rev. 9/04), the Meat Processing Establishment Construction and Equipment Guidelines (Rev. 9/04), or the Custom Livestock Slaughterhouse Construction Guidelines (Rev. 9/04).

(e) The Department shall provide a written notice to each applicant granted approval and licensure, specifying the establishment to which the same applies.

(f) Each applicant shall provide written acknowledgement, such as a use permit, from the local zoning authority, that shows the zoning authority is aware of and approves the operation of a custom livestock slaughterhouse or a meat processing establishment at the proposed location. Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961, 19014, 19010 and 19011, Food and Agricultural Code. Reference: Sections 18991, 19000, 19001 and 19012, Food and Agricultural Code.

#### **§ 901.9.1. Livestock Producer.**

(a) Each Registered Livestock Producer shall submit official results of tests for potability of the operation's water source, if utilized, provided by the California Department of Health Services, from an agency or laboratory approved by the California Department of Health Services, or laboratory of the Department.

(b) Each Registered Livestock Producer shall provide written acknowledgement, such as a use permit, from the local zoning authority, that shows the zoning authority is aware of and approves the operation of a Mobile Slaughter Operation at the proposed location.

(c) Each Registered Livestock Producer shall provide a plot plan, drawn to scale, showing features such as the limits of MPES inspection of the Registered Livestock Producer's premises, locations in outline of buildings on the premises, cardinal points of the compass, locations of wells, locations of septic tanks and lagoons.

(d) Each Registered Livestock Producer shall have acceptable grounds and pest control program, in accordance with the requirements under section 902.4 of this subchapter, to prevent the harborage and breeding of pests on the grounds and within the delineated inspectional limits of the Registered Livestock Producer's premises to prevent adulteration and/or contamination of custom carcass(es).

(e) A Livestock Producer shall make their delineated premises available for inspection during the activity of the Mobile Slaughter Operations.

(f) The premises that will be under MPES inspection is the premises specified and depicted on the plot plan that shall be submitted by the Registered Livestock Producer before any slaughter activities defined in FAC section 19020 can be conducted on the Registered Livestock Producer's premises.

(g) MPES Authorized Personnel will conduct inspections on the delineated premises of each Registered Livestock Producer to ensure sewer (if applicable), water, sites, grounds, and pest control meet the requirements of the Department.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961, 19014, 19010 and 19011, Food and Agricultural Code. Reference: Sections 18991, 19000, 19001, 19012, 19020, 19022, and 19023, Food and Agricultural Code.

### **§ 901.9.2. Mobile Slaughter Operator.**

(a) A Mobile Slaughter Operator that provides custom mobile slaughter services to Registered Livestock Producer and slaughters multiple livestock for multiple owners, and the slaughter occurs on the premises of one of the owners of the livestock or on the premises of the Registered Producer shall be licensed as a Mobile Slaughter Operation with MPES.

(b) The Mobile Slaughter Operator responsible to operate a Mobile Slaughter Operation shall be licensed as a Livestock Meat Inspector with the Department and meet the requirements of an annual maintenance training provided by MPES.

(c) Equipment Utilized by Mobile Slaughter Operations:

(1) When required by the area supervisor, the following conditions, as may be found to be essential to the conduct of inspection and maintenance of sanitary conditions, shall be provided by each MPES Registered Livestock Producer or Licensed Mobile Slaughter Operation.

(A) Pens, equipment, and assistants for conducting ante-mortem inspection and for separating, marking, and holding livestock marked "California Suspect" or "California Condemned" apart from passed livestock.

(B) Natural or artificial lighting or a combination of natural and artificial lighting in order to conduct inspections.

(C) Suitable devices for retaining parts such as the head, tongue, tail, thymus gland, and viscera to be used in the preparation of meat food products, until after the post-mortem examination is completed, in order that they may be identified in case of condemnation of the carcass.

(D) Acceptable equipment and receptacles for the handling of viscera of slaughtered animals and the transportation of carcasses to prevent adulteration and contamination.

(E) Approved sanitizing agents in sufficient amounts to sanitize all knives, cleavers, saws, hooks, and pans used in slaughter operation.

(F) Equipment and denaturing agent for use in the disposal of condemned articles in accordance with the regulations in this subchapter.

(d) Transportation and Disposal of Edible and Inedible materials:

(1) Carcass shall be transported by a Mobile Slaughter Operation protected from environmental influences and in a leakproof container and tagged as prescribed.

(2) Meat by-products must be transported by a Mobile Slaughter Operation in clean and sanitary manner.

(3) Inedible offal may be transported by a Mobile Slaughter Operation to MPES registered custom exempt operation in a manner that prevents contamination and adulteration of edible products.

(4) All inedible products may be disposed of onsite or by other methods in compliance with all other applicable State and local environmental laws.

(5) No slaughter of a California Suspect animal shall be performed without notification of MPES Authorized Personnel and appropriate segregation of suspect carcass until determination of final disposition by MPES Authorized Personnel.

(e) Each Mobile Slaughter Operation shall be inspected prior to being licensed for compliance with the regulations and shall make their operation available during custom mobile slaughter activities when contacted by MPES Authorized Personnel for inspection.

(f) Each MPES Registered Livestock Producer is required to ensure that the site of slaughter complies with the grounds and pest control requirements of subsection 901.9.1(d).

(g) Mobile Slaughter Operation Good Manufacturing Practices (GMP):

(1) Each MPES licensed Mobile Slaughter Operation shall develop, implement, and maintain a written GMP as prescribed in subsection 900.1(21)(22) of this subchapter.

(2) The GMP Guidelines listed in subsection 900.1(23)(24) of this subchapter shall be maintained and assessed by MPES on an annual basis.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961, 19014, 19010 and 19011, Food and Agricultural Code. Reference: Sections 18991, 19000, 19001, 19012, 19020, 19022, and 19023, Food and Agricultural Code.

#### **§ 901.10. Official Numbers; Separation from Non-licensed Plants.**

(a) An official number shall be assigned to each establishment granted a license by the Department. Such number shall be used to identify all products prepared in the establishment. More than one number shall not be assigned to an official establishment.

(b) Each official establishment shall be physically separate and distinct from any non-licensed establishment in which any product is handled, and from any other non-licensed establishment at the direction of the Department.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18725, 18970, 18971, 19010, 19014 and 19017, Food and Agricultural Code.

#### **§ 901.11. Schedule of Operations.**

(a) Each licensed custom livestock slaughterhouse and each licensed meat processing establishment shall complete and submit to the Department an MPES Form 79-038 (Rev. 10/11), Schedule of Operations, specifying the days and weeks of the month and the hours of the day that the plant operates.

(b) Each licensed custom livestock slaughterhouse and each licensed meat processing establishment shall complete and submit to the Department a new MPES Form 79-038 (Rev. 10/11), Schedule of Operations, whenever the establishment makes a permanent change in the frequency or times of its operations.

(c) If a licensed custom livestock slaughterhouse or a licensed meat processing establishment plans to temporarily operate on days and/or at times other than those listed on its current MPES Form 79-038 (Rev. 10/11), the establishment management shall contact the area supervisor by telephone at least 24 hours in advance of such unscheduled operations to inform him of its intent.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18738, 18971, 18973, 18976, 19012, 19014 and 19017, Food and Agricultural Code.

### **Article 3. Facilities for Inspection and Sanitation**

#### **§ 902. General Requirements.**

Each official establishment must be operated and maintained in a manner to prevent the creation of insanitary conditions and to ensure that product is not adulterated. When the establishment is not operating during scheduled hours of operation, as indicated on MPES Form 79-038 (Rev. 10/11), Schedule of Operations, all plant equipment and facilities shall be clean and sanitary.

Note: Authority cited: Sections 407, 18693, 18726, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18725, 18732, 18754, 18948, 18951, 18952, 18971, 18973, 19011 and 19017, Food and Agricultural Code.

#### **~~§ 902.1. Facilities for Inspection - Program Employees.~~**

~~Office space, including desk space, a chair, file space, light, and heat shall be provided by official establishments, rent free, for the use of the inspector and other program employees while conducting official business.~~

~~Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18728 and 18732, Food and Agricultural Code.~~

#### **§ 902.2. Other Facilities and Conditions Provided by Official Establishments.**

(a) When required by the area supervisor, the following facilities and conditions, and such others as may be found to be essential to the conduct of inspection and maintenance of sanitary conditions, shall be provided by each official establishment.

(1) Pens, equipment, and assistants for conducting ante-mortem inspection and for separating, marking, and holding livestock marked "California Suspect" or "California Condemned" apart from passed livestock. Pens, alleys, and runways shall be paved, drained, and supplied with hose connections for cleanup purposes.

(2) Natural or artificial lighting or a combination of natural and artificial lighting in order to conduct inspections. The following measurements shall be taken at a height of 30 inches off the floor:

- (A) At least 50 foot candles at post-mortem inspection stations.
- (B) At least 30 foot candles at ante-mortem inspection stations and in processing areas.
- (C) At least 10 foot candles in all other areas of the establishment.

(3) Racks, receptacles, or other suitable devices for retaining parts such as the head, tongue, tail, thymus gland, and viscera, and all parts and blood to be used in the preparation of meat food products or medical products, until after the post-mortem examination is completed, in order that they may be identified in case of condemnation of the carcass.

(4) Equipment, trucks, and receptacles for the handling of viscera of slaughtered animals to prevent contact with the floor.

(5) Tables, benches, and other equipment on which inspection is to be performed, of such design, material, and construction as to enable inspector to conduct their inspections in an efficient and sanitary manner.

(6) Watertight trucks or receptacles for holding and handling diseased carcasses and parts, so constructed as to be readily cleaned; such trucks or receptacles shall have the phrase "CONDEMNED" in letters not less than 2 inches high, and, when required by the area supervisor, shall be equipped with facilities for locking or sealing.

(7) Liquid soap, cleansers, sanitizers, and hot water for cleansing and disinfecting hands and for sterilizing all implements used in dressing diseased carcasses, floors, and such other articles and places as may be contaminated by diseased carcasses or otherwise. Custom livestock slaughterhouses shall have a container of hot water near the eviscerating area that is maintained during all scheduled hours of operation at a temperature of 180° F or greater. This container of hot water shall be large enough to enable immersion of the blade of each knife, saw, or other similar implement used in skinning, evisceration, and splitting of livestock carcasses.

(8) Retention rooms, cages, or other compartments, and receptacles in which carcasses and product may be held for further inspection, shall be in such number and in such locations as the needs of inspection in the establishment require; shall be equipped for secure locking or sealing and shall be held under locks or official seals furnished by the Department; the keys of such locks shall not leave the custody of ~~program employees~~ MPES Authorized Personnel. Every such room, compartment, or receptacle shall be marked with the phrase "RETAINED" in letters not less than 2 inches high; rooms or compartments for these purposes shall be locked or sealed and kept clean, including sanitary disposal of floor liquids; establishment employees shall not enter any retention rooms or compartments or open any retention receptacles unless authorized by ~~program employees~~ MPES Authorized Personnel.

(9) Facilities, equipment, and denaturing materials for the disposal of condemned articles in accordance with the regulations in this subchapter.

(10) Docks and receiving rooms shall be designated by the operator of the official establishment and approved by the area supervisor for the receipt and inspection of all products.

(b) In addition to any facilities required to accomplish sanitary dressing procedures, the following are required:

(1) A minimum of 50 foot candles of shadow-free lighting at the inspection surfaces of the head, viscera, and carcass.

(2) A hand wash lavatory (other than one which is hand operated) located adjacent to the inspector's work area and furnished with liquid soap, disposable single-use towels, a waste receptacle, and hot and cold running water.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18728 and 18732, Food and Agricultural Code.

### **§ 902.3. Inspectors.**

Inspectors shall furnish their own work clothing and implements for conducting inspection and shall maintain their implements in sanitary condition as prescribed by section 902.5 of this article.

Note: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: 18661, 18726, 18736, 18941, 18942, 18943, 18952, 18973, 18991 and 19000, Food and Agricultural Code.

#### **§ 902.4. Official Establishment Grounds and Facilities.**

Official establishment grounds and facilities shall be constructed and maintained in accordance with 9 CFR section 416.2 (2006).

Note: Authority cited: Sections 407, 18693, 18726, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18725, 18732, 18754, 18948, 18951, 18952, 18971, 18973, 19011, and 19017, Food and Agricultural Code; and 9 CFR section 416.2 (2006).

#### **§ 902.5. Equipment and Utensils.**

Equipment and utensils in official establishments shall be constructed and maintained in accordance with 9 CFR section 416.3 (2006).

Note: Authority cited: Sections 407, 18693, 18726, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18725, 18732, 18754, 18948, 18951, 18952, 18971, 18973, 19011 and 19017, Food and Agricultural Code; and 9 CFR section 416.3 (2006).

#### **§ 902.6. Sanitary Operations.**

Operations in official establishments shall be conducted in a sanitary manner in accordance with 9 CFR section 416.4 (2006).

Note: Authority cited: Sections 407, 18693, 18726, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18725, 18732, 18754, 18948, 18951, 18952, 18971, 18973, 19011 and 19017, Food and Agricultural Code; and 9 CFR section 416.4 (2006).

#### **§ 902.7. Employee Hygiene.**

Employee hygiene in official establishments shall be maintained in accordance with 9 CFR section 416.5 (2006).

Note: Authority cited: Sections 407, 18693, 18726, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18725, 18732, 18754, 18948, 18951, 18952, 18971, 18973, 19011 and 19017, Food and Agricultural Code; and 9 CFR section 416.5 (2006).

#### **§ 902.8. Tagging Insanitary Equipment, Utensils, Rooms, or Compartments.**

(a) Red and green "California Rejected" tags are utilized by inspectors and ~~program employees~~ MPES Authorized Personnel for rejecting equipment, utensils, rooms, or compartments or for retaining a product.

(b) When an inspector finds that any equipment, utensil, room, or compartment at an official establishment is insanitary, or that its use could cause adulteration of product, the inspector or MPES Authorized Personnel will attach a red or green "California Rejected" tag as appropriate.

(c) Equipment, utensils, rooms, or compartments so tagged shall not be used until made acceptable and released for use upon reinspection by an inspector or MPES Authorized Personnel.



(d) Only a ~~program employees~~ MPES Authorized Personnel may remove a red “California Rejected” tag. Livestock meat inspectors, processing inspectors, and ~~program employees~~ MPES Authorized Personnel may remove a green “California Rejected” tag.

Note: Authority cited: Sections 407, 18693, 18726, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18725, 18732, 18754, 18948, 18951, 18952, 18971, 18973, 18975, 19011 and 19017, Food and Agricultural Code.

#### **§ 902.9. Development of Sanitation Standard Operating Procedures (SSOPs).**

(a) On or before January 1, 2010, each official establishment shall develop, implement, and thereafter maintain written sanitation standard operating procedures (~~Sanitation~~ SSOP's) in accordance with the requirements of this article.

(b) ~~Sanitation~~ SSOP's shall be developed in accordance with 9 CFR section 416.12 (2006).

Note: Authority cited: Sections 407, 18693, 18726, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18725, 18754, 18948, 18951, 18952, 18971 and 19017, Food and Agricultural Code; and 9 CFR section 416.12 (2006).

#### **§ 902.10. Implementation of ~~Sanitation~~ SSOP's.**

Each official establishment shall implement ~~Sanitation~~ SSOP's in accordance with 9 CFR section 416.13 (2006).

Note: Authority cited: Sections 407, 18693, 18726, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18725, 18754, 18948, 18951, 18952, 18971 and 19017, Food and Agricultural Code; and 9 CFR section 416.13 (2006).

#### **§ 902.11. Maintenance of ~~Sanitation~~ SSOP's.**

Each official establishment shall maintain its ~~Sanitation~~ SSOP's in accordance with 9 CFR section 416.14 (2006).

Note: Authority cited: Sections 407, 18693, 18726, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18725, 18754, 18948, 18951, 18952, 18971 and 19017, Food and Agricultural Code; and 9 CFR section 416.14 (2006).

#### **§ 902.12. Corrective Actions.**

Each official establishment shall take corrective actions in accordance with 9 CFR section 416.15 (2006).

Note: Authority cited: Sections 407, 18693, 18726, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18725, 18754, 18948, 18951, 18952, 18971 and 19017, Food and Agricultural Code; and 9 CFR section 416.15 (2006).

#### **§ 902.13. Records Retention.**

Each official establishment shall keep and retain records in accordance with 9 CFR section 416.16 (2006).

Note: Authority cited: Sections 407, 18693, 18726, 18727, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18725, 18754, 18948, 18951, 18952, 18971 and 19017, Food and Agricultural Code; and 9 CFR section 416.16 (2006).

#### **§ 902.14. Department Verification.**

The Department shall verify the adequacy and effectiveness of each official establishment's Sanitation SOP's in accordance with 9 CFR section 416.17 (2006).

Note: Authority cited: Sections 407, 18693, 18726, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18725, 18754, 18948, 18951, 18952, 18971 and 19017, Food and Agricultural Code; and 9 CFR section 416.17 (2006).

#### **§ 902.15. Plant Improvement Program.**

~~(a) Each official establishment shall participate in a plant improvement program (PIP). The PIP is intended to identify and record deficiencies in plant facilities and equipment that do not present immediate threats to plant sanitation and product wholesomeness, to establish and record due dates for correction of such deficiencies, and to record actual completion dates of correction.~~

~~(b) The MPES Form 79-032 (Rev. 09/11), Plant Improvement Program, which is incorporated by reference, shall be used by each official establishment, and will be provided by the Department.~~

~~(c) A plant official shall initial the PIP form for each identified deficiency to acknowledge management's agreement to complete the correction of the deficiency by the listed due date.~~

~~(d) Failure to complete a correction of a deficiency by the listed due date shall be grounds for application by a Department employee of a State of California Rejected tag to the deficient facility, room, or item, as specified in section 902.8 of this subchapter.~~

~~Note: Authority cited: Sections 407, 18693, 18726, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18725, 18732, 18754, 18948, 18951, 18952, 18971, 18973, 19011 and 19017, Food and Agricultural Code.~~

### **Article 4. Ante-Mortem Inspection**

#### **§ 903. Ante-Mortem Inspection in Pens of Official Establishments.**

(a) All livestock offered for slaughter in an official establishment shall be inspected on the day of and before slaughter unless prior arrangements acceptable to the Department have been made in specific cases for such inspection to be made on a different day before slaughter.

(b) Ante-mortem inspection shall be made in pens on the premises of the establishment where the livestock are offered for slaughter before the livestock shall be allowed to enter into any section of the establishment where they are to be slaughtered or dressed or in which edible products are handled.

Note: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18721, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code.

#### **§ 903.1. Livestock Suspected of Being Diseased or Affected with Certain Conditions; Identifying Suspects; Disposition on Post-Mortem Inspection or Otherwise.**

(a) Livestock suspected of being diseased or affected with certain conditions shall be handled in accordance with 9 CFR section 309.2 (2006). References in 9 CFR section 309.2 (2006) shall refer to the corresponding sections of this subchapter as follows:

9 CFR section 309.2 (2006)	Subchapter I of Chapter 4, Division 2 of Title 3 of the California Code of Regulations
Section 309.18	Section 903.17
Section 311.1	Section 905
Section 311.2	Section 905.1
Section 311.5	Section 905.3
Section 311.32	Section 905.29

(b) Nonambulatory livestock shall be identified and tagged by the inspector as California Suspect, immediately stunned and bled, and disposed of as provided in section 907 of this subchapter, unless they are required to be classed as condemned in accordance with 9 CFR section 309.3 (2006)

(c) No Custom Livestock Slaughterhouse shall receive, nor a Mobile Slaughter Operation shall slaughter nonambulatory livestock.

(d) Custom Livestock Slaughterhouse shall not slaughter nonambulatory livestock, except for those that were injured during slaughter.

Note: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18721, 18722, 18943, 18945, 18949, 18972 ~~and~~ 18991, and 19020, Food and Agricultural Code; and 9 CFR sections 309.2, 309.3, 309.18, 311.1, 311.2, 311.5, and 311.32.

**§ 903.2. Dead, Dying, Disabled, or Diseased Livestock.**

Dead, dying, disabled, or diseased livestock shall be handled in accordance with 9 CFR section 309.3 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18721, 18722, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code; and 9 CFR section 309.3 (2006).

**§ 903.3. Livestock Showing Symptoms of Certain Metabolic, Toxic, Nervous, or Circulatory Disturbances, Nutritional Imbalances, or Infectious or Parasitic Diseases.**

Livestock showing symptoms of certain metabolic, toxic, nervous, or circulatory disturbances, nutritional imbalances, or infectious or parasitic diseases shall be handled in accordance with 9 CFR section 309.4 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18721, 18722, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code; and 9 CFR section 309.4 (2006).

**§ 903.4. Swine; Disposal Due to Hog Cholera.**

Swine infected with or exposed to hog cholera shall be handled in accordance with 9 CFR section 309.5 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18721, 18722, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code; and 9 CFR section 309.5 (2006).

**§ 903.5. Epithelioma of the Eye.**

Any animal found on ante-mortem inspection to be affected with epithelioma of the eye shall be handled in accordance with 9 CFR section 309.6 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18721, 18722, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code; and 9 CFR section 309.6 (2006).

**§ 903.6. Livestock Affected with Anthrax; Cleaning and Disinfection of Infected Livestock Pens and Driveways.**

Livestock found on ante-mortem inspection to be affected with anthrax shall be handled in accordance with 9 CFR section 309.7 (2006). Infected livestock pens and driveways shall be cleaned and disinfected in accordance with 9 CFR section 309.7 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18721, 18722, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code; and 9 CFR section 309.7 (2006).

**§ 903.7. Cattle Affected with Anasarca and Generalized Edema.**

Cattle found on ante-mortem inspection to be affected with anasarca shall be handled in accordance with 9 CFR section 309.8 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18721, 18722, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code; and 9 CFR section 309.8 (2006).

**§ 903.8. Swine Erysipelas.**

Swine found on ante-mortem inspection to be affected with acute swine erysipelas shall be handled in accordance with 9 CFR section 309.9 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18721, 18722, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code; and 9 CFR section 309.9 (2006).

**§ 903.9. Onset of Parturition.**

Livestock showing signs of the onset of parturition on ante-mortem inspection shall be handled in accordance with 9 CFR section 309.10 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18721, 18722, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code; and 9 CFR section 309.10 (2006).

**§ 903.10. Vaccine Livestock.**

Vaccine livestock shall be handled in accordance with 9 CFR section 309.11 (2006). Note: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18721, 18722, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code; and 9 CFR section 309.11 (2006).

**§ 903.11. Emergency Slaughter.**

Emergency slaughter shall be conducted in accordance with 9 CFR section 309.12 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18721, 18722, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code; and 9 CFR section 309.12 (2006).

**§ 903.12. Disposition of Condemned Livestock.**

Condemned livestock shall be disposed of in accordance with 9 CFR section 309.13 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18721, 18722, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code; and 9 CFR section 309.13 (2006).

**§ 903.13. Brucellosis-Reactor Goats.**

Brucellosis-reactor goats shall be handled in accordance with 9 CFR section 309.14 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18721, 18722, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code; and 9 CFR section 309.14 (2006).

**§ 903.14. Vesicular Diseases.**

Livestock found on ante-mortem inspection to be affected with a vesicular disease shall be handled in accordance with 9 CFR section 309.15 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18721, 18722, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code; and 9 CFR section 309.15 (2006).

**§ 903.15. Livestock Suspected of Biological Residues.**

(a) Except as provided by subsection (b) of this section, livestock suspected of having been treated with or exposed to any substance that may impart a biological residue that would make the edible tissues unfit for human food or otherwise adulterated shall be handled in compliance with the provisions of this paragraph. They shall be identified at official establishments as California Condemned by an inspector. These livestock may be held under the custody of a program employee or other official designated by the Department until metabolic processes have reduced the residue sufficiently to make the tissues fit for human food and otherwise not adulterated. When the required time has elapsed, the livestock, if returned for slaughter, must be re-examined on ante-mortem inspection. To aid in determining the amount of residue present in the tissues, officials of the program may permit the slaughter of any such livestock for collecting tissues for analysis for the residue. Such analysis may include the use of in-plant screening procedures designed to detect the presence of antimicrobial residues in any species of livestock.

(b) All carcasses and edible organs and other parts thereof, in which are found any biological residues that render such articles adulterated, shall be marked and tagged by a inspector as California Condemned and disposed of in accordance with Article 8 of this subchapter.

(c) The names of all persons who sold or consigned each swine to the establishment shall be made available by the establishment to any program employee or other authorized employee

of the Department upon that employee's request and presentation of his official credentials. Swine identification, by means approved by the Animal and Plant Health Inspection Service, USDA, shall be maintained throughout post-mortem inspection, in accordance with 9 CFR section 310.23

Note: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code.

Reference: Sections 18721, 18722, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code; and 9 CFR section 310.23 (2006).

#### **§ 903.16. Livestock Used For Research.**

No livestock used in any research investigation involving an experimental biological product, drug, or chemical shall be eligible for slaughter at an official establishment.

Note: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code.

Reference: Sections 18721, 18722, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code.

#### **§ 903.17. Official Marks and Devices for Purposes of Ante-Mortem Inspection.**

(a) The devices described as follows shall be the official devices for identification of livestock required to be identified as California Suspect or California Condemned as provided in this article:

(1) All livestock required by this article to be identified as California Suspect shall be tagged by the inspector with a serially numbered metal ear tag bearing the term California Suspect, except that cattle affected with epithelioma of the eye, actinomycosis, or actinobacillosis to such an extent that the lesions would be readily detected on post-mortem inspection, need not be individually tagged on ante-mortem inspection with the California Suspect tag, provided that such cattle are segregated and otherwise handled as California Suspect.

(2) California Suspect swine must include the use of tattoos specified by the inspector to maintain the identity of the animals through dehairing equipment when such equipment is used.

(3) All livestock required by this Article to be identified as California Condemned shall be tagged by the inspector with a serially numbered metal ear tag bearing the term California Condemned.

Note: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code.

Reference: Sections 18721, 18722, 18943, 18945, 18949, 18972 and 18991, Food and Agricultural Code.

### **Article 5. Post-Mortem Inspection**

#### **§ 904. Extent and Time of Post-Mortem Inspection.**

Post-mortem inspection of livestock shall be handled in accordance with 9 CFR section 310.1(a) (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code.

Reference: Sections 18661, 18669, 18721, 18736, 18941, 18942, 18943, 18945, 18949, 18972, 18991 and 19012, Food and Agricultural Code; and 9 CFR section 310.1(2006).

#### **§ 904.1. Identification of Carcass with Certain Severed Parts Thereof and with Animal From Which Derived.**

Identification of livestock carcasses and parts shall be in accordance with 9 CFR section 310.2 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18661, 18669, 18721, 18722, 18736, 18941, 18942, 18943, 18945, 18949, 18972, 18991 and 19012, Food and Agricultural Code; and 9 CFR section 310.2.

**§ 904.2. Carcasses and Parts in Certain Instances to be Retained.**

Carcasses and parts shall be retained in accordance with 9 CFR section 310.3 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18661, 18669, 18721, 18722, 18736, 18941, 18942, 18943, 18945, 18949, 18972, 18991 and 19012, Food and Agricultural Code; and 9 CFR section 310.3 (2006).

**§ 904.3. Retained Carcasses and Parts; Identification and Tagging.**

Retained carcasses and parts shall be identified and tagged in accordance with 9 CFR section 310.4 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18671, 18721, 18722, 18736, 18941 and 18972, Food and Agricultural Code; and 9 CFR section 310.4 (2006).

**§ 904.4. Condemned Carcasses and Parts to be Marked; Tanking; Separation.**

Condemned carcasses and parts shall be handled in accordance with 9 CFR section 310.5 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18661, 18669, 18721, 18722, 18728, 18736, 18941, 18942, 18943, 18972, 18991 and 19012, Food and Agricultural Code; and 9 CFR section 310.5 (2006).

**§ 904.5. Removal of Spermatic Cords, Pizzles, and Preputial Diverticuli.**

Spermatic cords, pizzles, and preputial diverticuli shall be handled in accordance with 9 CFR section 310.7 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18726 and 18972, Food and Agricultural Code; and 9 CFR section 310.7 (2006).

**§ 904.6. Passing and Marking of Carcasses and Parts.**

Carcasses and parts found to be sound, healthful, wholesome, and otherwise not adulterated shall be passed and marked as provided in Article 9 of this subchapter. In all cases where carcasses showing localized lesions are passed for food and California Retained tags are attached to the carcasses, the affected tissues shall be removed and condemned before the tags are removed. Red California Retained tags may be removed only by ~~program employees~~ MPES Authorized Personnel.

Note: Authority cited: Sections 407, 18693, 18735, 18960 and 18961, Food and Agricultural Code. Reference: Sections 18652, 18655, 18661, 18721, 18722, 18724, 18736, 18847, 18941, 18972, 18973, 18991 and 19012, Food and Agricultural Code.

**§ 904.7. Anthrax; Carcasses Not to be Eviscerated; Disposition of Affected Carcasses; Hides, Hoofs, Horns, Hair, Viscera and Contents, and Fat; Handling of Blood and Scalding Vat Water; General Cleanup and Disinfection.**

Livestock carcasses found to be affected with anthrax shall be handled in accordance with 9 CFR section 310.9 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18722, 18726, 18753, 18754, 18971, 18972, 18973, 19011, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 310.9 (2006).

**§ 904.8. Carcasses with Skin or Hide On; Cleaning Before Evisceration; Removal of Larvae of Hypodermae, External Parasites and Other Pathological Skin Conditions.**

Carcasses with skin or hide on shall be handled in accordance with 9 CFR section 310.10 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18725, 18726, 18753, 18971, 18972, 18973, 19011 and 19017, Food and Agricultural Code; and 9 CFR section 310.10 (2006).

**§ 904.9. Cleaning of Hog Carcasses Before Incising.**

The cleaning of hog carcasses before incising shall be handled in accordance with 9 CFR section 310.11 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18725, 18726, 18753, 18971, 18972, 18973, 19011 and 19017, Food and Agricultural Code; and 9 CFR section 310.11 (2006).

**§ 904.10. Abdominal and Thoracic Viscera to be Removed; Sternum to be Split.**

The abdominal and thoracic viscera shall be removed at the time of slaughter in order to allow proper inspection. The sternum shall be split to permit visual inspection of the thoracic cavity if such inspection is determined necessary by an inspector.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18725, 18726, 18753, 18971, 18972, 18973, 19011 and 19017, Food and Agricultural Code.

**§ 904.11. Inflating Carcasses or Parts.**

Establishments shall not inflate carcasses or parts of carcasses with air, except in accordance with 9 CFR section 310.13(a)(2) (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18725, 18726, 18752, 18753, 18754, 18971, 18972, 18973, 19011 and 19017, Food and Agricultural Code; and 9 CFR section 310.13 (2006).

**§ 904.12. Handling of Bruised Parts.**

When only a portion of a carcass is to be condemned on account of slight bruises, either the bruised portion shall be removed immediately and disposed of in accordance with Article 8 of this subchapter, or the carcass shall be promptly placed in a retaining room and kept until chilled



and the bruised portion shall then be removed and disposed of in accordance with Article 8 of this subchapter.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18753, 18950, 18972 and 19012, Food and Agricultural Code.

#### **§ 904.13. Disposition of Lungs.**

Lungs found to be affected with disease or pathology and lungs found to be adulterated with scald tank water or chemical or biological residue shall be condemned and identified as California Inspected and Condemned. Condemned lungs may not be saved for pet food or other nonhuman food purposes. Condemned lungs shall be maintained under inspectional control and disposed of in accordance with Article 8 of this subchapter.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18728, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code.

#### **§ 904.14. Inspection of Mammary Glands.**

Mammary glands shall be handled in accordance with 9 CFR section 310.17 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18728, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 310.17 (2006).

#### **§ 904.15. Contamination of Carcasses, Organs, or Other Parts.**

(a) Carcasses, organs, and other parts shall be handled in a sanitary manner to prevent contamination with fecal material, urine, bile, hair, dirt, or foreign matter; however, if contamination occurs, it shall be promptly removed in a manner satisfactory to the inspector.

(b) Brains, cheek meat, and head trimmings from animals stunned by lead, sponge iron, or frangible bullets shall not be saved for use as human food but shall be disposed of in accordance with Article 8 of this subchapter.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code.

#### **§ 904.16. Inspection of Kidneys.**

An employee of the establishment shall open the kidney capsule and expose the kidneys of all livestock at the time of slaughter for the purpose of examination by an inspector.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code.

#### **§ 904.17. Saving of Blood from Livestock as an Edible Product.**

Official establishments that save blood from livestock as an edible product shall do so in accordance with 9 CFR section 310.20 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18751, 18753, 18974, 18756, 18971-18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 310.20 (2006).

**§ 904.18. Identification of Carcasses and Parts of Swine.**

Identification of carcasses and parts of swine shall be in accordance with 9 CFR section 310.23 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18751, 18752, 18753, 18754, 18872, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 310.23 (2006).

**§ 904.19. Specified Risk Materials from Cattle; Handling and Disposition.**

Specified risk materials shall be handled in accordance with 9 CFR section 310.22 (2006). Reference to sections 314.1 and 314.3 in section 310.22 shall refer to Article 8 of this subchapter  
Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18751, 18752, 18753, 18754, 18872, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 310.22 (2006).

**§ 904.20. Transferring Caul or Other Fat.**

Transferring the caul or other fat from a fat to a lean carcass is prohibited.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Section 18758, Food and Agricultural Code.

**Article 6. Disposal of Diseased or Otherwise Adulterated Carcasses and Parts**

**§ 905. Disposal of Diseased or Otherwise Adulterated Carcasses and Parts; General.**

(a) Carcasses or parts of carcasses of all animals slaughtered at official establishments and found at the time of slaughter to be affected with any of the diseases or conditions named in this article shall be disposed of according to the section pertaining to the disease or condition: Provided that no product shall be passed for human food under any such section unless it is found to be otherwise not adulterated.

(b) In cases of doubt as to a condition, a disease, or the cause of a condition, or to confirm a diagnosis, representative specimens of the affected tissues, properly prepared and packaged, shall, upon approval by a program employee, be sent for examination to the California Animal Health and Food Safety System Laboratory or to a laboratory approved by the Department.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18652, 18669, 18721, 18722, 18724, 18728, 18751, 18752, 18753, 18754, 18945, 18949, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code.

### **§ 905.1. Tuberculosis.**

(a) Carcasses of cattle may be passed for human food only when the carcass of an animal not identified as a reactor to a tuberculin test administered by a USDA Animal and Plant Health Inspection Service veterinarian, a State of California veterinarian, or a veterinarian accredited by the USDA or State of California:

(1) Is found free of tuberculosis lesions during post-mortem inspection and;

(2) Such testing is conducted in the tuberculosis eradication program of the Animal and Plant Health Inspection Service, USDA.

(b) Swine carcasses found free of tuberculosis lesions during post-mortem inspection may be passed for human food. When tuberculosis lesions in any swine carcass are localized and confined to one primary seat of infection, such as the cervical lymph nodes, the mesenteric lymph nodes, or the mediastinal lymph nodes, the unaffected portion of the carcass may be passed for human food after the affected organ or other part is condemned.

(c) Carcasses of sheep, goats, and fallow deer found to be affected with tuberculosis lesions during post-mortem inspection shall be condemned and disposed of in accordance with Article 8 of this subchapter.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code.

### **§ 905.2. Hog Cholera.**

Swine suspected or found to be affected with hog cholera shall be handled according to 9 CFR section 311.3 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.3 (2006).

### **§ 905.3. Swine Erysipelas.**

Carcasses affected with swine erysipelas shall be handled in accordance with 9 CFR section 311.5 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.5 (2006).

### **§ 905.4. Diamond-Skin Disease.**

Carcasses of hogs affected with diamond-skin disease shall be handled in accordance with 9 CFR section 311.6 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.6 (2006).

### **§ 905.5. Arthritis.**

Carcasses affected with arthritis shall be handled in accordance with 9 CFR section 311.7 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.7 (2006).

**§ 905.6. Cattle Carcasses Affected with Anasarca or Generalized Edema.**

Cattle carcasses affected with anasarca or generalized edema shall be handled in accordance with 9 CFR section 311.8 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.8 (2006).

**§ 905.7. Actinomycosis and Actinobacillosis.**

Livestock affected with actinomycosis and actinobacillosis shall be handled in accordance with 9 CFR section 311.9 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.9 (2006).

**§ 905.8. Anaplasmosis, Anthrax, Babesiosis, Bacillary Hemoglobinuria in Cattle, Blackleg, Bluetongue, Hemorrhagic Septicemia, Icterohematuria in Sheep, Infectious Bovine Rhinotracheitis, Leptospirosis, Malignant Epizootic Catarrh, Strangles, Purpura Hemorrhagica, Azoturia, Infectious Equine Encephalomyelitis, Toxic Encephalomyelitis (Forage Poisoning), Infectious Anemia (Swamp Fever), Dourine, Acute Influenza, Generalized Osteoporosis, Glanders (Farcy), Acute Inflammatory Lameness, Extensive Fistula, and Unhealed Vaccine Lesions.**

Carcasses of livestock affected with or showing lesions anaplasmosis, anthrax, babesiosis, bacillary hemoglobinuria in cattle, blackleg, bluetongue, hemorrhagic septicemia, icterohematuria in sheep, infectious bovine rhinotracheitis, leptospirosis, malignant epizootic catarrh, strangles, purpura hemorrhagica, azoturia, infectious equine encephalomyelitis, toxic encephalomyelitis (forage poisoning), infectious anemia (swamp fever), dourine, acute influenza, generalized osteoporosis, glanders (farcy), acute inflammatory lameness, extensive fistula, and unhealed vaccine lesions shall be handled in accordance with 9 CFR section 311.10 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.10 (2006).

**§ 905.9. Neoplasms.**

Carcasses, individual organs, or other parts of a carcass affected with a neoplasm shall be handled in accordance with 9 CFR section 311.11 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.11 (2006).

**§ 905.10. Epithelioma of the Eye.**

Carcasses of animals affected with epithelioma of the eye shall be handled in accordance with 9 CFR section 311.12 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.12 (2006).

**§ 905.11. Pigmentary Conditions; Melanosis, Xanthosis, Ochronosis, (etc.).**

(a) Except as provided in section 905.17, carcasses of livestock showing generalized pigmentary deposits shall be condemned.

(b) The affected parts of carcasses showing localized pigmentary deposits of such character as to be unwholesome or otherwise adulterated shall be removed and condemned.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code.

**§ 905.12. Abrasions, Bruises, Abscesses, Pus (etc.).**

Abrasions, bruises, abscesses, pus, etc., on any organ or other part of a carcass shall be handled in accordance with 9 CFR section 311.14 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.14 (2006).

**§ 905.13. Brucellosis.**

Carcasses affected with brucellosis shall be handled in accordance with 9 CFR section 311.15 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.15 (2006).

**§ 905.14. Carcasses So Infected That Consumption of the Meat May Cause Food Poisoning.**

Carcasses of livestock so infected that consumption of the meat may cause food poisoning and equipment contaminated by contact with them shall be handled in accordance with 9 CFR section 311.16 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.16 (2006).

**§ 905.15. Necrobacillosis, Pyemia, and Septicemia.**

Carcasses of livestock affected with necrobacillosis, pyemia, or septicemia shall be handled in accordance with 9 CFR section 311.17 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.17 (2006).

**§ 905.16. Caseous Lymphadenitis.**

(a) As used in this section, the term “thin” does not apply to a carcass that is anemic or emaciated; and the term “lesions” refers to lesions of caseous lymphadenitis.

(b) Any carcass showing well-marked lesions in the viscera and the skeletal lymph nodes, or a thin carcass showing extensive lesions in any part shall be condemned.

(c) A thin carcass showing only slight lesions in the skeletal lymph nodes and in the viscera may be passed for human food.

(d) A well-nourished carcass showing well-marked lesions in the viscera and with only slight lesions elsewhere or showing well-marked lesions confined to the skeletal lymph nodes with only slight lesions elsewhere may be passed for human food.

(e) All affected organs and nodes of carcasses passed for human food shall be removed and condemned.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code.

**§ 905.17. Icterus.**

Carcasses showing any degree of icterus shall handled in accordance with 9 CFR section 311.19 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.19 (2006).

**§ 905.18. Sexual Odor of Swine.**

Carcasses of swine that emit a pronounced sexual odor shall be condemned.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code.

**§ 905.19. Mange or Scab.**

Carcasses of livestock affected with mange or scab shall be handled in accordance with 9 CFR section 311.21 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.21 (2006).

**§ 905.20. Hogs Affected with Urticaria, Tinea Tonsurans, Demodex Folliculorum, or Erythema.**

Carcasses of hogs affected with urticaria (nettle rash), tinea tonsurans, demodex folliculorum, or erythema shall be handled in accordance with 9 CFR section 311.22 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.22 (2006).

**§ 905.21. Tapeworm Cysts (Cysticercus Bovis) in Cattle.**

Carcasses of cattle displaying lesions of *Cysticercus bovis* shall be condemned.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code.

**§ 905.22. Hogs Affected with Tapeworm Cysts.**

Carcasses of hogs affected with tapeworm cysts (*Cysticercus cellulosae*) shall be condemned.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code.

**§ 905.23. Parasites Not Transmissible to Man; Tapeworm Cysts in Sheep; Hydatid Cysts; Flukes; Gid Bladder-Worms.**

(a) In the disposal of carcasses, edible organs, and other parts of carcasses showing evidence of infestation with parasites not transmissible to man, the following shall apply except as otherwise provided in this section:

(1) If the lesions are localized in such manner and are of such character that the parasites and the lesions caused by them can be completely removed, the nonaffected portion of the carcass, organ, or other part of the carcass may be passed for human food after the removal and condemnation of the affected portions. If an organ or other part of a carcass shows numerous lesions caused by parasites, or if the character of the infestation is such that complete extirpation of the parasitic infestation or invasion renders the part in any way unfit for human food, the affected part shall be condemned.

(2) If parasites are found to be distributed in a carcass in such a manner or to be of such character that their removal and the removal of the lesions caused by them is impracticable, no part of the carcass shall be passed for human food.

(b) In the case of sheep carcasses affected with tapeworm cysts (*Cysticercus ovis*, so-called sheep measles, not transmissible to man), such carcasses may be passed for human food after the removal and condemnation of the affected portions. If, upon the final inspection of sheep carcasses retained on account of measles, the total number of cysts found embedded in muscular tissue, or in immediate relation with muscular tissue, excluding the heart, exceeds five, the entire carcass shall be condemned.

(c) Carcasses found infested with gid bladder-worms (*Coenurus cerebralis*, *Multiceps multiceps*) may be passed for human food after condemnation of the affected organ (brain or spinal cord).

(d) Organs or other parts of carcasses infested with hydatid cysts (*Echinococcus*) shall be condemned.

(e) Livers infested with flukes or fringed tapeworms shall be condemned.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code.

**§ 905.24. Emaciation.**

Carcasses of livestock too emaciated to produce wholesome meat shall be handled in accordance with 9 CFR section 311.26 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.26 (2006).

**§ 905.25. Carcasses of Young Calves, Pigs, Kids, Lambs, and Foals.**

Carcasses of young calves, pigs, kids, lambs, and foals shall be handled in accordance with 9 CFR section 311.28 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.28 (2006).

**§ 905.26. Unborn and Stillborn Animals.**

All unborn and stillborn animals shall be handled in accordance with 9 CFR section 311.29 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.29 (2006).

**§ 905.27. Livestock Suffocated and Hogs Scalded Alive.**

Livestock suffocated and hogs scalded alive shall be handled in accordance with 9 CFR section 311.30 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012, 19017 and 19501, Food and Agricultural Code; and 9 CFR section 311.30 (2006).

**§ 905.28. Livers Affected with Carotenosis; Livers Designated as “Telangiectatic,” “Sawdust,” or “Spotted.”**

Livestock livers affected with carotenosis and livestock livers designated as “telangiectatic,” “sawdust,” or “spotted” shall be handled in accordance with 9 CFR section 311.31(a) and (b) (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.31(2006).

**§ 905.29. Vesicular Diseases.**

(a) Any carcass affected with vesicular disease shall be condemned if the condition is acute and if the extent of the condition is such that it affects the entire carcass or there is evidence of absorption or secondary change.

(b) Any carcass affected with vesicular disease to a lesser extent than as described in subsection (a) of this section may be passed for human food after removal and condemnation of the affected parts, if the carcass is otherwise healthy.



Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code.

**§ 905.30. Listeriosis.**

Carcasses of livestock identified as California Suspects because of a history of listeriosis shall be passed for human food after condemnation of the head if the carcass is otherwise normal.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code.

**§ 905.31. Anemia.**

Carcasses of livestock affected with anemia shall be handled in accordance with 9 CFR section 311.34 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.34. (2006).

**§ 905.32. Muscular Inflammation, Degeneration, or Infiltration.**

Livestock carcasses affected with muscular inflammation, degeneration, or infiltration shall be handled as follows: in accordance with 9 CFR section 311.35(a) and (b) (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.35 (2006).

**§ 905.33. Coccidioidal Granuloma.**

Carcasses which are affected with coccidioidal granuloma shall be handled in accordance with 9 CFR section 311.36 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.36 (2006).

**§ 905.34. Odors; Foreign and Urine.**

Livestock carcasses that have a medicinal, chemical, or other foreign substance or urine odor shall be handled in accordance with 9 CFR section 311.37 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.37 (2006).

**§ 905.35. Meat and Meat Byproducts from Livestock That Have Been Exposed to Radiation.**

Meat and meat byproducts from livestock that have been exposed to radiation shall be handled in accordance with 9 CFR section 311.38 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18753, 19757, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.38 (2006).

**§ 905.36. Biological Residues.**

The presence of biological residues in carcasses shall be handled in accordance with 9 CFR section 311.39 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18751, 18752, 18753, 18972, 18973, 18991, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 311.39 (2006).

**Article 7. Humane Slaughter of Livestock**

**§ 906. Humane Handling and Slaughter of Livestock.**

Livestock shall be humanely handled and slaughtered in accordance with 9 CFR Part 313 section 313.1 et seq., (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18970, 18973, 18991, 19011 and 19017, Food and Agricultural Code; and 9 CFR Part 313 (2006).

**§ 906.1. Safe and Humane Handling and Transportation of Fallow Deer to Custom Livestock Establishments.**

(a) The following are general provisions for the safe and humane handling and transportation of fallow deer:

(1) Deer shall be handled humanely and quietly, with care and patience.

(2) Persons handling or transporting deer shall be knowledgeable about deer behavior and welfare and shall comply with these regulations.

(3) It is recommended but not required that groups of deer intended for shipment be allowed to establish social relationships before loading.

(4) It is recommended but not required that transportation of deer be by the most direct and appropriate route from point of origin to final destination and be completed without delay.

(5) All rooms, compartments, alleyways, ramps, chutes and doors used for transporting, moving, and holding deer shall be free from dangerous projections, such as nails and bolts, and sharp edges that might cause pain and/or injury.

(6) All rooms, pens, compartments, alleyways, ramps, chutes and doors used for transporting, moving, and holding deer shall be constructed in a way that prevents deer from jumping out of the area.

(7) All rooms, vehicle compartments, pens, alleyways, ramps and chutes used for transporting, moving, and holding deer shall have secure footing and shall be properly drained.

(8) If deer are held longer than one hour, clean bedding material shall be provided in deer areas in transportation vehicles and in holding pens. Deer held in excess of 24 hours shall be provided new or additional clean bedding.

(9) There shall be no gaps between floors and walls, ramps and vehicles, gates and walls or other such objects which would probably result in injury to deer.

(10) Downers (deer unable to stand even with assistance) shall not be brought onto a custom livestock slaughter establishment premises, unless they became disabled during transport to the establishment. In that case, they shall be immediately stunned on the vehicle and removed from the vehicle and bled prior to regaining consciousness.

(b) Loading Equipment. All ramps, chutes, doors, and gates used for loading and unloading deer shall be constructed and maintained in a manner that prevents injury or suffering.

(1) Doors and gates shall be sufficiently wide to permit deer to pass through readily, without bruising or injury.

(2) The bottom edge of drop gates shall be padded.

(c) Transportation Vehicles. Vehicles used to transport deer shall permit easy loading and unloading and shall provide for the safety of deer and personnel during loading, transport and unloading.

(1) Vehicles shall be constructed in a manner that prevents injury to deer, including ensuring that no deer limbs or heads can project from the vehicle.

(2) Vehicles shall have doors that close firmly and securely.

(3) Vehicles shall be constructed to provide deer with adequate ventilation at all times, while avoiding drafts. Care shall be taken to minimize entry of vehicle exhaust into areas containing deer.

(4) If deer are kept in the transport vehicle for greater than one hour, sufficient floor space to allow all animals to lie down comfortably at the same time shall be provided.

(5) Deer shall be loaded only into vehicles that are clean.

(6) Deer shall be protected from extremes of temperature during transport.

(d) Water and Feed. Deer shall be fed and watered before loading for transport. For trips longer than 12 hours, feed and water shall be provided every four hours. Holding pens shall provide deer with access to clean water at all times and with feed if they are held in excess of 12 hours.

(e) Unloading. Deer shall be unloaded as soon as it is reasonable and practical to do so upon arrival at the custom livestock slaughter establishment, but not later than 12 hours after arrival.

(f) Humane Handling at Custom Livestock Slaughter Establishments. Operators of all custom livestock slaughter establishments are responsible for humane handling of deer on the plant premises.

(1) Sufficient pens shall be provided to prevent overcrowding, to permit necessary segregation of animals, and to enable all animals to lie down at the same time.

(2) Deer pens shall be segregated from those holding other species of food animals.

(3) Holding facilities shall protect deer adequately from the elements.

(4) Holding pens shall be adequately ventilated to minimize stress to animals and to prevent excessive accumulation of odors and condensation.

(5) Deer that are sick, injured, or disabled shall immediately be separated from healthy animals.

(6) Objects that might cause pain and/or injury, such as sticks, boards, canes, or electric prods, shall not be used on deer. However, a staff or similar object may be used judiciously to assist in guiding deer or for safety when handling larger or aggressive deer.

Note: Authority cited: Sections 18960 and 18963, Food and Agricultural Code. Reference: Section 18963, Food and Agricultural Code.

## **Article 8. Handling and Disposal of Condemned or Other Inedible Products at Official Establishments.**

### **§ 907. Disposition of Condemned Products at Official Establishments.**

(a) Carcasses, parts of carcasses, and other products condemned at an official establishment, excluding Mobile Slaughter Operation, shall, except as provided in subsection (b) of this section or in this article, be destroyed in the presence of an inspector by incineration or denatured with crude carbolic acid; cresylic disinfectant; a formula consisting of one part FD&C No. 3 green coloring, 40 parts water, 40 parts liquid detergent, and 40 parts oil of citronella; or any other proprietary material approved by the Department in specific cases. When such product is to be denatured, it shall be freely slashed before the denaturing agent is applied, except that, in the case of dead animals that have not been dressed, the denaturant may be applied by injection. The denaturant must be deposited in all portions of the carcass or product to the extent necessary to preclude its use for food purposes.

(b) All carcasses and parts condemned because of anthrax, as identified in section 904.7 of this subchapter, at official establishments shall be disposed of by:

(1) Complete incineration or

(2) Thorough denaturing with crude carbolic acid or cresylic disinfectant and then disposed of in accordance with the requirements of the appropriate state or municipal authorities, who shall be notified immediately by the area supervisor.

(c) Condemned products identified by Mobile Slaughter Operators must be disposed of pursuant to Federal, State, and Local laws and regulations.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18722, 18728, 18813, 18850, 18972, 18991, 19012, ~~and 19017~~, and 19020, Food and Agricultural Code.

### **§ 907.1. Carcasses of Livestock Condemned on Ante-Mortem Inspection.**

Carcasses of livestock that have been condemned on ante-mortem inspection shall be handled in accordance with 9 CFR section 314.7 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18723, 18732, 18972, 18991, 19014 and 19017, Food and Agricultural Code; and 9 CFR section 314.7 (2006).

### **§ 907.2. Dead Animal Carcasses.**

(a) With the exception of dead livestock that have died en route and are received with livestock for slaughter at an official establishment, no dead animal or part of the carcass of any livestock that died otherwise than by slaughter may be brought on the premises of an official establishment.

(b) Under no circumstances shall the carcass of any animal that has died otherwise than by slaughter, or any part thereof, be brought into any room or compartment in which any edible product is prepared, handled, or stored.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18669, 18674, 18723, 18732, 18723, 18732, 18754, 18851, 18873 and 18949, Food and Agricultural Code.

**§ 907.3. Specimens for Educational, Research, and Other Non-Food Purposes.**

Collection of specimens for educational, research, and other non-food purposes shall be in accordance with 9 CFR section 314.9 (2006). Reference to Form MP-403-10 in section 314.9 shall refer to MPES Form 79-014 (Rev. 08/11), Application and Permit to Obtain Specimens from Official Meat Inspection Establishment.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18721, 18725, 18726, 18727 and 18971, Food and Agricultural Code; and 9 CFR section 314.9 (2006).

**§ 907.4. Livers Condemned Because of Parasitic Infestation and for Other Causes; Conditions for Disposal.**

(a) Livers condemned on account of hydatid cysts shall be destroyed pursuant to the provisions of section 907 of this subchapter.

(b) Livers condemned because of parasites other than hydatid cysts; and livers condemned because of telangiectasis, angioma, “sawdust” condition, cirrhosis, carotenosis, or other nonmalignant change, benign abscesses, or contamination, shall be placed in containers marked “INEDIBLE” printed legibly.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18722, 18726, 18728, 18850, 18851, 18971 and 19017, Food and Agricultural Code.

**Article 9. Marking Products and Containers**

**§ 908. Approval Required for Official Marks.**

No device containing any official mark shall be made or caused to be made for use on any product until it has been approved by the Department.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18664, 18665, 18671, 18722, 18846, 19015 and 19016, Food and Agricultural Code.

**§ 908.1. Use of Official Marks.**

(a) No person shall affix or place, or cause to be affixed or placed, the official inspection legend or any other official mark, or any abbreviation or simulation of any official mark, to or on any product, or container thereof, except under the supervision of an inspector, or as authorized by Article 10 of this subchapter in connection with the manufacture of containers.

(b) No person shall fill, or cause to be filled, in whole or in part, with any product, any container bearing or intended to bear any official mark, or any abbreviation or simulation of any official mark, except under the supervision of an inspector.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18656, 18661, 18664, 18665, 18670-18672, 18724,

18730, 18737, 18781, 18847, 18974, 18991, 19001, 19015, 19016 and 19017, Food and Agricultural Code.

### **§ 908.2. Marking Devices.**

(a) The operator of each official establishment shall furnish such ink brands, burning brands, and any other device for marking products with official marks as the Department may determine are necessary for marking products at such establishment. The official inspection legend on such a device shall be as prescribed in this article.

(b) All official devices for marking products with the official inspection legend, or other official inspection marks, including self-locking seals, shall be used only under supervision of an inspector.

(c) No brand or other marking device shall be false or misleading. The letters and figures thereon shall be of such style and type as will make a clear and legible impression. All markings to be applied to products in an official establishment shall be approved prior to use by the Department as provided for in section 909.3 of this subchapter.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18661, 18664, 18665, 18668, 18670, 18671, 18724, 18730, 18789, 18847, 18973, 18974, 18991, 19001, 19015, 19016 and 19017, Food and Agricultural Code.

### **§ 908.3. Branding Ink.**

Ink used for marking products shall be used in accordance with 9 CFR section 316.5 (2006). Program laboratory shall refer to a laboratory selected by the Program.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18669, 18671, 18673, 18722, 18752, 18788, 18991 and 19015, Food and Agricultural Code; and 9 CFR section 316.5 (2006).

### **§ 908.4. Products Shall Not be Removed from Official Establishments Unless Marked in Accordance with the Regulations.**

Products shall not be removed from official establishments unless marked in accordance with 9 CFR section 316.6 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18664, 18665, 18669, 18671, 18722, 18724, 18789, 18944, 18949, 18991, 19001, 19015, 19016 and 19017, Food and Agricultural Code; and 9 CFR section 316.6 (2006).

### **§ 908.5. Products Marked with Official Marks.**

(a) Custom processed carcasses and parts passed for human food at custom livestock slaughter establishments and Mobile Slaughter Operations shall be stamped or tagged on each quarter or part with:

(1) The approved California identification number, which shall be the letter "C" followed by a hyphen and the establishment number. The letter and number shall be in the same prominence, size and style of print and at least one-half of an inch in height;

(2) The words "Not for Sale" in letters at least three-eighths of an inch in height.

For example:

NOT FOR SALE C-38<sup>1</sup>

(b) Carcasses and parts from fallow deer passed for human food and for transportation and/or sale shall be stamped on each quarter or part with a facsimile of the following mark of inspection:<sup>1</sup>



CAL C-38<sup>1</sup> INSP'D and PASSED

This official inspection mark shall be of sufficient size and of such color as to be conspicuously displayed and readily legible. This official inspection mark shall be applied with approved edible ink.

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<sup>1</sup> The number “38” is given as an example only. The establishment number of the licensed custom livestock slaughterhouse or Mobile Slaughter Operation where the product is prepared shall be used in lieu thereof.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18664, 18665, 18669, 18671, 18722, 18724, 18730, 18731, 18783, 18846, 18789, 18946, 18991, 19015, 19016 and 19017, Food and Agricultural Code.

**§ 908.6. Marking of Meat Food Products and Poultry Meat Food Products.**

(a) Labeled product passed for human food, processed in meat processing establishments licensed under Food and Agricultural Code section 19010, derived from United States Department of Agriculture-inspected product or from fallow deer products inspected and passed at a custom livestock slaughterhouse shall bear the following official inspection legend:



INSPECTED FOR WHOLESOMENESS UNDER SUPERVISION CALIFORNIA DEPT. OF FOOD and AGRICULTURE PLANT NO. 38<sup>1</sup>

(b) Inspected and passed sausages and other products in casings or in link form of the ordinary “ring” variety or larger shall be marked with the official inspection legend and list of ingredients in accordance with Article 12 of this subchapter. The official marks required by this

section shall be branded near each end of the sausage or similar product prepared in casings when the product is of a size larger than that customarily sold at retail intact.

(c) Inspected and passed sausage and other products, in casings or in link form, of the smaller varieties, shall bear the official inspection legend and one or more lists of ingredients in accordance with Article 12 of this subchapter.

(d) The list of ingredients may be applied by stamping, printing, using paper bands, tags, or tissue strips, or other means approved by the Department in specific cases.

(e) All cured products shall be marked with the list of ingredients in accordance with Article 12 of this subchapter.

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<sup>1</sup> The number “38” is given as an example only. The establishment number of the meat processing establishment where the product is prepared shall be used in lieu thereof.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18664, 18665, 18669, 18671, 18722, 18724, 18730, 18731, 18782, 18783, 18786, 18789, 18944, 18949, 19001, 19015, 19016 and 19017, Food and Agricultural Code.

#### **§ 908.7. Special Markings for Meat Food Products and Poultry Meat Food Products.**

The meat food products and poultry food products listed in 9 CFR section 316.11 (2006) shall be marked in accordance with section 316.11.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18664, 18665, 18669, 18671, 18722, 18724, 18730, 18731, 18781, 18782, 18783, 18786, 18949, 19001, 19015 and 19017, Food and Agricultural Code; and 9 CFR section 316.11 (2006).

#### **§ 908.8. Marking of Outside Containers.**

~~Outside containers of inspected and passed product shall be marked in accordance with 9 CFR section 316.13(a), (b), (d) and (g) (2006).~~

~~Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18664, 18665, 18669, 18671, 18722, 18724, 18730, 18731, 18782, 18783, 18786, 18789, 18944, 18949, 19001, 19015, 19016 and 19017, Food and Agricultural Code; and 9 CFR section 316.13 (2006).~~

#### **§ 908.9. Marking Outside Containers of Inedible Grease, Inedible Tallow, or Other Inedible Animal Fat or Mixtures.**

~~Outside containers of inedible grease, inedible tallow, or other inedible animal fat or mixtures of fat shall be marked in accordance with 9 CFR section 316.15 (2006).~~

~~Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18669, 18724, 18730, 18731, 18813, 18850, 18949, 19001 and 19017, Food and Agricultural Code; and 9 CFR section 316.15 (2006).~~

#### **§ 908.10. Unmarked Inspected Products.**



Products that have been inspected and passed but do not bear the official inspection legend may be removed from an official establishment in closed containers bearing the official inspection legend and all other information required by this part and Article 10 of this subchapter: Provided that upon removal from such closed container the product may not be further transported in commerce unless such removal is made under the supervision an inspector and such product is reinspected by an inspector and packed under his supervision in containers bearing the official inspection legend and all other information required by this part and Article 10 of this subchapter: And provided further, that unmarked product shall not be brought into an official establishment in an open container.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18656, 18661, 18662, 18664, 18665, 18669, 18670, 18676, 18722, 18724, 18730, 18731, 18845, 18941, 18942, 18942.2, 18944, 18974, 18949, 19012 and 19017, Food and Agricultural Code.

#### **§ 908.11. Carcass Identification.**

Each custom slaughtered carcass held in a cooler at an official establishment or in transit by a Mobile Slaughter Operation shall be accompanied by identification, attached to the carcass or to the device or container holding the carcass, that lists the owner of the carcass and the date on which it was slaughtered.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18669, 18722, 18727, 18732, 18845, 18972 and 18949, Food and Agricultural Code.

### **Article 10. Labeling, Marking Devices, and Containers**

#### **§ 909. Definition and Required Features.**

Label definitions and label features shall comply with 9 CFR section 317.2 (2006) and with Directive 7220.1, Food Labeling Division Policy Memoranda, (August 2, 2005), published by the United States Department of Agriculture (USDA), Food Safety and Inspection Service. Copies of USDA directives may be found at <http://www.fsis.usda.gov>.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18652, 18656, 18661, 18662, 18664, 18665, 18669, 18722, 18724, 18730, 18731, 18736, 18737, 18751, 18752, 18753, 18754, 18755, 18756, 18757, 18758, 18759, 18842, 18843, 18941, 18942, 18942.2, 18944, 18949, 18974 and 19017, Food and Agricultural Code; and 9 CFR section 317.2 (2006).

#### **§ 909.1. Requirements; Supervision by Inspector.**

(a) Labels are required on inspected and passed products placed in containers or coverings in accordance with 9 CFR section 317.1 (2006).

(b) Fresh products packaged for retail sale shall conform to the labeling requirements of this article except that their labels do not require the official mark of inspection.

(c) Bulk product displayed unwrapped or in clear packages that require a meat processing establishment employee to serve the customer by bringing the product to the customer, i.e. a

service sale, does not require a label on the packaging or container of product. Clear plastic or shrink-wrap is considered a protective device, not a container, in this case.

(1) If bulk product is not on display, it must be wrapped in the presence of the customer to be considered a service sale not requiring full labeling. Sale of product pre-wrapped in butcher paper or similar opaque wrap is not considered a service sale and such product shall be fully labeled.

(2) The display for bulk product sold by service sale shall have a placard identifying the product and, if the product is fabricated with two or more ingredients, a list of product ingredients.

(d) Products sold in a manner that allows customers to serve themselves by direct access to the product (self-service sale) shall be fully labeled.

(e) Meat and poultry products processed under USDA Meat and Poultry Inspection and repacked in a meat processing establishment shall be labeled. However, the label does not require a mark of inspection.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18652, 18656, 18661, 18662, 18664, 18665, 18669, 18722, 18724, 18730, 18731, 18736, 18737, 18751, 18752, 18753, 18754, 18755, 18756, 18757, 18758, 18759, 18842, 18843, 18941, 18942, 18942.2, 18944, 18949, 18974 and 19017, Food and Agricultural Code; and 9 CFR section 317.1 (2006).

### **§ 909.2. Approval of Abbreviations of Marks of Inspection.**

Abbreviations of marks of inspection shall be submitted to the Department for approval prior to use. Such abbreviations shall have the same force and effect as the respective marks for which they are authorized abbreviations.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18670, 18671 and 19017, Food and Agricultural Code.

### **§ 909.3. Labeling Approval.**

(a) No final labeling shall be used on any product unless the sketch labeling of such final labeling has been submitted to the Department for approval, with a completed MPES Form 79-080 (Rev. 10/11) Label and Formulation Approval, and has been approved by the Department. The management of the official establishment must maintain a copy of all labeling used, along with the product formulation and processing procedures. Such records shall be made available to any duly authorized representative of the Department upon request.

(b) The Department shall permit submission for approval of only sketch labeling, as defined in subsection (d) of this section, for all products, except as provided in section 909.13 of this Article and except for temporary use of final labeling as prescribed in subsection (f) of this section.

(c) All labeling required to be submitted for approval as set forth in subsection (a) of this section shall be submitted, with a completed MPES Form 79-080 (Rev. 10/11) Label and Formulation Approval, in duplicate to the Department.

(d) "Sketch" labeling is a printer's proof or equivalent which clearly shows all labeling features, size, location, and indication of final color, as specified in 9 CFR section 317.2 (2006) and in Directive 7220.1, Food Labeling Division Policy Memoranda, Revision 3 (August 2, 2005), published by the United States Department of Agriculture (USDA), Food Safety and Inspection

Service. Copies of USDA directives and notices may be found at: <http://www.fsis.usda.gov>. The Department will accept sketches that are hand drawn, computer generated, or other reasonable facsimiles that clearly reflect and project the final version of the labeling. Indication of final color may be met by: submission of a color sketch, submission of a sketch which indicates by descriptive language the final colors, or submission with the sketch of previously approved final labeling that indicates the final colors. The Department will accept sketches that are hand drawn, computer generated, or other reasonable facsimiles that clearly reflect and project the final version of the labeling. Indication of final color may be met by: submission of a color sketch, submission of a sketch which indicates by descriptive language the final colors, or submission with the sketch of previously approved final labeling that indicates the final colors.

(e) Inserts, tags, liners, pasters, and like devices containing printed or graphic matter for use on, or to be placed within, containers and coverings of product shall be submitted for approval in the same manner as provided for labeling in subsection (a) of this section, except that such devices which contain no reference to product and bear no misleading features shall be used without submission for approval as prescribed in 9 CFR section 317.5(b)(7) (2006).

(f) Consistent with the requirements of this section, temporary approval for the use of a final label or other final labeling that may otherwise be deemed deficient in some particular may be granted by the Department. Temporary approvals may be granted for a period not to exceed 180 calendar days, under the following conditions:

- (1) The proposed labeling would not misrepresent the product;
- (2) The use of the labeling would not present any potential health, safety, or dietary problems to the consumer;
- (3) Denial of the request would create undue economic hardship; and
- (4) An unfair competitive advantage would not result from the granting of the temporary approval.

(5) Extensions of temporary approvals may also be granted by the Department provided that the applicant demonstrates that new circumstances, meeting the above criteria, have developed since the original temporary approval was granted.

(g) The Department shall approve meat carcass ink brands and meat food product ink and burning brands, which comply with Article 9 of this subchapter.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18670, 18671 and 19017, Food and Agricultural Code; and 9 CFR section 317.5 (2006).

#### **§ 909.4. Approved Labels to be Used Only on Products to Which They Are Applicable.**

Labels shall be used only on products for which they are approved, and only if they have been approved for such products in accordance with section 909.3 of this subchapter.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18662, 18664, 18665, 18724, 18730, 18731, 18782, 18783, 18784, 18785, 18786, 18787, 18788, 18789, 18847, 18944, 18974, 19015, 19016 and 19017, Food and Agricultural Code.

#### **§ 909.5. False or Misleading Labeling or Practices.**

(a) No product or any of its wrappers, packaging, or other containers shall bear any false or misleading marking, label, or other labeling and no statement, word, picture, design, or device that conveys any false impression or gives any false indication of origin or quality or is otherwise false or misleading shall appear in any marking or other labeling. No product shall be wholly or partly enclosed in any wrapper, packaging, or other container that is so made, formed, or filled as to be misleading.

(b) When a product is labeled with a specific smoke (e.g. Hickory Smoked), then it must be smoked 100% with that particular wood. All smoke must be generated from hardwood, hardwood sawdust, corncobs, or from natural liquid smoke that has been transformed into a true gaseous state by the application of direct heat.

(c) Labels and containers of products shall comply with the requirements of 9 CFR section 317.8(b) (2006). Reference in section 317.8(b) to section 317.4 shall be deemed to refer to section 909.3 of this subchapter.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18662, 18664, 18665, 18724, 18730, 18731, 18781, 18782, 18783, 18784, 18785, 18786, 18787, 18788, 18789, 18842, 18843, 18846, 18847, 18944, 18972, 18974 19015, 19016 and 19017, Food and Agricultural Code; and 9 CFR section 317.8 (2006).

#### **§ 909.6. Reuse of Official Inspection Marks and Containers.**

Reuse of official inspection marks and containers shall be in accordance with 9 CFR section 317.10 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18661, 18662, 18664, 18665, 18670, 18671, 18724, 18730, 18731, 18781, 18846, 18847, 18941, 18942, 18942.2, 18944, 18974, 19015 and 19017, Food and Agricultural Code; and 9 CFR section 317.10 (2006).

#### **§ 909.7. Labeling, Filling of Containers, Handling of Labeled Products.**

Labeling, filling of containers, and handling of labeled products shall be in accordance with 9 CFR section 317.11 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18652, 18656, 18661, 18662, 18664, 18665, 18669, 18672, 18674, 18722, 18724, 18730, 18731, 18751, 18752, 18753, 18754, 18755, 18756, 18757, 18758, 18759, 18871, 18941, 18942, 18942.2, 18944, 18949, 18974, 19015 and 19017, Food and Agricultural Code; and 9 CFR section 317.11 (2006).

#### **§ 909.8. Product Relabeling Requirements.**

Relabeling of product shall be in accordance with 9 CFR section 317.12 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18661, 18662, 18664, 18665, 18669, 18671, 18722, 18724, 18941, 18942, 18942.2, 18944, 18949, 18974, 19015 and 19017, Food and Agricultural Code; and 9 CFR section 317.12 (2006).

#### **§ 909.9. Custom Prepared Products.**

Products that are custom prepared under provisions of 9 CFR section 303.1(a)(2) (2006) must be packaged immediately after preparation and must be labeled (in lieu of information otherwise required by Article 10) with the words “Not For Sale” in lettering not less than three-eighths inch in height. Such exempted custom prepared products or their containers may bear additional labeling provided such labeling is not false or misleading.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18662, 18669, 18944, 18946, 18974, 19015, 19016 and 19017, Food and Agricultural Code; and 9 CFR section 303.1 (2006).

#### **§ 909.10. Cured Products.**

Cured products shall be labeled in accordance with 9 CFR section 317.17 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18662, 18664, 18665, 18676, 18724, 18784, 18786, 18789, 18944, 18974, 19015 and 19017, Food and Agricultural Code; and 9 CFR section 317.17 (2006).

#### **§ 909.11. Packaging Materials.**

Packaging materials and their use in official establishments shall comply with requirements of 9 CFR section 317.24(a), (b), (c), (d), (e) and (g) (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18652, 18656, 18661, 18664, 18665, 18669, 18672, 18676, 18724, 18727, 18730, 18731, 18732, 18751, 18752, 18753, 18754, 18755, 18756, 18757, 18758, 18759, 18843, 18944, 18949, 18974, 19015 and 19017, Food and Agricultural Code; and 9 CFR section 317.24 (2006).

#### **§ 909.12. Storage and Distribution of Labels and Containers Bearing Official Marks.**

Labels, wrappers, and containers bearing any official marks, with or without the establishment number, may be transported from one official establishment to another official establishment provided such shipments are made with the prior authorization of the inspector at point of origin, who will notify the inspector at destination concerning the date of shipment, quantity, and type of labeling material involved. No such material shall be used at the establishment to which it is shipped unless such use conforms to the requirements of this subchapter.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18656, 18661, 18662, 18669, 18671, 18724, 18727, 18847, 18941, 18942, 18942.2, 18949, 18974, 19015 and 19017, Food and Agricultural Code.

#### **§ 909.13. Generically Approved Labeling.**

(a) An official establishment is authorized to use generically approved labeling, as defined in subsection (c) of this section, without such labeling being submitted for approval to the Department, provided the labeling is in accordance with this section and shows all mandatory features in a prominent manner as required in 9 CFR section 317.2 (2006) and in Directive 7220.1, Food Labeling Division Policy Memoranda, Revision 3 (August 2, 2005), published by the United

States Department of Agriculture (USDA), Food Safety and Inspection Service, and is not otherwise false or misleading. Copies of USDA directives and notices may be found at: <http://www.fsis.usda.gov>. (b) The Department shall select samples of generically approved labeling from records maintained by official establishments as required in section 909.3 of this article, to determine compliance with labeling requirements.

(c) Generically approved labeling is labeling that complies with the requirements of 9 CFR sections 317.5(b)(1), (2), (4), (7), and (9)(i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvi), (xvii), (xviii), (xix), (xx), (xxii), and (xxiii) (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18664, 18665, 18670, 18671, 18724, 18731, 18781, 18782, 18783, 18784, 18785, 18786, 18787, 18788, 18789, 18944, 18974, 19015, 19016 and 19017, Food and Agricultural Code; and 9 CFR sections 317.2 and 317.5 (2006).

#### **§ 909.14. Rescindment of Labels.**

Once a year each official establishment shall submit to the Branch Chief, in quadruplicate, a list of approvals for labels that have become obsolete, accompanied by a statement that such approvals are no longer desired. The approvals shall be identified by number, date of approval, and name of the product.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18724, 18730, 18845, 18846, 18949 and 18974, Food and Agricultural Code.

### **Article 11. Entry into Official Establishments; Reinspection and Preparation of Products**

#### **§ 910. Products and Other Articles Entering Official Establishments.**

(a) Products and certain other articles listed in 9 CFR section 318.1(b), (c), (d), (e), (g), and (h) (2006) entering official establishments shall comply with requirements of 9 CFR section 318.1(a), (b), (c), (d), (e), (g), (h)(1), (i), and (j) (2006). References in section 318.1 to sections 318.2 and 318.3 shall be deemed to refer to section 910.2 of this article.

(b) Inspected product may be returned to an official establishment only if the establishment has written procedures, approved by the Department, for handling returned product.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18652, 18658, 18659, 18660, 18661, 18662, 18664, 18665, 18666, 18669, 18670, 18676, 18721, 18722, 18723, 18724, 18725, 18726, 18727, 18730, 18731, 18732, 18751, 18752, 18753, 18754, 18755, 18756, 18757, 18758, 18759, 18781, 18782, 18783, 18784, 18785, 18786, 18787, 18788, 18789, 18812, 18813, 18843, 18845, 18872, 18941, 18942, 18942.2, 18944, 18947, 18948, 18949, 18971, 18972, 19001, 19013, 19017 and 19020, Food and Agricultural Code; and 9 CFR section 318.1 (2006).

#### **§ 910.1. Reinspection, Retention, and Disposal of Meat and Poultry Products at Official Establishments.**

Reinspection, retention, and disposal of meat and poultry products at official establishments shall be in accordance with 9 CFR section 318.2(a), (b), and (d) (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18652, 18656, 18664, 18665, 18666, 18669, 18670,

18671, 18676, 18721, 18722, 18723, 18732, 18751 18752, 18753, 18754, 18755, 18756, 18757, 18758, 18759, 18781, 18782, 18783, 18784, 18785, 18786, 18787, 18788, 1878, 18843, 18845, 18872, 18941, 18942, 18942.2, 18944, 18947, 18949, 18950, 18972, 18974, 18976, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 318.2 (2006).

#### **§ 910.2. Designation of Places for Receipt of Products and Other Articles for Reinspection.**

Every official establishment shall designate, with the approval of the area supervisor, a dock or place where products and other articles subject to reinspection under section 910.1 of this article shall be received, and such products and articles shall be received only at such dock or place.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18664, 18665, 18670, 18676, 18721, 18723, 18944, 18947, 18949, 18970, 18972, 19014 and 19017, Food and Agricultural Code.

#### **§ 910.3. Preparation of Products; Supervision; Responsibilities of Official Establishments.**

(a) All processes used in curing, pickling, rendering, canning, or otherwise preparing any product in official establishments shall be supervised by an inspector unless such preparation is conducted as a custom operation exempted from inspection under provisions of 9 CFR section 303.1(a)(2) (2006).

(b) It shall be the responsibility of the operator of every official establishment to comply with the Act and the regulations in this subchapter. In order to carry out this responsibility effectively, the operator of the establishment shall institute appropriate measures to assure the maintenance of the establishment and the preparation, marking, labeling, packaging and other handling of its products strictly in accordance with the sanitary and other requirements of this subchapter. The effectiveness of such measures will be subject to review by the Department.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18652, 18664, 18665, 18666, 18669, 18671, 18676, 18725, 18726, 18732, 18751 18752, 18753, 18754, 18755, 18756, 18757, 18758, 18759, 18812, 18845, 18944, 18947, 18949, 18970, 18971, 18974, 19012 and 19017, Food and Agricultural Code; and 9 CFR section 303.1 (2006).

#### **§ 910.4. Product Procedures and Requirements.**

(a) Care shall be taken to assure that product is not adulterated when placed in freezers. If there is doubt as to the soundness of any frozen product, the inspector will require defrosting and reinspection of a sufficient quantity thereof to determine its actual condition.

(b) Frozen product may be defrosted in water or pickle in a manner and with the use of facilities that are acceptable to the inspector. Before such product is defrosted, a careful examination shall be made to determine its condition. If necessary, this examination shall include defrosting of representative samples by means other than in water or pickle.

(c) Product, such as pork tenderloins, brains, sweetbreads, stew, or chop suey, shall not be packed in hermetically sealed metal or glass containers, unless subsequently heat processed or otherwise treated to preserve the product in a manner approved by the Department in specific cases.

(d) Care shall be taken to remove bones and parts of bones from product that is intended for chopping.

(e) Heads for use in the preparation of meat food products shall be split and the bodies of the teeth, the turbinated and ethmoid bones, the ear tubes, and the horn butts shall be removed. The heads shall then be thoroughly cleaned.

(f) Kidneys to be used in the preparation of meat food products shall first be freely sectioned and then thoroughly soaked and washed. All detached kidneys, including beef kidneys with detached kidney fat, shall be inspected before being used in or shipped from the official establishment.

(g) Cattle paunches and hog stomachs for use in the preparation of meat food products shall be thoroughly cleaned on all surfaces and parts immediately after being emptied of their contents, which shall promptly follow their removal from the carcasses.

(h) Clotted blood shall be removed from hog hearts before they are shipped from the official establishment or used in the preparation of meat food products.

(i) Beef bungs, beef bladders, hog bungs, hog middles, and hog stomachs that are to be used as containers of any meat food product shall be presented for inspection, turned with the fat surface exposed.

(j) Portions of casings that show infection with Oesophagostomum or other nodule-producing parasites, and weasands infected with the larvae of Hypoderma lineatum, shall be rejected, except that when the infestation is slight and the nodules and larvae are removed, the casing or weasand may be passed.

(k) Cover pickle that is clear, free of sediment by filtration, and does not show evidence of decomposition may be reused.

~~(l) Rework product shall be used only in similar products at levels specified in the appropriate approved in-depth review, MPES Form 79-082 (Rev. 10/11), In-Depth Review of Cooked Sausage, or MPES Form 79-085 (Rev. 10/11), In-Depth Review of Cured/Cooked and Smoked Meats.~~

(m) Beef, pork, poultry, and sheep and goat meat shall be kept separate in storage and processing, except when incorporated in a multi-species product. Processing equipment shall be cleaned between species.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18652, 18661, 18664, 18665, 18666, 18669, 18676, 18751, 18752, 18753, 18754, 18755, 18756, 18757, 18758, 18759, 18845, 18941, 18942, 18942.2, 18944, 18947, 18949, 18972, 19014 and 19017, Food and Agricultural Code.

#### **§ 910.5. Ingredients and Other Articles Used in Preparation of Products.**

(a) Ingredients and articles listed in 9 CFR section 318.6(b)(1) through (12) (2006) shall be used in accordance with section 318.6(a) and (b)(1) through (12). Reference in section 318.6 to section 317.8(b)(3) shall be deemed to refer to section 909.5 of this subchapter.

(b) Letters of guarantee obtained from manufacturers and suppliers shall be on file in the official establishment for non-meat ingredients and dairy products that were not produced in a USDA inspected plant or labeled as "Food Grade" or "Food Chemical Codes."

(c) Non-meat ingredients shall be identified and labeled at all times prior to use.



Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18652, 18661, 18662, 18664, 18665, 18669, 18676, 18724, 18731, 18751, 18752, 18753, 18754, 18755, 18756, 18757, 18758, 18759, 18842, 18845, 18941, 18942, 18942.2, 18944, 18947, 18949, 19014 and 19017, Food and Agricultural Code; and 9 CFR sections 318.6 (2006).

**§ 910.6. Samples of Products, Water, Dyes, Chemicals, etc., to Be Taken for Examination.**

Samples of products, water, dyes, chemicals, preservatives, spices, or other articles in any official establishment may be taken for examination as often as deemed necessary by the Department for the efficient conduct of inspection.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18664, 18665, 18669, 18676, 18721, 18944, 18947, 18949 and 19017, Food and Agricultural Code.

**§ 910.7. Prescribed Treatment of Pork and Pork Products to Destroy Trichinae.**

~~(a) Pork and pork products shall be treated to destroy trichinae in accordance with 9 CFR section 318.10(a) and (b) (2006).~~

~~(b) Treatment of pork and pork products to destroy trichinae shall consist of heating, refrigerating, or curing, as follows:~~

~~(1) Pork and pork products may be treated to destroy trichinae by heating in accordance with 9 CFR section 318.10(c)(1) (2006).~~

~~(2) Pork and pork products may be treated to destroy trichinae by refrigerating in accordance with 9 CFR sections 318.10(c)(2)(i), (ii), (iii) and (iv) (2006).~~

~~(A) During the period of refrigeration the product shall be kept separate from other products and in rooms or compartments equipped and made secure with locks or seals.~~

~~(B) The product shall be in boxes sealed with fibrous tape across the length and width of the boxes and the mark of inspection applied at the junction of the tape. The boxes shall also be stamped with the lot number, if any, and the date of entry into the retention freezer.~~

~~(C) The rooms or compartments containing product undergoing freezing shall be equipped with accurate "high-low" or recording thermometers placed at or above the highest level at which the product undergoing treatment is stored and away from refrigerating coils.~~

~~(D) After completion of the prescribed freezing of pork to be used in the preparation of product covered by subsection (b) of this section, the pork shall be kept under close supervision of an inspector until it is so used. If separate facilities for preparing meat food products containing treated pork are not used, the equipment and facilities used for making products containing treated pork shall be thoroughly cleaned and free of any particles of untreated pork prior to such use.~~

~~(E) Official establishments that treat pork for trichina by refrigeration shall provide the Department with written procedures for such treatment and shall keep accurate records of such treatment on MPES Form 79-087 (Rev. 11/11), Plants Freezing Pork to Destroy Trichina. After completion of the prescribed treatment period, and at the time of release, an inspector shall review Form 79-087 to assure that time and temperature requirements for the lot are met and the pork is eligible for release for plant use.~~

~~(F) Official establishments that use pork treated for trichina by refrigeration shall maintain a record, on MPES Form 79-088 (Rev. 11/11), Plant Certified Pork Use Record, of the use made of certified products.~~

~~(G) Boxes of certified pork shall remain sealed until opened for use and must bear the statement "Pork Product \_\_\_\_\_ Degrees F \_\_\_\_\_ Days Refrigeration"~~

~~(H) An inspector shall check the temperature inside the freezer at least weekly during the retention period and at the termination of the retention period. Results shall be listed on the MPES Form 79-030 (Rev. 09/11) Plant Inspection Report and on MPES Form 79-087 (Rev. 11/11) Plants Freezing Pork to Destroy Trichina.~~

~~(3) Pork and pork products may be treated to destroy trichinae by curing in accordance with 9 CFR section 318.10(c)(3) (2006).~~

~~(4) The Department shall consider additional processing methods in accordance with 9 CFR section 318.10(c)(4) (2006).~~

~~(c) Smokehouses, drying rooms, and other compartments used in the treatment of pork by heating or by curing to destroy live trichinae shall be equipped with accurate automatic recording thermometers in accordance with 9 CFR section 318.10(d) (2006).~~

~~(d) The pooled sample digestion technique to analyze pork for the presence of trichina cysts shall be used in accordance with 9 CFR section 318.10(e) (2006).~~

~~(e) The Department shall consider any additional analytical method for trichinosis upon petition by an official establishment, and may approve that method upon the determination that it will detect at least 98 percent of swine bearing cysts present at a tissue density equal to or less than one cyst per gram of muscle from the diaphragm pillars at a 95 percent confidence level. Any such petitions shall be supported by any data and other information that the Department finds necessary.~~

~~Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections, 18661, 18664, 18665, 18669, 18674, 18676, 18721, 18727, 18845, 18941, 18942, 18942.2, 18944, 18947, 18949, 19014 and 19017, Food and Agricultural Code; and 9 CFR section 318.10 (2006).~~

#### **§ 910.8. Adulteration of Product by Polluted Water.**

An official establishment and all products contained therein that are contaminated with polluted water, including but not limited to flood water, shall be handled in accordance with 9 CFR section 318.14(a) and (b) (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections, 18652, 18656, 18661, 18662, 18664, 18665, 18669, 18676, 18721, 18722, 18728, 18736, 18751 18752, 18753, 18754, 18755, 18756, 18757, 18758, 18759, 18845, 18941, 18942, 18942.2, 18944, 18947, 18949, 18973, 19014 and 19017, Food and Agricultural Code; and 9 CFR section 318.14 (2006).

#### **§ 910.9. Tagging Chemicals, Preservatives, Cereals, Spices, etc., California Retained.**

When any chemical, preservative, cereal, spice, or other substance is intended for use in an official establishment, it shall be examined by an inspector and, if found to be unfit or otherwise unacceptable for the use intended or if final decision regarding acceptance is deferred pending laboratory or other examination, the inspector shall attach a California Retained tag to the

substance or container thereof. The substance so tagged shall be kept separate from other substances as the area supervisor may require and shall not be used until the tag is removed, and such removal shall be made only by a program employee after a finding that the substance can be accepted or, in the case of an unacceptable substance, when it is removed from the establishment.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections, 18661, 18669, 18721, 18736, 18845, 18947, 18949, 18972, 18973, 19014 and 19017, Food and Agricultural Code.

**§ 910.10. Pesticide Chemicals and Other Residues in Products.**

Pesticide chemicals and other residues in products shall comply with requirements of 9 CFR section 318.16(a) and (b) (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections, 18652, 18661, 18664, 18665, 18672, 18673, 18676, 18736, 18751 18752, 18753, 18754, 18755, 18756, 18757, 18758, 18759, 18843, 18845, 18941, 18942, 18942.2, 18947, 18972, 19014 and 19017, Food and Agricultural Code; and 9 CFR section 318.16 (2006).

**§ 910.11. Requirements for the Production of Cooked Beef, Roast Beef, and Cooked Corned Beef Products.**

(a) Cooked beef and roast beef, including sectioned and formed roasts and chunked and formed roasts, and cooked corned beef shall be prepared by one of the time and temperature combinations in the following table. The stated temperature is the minimum that shall be produced and maintained in all parts of each piece of meat for at least the stated time:

(1) Table for Time/Temperature Combination for Cooked Beef, Roast Beef, and Cooked Corned Beef.

<i>Minimum internal temperature</i>		<i>Minimum processing time in minutes after minimum #temperature is reached</i>
<i>Degrees Fahrenheit (°F)</i>	<i>Degrees Centigrade (°C)</i>	
130	54.4	121
131	55.0	97
132	55.6	77
133	56.1	62
134	56.7	47
135	57.2	37
136	57.8	32
137	58.4	24
138	58.9	19
139	59.5	15
140	60.0	12
141	60.6	10

142	61.1	8
143	61.7	6
144	62.2	5
145	62.8	Instantly

(b) Cooked beef, including sectioned and formed roasts and chunked and formed roasts, and cooked corned beef shall be moist cooked throughout the process or, in the case of roast beef or corned beef to be roasted, cooked as provided in paragraph (c) of this section. The moist cooking may be accomplished by (1) placing the meat in a sealed, moisture impermeable bag, removing the excess air, and cooking; (2) completely immersing the meat, unbagged, in water throughout the entire cooking process; or (3) using a sealed oven or steam injection to raise the relative humidity above 90 percent throughout the cooking process.

(c) Roast beef or corned beef to be roasted shall be cooked by one of the following methods:

(1) Heating roasts of 10 pounds or more in an oven maintained at 250° F (121° C) or higher throughout the process;

(2) Heating roasts of any size to a minimum internal temperature of 145° F (62.8° C) in an oven maintained at any temperature if the relative humidity of the oven is maintained either by continuously introducing steam for 50 percent of the cooking time or by use of a sealed oven for over 50 percent of the cooking time, or if the relative humidity of the oven is maintained at 90 percent or above for at least 25 percent of the total cooking time, but in no case less than 1 hour; or

(3) Heating roasts of any size in an oven maintained at any temperature that will satisfy the internal temperature and time requirements of subsection (a) of this section if the relative humidity of the oven is maintained at 90 percent or above for at least 25 percent of the total cooking time, but in no case less than 1 hour. The relative humidity may be achieved by use of steam injection or by sealed ovens capable of producing and maintaining the required relative humidity.

(d) Except as provided in subsection (d)(1) of this section, establishments producing cooked beef, roast beef, or cooked corned beef shall have sufficient monitoring equipment, including recording devices, to assure that the time (within 1 minute), the temperature (within 1° F), and relative humidity (within 5 percent) limits of these processes are being met. Data from the recording devices shall be made available to a program employee upon request.

(1) In lieu of recording devices, establishments may propose, in the written procedures prescribed in subsection (f) of this section, an alternative means of providing inspection personnel with evidence that finished product has been prepared in compliance with the humidity requirements of subsections (b) and (c) of this section, and the 145° F (62.8° C) temperature requirement of subsection (a) of this section.

(e) Each package of finished product shall be plainly and permanently marked on the immediate container with the date of production either in code or with the calendar date.

(f) In order to assure that cooked beef, roast beef, and cooked corned beef are handled, processed, and stored under sanitary conditions, the establishment shall submit a set of written procedures for approval by the Department. The written procedures shall include the following information:

- (1) The temperature to which raw frozen product is thawed and the time required.
- (2) The lot identification procedure for lots of product during processing.
- (3) The storage time and temperature combinations that the establishment intends to use before cooking, the cooking time and temperature the establishment intends to use, and the time, if any, the establishment intends to wait after cooking and before cooling.
- (4) If a code, instead of the calendar date, is used on the immediate container of the finished product, its meaning shall also be included.
- (5) Any other steps in the procedures that could affect the safety of the product and where control can be applied to prevent, eliminate, or reduce potential food safety hazards.
- (6) In lieu of recording devices, the alternate means permitted by section 910.11(d)(1) of providing evidence to inspection personnel that the finished product will be prepared in compliance with temperature or humidity requirements.
- (7) Any other alternate procedure used that is permitted in this section.
- (g) The establishment shall maintain records and reports that document the time, temperature, and humidity at which any cooked beef, roast beef, or cooked corned beef is cooked and cooled at the establishment. Such records shall be kept by the establishment for 6 months or for such further period as the Department may require for purposes of any investigation or litigation under the Act, by written notice to the person required to keep such records. Such records shall be made available to the inspector or any ~~duly authorized representative of the Department~~ MPES Authorized Personnel upon request.
- (h) The handling and processing of cooked beef, roast beef, and cooked corned beef before, during, and after cooking shall be such as to prevent the finished product from being adulterated. As a minimum, they shall be controlled as follows:
  - (1) The establishment shall notify the inspector which processing procedure will be used on each lot, including time and temperature.
  - (2) In order to assure uniform heat penetration and consequent adequate cooking of each piece of beef, individual pieces of raw product in any one lot shall either not vary in weight by more than 2 pounds or not vary in thickness by more than 2 inches at the thickest part. Alternate methods of assuring uniform heat penetration may be submitted in writing for approval to the Department.
  - (3) A water-based solution that is used for injecting or immersing the meat shall be refrigerated to 50° F (10° C) or lower from the time it contacts the meat, and shall be filtered each time it is recirculated or reused.
  - (4) Any non-meat ingredient, including the water-based solution in subsection (h)(3) above, that has contacted meat shall be discarded at the end of that day's production unless it is in continuous contact with one batch of product.
  - (5) Product prepared for cooking shall be entered into the cooking cycle within 2 hours of completion of precooking preparation, or be placed immediately in a cooler at a temperature of 40° F (4.4° C) or lower.
  - (6) The time and temperature requirements shall be met before any product in the lot is removed from the cooking units. Unless otherwise specified in the written procedures approved in accordance with subsection (f) of this section, the heat source shall not be shut off until these requirements are met.

(7) Other than incidental contact caused by water currents during immersion cooking or cooling, product shall be placed so that it does not touch or overlap other products. This provision does not apply to product that is stirred or agitated to assure uniform heat transfer.

(8) Temperature sensing devices shall be so placed that they monitor product in the coldest part of the cooking unit; and when an oven temperature is required by paragraph (c) of this section, the oven temperature shall also be monitored in the coldest part of the cooking unit.

(9) If a humidity sensing device is required in an oven, it shall be placed so that it measures humidity in either the oven chamber or at the exit vent.

(10) Chilling shall begin within 90 minutes after the cooking cycle is completed.

(A) All product shall be chilled from 120° F (48.8° C) to 55° F (12.7° C) in no more than 6 hours.

(B) Chilling shall continue and the product shall not be packed for shipment until it has reached 40° F (4.4° C).

(11) Any establishment that has experienced a cooking process deviation during preparation of product may either reprocess the product completely, continue the heating to 145° F (62.8° C), or contact the Department for a review of the process schedule for adequacy and, if needed, for a cooking schedule to finish that one batch of product.

(12) An establishment that has experienced a cooling deviation after the product has been cooked shall contact the Department to determine the disposition of that retained product.

(13) Cooked beef, roast beef, and cooked corned beef shall be so handled as to assure that the product is not recontaminated by direct contact with raw product. To prevent direct contamination of the cooked product, establishments shall:

(A) Physically separate areas where raw product is handled from areas where exposed cooked product is handled, using a solid impervious floor to ceiling wall; or

(B) Handle raw and exposed cooked product at different times, with a cleaning of the entire area after the raw material handling is completed and prior to the handling of cooked product in that area; or

(C) Submit a written procedure for approval to the Department detailing the steps to be taken which would avoid recontamination of cooked product by raw product during processing.

(14) To prevent indirect contamination of cooked product:

(A) Any work surface, machine, or tool that contacts raw product shall be thoroughly cleaned and sanitized with a solution germicidally equivalent to 50 ppm chlorine before it contacts cooked product;

(B) Employees shall wash their hands and sanitize them with a solution germicidally equivalent to 50 ppm chlorine whenever they enter the heat processed product area or before preparing to handle cooked product, and as frequently as necessary during operations to avoid product contamination; and

(C) Outer garments, including aprons, smocks, and gloves, shall be specially identified as restricted for use in cooked product areas only, changed at least daily, and hung in a designated location when the employee leaves the area.

(15) Cooked product shall not be stored in the same room as raw product unless it is first packaged in a sealed, watertight container or is otherwise protected by a covering that has been approved, upon written request, by the Department.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections, 18652, 18656, 18661, 18664, 18665, 18669, 18676, 18724, 18725, 18726, 18727, 18730, 18731, 18736, 18737, 18751, 18752, 18753, 18754, 18755, 18756, 18757, 18758, 18759, 18845, 18941, 18942, 18942.2, 18947, 18948, 18970, 18971, 18972, 18973, 19011, 19012, 19013, 19014, 19015 and 19017, Food and Agricultural Code.

#### **§ 910.12. Compliance Procedure for Cured Pork Products.**

(a) Definitions. For the purposes of this section:

(1) A product is that a cured pork article that is contained within one Group as defined in subsection (a)(2) of this section and that purports to meet the criteria for a single product designated under the heading "Product Name and Qualifying Statements" in the charts in 9 CFR sections 319.104 or 319.105 (2006).

(2) A Product Group or a Group means one of the following:

(A) Group I, consisting of cured pork products that have been cooked while imperviously encased. Any product that fits into the Group will be placed in this Group regardless of any other considerations.

(B) Group II, consisting of cured pork products that have been water cooked. Any product that does not fit into Group I but does fit into Group II will be placed into Group II regardless of any other considerations.

(C) Group III, consisting of boneless smokehouse heated cured pork products. Any boneless product that does not fit into Group I or Group II shall be placed in Group III.

(D) Group IV, consisting of bone-in or semi-boneless smokehouse heated cured pork products. Any product that is not completely boneless or still contains all the bone that is traditional for bone-in product, and does not fit into Group I, Group II, or Group III shall be placed in this Group.

(3) A lot is that product from one production shift.

(4) A production rate is frequency of production, expressed in days per week.

(5) Protein fat free percentage, protein fat free content, PFF percentage, PFF content or PFF of a product means the meat protein (indigenous to the raw, unprocessed pork cut) content expressed as a percent of the non-fat portion of the finished product.

(b) Normal Compliance Procedures. The Department may collect samples of cured pork products and analyze them for their PFF content. Analyses shall be conducted by the Department's Center for Analytic Chemistry Laboratory or another laboratory approved by the Department.

(c) Each analytical result shall be recorded and evaluated to determine if the affected lot and subsequent production of like product shall be California Retained as provided in subsection (e) of this section.

(d) Rules for Rounding:

(1) Laboratory results for percent meat protein and fat will be reported to the second decimal place (hundredths).

(2) PFF for charting purposes will be calculated from the reported laboratory results to the second decimal place. Rounding of calculations to reach two decimal places will be done by the following rule:

(3) All values of five-thousandths (0.005) or more will be rounded up to the next highest hundredth. All values of less than five-thousandths (0.005) will be dropped.

(4) For compliance with the Absolute Minimum PFF requirements, the PFF will be rounded to the first decimal place (tenths). Rounding of calculations to reach one decimal place will be done by the following rule: All PFF values of five-hundredths (0.05) or more will be rounded up to the next highest tenth. All PFF values of less than five-hundredths (0.05) will be dropped.

(5) For product disposition (pass-fail of a minimum PFF standard for retained product) the average PFF calculation will be rounded to the first decimal place. Individual PFF Values will be calculated to the nearest hundredth as in (B) above. The average, however, will be rounded to the nearest tenth as in (C) above.

(e) Criteria for California retention of cured pork products for further analysis.

(1) When an analysis of an individual sample indicates a PFF content below the applicable minimum requirement of 9 CFR section 319.104 or section 319.105 (2006) by 2.3 or more percentage points for a Group I or II product, or 2.7 or more percentage points for a Group III or IV product, the lot from which the sample was collected shall be California Retained.

(2) Any subsequently produced lots of like product and any lots of like product for which production dates cannot be established shall be California Retained.

(3) Disposition of such California Retained product shall be in accordance with subsections (f) and (g) of this section.

(f) Compliance procedure during product retention.

(1) When a product lot is California Retained under the provisions of subsections (e)(1) and (2) of this section, the Department shall collect three randomly selected samples from each such lot and analyze them individually for PFF content. The PFF content of the three samples shall be evaluated to determine disposition of the lot as provided in subsection (e)(1) of this section and the action to be taken on subsequently produced lots of like product as provided in subsection (e)(2) of this section.

(2) If the processor does not wish to have the product evaluated in this manner, alternate sampling plans may be used provided such plans have been formulated by the processor and approved by the Department prior to evaluation by the three-sample criteria, and provided the analyses specified in such plans are performed at the expense of the processor.

(A) A product lot that is California Retained under the provisions of subsection (e)(1) of this section may be released for entry into commerce provided one of the following conditions is met:

1. The average PFF content of the three samples randomly selected from the lot is equal to or greater than the applicable minimum PFF percentage required by 9 CFR section 319.104 or section 319.105 (2006). Further processing to remove moisture for the purpose of meeting this provision is permissible. In lieu of further analysis to determine the effects of such processing, each 0.37 percent weight reduction due to moisture loss resulting from the processing may be considered the equivalent of a 0.1 percent PFF gain.

2. The lot of the product is relabeled to conform to the provisions of 9 CFR section 319.104 or section 319.105 (2006), under the supervision of an inspector.

3. The lot is one that has been prepared subsequent to preparation of the lot that, under the provisions of subsection (e)(2) of this section, resulted in discontinuance of California retention of new lots of like product. Such lot may be released for entry into commerce prior to receipt of



analytical results for which sampling has been conducted. Upon receipt of such results, they shall be subjected to the provisions of subsection (e)(1) of this section.

(g) Products not meeting specified PFF requirements, determined according to procedures set forth in this section, may be deemed adulterated under the Federal Food, Drug, and Cosmetic Act, 21 USC section 601(m)(8) and misbranded under section 601(n).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections, 18652, 18662, 18664, 18665, 18666, 18669, 18676, 18721, 18724, 18727, 18730, 18845, 18944, 18947, 18949, 18973, 19014 and 19017, Food and Agricultural Code; 9 CFR sections 319.104 and 319.105 (2006); and Federal Food, Drug, and Cosmetic Act, 21 USC section 601.

#### **§ 910.13. Use of Animal Drugs.**

Animal drug residues are permitted in meat and meat food products if such residues are from drugs that have been approved by the Food and Drug Administration and any such drug residues are within tolerance levels approved by the Food and Drug Administration, unless otherwise determined by the Department and listed herein.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Section 18752, Food and Agricultural Code.

#### **§ 910.14. Determination of Added Water in Cooked Sausages.**

Determination of added water in cooked sausages shall be in accordance with 9 CFR section 318.22 (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections, 18972 and 19014, Food and Agricultural Code; and 9 CFR section 318.22 (2006).

#### **§ 910.15. Cooling of Heated Potentially Hazardous Products.**

(a) To avoid product adulteration, processors shall rapidly and continuously cool all potentially hazardous products not included in subsection (b) using the following cooling rates:

(1) During cooling, the product's internal temperature shall not remain between 135° F and 70° F for more than 2 hours and shall not remain between 70° F and 41° F for more than 4 hours.

(2) Product consisting of pieces of intact muscle, such as turkey breast or pork loin, may be cooled according to the requirements for cooked beef, roast beef, and cooked corn beef products in section 910.11(h)(10) of this article.

(b) Processors may slowly cool cured products if the product, such as cooked sausage, smoked ham, and bacon satisfies condition (1), one of the two choices in condition (2), and one of the three choices in condition (3) below.

(1) The internal temperature does not remain between 120° F and 40° F for more than 20 hours.

(2) The cooling process:

(A) Causes a continuous drop in product temperature; or

(B) Controls the product's surface temperature so that it does not stay between 120° F and 80° F for more than 2 hours; and

(3) The product is formulated:

(A) With no less than 120 ppm of sodium nitrite or its equivalent (e.g. in ppm KNO<sub>2</sub>) and a brine concentration of 3.5 percent or more; or

(B) With no less than 40 ppm of sodium nitrite or its equivalent (e.g., in ppm KNO<sub>2</sub>) and a brine concentration of 6 percent or more; or

(C) With or without nitrite (such as salt cured product), but with a maximum water activity of 0.92.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections, 18732, 18950, 18972, 19012 and 19014, Food and Agricultural Code.

#### **§ 910.16. Cooled Uncured Potentially Hazardous Product Holding Temperatures.**

Uncured potentially hazardous processed product, if stored for any period of time longer than one week, shall be held at or below 41° F.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections, 18732, 18950, 18972, 19012 and 19014, Food and Agricultural Code.

#### **§ 910.17. Hot Uncured Cooked Potentially Hazardous Product Holding Temperatures.**

(a) Hot uncured cooked potentially hazardous products may be held if kept at or above 135° F.

(b) If the product temperature drops below 135° F for over 30 minutes, the processor shall either continuously cool the product to meet the times and temperatures in Section 910.15(b) of this subchapter, immediately reheat it to 165° F, or discard it.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections, 18732, 18950, 18972, 19012 and 19014, Food and Agricultural Code.

#### **§ 910.18. Methods of Rapid Cooling.**

(a) Rapid cooling of products shall be accomplished by one or more of the following methods:

(1) Placing the product in shallow, heat-conducting pans.

(2) Separating the food into smaller or thinner portions.

(3) Using rapid-cooling equipment.

(4) Using containers that facilitate heat transfer.

(5) Utilizing other effective means that have been approved by the Department.

(b) When product is placed in cooling or cold-holding equipment, containers in which the product is being cooled shall be:

(1) Arranged in the equipment, to the extent practicable, to provide maximum heat transfer through the container walls.

(2) Loosely covered, or uncovered if protected from overhead contamination, to facilitate heat transfer from the surface of the food.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18732, 18950, 18972, 19012 and 19014, Food and Agricultural Code.

## **Article 12. Definitions and Standards of Identity or Composition**

### **§ 911. Product Definitions and Standards of Identity or Composition.**

Product definitions and standards of identity or composition shall be in accordance with 9 CFR Part 319, section 319.1, et seq. (2006), 9 CFR Part 381, section 381.55, et seq. (2006), and the Food Standards and Labeling Policy Book (August 2005), published by the United States Department of Agriculture, Food Safety and Inspection Service, Office of Policy Program Development. A copy may be found at: <http://www.fsis.usda.gov>.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections, 18662, 18664, 18665, 18676, 18724, 18730, 18731, 18944, 18974, 18972 and 19017, Food and Agricultural Code; and 9 CFR Parts 319 and 381 (2006).

#### **§ 911.1. Mexican Style Chorizo.**

(a) Mexican style chorizo is a non-fermented, cured or uncured, perishable sausage that is uncooked, semidried in an atmospherically controlled drying chamber, and prepared with fresh or frozen meats and meat fat with the meat fat constituting not more than thirty percent of the finished product. It is seasoned with one or more types of peppers. No binders or extenders are allowed.

(b) The following are standards for specific types of Mexican style chorizo:

(1) "Mexican Style Chorizo" shall be prepared with fresh or frozen pork or fresh or frozen pork and pork fat.

(2) "Mexican Style Chorizo with Beef," "Mexican Style Chorizo with Veal," and Mexican Style Chorizo with Beef and Veal" shall be prepared with fresh or frozen pork and with beef and/or veal. Pork shall constitute the major portion of the meat content.

(3) "Mexican Style Beef Chorizo" shall be prepared with fresh or frozen beef or and fresh or frozen beef and beef fat.

(4) "Mexican Style Veal Chorizo" shall be prepared with fresh or frozen veal or fresh or frozen veal and veal fat.

(c) Optional ingredients in Mexican style chorizo include:

(1) Spices (including paprika, oregano, and cumin) and flavorings.

(2) Water or ice to facilitate chopping or mixing, but not to exceed three percent of the total weight of all ingredients, including water.

(3) One or more types of chili peppers, such as red or green peppers, jalapeno peppers, chili pepper, green chilies, cayenne peppers, chili powder, jalapeno powder, or the various varieties of dried pepper pods that have been soaked and ground or made into a sauce.

(4) Cider vinegar, wine vinegar, or apple cider vinegar. The vinegar used shall have a concentration of no less than four grams of acetic acid per 100 cubic centimeters (20° C).

(5) Orange juice or pineapple juice or a combination of orange juice and pineapple juice. These may be from concentrate.

(6) Dehydrated, powdered, or fresh garlic, onions, or a combination of garlic and onions.

(7) Sugar, dextrose, corn syrup, corn syrup solids, and glucose syrup.

(8) Monosodium glutamate.

(9) Antioxidants and oxygen interceptors listed in 9 CFR section 424.21 (2006), and Directive 7120.1, Safe and Suitable Ingredients Used in the Production of Meat and Poultry Products, Amendment 10 (January 18, 2007), published by the United States Department of Agriculture (USDA), Food Safety and Inspection Service, such as BHA (butylated hydroxyanisole), BHT (butylated hydroxytolene), propyl gallate, TBHQ (tertiary butyhydroquinone).

(10) Bacterial growth inhibitors listed in 9 CFR section 424.21 (2006), and Directive 7120.1, Safe and Suitable Ingredients Used in the Production of Meat and Poultry Products, Amendment 10 (January 18, 2007), published by the United States Department of Agriculture (USDA), Food Safety and Inspection Service, such as sodium lactate.

(11) Beef, veal, beef and veal, and/or beef fat.

(12) Sodium or potassium nitrite not to exceed 1/4 ounce per 100 pounds of meat and meat by products (7 grams per 45000 grams =150 ppm). If nitrite is used in the product formulation, the product shall be labeled with the word "cured" in the product name, such as "Cured Mexican Style Chorizo." The word "cured" shall be displayed on the product label in the same size and style of lettering as other words in the product name.

(13) If sodium or potassium nitrite is used, curing accelerators listed in 9 CFR section 424.21 (2006), and Directive 7120.1, Safe and Suitable Ingredients Used in the Production of Meat and Poultry Products, Amendment 10 (January 18, 2007), published by the United States Department of Agriculture (USDA), Food Safety and Inspection Service, such as sodium erythorbate or sodium ascorbate.

(d) Finished Mexican style chorizo shall meet one the following standards:

(1) A water activity of 0.95 or less and a pH level of 5.0 or less.

(2) A moisture to protein ratio of 3.1 to 1 or below with a pH level of 5.0 or less.

(3) A pH level of 4.5 or less.

(e) If Mexican style chorizo contains pork, one of the following is required:

(1) The pork shall be treated for the destruction of trichinae in accordance with section 910.7 of this subchapter;

(2) If displayed in a self-service counter, the product shall be clearly labeled "Raw Product - Cook Thoroughly Before Serving;" or

(3) If not labeled and handed to the customer by an establishment employee, the product shall be accompanied by a handout instructing the customer to thoroughly cook it before serving.

(f) Copies of USDA directives and notices may be found at: <http://www.fsis.usda.gov>.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections, 18662, 18664, 18665, 18676, 18724, 18730, 18731, 18944, 18974, 18972 and 19017, Food and Agricultural Code.

## **Article 13. Preparation and Processing Operations**

### **§ 912. Purpose and Scope.**

This article prescribes rules for the preparation of meat and the processing of poultry products to prevent the adulteration or misbranding of meat and poultry products at official establishments. Articles 11 and 12 of this subchapter and 21 CFR Part 170, section 170.3 et seq.

(2006), specify rules for the use of certain food ingredients (e.g., food additives and color additives) that may render meat or poultry products adulterated or misbranded.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Section 18652, 18664, 18665, 18666, 18669, 18676, 18751, 18752, 18753, 18754, 18755, 18756, 18757, 18758, 18759, 18781, 18782, 18783, 18784, 18785, 18786, 18787, 18788, 18789, 18843, 18944, 18947, 18949, 19000 and 19017, Food and Agricultural Code; and 21 CFR Part 170 (2006).

#### **§ 912.1. Use of Food Ingredients.**

The use of food ingredients in meat and poultry products shall be in accordance with 9 CFR section 424.21 (2006), and Directive 7120.1, Safe and Suitable Ingredients Used in the Production of Meat and Poultry Products, Amendment 10 (January 18, 2007), published by the United States Department of Agriculture (USDA), Food Safety and Inspection Service. Copies of USDA directives and notices may be found at: <http://www.fsis.usda.gov>.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Section 18652, 18664, 18665, 18666, 18669, 18676, 18751, 18752, 18753, 18754, 18755, 18756, 18757, 18758, 18759, 18781, 18782, 18783, 18784, 18785, 18786, 18787, 18788, 18789, 18843, 18944, 18947, 18949, 19000 and 19017, Food and Agricultural Code; and 9 CFR section 424.21 (2006).

#### **§ 912.2. Other Permitted Additives and Uses.**

Other permitted additives shall be used in accordance with 9 CFR section 424.22(a) and (b) (2006).

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Section 18652, 18664, 18665, 18666, 18669, 18676, 18751, 18752, 18753, 18754, 18755, 18756, 18757, 18758, 18759, 18781, 18782, 18783, 18784, 18785, 18786, 18787, 18788, 18789, 18843, 18944, 18947, 18949, 19000 and 19017, Food and Agricultural Code; and 9 CFR section 424.22 (2006).

#### **§ 912.3. Prohibited Uses.**

The use of additives listed in 9 CFR section 424.23 (2006) shall be prohibited in accordance with section 424.23.

Note: Authority cited: Sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18664, 18665, 18676, 18731, 18944 and 19014, Food and Agricultural Code; and 9 CFR section 424.23 (2006).

### **Article 14. Records and Reports**

#### **§ 913. Custom Livestock Slaughter Reports.**

(a) Plant management at each custom livestock slaughterhouse shall complete the following reports:

(1) MPES Form 79-072 (Rev. 10/11) Daily Livestock Slaughter Report For each livestock animal slaughtered the following information shall be entered on the day of slaughter.

(A) Date of slaughter.

- (B) Name and address of the owner of the animal.
- (C) Species and live weight in pounds.
- (D) The inspector's dispositions on ante- and post-mortem inspections.
- (E) Weight, in pounds, of carcasses and parts condemned.

(2) MPES Form 79-073 (Rev. 10/11) Monthly Summary Livestock Slaughtered and Inspected. This form shall be completed for the preceding month, using data from all MPES Forms 79-072 (Rev. 10/11) Daily Livestock Slaughter Report completed that month. The completed form shall be sent to the Sacramento headquarters office by the tenth day of the month.

(b) Each Mobile Slaughter Operation shall document and maintain records for at least one year of the following information pursuant to FAC Section 19020 and 19023:

(1) The date of slaughter of all livestock.

(2) The name, address, and telephone number of the producer of the livestock that are slaughtered.

(3) The address or other location identifier of where the slaughter occurred.

(4) The number of each type of livestock slaughtered at the address on the date of slaughter.

(5) All ear tag numbers and all identification markings, if available, on all livestock slaughtered, and, if no identification number or marking is present, record "no identification number or marking."

(6) The name, address, and telephone number of the owner for each livestock slaughtered.

(7) The inspector's dispositions on ante- and post-mortem inspections.

(8) The name and address of the facility that each carcass was transported to for processing.

(c) Each Mobile Slaughter Operation shall submit the MPES Form Monthly Summary Livestock Slaughtered and Inspected. This form shall be completed for the preceding month, using data from records maintained throughout the month. The completed form shall be sent to the Department by the tenth day of the month.

Note: Authority cited: Sections 407, 18693, 18727, 18735, 18901, 18960, 18961 and, 19014, and 19020, and 19023(a) Food and Agricultural Code. Reference: Sections 18663, 18664, 18672, 18721, 18722, 18731, 18943, 18945, 18946 and 19014, Food and Agricultural Code.

### **§ 913.1. Meat Processing Reports.**

(a) Plant management at each meat processing establishment shall complete the following reports:

(1) MPES Form 79-070 (Rev. 10/11) Daily and Monthly Processing Report.

(2) Under the headings Meat Products, Poultry Products, Custom Products, and Re-Inspection, a column shall be completed for each day the establishment conducts processing operations.

(3) The weight, in pounds, for all products produced and/or condemned on re-inspection shall be entered in the appropriate space.

(4) MPES Form 79-071 (Rev. 10/11) Monthly Report Processing Operations at State Inspected Meat and Poultry Official Establishments. This form shall be completed for the preceding month, using data from all MPES Forms 79-070 (Rev. 10/11) Daily and Monthly

Processing Report completed that month. The completed form shall be sent to the Sacramento headquarters office by the tenth day of the month.

Note: Authority cited: Sections 407, 18693, 18727, 18735, 18901, 18960, 18961 and 19014, Food and Agricultural Code. Reference: Sections 18664, 18665, 18672, 18674, 18676, 18721, 18722, 18944, 18947 and 19014, Food and Agricultural Code.

## **Article 15. Licenses and Registrations**

### **§ 914. Livestock Producer Registration.**

(a) Livestock Producers shall register with Meat, Poultry and Egg Safety Branch (MPES) and complete the MPES Form Registration of "Livestock Producer" which shall include:

(1) Name of "Livestock Producer"

(2) Phone Number of "Livestock Producer"

(3) Alternate Phone Number of "Livestock Producer"

(4) Business Name (if applicable)

(5) E-Mail Address of "Livestock Producer"

(6) County of Operation

(7) Premises: Street Address, City, and Zip (Geo-Coordinates, if no address)

(8) Mailing: Street Address, City, and Zip (if different from above)

(9) Printed Name of "Producer"

(10) Signature of "Producer" and Date

(11) Signature of "MPES Branch Authority", Title, and Date

(b) The Department shall provide a written notice to each registrant of acceptability of the registration.

(c) Any changes in the information given above that is included on the MPES Form Registration of "Livestock Producer" must be reported in writing to the Meat, Poultry and Egg Safety Branch within 15 days of the change.

(d) Applicants for the registration shall submit a fee of one hundred dollars (\$100).

(e) "Livestock Producers" shall reregister as required by section 19021(2).

Note: Authority cited: Sections 407, 18735, 18960, 18961, and 19014 Food and Agricultural Code. Reference: Sections 19020, 19021, 19022 and 19023, Food and Agricultural Code.