

Basic Regulatory Considerations for Retail and Non-retail Meat Sales in Tennessee

Guidance for Farmers Direct Marketing Beef, Pork, Lamb and Goat



FOREWORD

Since 1998, we in the Center for Profitable Agriculture (CPA) have been addressing questions and analyzing opportunities for livestock producers wanting to directly market meat. One of the constant hurdles for these types of enterprise considerations has been obtaining a thorough understanding of the regulations involved. In general, food regulations are not necessarily easy to understand. This understanding is complicated by the fact that regulatory requirements vary according to types of food, packaging, handling, marketing and other factors. Many times the vague answer of “it depends” applies to the seemingly straightforward question “what are the regulations I must follow?” The expectation of clearer directions than “it depends” often causes frustration to the livestock producer seeking to directly market meat. In many respects, patience may be the first of many criteria for those wanting to figure out the regulations for direct marketing meat.

The process of determining the regulatory issues for direct marketing meat has been complicated. We have found that while some basic guidance does exist, so do many exceptions. We also have found that various interpretations of regulations exist and miscommunications also occur. Details in verbal communications are often missed, overlooked or overemphasized, which may contribute to the appearance of different answers from different regulators.

To assist those considering value-added meat enterprises, a close working relationship has been developed between the CPA and the Tennessee Department of Agriculture (TDA), Division of Consumer and Industry Services. The existing “retail meat permit” was expanded by TDA in 2007 to include and accommodate the increasing number of farm-based meat marketing enterprises. Since then, scores of outreach and educational sessions have been conducted to help livestock producers understand the permit, the inspection process and proper meat-handling practices. The expanded TDA retail meat permit allows meat that has been properly packaged and labeled in an approved facility (a USDA-inspected facility) to be sold direct to consumers at farmers markets, direct from the farm, via the Internet, door-to-door and other methods direct to the consumer.

In September 2011, a meeting among the CPA, TDA food and dairy administrators and an official with USDA Food Safety and Inspection Service (FSIS) was held to discuss retail meat sale regulations, non-retail meat sales and custom-exempt processing. A month later, a meeting among the CPA, TDA and officials with the USDA Office of Program Evaluation, Enforcement and Review (OPEER) was held to discuss and clarify allowable retail and non-retail activities and sales under the Federal Meat Inspection Act and the TDA retail meat permit. As a result, a draft educational publication was developed to document, clarify and summarize the regulatory issues related to retail and non-retail meat sales in Tennessee. Finally, in November and December, extensive communications and correspondence between the CPA, TDA and an official from USDA FSIS Office of Policy and Program Development (OPPD) transpired for the purpose of finalizing, clarifying and correcting the information in the publication. During 2014 and 2015, revisions to the document were discussed with collaborators in the USDA FSIS Office of Investigation, Enforcement and Audit. As a result, the publication was revised and republished in June 2015.

This publication is for educational purposes, and we hope that it will be useful and helpful. This publication is the result of the efforts and input from numerous individuals: livestock producers, direct-marketing meat entrepreneurs, representatives from USDA FSIS, colleagues and coworkers, and the TDA Division of Consumer and Industry Services, Bill Thompson, Mike Brown, Shanna Lively, John Sanford, Buddy Woodson and Jimmy Hopper. In addition to our appreciation to TDA, we are grateful to the following individuals for their participation in the peer review process for this publication: Faith Critzer, Mike Davidson, Dwight Loveday, April Moore Massengill and Hal Pepper. We also extend thanks to Elea Wright for her efforts and creativity in the publication’s layout and design.

Rob Holland

Director, Center for Profitable Agriculture

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This publication was originally released in the spring 2012 as PB 1805, “Basic Regulatory Considerations for Retail and Non-retail Meat Sales in Tennessee Guidance for Farmers Interested in Value added Beef Marketing Activities. It was later revised in 2015 with edits and corrections, including the addition of the two-phase registration with USDA for non-retail meat sales on pages 6-7 and published here as PB 1829 “Basic Regulatory Considerations for Retail and Non-retail Meat Sales in Tennessee Guidance for Farmers Interested in Direct Marketing Beef, Pork, Lamb and Goat.”

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Megan Leffew and Rob Holland

UT Extension, Center for Profitable Agriculture

with special appreciation to John Sanford, Buddy Woodson, Bill Thompson, Shanna Lively and Mike Brown

Tennessee Department of Agriculture, Consumer and Industry Services, Food and Dairy Section

as well as to:

U.S. Department of Agriculture, Food Safety and Inspection Service (USDA FSIS)

U.S. Department of Agriculture, Office of Field Operations (OFO)

U.S. Department of Agriculture, Office of Investigation, Enforcement and Audit (OIEA)

U.S. Department of Agriculture, Office of Policy and Program Development (OPPD)

Introduction

In recent years, an increasing number of Tennessee farmers have been considering value-added marketing activities that would allow them to finish livestock for harvest¹, processing and marketing to household consumers. Identifying and understanding regulatory requirements has been a major obstacle for these producers.

Many challenges exist, including having more than one regulatory agency involved in various aspects of food sales, changes in regulations over time, and not having a single source of information about applicable regulations. An additional challenge is presented by the fact that regulations differ depending upon whether the product is sold to retail or non-retail customers.

This publication serves as a source of information about some basic issues involved with harvesting, processing and marketing beef, pork, lamb and goat in Tennessee². The issues addressed in this publication include the Tennessee Department of Agriculture (TDA) retail meat permit, which is needed to market meat directly to household consumers in Tennessee, and minimum labeling requirements for retail meat products. The registration requirements for meat handlers selling meat to non-retail customers is also discussed. In addition, this publication addresses marketing of frozen versus non-frozen meat products, meat sales from retail food stores and the purpose of custom exempt harvesting and processing facilities.

¹This publication utilizes the term “harvest” in places where the term slaughter would have been used in the past. This word change includes the use of “harvest” in places where the term slaughter is currently used by USDA and in the Federal Meat Inspection Act.

²It is important to emphasize that a great deal of investigation and study has been invested in documenting the information in this document. A good faith attempt has been made to accurately describe what is technically correct, allowable and required regarding some of the laws, permits and regulations involved in direct marketing beef in Tennessee. While the information herein is deemed correct and accurate, it does not constitute legal advice. In addition, this publication is not a comprehensive guide to all regulations applicable to meat sales.

RETAIL MEAT PERMIT

As of May 2015, 142 entities were permitted in Tennessee for farm-based meat sales through the TDA retail meat permit. This marks a 17 percent increase from December 2011. One of the foundational characteristics of meat products that are allowed to be sold using the TDA expanded retail meat permit is that the animals from which the meat originates must be harvested in a U.S. Department of Agriculture-inspected facility, and the meat itself must be properly packaged and properly labeled in a USDA-inspected facility. Some of the additional requirements of the retail meat permit are:

- The permit must be posted wherever meat sales occur.
- As of May 2015, the annual permit fee is \$50.
- Initial and annual TDA inspection of facilities, storage units and transportation units.
- Animals must be processed at a USDA-inspected facility that is credentialed for the animal species to be processed. Meat must be properly processed, packaged and labeled under USDA inspection (according to USDA requirements for commerce). That is, the meat must be federally inspected and properly labeled according to state and federal requirements for retail sales.
- Meat must be transported in a safe, wholesome and secure manner from the USDA facility until final delivery to retail customers. Units used for storage and transportation must be cleanable and kept clean and in good repair. To meet meat handling requirements, units must maintain the wholesomeness and temperature of the product. A cooler, refrigerator or freezer operated by a power inverter is acceptable.
- Meat storage units must be located in a secure area away from potential contamination sources. Units must be dedicated to meat offered for sale and must be accessible for inspection by TDA.
- Thermometers are required in coolers, freezers and refrigeration units to verify storage temperatures. Refrigerated products must be maintained at 41 degrees Fahrenheit or below. Frozen products must be hard frozen and no refreezing of product is permitted.

- Meat handlers should practice good personal hygiene, having clean hands and outer clothing.

The steps to obtain a retail meat permit include the following:

- (1) Initial contact regarding interest in a farm-based retail meat permit should be made directly to the main office of the Food and Dairy Section of the TDA Division of Consumer and Industry Services in Nashville (phone: 615-837-5193). When contacting this office, simply plan to tell whoever answers the phone that you would like to speak to the outreach coordinator.
- (2) While speaking with the outreach coordinator, be sure to indicate that you are “interested in a farm-based retail meat permit.” The outreach coordinator will discuss with you the guidelines, requirements and steps involved with preparing for an inspection. This information is contained in the one-page document of guidelines that appears in Appendix 1. The coordinator will ask some questions about harvesting, processing, packaging, labeling and marketing. The coordinator will have this discussion in order to determine exactly where you are in the process of being ready for inspection. The coordinator will also request your name, address and telephone number.
- (3) Once you are ready, notify the outreach coordinator to request an inspection. The coordinator will send your contact information to the area inspector along with an official request for inspection. The inspector for your area will then contact you to work out details and schedule the on-site inspection.
- (4) The inspector will use the TDA Food Establishment Inspection form to conduct the on-site inspection. A copy of the TDA Food Establishment Inspection form is in the Appendix 2. As part of the on-site inspection, the inspector will issue an application for permit if the inspection process results with a determination of “in compliance with requirements.” A review of the product label will be conducted by the inspector as part of the on-site inspection. A copy of the application for permit form is in the Appendix 3.

- (5) The application for permit will be completed on-site by the TDA inspector during the inspection visit. Instructions will be provided for mailing the application and remitting the permit fee.
- (6) After the completed application for permit and the permit fee have been received by the main TDA office in Nashville, the actual permit will be issued and mailed.

MINIMUM LABELING REQUIREMENTS

Products sold under the TDA retail meat permit must meet all federal and state label regulations. The Code of Federal Regulations (9 CFR 317.2) requires six general label components shown in the sidebar as numbers 1-6.

State weights and measures regulations including Tennessee Code Annotated 47-26-901 to 47-26-926 also contribute to minimum labeling requirements. In addition to components already required by federal regulation, the state requires the price per pound and total price on the label of random weight, non-frozen packages at the time the product is offered or exposed for retail sale. Frozen meat products are no longer required to include the price per pound and total price on the label, according to the Waiver of Declaration of Unit Price on Frozen Random Weight Packages from March 2, 2015. If not included on the label, the price per pound must be posted in close proximity to the frozen products offered for sale, and the total price calculated at the point of sale.

More information is available in the Retail Meat Sales in Tennessee: Basic Weights and Measures Regulations factsheet (D1) available online at extension.tennessee.edu/publications/documents/D1.pdf or by contacting the Tennessee Department of Agriculture, Consumer and Industry Services Division, Weights and Measures staff at 615-837-5109.

LABEL COMPONENTS

Required

1. Product name.
2. Name and address of the place of business of the manufacturer, packer or distributor (“packed for ___” or “distributed by ___” are acceptable).
3. USDA mark of inspection/establishment number.
4. Net weight.
5. Safe handling instructions. (A copy of the standard safe handling instructions legend is in Appendix 4.)
6. Ingredients (if more than a single ingredient product).
7. Price per pound (non-frozen, random weight packages only).
8. Total price (non-frozen, random weight packages only).

Optional

1. Code date or lot number. (Recommended not required.)
2. Special statement and claims. (Require approval by USDA.)

³ Retail meat sales in Tennessee must comply with state weights and measures regulations as written in Tennessee Code Annotated 47-26-901 to 47-26-926. The regulations outline requirements for the allowable units of sale and related weighing and labeling requirements for meat products as well as the agency responsible for enforcing the regulations. The rules are in place in part to “prevent unfair or deceptive dealing by weight or measure in any commodity or service advertised, packaged, sold or purchased” “prevent unfair or deceptive dealing by weight or measure in any commodity or service advertised, packaged, sold or purchased within the state.” See UT Extension publication D 1 Retail Meat Sales in Tennessee: Weights and Measures Regulations (extension.tennessee.edu/publications/Documents/D1.pdf) for more information.

OPTIONAL LABELING CONSIDERATIONS

In addition to the required label components described above, producers may consider additional components: lot numbers or code dates and special claims.

TDA Consumer and Industry Services staff recommend producers include a lot number or code date on all packages of meat. These lot numbers or code dates could be helpful in identifying product from a particular animal or processing date in the event of a recall. If affected product cannot be identified when a recall is necessary, all product will have to be recalled.

Some producers would like to include special statements or claims on meat labels, even if the term is used as part of the farm name shown on the label. Special claims often include breed claims, third party raising claims or programs, health claims or terms like natural, corn fed, grass fed, no added hormones, or raised without antibiotics. Use of these terms requires special approval from USDA, Food Safety and Inspection Service (FSIS) called “sketch approval.” Geographic claims, such as “Tennessee Beef,” do not need to be submitted to the Labeling and Program Delivery staff for sketch approval.

For claims requiring sketch approval, producers must submit a request electronically through the USDA FSIS Label Submission and Approval System (LSAS) or via paper submission using FSIS Form 7234-1, Application for Approval of Labels, Marketing or Device. Producers must include a drawing, draft or printer’s proofs of the proposed label for review. Special claims also typically require submission of supporting documentation such as a detailed written production protocol, copy of current certifications/verifications and signed affidavit declaring that the claims are not false or misleading.

Learn more about label claims and label approval processes or access LSAS or FSIS Form 7234-1 at www.fsis.usda.gov/labels.

ALLOWABLE UNITS OF SALE

Meat and meat products offered for sale in Tennessee must be sold by net weight in accordance with Tennessee weights and measures regulations. Net weight is the weight of the product alone without any container or packaging. The weight may be expressed in metric or customary units, however, the weight is typically expressed in the customary units of pounds, ounces or both. Meat cannot be sold by the piece or package.

Weights and measures regulations may be state specific. If a Tennessee producer plans to sell meat and meat products in other states, the producer should contact the authorities in those states to determine their weights and measures regulations. Links to southern state authorities can be found on the Southern Weights and Measures Association website at swma.org.

More information is available in the Retail Meat Sales in Tennessee: Basic Weights and Measures Regulations factsheet available online at: extension.tennessee.edu/publications/documents/D1.pdf or by contacting the Tennessee Department of Agriculture, Consumer and Industry Services Division, Weights and Measures staff at 615-837-5109.

NUTRITION LABELING REQUIREMENTS FOR SINGLE-INGREDIENT PRODUCTS AND GROUND OR CHOPPED MEAT AND POULTRY PRODUCTS

USDA FSIS issued a new rule for nutrition labeling effective in 2012 called “Nutrition Labeling of Single-Ingredient Products and Ground or Chopped Meat and Poultry Products.” The rule applies to single-ingredient, raw product of major cuts and ground or chopped products for sale to consumers. Nutrition labeling requirements have been in place for some time for multi-ingredient meat products. While the rule has many components, information most applicable to farmers directly marketing meat is included here.

The rule requires nutrition labeling for single-ingredient, raw major cuts for beef, pork, lamb and poultry for sale to customers¹. The rule requires major cuts² to have either:

1. Nutrition labeling on the packaging.
2. Nutrition information provided at the point of purchase (signs, posters, brochures, etc.).

As seen in Figure 1, USDA FSIS has nutrition labeling charts available online for downloading and printing to display at points of purchase as one option to fulfill the nutrition labeling requirement for major cuts.

Products that are exempt from major cut nutrition labeling include:

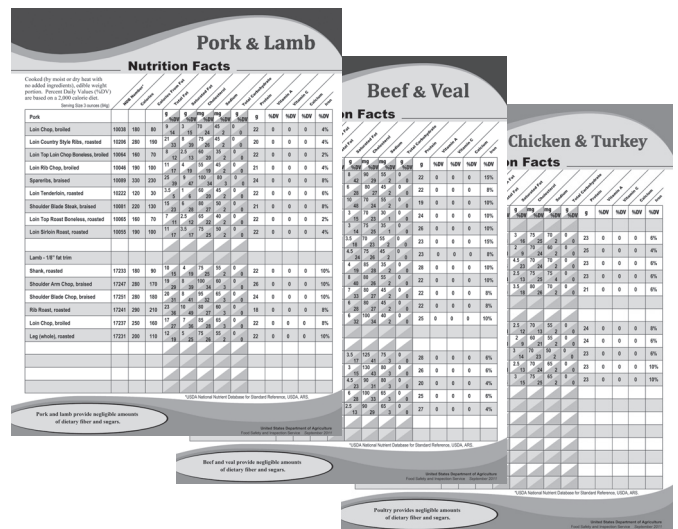
- Products intended for export.
- Products intended for further processing, if no nutrition information or claims are made on the label, where processing is defined as smoking, cooking, canning, curing, refining or rendering in an official establishment of product previously prepared in official establishments.
- Products in small packages — individually wrapped packages of less than 1/2 ounce net weight — if no nutrition information or claims are made on the label.

The rule also requires all ground and chopped products (with or without added seasoning) to have nu-

trition labeling on the package unless an exemption exists. The exemption with the most application to farmers directly marketing meat is the small business exemption. If a farmer has livestock harvested, fabricated, packaged and labeled at a small processing plant (with fewer than 500 employees) AND the plant produces less than 100,000 pounds of a specific ground or chopped product per year, then the product is not required to have nutrition labels, unless a nutrition-related claim is made.

Additional information is available on the USDA FSIS Nutrition Labeling web page (<http://www.fsis.usda.gov/wps/portal/fsis/topics/regulatory-compliance/labeling/labeling-policies/nutrition-labeling-policies/nutrition-labeling>).

Figure 1. Example Nutrition Charts Available from USDA FSIS



¹The rule is not applicable for goat as verified through askFSIS on July 30, 2014.

²Major cuts of beef, pork, lamb and veal include: beef chuck blade roast, beef loin top loin steak, beef rib roast large end, beef round eye round steak, beef round top round steak, beef round tip roast, beef chuck arm pot roast, beef loin sirloin steak, beef round bottom round steak, beef brisket (whole, flat half, or point half), beef rib steak small end, beef loin tenderloin steak, ground beef regular without added seasonings, ground beef about 17% fat, pork loin chop, pork loin country style ribs, pork loin top loin chop boneless, pork loin rib chop, pork spareribs, pork loin tenderloin, pork loin sirloin roast, pork shoulder blade steak, pork loin top roast boneless, ground pork, lamb shank, lamb shoulder arm chop, lamb shoulder blade chop, lamb rib roast, lamb loin chop, lamb leg (whole, sirloin half, or shank half), veal shoulder arm steak, veal shoulder blade steak, veal rib roast, veal loin chop, and veal cutlets.

Major cuts of poultry include: Whole chicken (without neck and giblets), chicken breast, chicken wing, chicken drumstick, chicken thigh, whole turkey (without necks and giblets; separate nutrient panels for white and dark meat permitted as an option), turkey breast, turkey wing, turkey drumstick, and turkey thigh.

NON-RETAIL MEAT SALES

Many of the farmers who currently have a TDA retail meat permit are asking questions about how they also can sell the meat to non-retail customers such as restaurants and grocery stores. It should be understood that the TDA retail meat permit only allows for the sale of meat to retail customers where such retail customers are simply described as the end consumer. Sales of meat products to non-retail customers are not covered under the TDA retail meat permit.

To be technically correct within the Federal Meat Inspection Act, meat that is properly processed and labeled in a USDA-inspected facility may be sold to non-retail customers if the handler of such meat has contacted the USDA, FSIS, OIEA Investigator for Tennessee and then properly registered. There is a two-step registration process that is recommended.

1. First, those interested in registering to make non-retail meat sales should contact the USDA, FSIS, Office of Investigation, Enforcement and Audit (OIEA) Investigator for Tennessee to request an on-site consultation. As of 2015, the Investigator for Tennessee is Marshall Williams, 615-736-7703, marshall.williams@fsis.usda.gov.

During the on-site consultation, safe handling, storage and transportation will be discussed along with applicable food defense issues. The investigator will also register the operation for meat sales. This first step of registration for in-commerce sales verifies that the USDA investigator is aware of the operator's plans.

2. The second step of registration for non-retail sales is the submission of FSIS Form 5020-1, Registration of Meat and Poultry Handlers. The actual FSIS form 5021-1 will be provided by the USDA, FSIS, OIEA investigator during the first phase.

Those meat markets interested in registering for non-retail meat sales are asked not to mail Form 5020-1 until they have completed step one and visited with the investigator. A sample-only copy of this form (FSIS Form 5020-1) is included in Appendix 5 and is available online at www.fsis.usda.gov/forms/PDF/Form_5020-1.pdf.

This form is a one-page form that requests name, address, nature of business and type of business activity information. Many farm retail operations wanting to make non-retail sales would be considered a wholesaler on the Registration of Meat and Poultry Handlers form. The USDA will process the form and return it as "official notice of registration with USDA" including a registration number.⁴ Those handling meat for retail and non-retail sales should familiarize themselves with the federal requirements found in 9 CFR 303.1 and 320. These requirements are available online at <https://www.gpo.gov/fdsys/granule/CFR-2012-title9-vol2/CFR-2012-title9-vol2-sec303-1>.

The Federal Meat Inspection Act (FMIA) is administered by the USDA FSIS. The USDA, FSIS Office of Field Operations (OFO) is the agency that administers on-site, in-plant inspections. The USDA FSIS OPEER is the agency that provides oversight for compliance with wholesomeness and labeling of products that are in commerce.

The on-site review conducted as part of step 1 by an OIEA investigator is aimed at ensuring that the meat products being sold are not adulterated. The review will include the following:

- Review of storage and handling practices.
- Review of all records (must include traceability for inbound and outbound movement of non-retail sales).
- Review of pest control practices and records.
- Discussion of food security plans.
- Review of sanitary procedures and conditions (inside facility and the general surroundings).
- Confirmation of proper packaging and labeling.
- Review of product handling procedures.
- Review of sanitary conditions.
- Handling of inedible products.
- Hazard controls.
- Discussion of product recall plans.

⁴The laws governing the Federal Meat Inspection Act and related provisions as amended through public law 107-1, Feb. 15, 2001, are available at www.access.gpo.gov/nara/nara005.html.

In addition, the review will include the following food defense plan discussion:

- Outside security.
- Inside security.
- Employee/visitor plan.
- Hazardous materials plan.
- Protection of food/food ingredients.
- Access to shipping and receiving areas.
- Check of inbound products.

Additional information about USDA FSIS Food Defense and Emergency Response is available at: www.fsis.usda.gov/Food_Defense_&_Emergency_Reponse/index.asp.

Regarding labeling for non-retail products, meat products that are properly packaged in a USDA-inspected facility and intended for non-retail sales must be labeled according to the same six minimum requirements for retail sales. The safe handling instructions are required on meat products packaged for retail sales and sales to hotels, restaurants and similar institutions (HRI). The safe handling instructions are not required on meat packages that are intended for further processing in a retail food store.

FROZEN AND NON-FROZEN PRODUCTS

It is important to note here that there is a general assumption in this publication that the meat is packaged at a USDA-inspected facility and properly labeled with the USDA mark of inspection (the USDA inspection seal/stamp) and that it is handled without being adulterated for sale to retail and non-retail customers. Most often, the individual meat products that are packaged and labeled for sale at a USDA inspected facility are hard frozen. This practice is often the preference of the USDA-inspected facility and the retailer. However, non-frozen or fresh meat products may also be sold under the TDA retail meat permit and the USDA registration for non-retail sales under the Registration of Meat and Poultry Handlers. Inspections by TDA (for those with retail meat permits) and by USDA OIEA (for those registered for non-retail sales as a wholesaler) may vary

depending on whether fresh or frozen products are being handled.

MEAT SALES FROM RETAIL FOOD STORES

It is important to understand that the activity of a business that has a retail meat permit is different from the activities of a retail food store. Likewise, the inspection process by TDA is different for these two businesses. An example of a retail food store is a traditional grocery store. If a farmer interested in beef marketing desires to do some meat processing, then operating a retail food store rather than simply being permitted for retail meat sales may be a consideration.

The facility requirements by TDA for a farmer who sells meat to consumers using the retail meat permit are different from the facility requirements for a retail food store. Often, the facilities for farm-based retail meat sales include the surroundings of a freezer that is dedicated to storage of frozen meat in a properly packaged form that will be sold. The freezer could be located on a porch, or a basement, a barn or a farm shop as long as cleanliness, security and sanitary conditions qualify it for final permitting. On the other hand, the facilities of a retail food store, such as a grocery store with a meat department in which meat is packed for retail sale, would be much different.

The Federal Meat Inspection Act requires that the meat arriving at the retail food store comes from a federally inspected facility and is properly packaged and labeled. The meat arriving at the retail food store can, however, be packaged in bulk form intended for additional processing and packaging for retail as long as the proper label is affixed to each box. Retail food stores will often receive properly packaged and labeled USDA-inspected meat in bulk boxes with the intention of additional cutting and packing of individual cuts and various products. This practice is common and approved within retail establishments that are under the jurisdiction of TDA. The meat products that are further processed in the retail food facility and repackaged for retail sale do not have the same label requirements as the meat packaged for retail sale at the USDA-inspected facility.

Meat products that are processed and packaged at a retail food establishment will not include the USDA mark of inspection (the USDA inspection seal/stamp) but must include the following on the label:

1. Product name.
2. Net weight.
3. Price.
4. Name of the retailer.
5. USDA safe handling instructions.
6. Lot numbers or code dates are recommended.

If the product has other ingredients added, such as a sausage product for example, then a listing of ingredients also must be on the label.

Again, it is important to point out that the sales of meat products from a retail food establishment are considered retail sales to household consumers. However, a retail food store is allowed by the Federal Meat Inspection Act to make some sales to non-retail customers. That is, a retail food store that engages in the operations of cutting up, slicing and trimming carcasses, halves, quarters or wholesale cuts and/or engages in freezing, grinding, breaking bulk shipments or wrapping or rewrapping into retail cuts (such as steaks, chops and roasts) for retail sales to household consumers may also make sales to non-retail customers (non-household consumers) as long as the non-retail sales do not exceed 25 percent of its total meat sales and the dollar value of non-retail meat sales does not exceed the annual dollar limitations of such sales that are set each year by FSIS.

For calendar year 2015, the dollar limitation of sales for meat and meat product sales by retail stores to hotels, restaurants and similar institutions (HRI) is \$76,900 for meat and meat food products and \$58,200 for poultry products. The 25 percent and dollar limitation applies only to those retail food stores that have a TDA retail food store permit. A retail food store that is under inspection by USDA is not limited to the 25 percent rule. It should also be noted that the allowable non-retail sales to hotels, restaurants and similar institutions do not include sales to other grocery or other retail stores.

To summarize, a retail food store with a proper permit from TDA that has a cutting/processing area for breaking bulk and packaging products for retail sales may also make non-retail sales to hotels, restaurants and other institutions as long as those non-retail sales do not exceed 25 percent of total sales and they do not exceed the annual dollar limitation that is set by FSIS.

CUSTOM HARVEST AND PROCESSING FACILITIES

Many household consumers have developed relationships with local livestock producers who will finish an animal for custom harvest for the household consumers' personal consumption. Businesses performing custom harvest and processing services are not under daily federal inspection. They are, however, required to be registered with the USDA, are subject to federal humane harvest regulations, and must have a permit through TDA. Meat from a custom harvest and processing facility is only for the owner's use, the owner's household and non-paying guests. Such meat is not allowed to be offered for sale and must be labeled as such—"not for sale." It is considered a violation of federal and state law for meat from a custom harvest and processing facility to enter commerce or be involved in transactions of commerce.

There are more than 120 custom meat processing facilities in Tennessee with permits from TDA. These operations are in the business of harvesting animals and processing meat for the owners of the animals—meat from these establishments cannot be sold in commerce; hence such products are marked "Not for Sale" by the processor.

Some livestock harvesting and meat processing facilities in Tennessee have dual registrations with TDA and USDA, which means that they may perform both custom harvesting/processing and USDA-inspected harvesting/processing. These operations conduct custom activities on certain days of the week and conduct USDA-inspected activities on scheduled days when the USDA inspector is on-site. Additional information is available in 9 CFR 303.1 which may be accessed online at [edocket.access.gpo.gov/cfr_2011/janqtr/pdf/9cfr303.1.pdf](https://www.ecfr.gov/current/title-9/chapter-I/subchapter-B/part-303/subpart-1/section-303.1).

Farmers selling live animals to local household consumers should carefully conduct the transactions and arrangements that involve custom harvest and processing. Producers may sell live animals to new owners who may have such livestock custom harvested and processed. Multiple owners may buy shares in a live animal. Ownership of livestock should be clearly documented prior to any custom harvesting and processing.

A custom harvest and processing operation may only harvest and process the animal for the owner of the animal. Therefore, cattle producers who finish cattle for custom harvest should be sure that all sale transactions of such cattle are carefully and properly documented to show the sale of a live animal. The transaction, the bill of sale and the transfer of funds should all clearly document a live animal sale between the cattle producer and the household consumer. It is essential that the buyer have full and complete knowledge and understanding that his or her payment is for a specific live animal that he or she has seen.

If the ownership of an animal is divided in parts or shares among owners, it is essential that each partial or share-owner understand and have documentation of such ownership and that each buyer understands that his or her payment is for his or her share of a specific live animal that he or she has seen.

When an animal is delivered to a custom harvest facility, a clear and traceable transaction should be documented between the animal owner and the custom harvest operation. Both the bill of sale and the transfer of funds between the owner of the animal at the time of delivery/harvesting and the custom harvest facility should be clear. That is, the owner of the animal at the time of delivery/harvest, which is the household consumer, must directly pay for the custom-harvest and custom processing services.

Additional information about selling live animals for custom harvesting is available in PB 1821, "A General Guide to Marketing Live Animals for Custom-Exempt Harvesting and Processing" (tiny.utk.edu/PB1821).

SUMMARY

The number of Tennessee livestock producers considering value-added activities such as meat marketing and the sale of live animals for custom harvest has been increasing in recent years. One of the most often mentioned hurdles of developing such value-added operations concerns the regulations involved. When evaluating applicable regulations, it is important to understand the difference in retail and non-retail meat sales. It is also important to understand the difference in federally inspected harvesting and processing and custom-exempt harvesting and processing. Finally, it is important to understand the differences in a retail meat permit from TDA, registration as a wholesale meat handler with USDA, and a retail food store. The issues covered in this publication address some basic concepts involved with the harvesting, processing and marketing of beef, pork, lamb, and goat meat in Tennessee.

APPENDIX



Tennessee Department
of Agriculture

Regulatory Services
Food & Dairy

Julius Johnson
Commissioner

FARM BASED RETAIL MEAT SALES GUIDELINES

Revised October 2011

Requires a \$50 Retail Meat Sales Permit and TDA inspection. Permit must be posted where meat sales occur.

Permit is acceptable for “retail meat sale” only. Product sold for the purpose of resale to restaurants, grocery stores or other retail outlets will be regulated by USDA.

Animals must be processed at a USDA inspected facility which is credentialed for the animal to be processed. Meat must be processed, packaged and labeled at the USDA facility

Labels to be approved by on site USDA personnel and at a minimum must include name of product, complete address of individual offering meat for sale and net weight. Lot/code numbers are recommended.

Meat must be transported in a secure manner - a freezer or refrigerator operated by inverter is acceptable

Cooler/refrigerator/freezer units used for the storage or transportation of meats must be cleanable, kept clean and in good repair

Storage in cooler/refrigerator/freezer(s) units dedicated for the meat offered for sale and is (are) located in a secure area away from potential sources of contamination and accessible for inspection by TDA. Thermometers are required in coolers/refrigerators to verify temperatures of storage .

All poultry meat must be stored in a separate cooler/refrigerator/freezer to prevent cross-contamination with meats of other species unless all such stored meat is received and maintained hard frozen.

No re-freezing of product, if the product is acquired frozen from the processor it must be maintained in a frozen state from the processing facility to the consumer – refrigerated product must be maintained under 41F. from the processing facility to the consumer.

Hands and outer clothing must be kept clean when handling meat being offered for sale.

Records of source animal and consumer or place of consumer purchase should be maintained for traceability purposes.

PURPOSE (MARK ONE)

- REGULAR
- FOLLOW-UP
- COMPLAINT
- CONSULTATION
- TRAINING/AUDIT
- OTHER
- CHANGE
- NEW
- OOB
- MFG/WH/GD

TENNESSEE DEPARTMENT OF AGRICULTURE

Regulatory Services
 Food and Dairy Section
 P.O. Box 40627 Melrose Station
 Nashville, Tennessee 37204
 Phone #: 615-837-5193 Fax #: 615-837-5335

FOOD ESTABLISHMENT INSPECTION

- PERMIT POSTED
- CORRECT FEE
- PUBLIC WATER
- PUBLIC SEWER
- GAS PUMPS
- SCALES
- PLANTS
- PLANT LICENSE
- CRITICAL LETTER
- INSP RPT AVAIL

NAME		OWNER		FOLLOW-UP DATE	
ADDRESS		CITY	ZIP	LID	
MAIL ADDRESS		CITY	ZIP	PHONE	

INSP. NO.			ESTAB. NO.			INSP. DATE			INSP. TIME			CO. #	TYPE	DOLLARS				SM	TOB		MISC					
0	1	2	0	1	2	0	1	2	0	1	2	0	1	2	0	1	2	0	1	2	0	1	2	0	1	2
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1		
2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3		
4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4		
5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5		
6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6		
7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7		
8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8		
9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9		

Items cited identify violations of State Statute which must be corrected by the next routine inspection or such shorter period of time as may be specified by the regulating authority. Failure to comply with any time limits for corrections specified in this NOTICE may result in cessation of your operations, and/or civil penalties. TCA 53-1-103; 53-8-217; 4-3-204.

The most current inspection report must be kept available at the facility for public disclosure to any person who requests to review it.

SCORE

ITEM	DESCRIPTION	WT.
FOOD		
<input type="checkbox"/> *01	Source: sound condition	5
<input type="checkbox"/> 02	Original container, properly labeled	1
FOOD PROTECTION		
<input type="checkbox"/> *03	Potentially hazardous food meets temperature requirements during storage, preparation, display, transportation	5
<input type="checkbox"/> *04	Facilities to maintain product temperature	4
<input type="checkbox"/> 05	Thermometers provided and conspicuous, accurate	1
<input type="checkbox"/> 06	Potentially hazardous food properly thawed	2
<input type="checkbox"/> *07	Cross-contamination prevented: damaged/detained food segregated	4
<input type="checkbox"/> 08	Food protection during storage, preparation, display, dispensing, packaging, transportation	2
<input type="checkbox"/> 09	Handling of food (ice) minimized	2
<input type="checkbox"/> 10	In use, food dispensing utensils properly stored	1
PERSONNEL		
<input type="checkbox"/> *11	Personnel with infections restricted	5
<input type="checkbox"/> *12	Hands washed and clean, good hygienic practices	5
<input type="checkbox"/> 13	Clean clothes, hair restraints	1
FOOD EQUIPMENT & UTENSILS		
<input type="checkbox"/> 14	Food contact surfaces: designed, constructed, maintained, installed, located	2
<input type="checkbox"/> 15	Non-food contact surfaces: designed, constructed, maintained, installed, located	1
<input type="checkbox"/> 16	Warewashing facilities: designed, constructed, maintained, installed, located, operated	2
<input type="checkbox"/> 17	Accurate thermometers, and chemical test kits provided	1
<input type="checkbox"/> 18	Pre-flushed, scraped, soaked	1
<input type="checkbox"/> 19	Wash, rinse water: clean, proper temperature	2
<input type="checkbox"/> *20	Sanitization rinse: clean, temperature, concentration, time. Equipment, utensils sanitized	4
<input type="checkbox"/> 21	Wiping cloths: clean, use restricted, stored	1
<input type="checkbox"/> 22	Food-contact surfaces of equipment and utensils clean, free of abrasives, detergents	2
<input type="checkbox"/> 23	Non-food contact surfaces of equipment and utensils clean	1
<input type="checkbox"/> 24	Clean equipment/utensils: storage, handling	1
<input type="checkbox"/> 25	Single-service articles, storage, handling	1
<input type="checkbox"/> 26	No re-use of single articles	2
WATER		
<input type="checkbox"/> *27	Source: sufficient supply; hot & cold; under pressure	5

ITEM	DESCRIPTION	WT.
SEWAGE		
<input type="checkbox"/> *28	Sewage and waste water disposal	4
PLUMBING		
<input type="checkbox"/> 29	Installed, maintained	1
<input type="checkbox"/> *30	Cross-connection, back siphonage, backflow	5
TOILET & HANDWASHING FACILITIES		
<input type="checkbox"/> *31	Number, convenient, accessible, designed, installed	4
<input type="checkbox"/> 32	Toilet rooms: enclosed, self-closing doors. Fixtures: good repair, clean. Tissue, hand cleanser, sanitary towels/hand-drying devices and proper waste receptacles provided	2
GARBAGE & REFUSE DISPOSAL		
<input type="checkbox"/> 33	Containers or receptacles: covered, adequate number, insect/rodent resistant, pick-up frequency, clean	2
<input type="checkbox"/> 34	Outside storage area and enclosures: properly constructed, clean; controlled incineration	1
INSECT, RODENT, ANIMAL CONTROL		
<input type="checkbox"/> *35	Presence of insects/rodents--outer openings protected, no animals	4
FLOORS, WALLS & CEILINGS		
<input type="checkbox"/> 36	Floors: constructed, drained, clean, good repair, covering installation, dustless methods	1
<input type="checkbox"/> 37	Walls, ceilings: attached equipment, constructed, clean, good repair, surfaces, installation, dustless methods	1
LIGHTING		
<input type="checkbox"/> 38	Lighting provided as required. Fixtures shielded	1
VENTILATION		
<input type="checkbox"/> 39	Rooms and equipment--vented as required	1
DRESSING ROOMS		
<input type="checkbox"/> 40	Rooms, area, lockers: provided, located, used	1
OTHER OPERATIONS		
<input type="checkbox"/> *41	Toxic items: necessary; properly stored, labeled, used	5
<input type="checkbox"/> 42	Premises maintained free of litter, unnecessary articles, cleaning, maintenance equipment properly stored	1
<input type="checkbox"/> 43	Complete separation from living/sleeping quarters, laundry	1
<input type="checkbox"/> 44	Clean, soiled linen properly stored	1

*CRITICAL ITEMS MUST BE CORRECTED AS SOON AS POSSIBLE AND NO LATER THAN TEN (10) DAYS. COMMISSIONER MUST BE NOTIFIED WITHIN FIFTEEN (15) DAYS OF SUCH.

INSPECTOR	RECEIVED BY	TIME	DATE
SCANTRON FORM NO. F-4687-TDA	OFFICE COPY	© SCANTRON CORPORATION 1995 ALL RIGHTS RESERVED.	P4 1901-252-15



Tennessee Department
of Agriculture

REGULATORY SERVICES - ATTN. RFS

BOX 40627 MELROSE STATION

NASHVILLE, TENNESSEE 37204

PHONE # 615-837-5193 FAX # 615-837-5005

APPLICATION FOR RETAIL FOOD STORE LICENSE / W&M DEVICE

YEAR ENDING JUNE 30, _____

The permit fee to operate a Retail Food Store in the State of Tennessee shall be in accordance with the following schedule.

NOTE: Facilities starting operations after Dec 31st shall be charged ½ regular retail permit fee

All Retail Food Stores shall pay an annual permit fee of: \$50.00 \$ _____

Retail Food Stores which contain a Food Service Establishment within the premises shall pay an additional fee based on the following criteria:

Food Service Establishments which prepare potentially hazardous food shall pay a permit as follows:

0-50 seats	\$210.00	\$ _____
51 or more seats	\$360.00	\$ _____

Food Service Establishments which do not prepare potentially hazardous foods shall pay a permit fee of:

	\$35.00	\$ _____
If the permit fee is delinquent for more than thirty (30) days, a penalty fee of ½ the regular permit fee is required in the amount of :	\$ _____	\$ _____

Gasoline, diesel, kerosene dispensers (\$5.00/nozzle; \$15.00/nozzle single hose MPD)	# _____	\$ _____
Scales (< 2501 pounds \$5.00 each; > 2500 pounds \$75.00 each)	# _____	\$ _____
LPG Meters \$85.00 each	# _____	\$ _____
Bulk Meters \$85.00 each	# _____	\$ _____

CHECK HERE FOR FACILITY TYPE CHANGE ONLY	Total Fees	\$ _____
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I hereby make application to the Commissioner of Agriculture of the State of Tennessee for a license to operate a Retail Food Store and agree to comply with the Retail Food Store Inspection Act of 1986 and its Rules and Regulations promulgated by the Commissioner of Agriculture. I also agree to consent to the Tennessee Department of Agriculture the right to enter to conduct an official inspection of said facility. I further understand that failure to meet compliance with the provisions of the Retail Food Store Inspection Act of 1986 could result in permit suspension and/or have fines imposed.

NEW ___ DATE OPENED _____ PREVIOUS EST. NAME _____

PERMIT NUMBER _____ TYPE OF EST. _____ BUS. PH#: (_____)

NAME OF BUSINESS _____

BUSINESS ADDRESS _____

CITY _____ COUNTY _____ COUNTY CODE _____ ZIP _____

NAME OF OWNER(S) _____ OWNER PH#. (_____)

MAILING ADDRESS _____

INSPECTOR _____ INSPECTOR # _____ SQUARE FOOTAGE _____

PLEASE "X" THE FOLLOWING SERVICES/PERMITS PROVIDED BY THE BUSINESS

PUBLIC WATER PUBLIC SEWER GAS PUMPS SCALES PLANTS PLANT DEALER LICENSE

THIS ESTABLISHMENT SELLS TOBACCO PRODUCTS? YES NO

OWNERSHIP CHANGES ONLY: IF THIS APPLICATION IS FOR THE PURPOSE OF OBTAINING A NEW LICENSE DUE TO A CHANGE OF OWNERSHIP, PLEASE SUBMIT THE OLD PERMIT WHEN MAKING APPLICATION.
DATE OF OWNERSHIP CHANGE: _____

The permit fee plus any penalty shall be paid to the: **Tennessee Department of Agriculture, Regulatory Services – ATTN. RFS, P.O. Box 40627, Melrose Station, Nashville, TN 37204** before a permit is issued. The permit shall be kept and displayed in a conspicuous (in public sight) manner in the Retail Food Store to which it is issued. **THIS APPLICATION MUST BE MAILED IMMEDIATELY.**

DATE APPLICATION LEFT AT FACILITY: _____ SIGNED: _____

Safe Handling Instructions

This product was prepared from inspected and passed meat and/ or poultry. Some food products may contain bacteria that could cause illness if the product is mishandled or cooked improperly. For your protection, follow these safe handling instructions.



Keep refrigerated or frozen.
Thaw in refrigerator or microwave.



Keep raw meat and poultry separate from other foods.
Wash working surfaces (including cutting boards),
utensils, and hands after touching raw meat or poultry.



Cook thoroughly.



Keep hot foods hot. Refrigerate leftovers
immediately or discard.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0583-0128. The time required to complete this information collection is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

U.S. DEPARTMENT OF AGRICULTURE
 FOOD SAFETY AND INSPECTION SERVICE
 OFFICE OF PROGRAM EVALUATION, ENFORCEMENT AND REVIEW

DISTRIBUTION: RETAIN ONE COPY FOR YOUR FILES, AND RETURN ONE COPY OF THIS REPORT TO:

USDA, FSIS, OPEER, EED
 1400 Independence Avenue, SW
 Stop Code 3753, PP3, Cubicle 8-243A
 Washington, D.C. 20250-3700
 EPBCorrespondence@fsis.usda.gov

REGISTRATION OF MEAT AND POULTRY HANDLERS

NOTICE TO MEAT AND POULTRY HANDLERS

Unless you operate under Federal Inspection, you are required by law to register with the U.S. Department of Agriculture if you deal in meat or poultry products in or for commerce. (The term "commerce" means commerce between any State, any territory, or the District of Columbia, and any place outside thereof; or within any territory not organized with a legislative body, or the District of Columbia, or within a State or Territory that has been designated for 21 U.S.C. 643 and/or 21 U.S.C. 460 because such State or Territory does not operate a program of its own.)

INSTRUCTIONS: Complete items 1 through 10 and send both copies to the address in the upper right corner. USDA will return one copy of the completed registration to the registrant in item 2.

1. Check the "original" box to indicate first time registration or check the "update" box for any changes to original form and highlight the changed information. (When submitting an update, please specify the registration number.)

ORIGINAL UPDATE REGISTRATION NO. _____

2. NAME AND MAILING ADDRESS OF REGISTRANT (Include Zip Code)

3. FORM OF ORGANIZATION (Check or specify)

<input type="checkbox"/> INDIVIDUALLY OWNED	<input type="checkbox"/> PARTNERSHIP
<input type="checkbox"/> INCORPORATED	<input type="checkbox"/> COOPERATIVE ASSOCIATION
<input type="checkbox"/> LIMITED LIABILITY CORPORATION	<input type="checkbox"/> OTHER (Specify) _____

PHONE: _____ E-MAIL: _____

4. NATURE OF BUSINESS (Check one)

MEAT OR MEAT PRODUCTS POULTRY OR POULTRY PRODUCTS BOTH MEAT AND POULTRY PRODUCTS OTHER: _____

5. CHECK EACH TYPE OF BUSINESS YOU ARE ENGAGED IN

<input type="checkbox"/> DOMESTIC BROKER	<input type="checkbox"/> IMPORT BROKER	<input type="checkbox"/> RENDERER	<input type="checkbox"/> ANIMAL FOOD MANUFACTURER
<input type="checkbox"/> PUBLIC WAREHOUSEMAN	<input type="checkbox"/> WHOLESALE	<input type="checkbox"/> OTHER: _____	

Buying, selling, transporting, or importing any dead, dying, disabled, or diseased cattle, sheep, swine, goats, horses, mules, equines, poultry, or parts of the carcasses of any such animals or poultry that died otherwise than by slaughter. (4D Operator)

6. Address(es) of subsidiaries, branches, or divisions of your organization which engage in business of the type identified in Item 4. Include trade or other names if different from your organization's. (If none, state none)

PHONE: _____ E-MAIL: _____ HOURS OF OPERATION _____

CHANGES: If you make any changes in the names, including trade names, or addresses of the place or places where you do business, report such changes within 15 days to address in upper right corner.

CERTIFICATION BY FIRM OFFICIAL

7. TYPED OR PRINTED NAME	8. TITLE	9. SIGNATURE	10. DATE
--------------------------	----------	--------------	----------

NOTICE OF REGISTRATION BY USDA (COMPLETED BY USDA OFFICIAL)

a. REGISTRATION NO.	b. DATE OF REGISTRATION	c. TITLE OF USDA OFFICIAL	d. SIGNATURE OF USDA OFFICIAL
---------------------	-------------------------	---------------------------	-------------------------------

**INSTRUCTIONS FOR FSIS FORM 5020-1,
REGISTRATION OF MEAT AND POULTRY HANDLERS**

OFFICIAL OF THE "MEAT AND POULTRY HANDLING" FIRM REQUIRED TO REGISTER: COMPLETE BLOCKS 1-10 BEFORE SUBMITTING THE FORM TO FSIS.

- Block 1. Check the box that best describes the nature of the application (original for first time registrations, or update to request changes (specify the registration number and highlight the changes)).
- Block 2. Enter the entire name and mailing address of the registering firm, include the phone number and an E-mail address.
- Block 3. Check the box that describes the "Form of Organization" of the registering firm's organization.
- Block 4. Check the box that best describes the nature of the registrants business (*meat or meat products poultry or poultry products, both meat and poultry products, and other if applicable*).
- Block 5. Check all the boxes that describe the "Type of Business" that the registrant is engaged in (*domestic broker, import broker, renderer, animal food manufacturer, warehouseman, wholesaler, or other*).
- Block 6. Enter the address or addresses of subsidiaries, branches, or divisions of the registrants organization that engage in business of the type checked in block 4. Include any that do business as names, trade names, or names that are different than the name entered in block 1. Include the phone number, an E-mail address, and the hours of operation for each subsidiary, branch, or division. Attach additional sheets if necessary.
- Block 7. Print or type the name of the registering official.
- Block 8. Print or type the title of the registering official.
- Block 9. Enter the signature of the registering official.
- Block 10. Enter the date when the registering official signs the form.

OPEER HEADQUARTERS PERSONNEL: FILL OUT BLOCKS A-D AFTER RECEIVING THE FORM FROM THE REGISTRANT

- Block a. Choose a unique registration number (*method to be determined*).
- Block b. Enter the date the form is signed by a FSIS official.
- Block c. Enter the title of the FSIS official signing the form.
- Block d. Enter the signature of the FSIS official registering the firm.



AG.TENNESSEE.EDU

E12-4015-00-001-15 1.5M 06/15

Programs in agriculture and natural resources, 4-H youth development, family and consumer sciences, and resource development.
University of Tennessee Institute of Agriculture, U.S. Department of Agriculture and county governments cooperating.
UT Extension provides equal opportunities in programs and employment.