

## Obtaining a Custom Permit of Exemption

### A. Custom Operator, responsibilities:

1. Complete VDACS Form 03072 Applications for Permit of Exemption  
Applications are available at the following website:  
<http://www.vdacs.virginia.gov/forms-pdf/cp/meatpoultry/poultrypermit.pdf> Forms may be requested by contacting the Office of Meat and Poultry Services at (804) 786-4569.
2. Completed applications are to be submitted to the Inspection Manager.

OMPS, Inspection Manager  
Lynchburg Regional Laboratory  
4832 Tyreeanna Road  
Lynchburg, VA 24504  
(434) 200-9982

3. Basic Requirements necessary to obtain a custom permit:
  - a. 9 CFR 416.1 All facilities and equipment must be constructed and maintained to prevent the creation of insanitary conditions and the adulteration of product.
  - b. Establishment grounds and facilities:
    - 1) 9 CFR 416.2 (a) Outside areas should be maintained to prevent conditions that could lead to insanitary conditions or adulteration of product. A pest control program should be in place to prevent the entry of rodents, insects, or animals into area where products are handled, processed, or stored. Pest control substances used are safe and effective under the conditions of use and are not applied or stored in a manner that will result in the adulteration of product or the creation of insanitary conditions.
    - 2) 9 CFR 416.2 (b)
      - a) Establishment buildings including their structures, rooms, and compartments must be of sound construction, be kept in good repair, and be of sufficient size to allow for processing, handling, and storage of product in a manner that does not result in product adulteration or the creation of insanitary conditions.

- b) Walls, floors, and ceilings within establishments must be built of durable materials impervious to moisture and be cleaned and sanitized as necessary to prevent adulteration of product or the creation of insanitary conditions.
  - c) Walls, floors, ceilings, doors, windows, and other outside openings must be constructed and maintained to prevent the entrance of vermin, such as flies, rats, and mice.
  - d) Rooms or compartments in which edible product is processed, handled, or stored must be separate and distinct from rooms or compartments in which inedible product is processed, handled, or stored, to the extent necessary to prevent product adulteration and the creation of insanitary conditions.
- 3) 9 CFR 416.2(c) Lighting of good quality and sufficient intensity to ensure that sanitary conditions are maintained and that product is not adulterated must be provided in areas where food is processed, handled, stored, or examined; where equipment and utensils are cleaned; and in hand-washing areas, dressing and locker rooms, and toilets.
- 4) 9 CFR 416.2(d) Ventilation adequate to control odors, vapors, and condensation to the extent necessary to prevent adulteration of product and the creation of insanitary conditions must be provided.
- 5) 9 CFR 416.2(e) Plumbing systems must be installed and maintained to:
- a) Carry sufficient quantities of water to required locations throughout the establishment;
  - b) Properly convey sewage and liquid disposable waste from the establishment;
  - c) Prevent adulteration of product, water supplies, equipment, and utensils and prevent the creation of insanitary conditions throughout the establishment;
  - d) Provide adequate floor drainage in all areas where floors are subject to flooding-type cleaning or where normal operations release or discharge water or other liquid waste on the floor;
  - e) Prevent back-flow conditions in and cross-connection between piping systems that discharge waste water or sewage and piping systems that carry water for product manufacturing; and

- f) Prevent the backup of sewer gases.
- 6) 9 CFR 416.2(f) Sewage must be disposed into a sewage system separate from all other drainage lines or disposed of through other means sufficient to prevent backup of sewage into areas where product is processed, handled, or stored. When the sewage disposal system is a private system requiring approval by a State or local health authority, the establishment must furnish FSIS with the letter of approval from that authority upon request.
- 7) 9 CFR 416.2(g)(1) A supply of running water that complies with the National Primary Drinking Water regulations (40 CFR part 141), at a suitable temperature and under pressure as needed, must be provided in all areas where required (for processing product, for cleaning rooms and equipment, utensils, and packaging materials, for employee sanitary facilities, etc.). If an establishment uses a municipal water supply, it must make available to FSIS, upon local health agency, certifying or attesting to the potability of the water supply. If an establishment uses a private well for its water supply, it must make available to FSIS, upon request, documentation certifying the potability of the water supply that has been renewed at least semi-annually.
- 8) 9 CFR 416.2(h) Dressing rooms, lavatories, and toilets:
- a) Dressing rooms, toilet rooms, and urinals must be sufficient in number; ample in size, conveniently located, and maintained in a sanitary condition and in good repair at all times to ensure cleanliness of all persons handling any product. They must be separate from the rooms and compartments in which products are processed, stored, or handled.
  - b) Lavatories with running hot and cold water, soap, and towels, must be placed in or near toilet and urinal rooms and at such other places in the establishment as necessary to ensure cleanliness of all persons handling any product.
  - c) Refuse receptacles must be constructed and maintained in a manner that protects against the creation of insanitary conditions and the adulteration of product.

c. Equipment and utensils:

- 1) 9 CFR 416.3(a) Equipment and utensils used for processing or otherwise handling edible product or ingredients must be of such material and construction to facilitate thorough cleaning and to ensure that their use will not cause the adulteration of product during processing, handling, or storage. Equipment and utensils must be maintained in sanitary condition so as not to adulterate product.
- 2) 9 CFR 416.3 (c) Receptacles used for storing inedible material must be of such material and construction that their use will not result in the adulteration of any edible product or in the creation of insanitary conditions. Such receptacles must not be used for storing any edible product and must bear conspicuous and distinctive marking to identify permitted uses.

d. Sanitary operations:

- 1) 9 CFR 416.4(a) All food-contact surfaces, including food-contact surfaces of utensils and equipment, must be cleaned and sanitized as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of product.
- 2) 9 CFR 416.4(b) Non-food-contact surfaces of facilities, equipment, and utensils used in the operation of the establishment must be cleaned and sanitized as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of product.
- 3) 9 CFR 416.4(c) Cleaning compounds, sanitizing agents, processing aids, and other chemicals used must be safe and effective under the conditions of use. Storage, handling and use of these chemicals should not adulterate product or create insanitary conditions.
- 4) 9 CFR 416.4(d) Product must be protected from adulteration during processing, handling, storage, loading, and unloading at and during transportation from official establishments.
- 5) 9 CFR 303.1(a) (2) (ii) If custom operators prepare or handle any products for sale, they are kept separate and apart from custom prepared products at all times.
- 6) 9 CFR 318.6 Ingredients and packaging materials used for custom products shall be clean, sound, healthful, wholesome, and otherwise such as will not result in the product being adulterated.

7) Meat food products containing raw pork, identified in 318.10(b), must be treated to destroy trichinae. This includes poultry products containing pork as those specified in 318.10.

e. Equipment and utensils:

- 1) 9 CFR 416.5(a) All persons working in contact with product, food contact surfaces, and product-packaging materials must adhere to hygienic practices while on duty to prevent adulteration of product and the creation of insanitary conditions.
- 2) 9 CFR 416.5(b) Aprons, frocks, and other outer clothing worn by persons who handle product must be of material that is disposable or readily cleaned. Clean garments must be worn at the start of each working day and garments must be changed during the day as often as necessary to prevent adulteration of product and the creation of insanitary conditions.
- 3) 9 CFR 416.5(c) Any person who has or appears to have an infectious disease, open lesion, including boils, sores, or infected wounds, or any other abnormal source of microbial contamination, must be excluded from any operations which could result in product adulteration and the creation of insanitary conditions until the condition is corrected.

f. Inedible Product Handling:

- 1) 9 CFR 325.13 & 303.1(b)(4) Inedible materials must be controlled to prevent the diversion of inedible products (including SRMs) into human food channels or the adulteration of human food. Articles capable for use as human food must be promptly denatured unless they are delivered to the owner of the article.
- 2) 3.2-5414 Code of Virginia requires custom operators who haul inedible product on public roadways to apply for an inedible hauler permit.

g. Product Labeling:

- 1) 9 CFR 316.16 & 317.16 All meat products must be legibly marked "NOT FOR SALE". The lettering must be at least three-eighths of an inch in height. Each carcass, or quarter if appropriate, must be marked with an ink brand. Livers, hearts, and tongues must also be legibly marked as "NOT FOR SALE".
- 2) Containers or packages containing meat products prepared on a custom basis must be plainly marked "NOT FOR SALE".

- 3) Ink used for marking such products must comply with requirements of 9 CFR 316.5.
- 4) All shipping containers of custom exempt poultry products must bear the producers name and address and the statement "Exempted—P.L. 90-492" unless otherwise exempted in 381.10(a) (7) (c).
- 5) Other information may be applied to the product label as long as it is not misleading or false.
- 6) Animal raising claims applied to labels must be submitted to OMPS for approval.

h. Record Keeping:

- 1) 9 CFR 320.1, 320.2, 320.3 & 320.4 Record must be kept identifying the owners full name and address, the specie, approximate weight of the carcass/item, date the carcass/item is received at the custom establishment, date animal was slaughtered (custom slaughter operations only), types of products processed, processing date, finished weight (weight of items owner takes home), and date owner picks up custom product. Records are required to be kept in the place where business is concluded. Records must be kept for 2 years after December 31 of the year in which the transaction occurred. Access to records for copying and the examination and sampling of inventory must be allowed when requested by a representative of the Secretary of Agriculture.

i. SRM Handling:

- 1) For custom establishments slaughtering and/or processing beef, records should be kept to certify that the animal was ambulatory before slaughter. Records should identify the age of the cattle as under or over 30 months. The skull, brain, trigeminal ganglia, eyes, vertebral column (excluding the vertebrae, and wings of the sacrum), spinal cord and dorsal root ganglia, of cattle 30 months of age or older and the distal ileum of the small intestine of all cattle, have been identified by USDA as adulterants and therefore should be treated as inedible product.

j. Humane Slaughter:

- 1) Water must be made available to livestock in holding pens.

- 2) All livestock to be handled humanely, moving animals calmly and without excessive excitement.
- 3) Pens and alleys kept in good repair.
- 4) Humane handling of disabled livestock.
- 5) Appropriate and effectively administered stunning methods which produce unconsciousness before the animal is shackled, hoisted, thrown, cast or cut.
- 6) Animals slaughtered in accordance with ritual requirements of a religious faith suffer loss of consciousness by anemia of the brain, caused by simultaneous severance of the carotid arteries with a sharp instrument.

k. Canning:

- 1) Establishments producing canned products must follow guidelines of 9 CFR 318.300-318.311. These can be found at the following website or by contacting the Inspection Manager.  
[http://www.access.gpo.gov/nara/cfr/waisidx/05/9cfr318\\_05.html](http://www.access.gpo.gov/nara/cfr/waisidx/05/9cfr318_05.html)