

# ADMINISTRATIVE CODE

## TITLE 8: AGRICULTURE AND ANIMALS

### CHAPTER I: DEPARTMENT OF AGRICULTURE

#### SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACT

##### PART 125 MEAT AND POULTRY INSPECTION ACT

###### **SECTION 125.151 LIVESTOCK AND MEAT PRODUCTS – CUSTOM EXEMPTION FOR ESTABLISHMENTS WITH TYPE I LICENSES**

---

###### **Section 125.151 Livestock and Meat Products – Custom Exemption for Establishments with Type I Licenses**

- a) Type I custom exempt establishments are those:
  - 1) that slaughter, or prepare any meat or meat food products, on a custom basis (i.e., for the customer's own use and not for sale); and
  - 2) that have been granted a custom exemption by the Director under Section 5.1(e) of the Act.
- b) Type I establishments that desire to slaughter or process under a custom exemption (see Section 5.1(e) of the Act) may do so after submitting a written notification to the Department each year and receiving approval from the Department.
- c) Notification to the Department
  - 1) Request for Annual Exemption
    - A) Type I establishments that desire to slaughter under a custom exemption or receive or process uninspected product under a custom exemption may do so after receiving approval from the Chief of the Department's Bureau of Meat and Poultry Inspection on an annual basis. To receive approval, the establishment must submit to the Bureau Chief a written notice, on a form prescribed by the Department. Upon receiving written approval from the Bureau Chief, the establishment may use the custom slaughter exemption. All approvals expire on December 31 of each year.
    - B) The written notices required by subsection (b)(1)(A) shall be sent to:

Bureau of Meat and Poultry Inspection  
Department of Agriculture  
State Fairgrounds  
P.O. Box 19281  
Springfield IL 62794-9281
  - 2) Using a Custom Exemption Outside of Approved Hours of Operation

- A) Type I establishments that hold prior written approval from the Director to use the custom exemption and that desire to slaughter, receive or process uninspected product outside of approved hours/days may do so if the Department is provided with notice after each occurrence.
- B) Type I establishments must notify the Department's assigned inspector after each use of the custom exemption outside of approved hours/days of operation. The notification must be made, on or before the next scheduled business day after each occurrence, on a form prescribed by the Department.

d) Custom Exemption Requirements

- 1) Slaughter must comply with the federal regulations concerning Humane Slaughter of Livestock (9 CFR 313; 2011).
- 2) Products cannot be sold or donated.
- 3) Establishments that smoke, cure, or heat a product shall heat the product at a sufficient temperature and for a sufficient time to kill pathogens to prevent adulteration of the product. The establishment shall properly cool the product to prevent the growth of pathogens. Establishments must maintain heating and, if applicable, cooling records for products produced under the custom exemption. These records must be maintained for two years and made available to inspection personnel upon request.
- 4) The adulteration and misbranding provisions of the Act apply to any carcasses, parts of carcasses, meat, or meat food products that are exempted from the inspection requirements.
- 5) Animals intended for custom exemption slaughter must be segregated from animals intended for inspected slaughter. They must be kept in separated pens and prevented from comingling with inspected animals.
- 6) Once an establishment offers an animal for ante-mortem inspection, the establishment cannot change the animal's status to "intended for custom exemption".
- 7) Custom exemption products must be completely physically separated from inspected products throughout the entire process. If an establishment using the custom exemption prepares or handles any products for sale, they shall be kept separate and apart from the custom prepared products at all times while the custom prepared products are in the establishment's custody. The establishment must determine what forms of physical separation will work best for its plant.
- 8) Carcasses marked "NOT FOR SALE – NOT INSPECTED" must be separated from carcasses and parts slaughtered under inspection.
- 9) All custom exemption products must be clearly marked with "NOT FOR SALE – NOT INSPECTED". The marking must be done in a manner that ensures that it remains applied in letters at least  $\frac{3}{8}$ " high. Markings may be

placed on a tag or card securely attached to the product, meat, immediate container, or paper wrapping the meat. If the wording is inked directly to the meat, it must meet the requirements of Section 125.250(b).

- A) Livestock slaughtered in Type I establishments operating under custom exemption shall be clearly stamped or tagged with the words "NOT FOR SALE – NOT INSPECTED" prior to leaving the kill floor.
- B) Livestock slaughtered under inspection in Type I establishments with an approved custom exemption shall be stamped with the official mark of inspection prior to leaving the kill floor.
- C) Field-slaughtered and farm-dressed carcasses or parts delivered to a Type I establishment for custom exempt processing shall be:
  - i) delivered in a sanitary manner;
  - ii) ready for cutting up or processing; and
  - iii) stamped or tagged with "NOT FOR SALE – NOT INSPECTED" after entering any part of the facility.

10) Cattle delivered to establishments must be ambulatory at the time of delivery, and this must be acknowledged in writing by the cattle owner. Beef carcasses or carcass parts delivered to establishments must have a written statement from the owner certifying the age of the animal and that the animal was ambulatory at the time of slaughter.

11) The establishment shall keep a record of the name and address of the owner of each animal, carcass or portion of a carcass received, the date received, and the dressed weight. These records shall be maintained for at least two years and shall be available, during approved hours/days of operation, for inspection by Department personnel.

12) Custom exempt products may not contain specified risk material. The following materials from cattle are specified risk materials as they may lead to exposure to bovine spongiform encephalopathy (BSE):

- A) from cattle 30 months of age and older, the brain, skull, eyes, trigeminal ganglia, spinal cord, vertebral column (excluding the vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae, and the wings of the sacrum), and dorsal root ganglia; and
- B) from all cattle, the distal ileum of the small intestine and the tonsils.

13) Type I establishments that slaughter livestock under a custom exemption must test the plant for *Escherichia coli* Biotype 1 (*E. coli*) in the manner required by Section 5.2(d) of the Act. Test samples collected under this subsection (c)(13) shall count toward the 13 samples required by Section 5.2(d)(3).

- e) The Department will create and make available standardized recordkeeping or reporting forms for use by Type I plants utilizing the custom exemption. Plants may design and use their own forms as long as they contain the minimum information required by this Part.

(Source: Added at 43 Ill. Reg. 12978, effective October 28, 2019)