



**NEW YORK STATE
DEPARTMENT OF AGRICULTURE AND MARKETS
DIVISION OF FOOD SAFETY AND INSPECTION
10B AIRLINE DRIVE
ALBANY, NY 12235**

CIRCULAR 925

Relating To The

**LICENSING OF
SLAUGHTERHOUSES**

Article 5-A of the Agriculture and
Markets Law (Chapter 48, Laws of
1922, as amended) Relating to
LICENSING OF SLAUGHTERHOUSES
With
Rules and Regulations

(Revised August 5, 2016)

ARTICLE 5-A
LICENSING OF SLAUGHTERHOUSES

Section

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Section 96-a. Declaration of policy and purpose.

Whereas unsanitary conditions in the slaughtering of animals and fowl for food have been found to exist in this state, and whereas such conditions endanger the health and welfare of the people of the state, it is hereby declared to be a matter of legislative determination that the supervision of the slaughtering of animals and fowl is in the public interest, and that this article is enacted in the exercise of the police power of the state and its purposes are the protection of the public health.

Section 96-b. License required.

1. No person, firm, partnership or corporation not granted inspection pursuant to the federal meat inspection act, the federal poultry products inspection act, article five-B or article five-D of this chapter shall operate any place or establishment where animals or fowls are slaughtered or butchered for food unless such person, firm, partnership or corporation be licensed by the commissioner. In addition to any other requirements established by the commissioner, such license shall prohibit the slaughter or butchering by slaughterhouses of domesticated dog and domesticated cat to create food, meat, meat by-products or meat food products for human or animal consumption. An application for license shall be made upon a form prescribed by the commissioner on or before the first day of May in every other year, for a two year license period commencing upon the following first day of June. With the application there shall be paid a license fee of two hundred dollars.

2. In a city with a population of one million or more, the commissioner shall not license any person, firm, partnership or corporation to operate any place or establishment where animals and/or fowls are slaughtered or butchered for food within a fifteen hundred foot radius of a residential dwelling. This subdivision shall not apply to any premises upon which a person, firm, partnership or corporation has been continuously conducting business as described in this subdivision from a date prior to the effective date of this subdivision.

3. In addition to any other requirements established by this chapter, an applicant for a license pursuant to this article shall furnish evidence: (a) of his or her good character, experience and competency, (b) that the establishment has adequate facilities and equipment for the business to be conducted, (c) that the establishment is such that the cleanliness of the premises can be maintained and (d) that the product produced therein will not become adulterated.

Section 96-c. Posting of inspection results required

Each person, firm, partnership or corporation licensed pursuant to this article shall post a copy of the date and results of its most recent sanitary inspection by the department in a conspicuous location near each public entrance, as prescribed by the commissioner. Such copies shall also be made available to the public upon request.

Section 96-d. Application of article.

Except for the absolute prohibition against the slaughtering or butchering of domesticated dog and domesticated cat to create food meat, meat by-products or meat food products for human or animal consumption contained in this article which shall continue to apply notwithstanding the following exclusions from this article, the remaining provision of this article shall not apply to (a) any bona fide farmer who butchers his own domestic animals or fowl on his farm exclusively for use by him and members of his household and his non- paying guests and employees, or (b) any custom slaughterer, (as used in this section, "custom slaughterer" means a person, firm, corporation or association who or which operates a place or establishment where animals are delivered by the owner thereof for slaughter exclusively for use, in the household of such owner, by him, and members of his household and his non-paying guests and employees, provided, that such custom slaughterer does not engage in the business of buying or selling any carcasses, parts of carcasses, meat or meat products of any animal), or (c) any person who slaughters not more than two hundred fifty turkeys or an equivalent number of birds of all other species raised by him on his own farm during the calendar year for which an exemption is sought (four birds of other species shall be deemed the equivalent of one turkey), provided that such person does not engage in buying or selling poultry products other than those produced from poultry raised on his own farm, or (d) any person who donates, and any charitable or not-for-profit organization that possesses, prepares or serves game or wild game pursuant to section 11-0917 of the environmental conservation law (and any person who processes game or wild game on behalf of such donor).

Section 96-e. Unlawful acts.

1. It shall be unlawful for any person, firm, partnership or corporation to operate any slaughterhouse, abattoir or other place or establishment where animals or fowl are slaughtered or where meat or meat food products are prepared or processed for food unless such place or establishment is maintained and operated in a clean and sanitary manner, and conducted in accordance with the provisions of this article and with the regulations of the commissioner.

2. It shall be unlawful to expose any meat, fowl or meat food product in any slaughterhouse, abattoir or other place or establishment to insects, live animals or injurious contamination; or to slaughter, possess or sell unwholesome meat. Meat shall be unwholesome within the meaning of this article if it be from a diseased animal or one which shall have died other than by slaughter, or if such meat shall be contaminated with filth or shall have been slaughtered, processed or handled under insanitary conditions.

3. It shall be unlawful to feed hogs uncooked offal from a slaughterhouse.

4. It shall be unlawful for any slaughterhouse, abattoir or other place or establishment, or for any person, to slaughter or butcher domesticated dog (*canis familiaris*) or domesticated cat (*felis catus* or *domesticus*) to create food, meat or meat products for human or animal consumption. A violation of this subdivision shall subject the offender to a civil penalty of up to one thousand dollars for an

individual and up to five thousand dollars for a corporation for the first violation. Any subsequent violation shall be subject to a civil penalty of up to twenty-five thousand dollars. Any civil penalties collected pursuant to this subdivision shall be paid to the animal population control fund established by section ninety-seven-xx of the state finance law.

Section 96-f. Denial, revocation and suspension of licenses.

1. The exposure of meat, fowl or meat food product to insects, live animals or injurious contamination, or the slaughter, possession or sale of unwholesome meat, or the slaughtering, butchering, possession or sale of the fur, hair, skin or flesh of a domesticated dog (*canis familiaris*) or domesticated cat (*felis catus* or *domesticus*) shall be cause for the denial of an application for license, or the revocation or suspension of a license already granted. Any such denial, revocation or suspension may be reviewed by a proceeding instituted under article seventy-eight of the civil practice law and rules.

2. After due notice and opportunity to be heard, the license issued to any person, firm, partnership or corporation to operate any place or establishment where animals or fowls are slaughtered or butchered for food pursuant to subdivision one of this section shall be revoked upon establishing failure of three consecutive inspections. Nothing in this subdivision shall prohibit the commissioner from taking licensing action prior to failure of three consecutive inspections.

3. Each licensee shall post a copy of the date and results of its most recent sanitary inspection by the department in a conspicuous location near each public entrance, as prescribed by the commissioner. Such copies shall also be made available to the public upon request. Any licensee that violates the provisions of this subdivision shall be subject to a penalty of five hundred dollars for each day of violation.

4. In addition to any other grounds established by this article for the denial, revocation and suspension of licenses, the commissioner may decline to grant a new license, may decline to renew a license, or may suspend or revoke a license after due notice and opportunity for hearing whenever he or she finds that:

- (a) any statement contained in an application for license is or was false or misleading;
- (b) the establishment does not have facilities or equipment sufficient to maintain adequate sanitation for the activities conducted;
- (c) the establishment is not maintained in a clean and sanitary condition or is not operated in a sanitary or proper manner;
- (d) the maintenance and operation of the establishment is such that the product produced therein is or may be adulterated;
- (e) the establishment has failed or refused to produce any records or provide any information demanded by the commissioner reasonably related to the administration and enforcement of this article;
- (f) the applicant or licensee, or an officer, director, partner, holder of ten percent of the voting stock, or any other person exercising any position of management or control has failed to comply with any of the provisions of this chapter or rules and regulations promulgated pursuant thereto; or
- (g) any person including the applicant or licensee, or an officer, director, partner or any stockholder, exercising any position of management or control has been convicted of a felony in any

court of the United States or any state or territory and that there is a direct relationship between that felony and the license sought or held by the individual.

RULES AND REGULATIONS FOR SLAUGHTERHOUSES

Title 1 - Official Compilation of Codes, Rules and Regulations of the State of New York

PART 245 SLAUGHTERHOUSES

Section

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Section 245.1 Compliance required, waiver.

(a) Prior to the issuance of a slaughterhouse license pursuant to article 5-A, the commissioner must be satisfied that the slaughterhouse complies with construction, equipment and sanitation requirements established by this Part. To determine whether the slaughterhouse is in compliance with these requirements, the commissioner may cause an examination of the premises, equipment and facilities to be made. Complete drawing and specifications for new construction, new businesses and alterations of existing premises shall be submitted to the commissioner for approval. Construction of new facilities, new businesses and alterations of existing facilities shall not commence until drawings and specifications have been reviewed and approved by the commissioner.

(b) Licensees shall conduct only the slaughter operations that are listed on their license application and have been approved by the commissioner.

Section 245.2 Construction and sanitation.

(a) Rooms, compartments, places, equipment and utensils used for preparing, processing, storing or otherwise handling any product, and all other parts of the establishment shall be kept in a clean and sanitary condition.

(b) The outside premises shall be maintained in a condition that prevents it from becoming

an attractant, breeding place or harborage for rodents, insects and other pests. Garbage, refuse, debris and waste materials shall be stored as to minimize the development of odor and to prevent it from becoming an attractant and harborage or breeding place for rodents, insects and other pests. Roadways on the premises adjacent to the establishment shall have a hard surface.

(c) There shall be no handling or storing of materials which create an objectionable condition in the premises.

(d) There shall be abundant light, both natural and artificial, of good quality and well distributed, and sufficient ventilation for all rooms and compartments to ensure sanitary conditions.

(e) There shall be an efficient drainage and plumbing system for the establishment and premises. All drains and gutters shall be properly installed with approved traps and vents in accordance with any State or local construction or sanitary code, and shall be connected to a sanitary sewer or acceptable disposal system. The discharge of water and waste must conform to all State and local requirements.

(f)

(1) An adequate potable water supply, both hot and cold, delivered under pressure to sufficient, convenient outlets for washing carcasses and parts, walls, floors and equipment shall be available at all times during operation.

(2) An ample supply of water at not less than 180° F and/or an approved sanitizer shall be furnished and used for the cleaning of equipment, floors, walls and the like which are subject to contamination in the dressing or handling of diseased carcasses, their viscera and parts.

(3) Hot water for cleaning rooms and equipment other than those mentioned in paragraph (2) of this subdivision shall be delivered under pressure to sufficient convenient outlets and shall be not less than 150° F.

(4) Water shall be delivered at a minimum pressure of 30 pounds per square inch.

(5) A knife sterilization or disinfection system shall be provided for the evisceration of animals and fowl.

(g) The doors, walls, ceiling, partitions, posts and other parts of structures shall be of such materials, construction, repair and finish as will make them susceptible of being readily and thoroughly cleaned.

(h) Floors shall be of watertight and impervious materials sloped to efficient drain.

(i) Window sills shall be sloped to a 45-degree angle.

(j) Construction shall render the establishment resistant to the entrance of rodents, insects and other vermin. The use of poisons for any purpose in rooms or compartments where any unpacked product is stored or handled is forbidden, except under such restrictions and precautions as the commissioner may prescribe.

(k) The establishment shall be maintained in a condition that prevents the attraction of rodents, insects and other vermin.

(l) The junction of floors and walls shall be covered to a radius of at least two inches.

(m) Rails shall be of sufficient height to prevent carcasses from contacting the floor.

(n) All slaughtering and processing rooms shall have sufficient conveniently located hand-washing facilities of foot-pedal operation or equivalent devices and supplied with hot running water with a temperature of at least 105° F and cold running water tempered by means of a mixing valve or combination faucet, powdered or liquid soap dispensed from a sanitary container and individual towels or hand drying devices.

(o) In establishments where poultry is processed, the eviscerating, cutting and packing operations shall be separated from the killing, scalding and dressing operations by the use of separate rooms or by a thorough and complete cleanup prior to the eviscerating, cutting and packaging operations.

(p) The live animal and poultry holding areas shall be separated from the killing, processing and storage areas of the establishment by the use of separate rooms.

(q) Dogs and cats shall be excluded from establishments.

Section 245.3. Sanitary facilities.

(a) Adequate sanitary facilities and accommodations shall be furnished.

(b) One or more dressing rooms and toilet rooms shall be provided, which shall be conveniently located, have self-closing doors and be properly ventilated and lighted. They shall be separate from the rooms and compartments in which products are prepared, stored or handled. Where both sexes are employed, separate facilities shall be provided.

(c) Hand-washing facilities, including running hot and cold water, liquid or powdered soap dispensed from sanitary containers and individual towels, shall be placed in or near toilet rooms.

(d) Hand-washing facilities shall be provided with hot water of at least 105° F and cold water tempered by means of a mixing valve or combination faucet, powdered or liquid soap dispensed from sanitary containers and individual towels or hand drying devices.

(e) Establishment toilet soil lines shall be separate from house drainage lines to a point outside the building and drainage from toilet bowls and urinals shall not be discharged into a grease catch basin.

(f) Products shall not be processed, prepared or stored directly beneath sewer lines, drain pipes or other system carrying sewage or waste unless such pipe lines are leak proof or properly protected by insulating materials or other means.

(g) A separate room shall be provided for the cleaning and sanitizing of transportation cages. Cleaning and/or storing transportation cages outside the establishment is prohibited.

Section 245.4. Equipment

(a) Equipment must be so constructed as to be easily cleaned, and that used for inedible products must be marked.

(b) Live animal and poultry holding and transportation cages shall be thoroughly cleaned and sanitized after use, with the exception of transportation cages that have been placed on a vehicle for return immediately after the delivery of the live animals and poultry. Live animals and poultry shall not be housed in transportation cages, but shall be housed in holding cages equipped with waste material catch pans at the bottom of each cage. Such cages shall provide access to food and water. Live animals and poultry shall be obtained only from approved sources and shall meet all animal health requirements as set forth in Parts 45, 57, 62, 63 and 67 of 1 NYCRR.

(c) Tools, equipment and utensils used for preparing, processing and otherwise handling any product shall be of such material and construction as will make them susceptible of being readily and thoroughly cleaned and such as will ensure strict cleanliness in the preparation and handling of all products. So far as is practicable, such equipment shall be made of metal or other impervious material. Trucks and receptacles used for inedible material shall be of similar construction and shall bear some conspicuous and distinctive mark, and shall not be used for handling edible products.

(d) Tools, equipment and utensils shall be made of nontoxic material, shall be thoroughly cleaned and sanitized immediately after a change in processing between species, after any interruption of operations during which contamination may have occurred, and after each day's use. The equipment shall be properly stored and protected when not in use and shall be clean at the time of use. All shroud cloths shall be acceptably clean at time of use.

Section 245.5. Protection of products.

(a) Products shall be protected from contamination at all times during production, preparation, storage and transportation.

(b) Refrigerated storage of adequate capacity shall be provided and maintained at temperatures not to exceed 41° F for fresh meats and poultry, carcasses and parts thereof, and not to exceed 41° F for processed meats and poultry, meat and poultry by-products and meat and poultry food products.

(c) Vehicles in which products are transported shall be so constructed as to prevent dust, dirt, flies, insects and other contamination from coming in contact with products and shall be maintained in a clean and sanitary manner. Refrigeration at a temperature not to exceed 41° F and satisfactory protective covering for products shall be provided when necessary.

(d) All used tubs, barrels, and boxes used as containers of products shall be thoroughly cleaned and sanitized before reuse. They shall be of such construction and material as to protect products adequately from dust, dirt, flies, insects and other contamination, and a satisfactory sanitary liner shall be provided for such used containers where necessary.

(e) In establishments where poultry is processed, chilling tanks or vats shall be of smooth metal construction. They shall have a continuous water overflow and be emptied, cleaned and sanitized after each use. Ice used in such tanks and vats shall be clean and wholesome and stored in a

clean, sanitary manner.

(f) All poultry carcasses and parts thereof, shall be thoroughly rinsed following evisceration.

(g) Poultry scalders shall maintain a continuous intake of potable water sufficient to maintain clean water and provide minimum overflow of one quart of water per bird per minute. They shall be emptied, cleaned and sanitized after each use.

(h) Eviscerating facilities and equipment at each work station shall be sufficient to ensure that carcass and product preparation can be accomplished without contamination.

(i) Animals dressed with hides on shall be thoroughly washed and cleaned before evisceration. Washing equipment of an approved type to thoroughly and efficiently wash carcasses inside and out shall be provided.

(j) Hides shall not be stored on the killing floor, nor stored exposed in rooms or compartments used for edible products.

(k) Carcasses with hides on shall not be stored in contact with skinned and dressed carcasses or parts thereof or other edible products.

(l) All waste and offensive refuse shall be removed from the premises at least every 24 hours if the establishment is operated continuously or within 24 hours after use if the establishment is used only occasionally. Manure shall not be allowed to accumulate on the premises.

(m) A separate inedible waste room shall be provided for handling and storage of waste containers and covers, waste materials, inedible material, and condemned products. This room shall be so located as to ensure no contamination to edible products or congestion in the establishment. Hot and cold running water, proper drainage, and facilities for cleaning the area shall be provided and the area shall be maintained in a clean and sanitary condition. Where necessary it shall be separated from any area in which edible products are handled.

(n) Establishments desiring to singe poultry must meet the following requirements:

(1) The singeing process may only be used to remove excess feathers and shall not be used to brown or burn the flesh. Singeing shall be conducted after removal of feathers.

(2) Singed carcasses shall be chilled and eviscerated immediately after singeing.

(3) Finished product shall be labeled with the following statement: "Keep refrigerated at 41° F or below. Poultry must be cooked to an internal temperature of 165° F or higher."

Section 245.6. Cleanliness required.

(a) Operations and procedures involving the preparation, storing or handling of any product, and all parts of the establishment, shall be kept in a clean and sanitary condition. There shall be no handling or storing of materials which create an objectionable condition in rooms, compartments or places where products are prepared, stored or otherwise handled.

(b) Rooms and compartments in which animals are slaughtered or any product is processed or prepared shall be kept reasonably free of steam and vapors to enable proper inspections and to ensure clean operations. The walls, ceilings and overhead structures of rooms and compartments in which products are prepared, handled or stored shall be kept reasonably free of moisture.

(c) Butchers and others who dress or handle diseased carcasses or parts shall cleanse their hands with soap and hot water, and rinse them in clean water. Implements used in dressing diseased carcasses shall be thoroughly cleansed in boiling water, or in an approved disinfectant followed by rinsing in clean water. Employees who handle any product shall keep their hands clean and in all cases, after visiting the toilet rooms or urinals shall wash their hands before handling any products or the implements used in the preparation of products.

(d) Aprons, frocks, and other outer clothing worn by persons who handle any product shall be of material that is readily cleaned and only clean garments shall be worn. 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 creation of insanitary conditions. Care shall be taken to prevent the contamination of products with perspiration, hair, cosmetics, medicaments and the like.

(e) Such practices as spitting on whetstones, spitting on the floors, placing skewers, tags or knives in the mouth, inflating lungs or casings or testing with air from the mouth such receptacles as tierces, kegs, casks and the like containing any product or intended as containers of any product, are prohibited. Only mechanical means may be used for testing.

(f) Smoking shall not be permitted in areas where edible products are handled or processed. Signs prohibiting smoking shall be conspicuously posted in such areas.

Section 245.7. Employment of persons with disease.

No person affected with tuberculosis or other communicable disease in a transmittable stage shall be employed in any department where any product is handled or prepared. The commissioner, when he has reasonable grounds to believe such action necessary, may require a medical examination of any person handling edible products and a certificate of a duly licensed physician showing the absence of such disease as a condition precedent to such continued employment.

Section 245.8. Exotic animals.

(a) For purposes of this section, exotic animal shall mean any captive reindeer, elk, deer, antelope, water buffalo or bison which are raised commercially for food.

(b) Field slaughter of exotic animals shall be permitted, provided that the following requirements are met:

(1) The farm or animal owner has a designated area where an ante-mortem inspection and slaughter can be performed;

(2) A veterinarian shall conduct an ante-mortem inspection on the same day of slaughter.

(3) A copy of the veterinarian's ante-mortem report shall accompany the transport vehicle to

the processing facility.

(4) The processing facility shall retain and maintain a copy of the ante-mortem report for a period of one year from the date of receipt of the slaughtered exotic animal.

(5) The transport of intact, exotic animal carcasses to a processing facility shall take place on the day of slaughter.

(6) The slaughter of all species susceptible to chronic wasting disease shall be performed in accordance with Part 68 of 1 NYCRR.

(c) Packaged or encased exotic meats sold at wholesale within New York State shall bear the following statement on the product label or carton: Processed at a NYSDAM Article 5-A Facility.