COLORADO DEPARTMENT OF AGRICULTURE

Inspection and Consumer Services Division

Rules Pertaining to the Administration and Enforcement of the Custom Processing of Meat Animals Act

8 CCR 1202-13

General and Specific Authority: C.R.S. § 35-33-104(1)

PART 1. DEFINITIONS AND CONSTRUCTION OF TERMS

1.01. As used in these rules, and as the context requires, the singular includes the plural, the masculine gender includes the feminine and neuter, and vice versa.

1.02. Any term used in these rules that is defined in the Custom Processing of Meat Animals Act, §§ 35-33-101 through 35-33-407, inclusive, C.R.S. (hereinafter referred to as the "Act") shall have the meaning set forth for such term in the Act.

1.03. The terms "dress," "dressing," and "dressed" mean eviscerating, removing the hide or skin of a livestock animal, and/or otherwise preparing the animal's carcass for cutting and further processing.

1.04. The term "large game animal" means a large game animal within the scope of the term "game wildlife" defined in § 33-1-102(23), C.R.S.

1.05. The term "mobile slaughtering unit" means any conveyance that can be lawfully driven, pulled, or otherwise moved on or over any street, road, highway, or other right of way, outfitted with equipment and utensils, and used to slaughter, dress, and/or further process livestock from place to place, or to slaughter and/or dress livestock and transport any carcass of such livestock, or any part thereof to a custom processing facility for further processing. This definition includes, for example, trucks equipped with a hoist and a fully-enclosed work room where processing is done; and trucks equipped with a hoist and a separate, fully-enclosed trailer attached to such truck that contains a work room where processing is done.

1.06. The terms "sanitize" and "sanitized" mean to treat a clean surface with any of the following methods or substances:

(1) water at 180° F;

(2) a chlorine and water solution of:

(i) 100 parts of chlorine per million of water when applied by sponge or cloth;

(ii) 200 parts of chlorine per million of water when applied directly by spray; or

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(iii) 50 parts of chlorine per million of water when used to soak the item in a container for at least one minute; or

(3) any substance intended to be used to sanitize equipment and/or utensils in a processing facility and labeled as approved by the United States Department of Agriculture.

PART 2. REQUIREMENTS FOR CUSTOM PROCESSING FACILITIES.

2.01. Except as provided in Part 3.01 below, any custom processing facility licensed under the Act shall comply with all of the requirements in this Part 2.

2.02. The following areas shall have a concrete floor or surface that is sloped and drained into a waste disposal system:

(i) any holding pen,

(ii) the entire length of any alley not more than twelve feet in length, or

(iii) up to twelve feet of any longer alley that leads directly, and is immediately adjacent to the area where livestock are slaughtered and dressed.

2.03. Any slaughtering or dressing must be done in a room separate from any room where other processing is done; provided, however, slaughtering or dressing may be done in the same room where cutting, wrapping and other processing of meat is done if:

(i) the slaughtering or dressing is not done in such room at the same time cutting, wrapping, or any other processing of meat is done; and

(ii) the room and all equipment and utensils used are thoroughly cleaned and sanitized after any slaughtering or dressing is done, and before any cutting, packing, or other processing of meat is done.

2.04. All floors in any room where processing is done or where meat is held in storage, other than a freezer, must be: drained into a waste disposal system; coved at the wall to prevent meat products, waste from processing, or any liquids from penetrating between any wall and floor, or under any wall; and constructed of and finished with durable, water-resistant materials that are capable of being readily and thoroughly cleaned.

2.05. The walls, ceilings, columns, and other structural parts of any room where processing is done or where meat is held in storage shall be constructed of and finished with durable, water-resistant materials that are capable of being readily and thoroughly cleaned.

2.06. Any container used in the custom processing facility for the disposal of waste generated from processing, other than a disposable waste container that is discarded at the end of the work day, must be constructed and finished with durable, water-resistant materials that are capable of being readily and thoroughly cleaned. All waste containers, including, without limitation, disposable waste containers, shall be limited to and clearly marked for such use, and maintained in a clean and sanitary condition.

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2.07. Any doorway through which any meat product is transferred shall be wide enough so that there is no contact between the doorways and the meat product. Doors in such doorways must be constructed of either rust-resistant metal or other materials that are water-resistant, capable of being readily and thoroughly cleaned, and do not flake, chip, or splinter. If made of wood, all surfaces of such doors and all doorjambs must be securely clad with a rust-resistant metal, and be so affixed so as not to provide crevices for dirt or vermin, or be coated with a water-based epoxy coating intended for such use and labelled as approved by the United States Department of Agriculture.

2.08. Any rails used to transport meat product shall be located, and sufficient space shall be provided in all passageways so that meat product does not come into contact with walls, posts, or other structural parts of the custom processing facility, or with any containers or other things that may be located in the custom processing facility or transported through it.

2.09. Every custom processing facility must have a cooler and a freezer for holding or storing meat product under refrigeration.

2.10. All coolers must be large enough, and constructed, maintained and operated so that the meat product is hung or otherwise stored therein without contacting any interior surface of the cooler, and with sufficient space to permit inspection of the meat product. The refrigeration unit for any cooler must deliver sufficient refrigerated air to maintain the cooler at an ambient temperature of no more than 41° F.

2.11. All freezers must be large enough, and constructed, maintained and operated so that refrigerated air adequately flows under and around the meat product held or stored therein to maintain the required level of refrigeration. The refrigeration unit for any freezer must deliver sufficient refrigerated air to maintain the freezer at an ambient temperature consistent with the requirements in § 35-33-103(12), C.R.S.

2.12. All lighting fixtures must use safety shielded light bulbs in all areas where meat product is exposed, and provide ample illumination for all work areas.

2.13. All work table surfaces must be constructed of rust-resistant metal; provided, however, work table surfaces may be constructed of other durable, water-resistant, non-metal materials if they are free of cracks and are capable of being readily and thoroughly cleaned.

2.14. All equipment used in processing, including, but not limited to, saws, tenderizers, and meat grinders, shall be of such material and construction that they can be readily and thoroughly cleaned. Such requirements include, but are not limited to: being capable of disassembly for thorough cleaning; rust-resistant and free from painted surfaces in any area of the equipment that comes into contact with the meat product; supported by rust-resistant metal legs; and movable for cleaning. All pans, trays, and utensils used for processing shall also be constructed of rust-resistant materials that are capable of being readily and thoroughly cleaned.

2.15. The custom processing facility must be equipped with a wash basin of adequate size for cleaning equipment and utensils. The wash basin must be: constructed of a rust-resistant metal capable of being readily and thoroughly cleaned; and equipped with hot and cold running, potable water delivered through a combination mixing faucet.

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2.16. Each room where processing is done shall be equipped with a hand washing facility. The hand washing facility must be equipped with: a sink that is not hand operated; hot and cold running, potable water delivered through a combination mixing faucet; liquid or powdered soap delivered in a wall- or sink-mounted dispenser; an adequate supply of disposable, single-use sanitary towels in a wall-mounted dispenser; and a receptacle for used sanitary towels.

PART 3. REQUIREMENTS FOR CUSTOM PROCESSING FACILITIES ENGAGED IN CUSTOM PROCESSING OF LARGE GAME ANIMALS.

3.01. Any custom processing facility licensed under the Act engaged exclusively in processing large game animals that does not have possession of a carcass, or any part thereof, or any meat product derived therefrom for more than four hours shall:

(i) comply with the requirements of Parts 2.04 through 2.08, inclusive, and 2.12 through 2.15, inclusive, of these rules, and Part 2.16 of these rules, except that the sink may be hand operated; and

(ii) deliver to the owner of the carcass at the time it is delivered to the custom processing facility for custom processing a receipt which includes the following information: the name, address, and telephone number of the owner of the carcass; the name, address, and telephone number of the processor; the date and time the carcass was received at the custom processing facility; a description of the large game animal; and the number of the Colorado Division of Wildlife tag (or similar tag issued by the appropriate government agency of another state if the large game animal was taken in such other state) affixed to the carcass. The processor shall maintain a copy of such receipt for a period of not less than two years from the date it is issued.

3.02. If the carcass of any large game animal, or any part thereof, or the meat product derived therefrom is in the possession of a custom processing facility for more than four (4) hours, the custom processing facility must comply with the requirements of Parts 2.04 through 2.16, inclusive, of these rules.

3.03. Any carcass of a large game animal delivered to a custom processing facility for custom processing must be tagged with a Colorado Division of Wildlife tag (or similar tag issued by the appropriate government agency of another state if the large game animal was taken in such other state) at the time of delivery.

3.04. Any carcass of a large game animal must be dressed in an enclosed room or area that is separate from the rest of the custom processing facility.

PART 4. REQUIREMENTS FOR MOBILE SLAUGHTERING UNITS

4.01. Mobile slaughtering units may not be regularly used at a fixed location so as to avoid compliance with the licensing and other requirements of the Act and Parts 2, 3, 5, and 6 of these rules for custom processing facilities.

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4.02. The work room of a mobile slaughtering unit where processing is done must be fully-enclosed so as to keep out dust, dirt, and other contaminants. It must be equipped with a rail system for hanging carcasses that is constructed and installed to prevent any carcass from touching any exterior or interior surface of the work room. If the rail system extends outside the work room through any door, the door must be sealed around any rail when it is closed so as to prevent any dust, dirt, or other contaminants from entering the work room.

4.03. The work room of a mobile slaughtering unit where processing is done must be equipped with an operating refrigeration system that delivers refrigerated air to the interior of the work room at a temperature of no more than 38° F.

4.04. All dressed carcasses transported in a mobile slaughtering unit must be contained in the refrigerated work room of such unit. If hog carcasses are transported in a mobile slaughtering unit with the carcasses of any other species of livestock, the hog carcasses must be kept separate and prevented from touching the carcasses of such other livestock.

4.05. Any mobile slaughtering unit that is used to slaughter livestock and transport the slaughtered animal to a custom processing facility for dressing to be completed within two hours after slaughter must be equipped with an enclosure for transporting the animal. The enclosure may be part of a trailer attached to the hoist-equipped truck of the unit. The enclosure must be fully-enclosed so as to keep out dust, dirt, and other contaminants, and must be sealed to prevent spillage or leaking of any liquids from the slaughtered animal. Also, its interior surfaces must be constructed of durable, water-resistant materials that are capable of being readily and thoroughly cleaned.

4.06. The walls, ceilings, and other structural parts of the interior of a mobile slaughtering unit's work room must be constructed of and finished with durable, water-resistant materials that are capable of being readily and thoroughly cleaned. All joints must be sealed so as not to provide crevices for dirt or vermin. The floor of the work room must be coved at the walls to prevent meat products, waste from processing, or any liquids from penetrating between any wall and floor, or under any wall.

4.07. The mobile slaughtering unit must be equipped with an apparatus to deliver sufficient cold and hot potable water to wash equipment and utensils used in processing, and for use as a hand washing facility. The mobile slaughtering unit shall also be equipped with liquid or powdered soap in a wall- or sink-mounted dispenser, an adequate supply of disposable, single-use sanitary towels in a wall-mounted dispenser, and a receptacle for used sanitary towels.

4.08. All mobile slaughtering units shall be equipped with containers of sufficient size and number for transport and disposal of waste from processing. Such containers shall have secure lids, and be securely fastened to the mobile slaughtering unit so as to prevent any spillage of its contents. Such containers shall be constructed of durable, water-resistant materials that are capable of being readily and thoroughly cleaned.

4.09. The sanitary requirements in Part 5 of these rules shall apply to mobile slaughtering units to the extent such units have comparable facilities, equipment, and utensils.

PART 5. SANITARY REQUIREMENTS

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5.01. Except as provided in Part 4.09 above, all custom processing facilities licensed under the Act shall comply with the requirements of this Part 5.

5.02. The exterior premises of any custom processing facility, including, without limitation, loading docks and other areas where vehicles are loaded and unloaded, and any driveways, alleys, yards, and pens, shall be kept in a clean and orderly condition and drained to prevent the accumulation of standing water.

5.03. All catch basins and similar features of any waste disposal system shall be maintained in a clean and orderly condition to prevent the accumulation therein of waste products and avoid the creation of offensive odors.

5.04. All rooms and other interior areas shall be free from any condition that could result in contamination of the meat product, including, without limitation, dirt, dust, or odors from catch basins, livestock pens, hide cellars, or any other source.

5.05. All rooms and other interior areas shall be thoroughly cleaned after each day's use. All equipment and utensils used for meat processing shall be thoroughly cleaned and sanitized:

(i) each time there is a change in processing from raw pork to raw meat products of other species, or a change in processing from raw meat products to ready-to-eat meat products;

(ii) after four hours of operation if the room where such equipment and utensils are used is at any time maintained at an ambient temperature of more than 50° F; and

(iii) after each working day's use. Any item of equipment or utensil must be thoroughly cleaned and sanitized after any event at or during which time contamination of such equipment or utensil may have occurred. All cleaned and sanitized equipment and utensils, when stored after use, shall be protected and stored so as to avoid contamination.

5.06. All waste products from processing shall be disposed of daily, or stored for later disposal in a manner that does not create any condition that could cause contamination, or otherwise adversely affect the wholesomeness or quality of any meat product, or generate offensive odors or other objectionable conditions.

5.07. Meat product must be stored on racks or shelves elevated at least two inches from the floor in any freezer, and at least six inches from the floor in any cooler. Such racks and shelves must be constructed of durable, rust- and water-resistant materials that are capable of being readily and thoroughly cleaned. No meat product shall be placed beneath any carcass. Any non-food products or supplies shall be stored in a storage room or area separate from any room or area where meat product is processed or stored, on racks or shelves elevated from the floor at least 12 inches, and constructed of the same kind of materials for the racks and shelves described above in this paragraph 5.07.

5.08. Before being placed in a cooler, any carcass must be cleaned and free from any hair, waste product, dirt, or anything else that could contaminate the meat.

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5.09. If any large game animal is processed in any custom processing facility where other species of livestock is processed, all rooms, equipment, and utensils used in processing the large game animal shall be thoroughly cleaned and sanitized before they are used to process any such other livestock. The carcass and meat product of any large game animal shall at all times be kept separate and apart from the carcass and meat product of other species of livestock.

5.10. Every custom processing facility shall establish and maintain procedures for excluding and removing flies, rats, mice, and any other vermin from the interior premises of the custom processing facility.

5.11. All animals, other than those presented for processing, shall be excluded from the interior premises of a custom processing facility.

PART 6. LICENSE EXPIRATION DATE

6.1. The expiration date for a license to operate a custom processing facility shall be June 30.

PARTS 7 – 9. RESERVED

PART 10. STATEMENTS OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE

10.1. Adopted July 16, 2009 – Effective August 30, 2009

STATUTORY AUTHORITY:

The Commissioner's authority for the adoption of these Permanent Rule Amendments is set forth in § 35-33-104(1), C.R.S. (2008), and § 35-33-206(3), C.R.S., as enacted in SB 09-117.

PURPOSE:

The purpose of these Permanent Rule Amendments is to adopt new rules pertaining to the Colorado Slaughter, Processing, and Sale of Meat Animals Act to comply with the amendments to the Act set forth in SB 09-117.

These Permanent Rule Amendments:

a. Incorporate the Act's new short title wherever cited in the rules.

b. Modify the terms "processing facility" to read "custom processing facility."

c. Establish a license expiration date of June 30.

d. Amend references to sections in the Act to refer to amended section numbers.

e. Delete obsolete rule definition of "processing" which is now defined in the Act.

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f. Add a section to contain the statements of basis, specific statutory authority and purpose.

g. Remove the rule contained under the Animal Industry Division section of the CCR at 8 CCR 1201-14 to the Inspection and Consumer Services Division section of the CCR with a new number of 8 CCR 1202-13 and a new rule title.

FACTUAL AND POLICY BASIS:

The factual and policy issues pertaining to the adoption of these Permanent Rule Amendments are as follows:

1. The Department of Regulatory Agencies performed a Sunset Review in 2008 of the Colorado Slaughter, Processing and Sale of Meat Animals Act, which resulted in several legislative amendments to the Act enacted by SB 09-117, effective July 1, 2009, that:

    a. Change the title of the Act to the Custom Processing of Meat Animals Act. These rules reflect the correct short title of the Act.

    b. Specify that the Commissioner has jurisdiction only over meat processing facilities that perform custom processing. As used throughout the rules, the term “processing facility” is amended to read “custom processing facility” in order to clarify that jurisdiction is only over those facilities that perform custom processing.

    c. Remove the license expiration date from the Act and require that the Commissioner establish the date in rule. These rules establish a license expiration date of June 30.

    d. Amend some section numbers in the Act. These rules refer to the amended section numbers.

2. The Commissioner intends to adopt Emergency Amendments to the Rules on July 1, 2009 at 8 CCR 1201-14 in order to implement the changes to the Act made by the General Assembly in SB 09-117. These Permanent Rule Amendments will make permanent those Emergency Rule Amendments.

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