

# **COLORADO DEPARTMENT OF AGRICULTURE**

## **Inspection and Consumer Services Division**

### **RULES PERTAINING TO POULTRY PROCESSING**

#### **8 CCR 1202-16**

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

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#### **Part 1. Definitions and Construction of Terms**

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.

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.

- 1.1. "Air chilling" means a method of chilling raw whole poultry and fabricated parts by using refrigerated air.
- 1.2. "Defeathering" means plucking and/or scalding of poultry to remove feathers.
- 1.3. "Exempt poultry producer" means a poultry producer who meets the exemption from licensure requirements set forth in the Act. An exempt poultry producer is limited to raising and processing less than 1,000 of their own birds per calendar year and may sell only to individuals, through on farm sales, farmer's market or community supported agriculture organizations (CSA).
- 1.4. "Fabricated cuts" means any poultry that is broken down into consumer cuts and/or boned meat, i.e.: breasts, legs, and thighs, with or without the skin removed after slaughter.
- 1.5. "Further processing or further processed cuts" refers to grinding, salting, smoking, canning, stuffing, rendering, or otherwise manufactured or processed poultry.
- 1.6. "Inedible offal / material" means any poultry material remaining after processing which is not intended for human consumption, including but not limited to, viscera, trim or bones. Whole poultry, major poultry portions, neck, foot and giblet are not included in this definition unless adulterated.
- 1.7. "Licensee" means a poultry producer licensed with the Colorado Department of Agriculture under the Act. A licensee is limited to raising and processing less than 20,000 of their own birds per calendar year. Licensees may sell their processed birds to individuals and retail food establishments.
- 1.8. "Major portions" means the legs, thighs, wings, and breasts of fabricated poultry.
- 1.9. "Poultry carcass chilling system" means any USDA approved practice to achieve the goal of reducing the poultry carcass temperature to 40°F within allowable USDA standards or requirements.

- 1.10. "Poultry processing facility" means a building or mobile unit with four (4) impermeable walls, impermeable floor, impermeable ceiling, a sanitary waste system, a water supply to deliver sufficient cold and hot potable water, a carcass chilling system, and either a final product cooler or a product freezer.
- 1.11. "Poultry mobile processing 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 to various locations outfitted with equipment, utensils, and sufficient cold and hot potable water and other equipment necessary to slaughter, dress, further process cuts, or to transport any carcass of poultry to a processing facility for further processing. This definition includes but is not limited to a truck or a trailer with fully enclosed work room(s) where processing can be done.
- 1.12. "Poultry slaughter area" means an area where killing, scalding and defeathering operations occur prior to evisceration, carcass chilling, wrapping / packaging.
- 1.13. "Processing" means the slaughtering, defeathering, eviscerating, carcass chilling, wrapping or packing of poultry.
- 1.14. "Processed poultry" means the whole poultry carcass, cut parts, i.e.: breasts, wings, thighs, legs, giblets as a final product. This does not include further processed poultry.
- 1.15. "Poultry processor / poultry producer" means a person that raises and processes less than 20,000 of their own birds per calendar year. Licensees may sell their processed birds for sale to individuals and retail food establishments.
- 1.16. "Retail food establishment" has the same definition as § 25-4-1602 (14), C.R.S.
- 1.17. "Sanitize and sanitized" means to treat any surface, equipment, or utensils with any of the following methods or substances:
  - 1.17.1. Water at 180° f; or
  - 1.17.2. A chlorine and water solution of:
    - 1.17.2.1. 100 parts of chlorine per million of water when applied by sponge or cloth;
    - 1.17.2.2. 200 parts of chlorine per million of water when applied directly by spray; or
    - 1.17.2.3. 50 parts of chlorine per million of water when used to soak the item in a container for at least one minute.
- 1.18. "Slaughter" means the killing of poultry for use as human food.
- 1.19. "Whole poultry" means any poultry carcass, including the neck and feet if attached, after slaughter, defeathering and dressing that is not fabricated or further processed.
- 1.20. "Wrapping or packaging" refers to sealing the whole poultry, fabricated cuts and/or further processed cuts within a food safe material for product sale or storage.

**Part 2. Facility Requirements for Poultry Processing Licensees**

- 2.1. The poultry slaughter area must be constructed of a roof covering and at least three walls, placed on a floor, platform or other approved surface with a sanitary waste disposal system. A poultry slaughter area may be constructed of any material that can be cleaned and sanitized prior to and after use, including plastic or plasticized tent canvas. A poultry slaughter area must be designed and positioned to prevent airborne contaminants from entering the poultry slaughter area.
  - 2.1.1. The poultry slaughter area may be a room within the poultry processing facility, or it can be immediately adjacent to the poultry processing facility or poultry processing mobile unit.
- 2.2. All slaughtering, scalding and defeathering must be conducted in a room separate from any room where other processing is performed. However, slaughtering, scalding and defeathering may be done in the same room where cutting, wrapping and other processing of poultry is done if:
  - 2.2.1. The slaughtering or dressing is not done in such room at the same that time cutting, wrapping, or any other processing of poultry is done; and
  - 2.2.2. The room and all equipment and utensils used are thoroughly cleaned and sanitized after slaughtering or dressing is done, and before any cutting, packing, or other processing of poultry is done.
- 2.3. Floors:
  - 2.3.1. All floors in any room where poultry processing is done or where poultry is held in storage, other than a freezer, must:
    - 2.3.1.1. Be drained into a waste disposal system;
    - 2.3.1.2. Be coved at the wall to prevent poultry products, waste from processing, or any liquids from penetrating between any wall and floor, or under any wall; and
    - 2.3.1.3. Be constructed of and finished with durable, water resistant materials that are capable of being readily and thoroughly cleaned and sanitized.
- 2.4. Walls, Ceilings, and Columns:
  - 2.4.1. The walls, ceilings, columns, and other structural parts of any room where poultry processing is done or where poultry is held in storage must be constructed of and finished with durable, water resistant materials that are capable of being readily and thoroughly cleaned and sanitized.
- 2.5. Doorways and Windows:
  - 2.5.1. Any doorway or window through which any poultry product is transferred must be wide enough so that there is no contact between the doorways and the poultry product. Doors must be constructed of either rust resistant metal or other materials that are water resistant and capable of being readily and thoroughly cleaned and sanitized, and do not flake, chip, or splinter. If made of wood, all surfaces of such doors and all doorjambes must be securely clad with a rust resistant metal, or be coated with a water based epoxy coating intended and labelled for such use.
  - 2.5.2. All coverings must be so affixed so as not to provide crevices for dirt, vermin, or pathogens.

2.6. Lighting:

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

2.7. Work Tables:

- 2.7.1. All work table surfaces must be constructed of rust resistant metal; provided, however, work table surfaces may be constructed of other durable, water resistant, nonmetal materials if they are free of cracks and are capable of being readily and thoroughly cleaned and sanitized. 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 poultry product; supported by rust resistant metal legs; and movable for cleaning. All pans, trays, and utensils used for processing must also be constructed of rust resistant materials that are capable of being readily and thoroughly cleaned and sanitized.

2.8. Wash Basins:

- 2.8.1. The poultry 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 sanitized, and equipped with hot and cold running, potable water delivered through a combination mixing faucet.

2.9. Hand Washing Facility:

- 2.9.1. Each room where poultry processing is done must 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.

- 2.10. The room, and all equipment and utensils used, must be thoroughly cleaned and sanitized after any slaughtering, dressing, or chilling.

**Part 3. Poultry Processing Requirements**

- 3.1. Licensed poultry processors must comply with the Colorado Department of Agriculture Animal Health Division "Live Bird Market Rule" codified at 8 CCR 1201-20 pertaining to biosecurity measures which are required to protect the Colorado poultry industry.
- 3.2. Poultry processing licensees must comply with all of the requirements in these Rules.
- 3.3. Exempt poultry producers must comply with Part 7 and 8.
- 3.4. Exempt poultry producers cannot process another poultry producer's birds.
- 3.5. Licensed poultry processors cannot process another poultry producer's birds.
- 3.6. A licensee must follow the appropriate steps in regards to slaughtering; defeathering; dressing; carcass chilling; fabricating (if applicable); wrapping; and refrigeration or freezing of wrapped product.

- 3.7. Inedible offal must be collected, denatured and disposed of according to sanitary practices in compliance with Part 10.
- 3.8. Slaughtering, scalding and defeathering operations must be conducted within a separate room in the poultry processing facility or in a poultry slaughter area as defined in Part 1.12.
- 3.9. Unless such poultry is frozen immediately, all poultry slaughtered and dressed in the facility must be chilled immediately after processing so that the internal temperature of the poultry carcasses and major portions is reduced to 40°F or below within the following times:
  - 3.9.1. Four (4) hours of processing if the poultry carcass and major portions weigh under 4 lbs.;
  - 3.9.2. Six (6) hours of processing if the poultry carcass and major portions weigh between 4 and 8 lbs.; and
  - 3.9.3. Eight (8) hours of processing if the poultry carcass and major portions weigh over 8 lbs.
- 3.10. Giblets remaining with the carcass after evisceration are subject to the same time and temperature requirements as the carcass from which they were removed as described in Part 3.9. Giblets not remaining with the carcass from which they were removed must be cooled within two hours of being removed from the inedible viscera.
- 3.11. Poultry Chilling:
  - 3.11.1. Each poultry slaughter facility must ensure that all poultry carcasses, parts, and giblets are chilled immediately after slaughter operations so that there is no outgrowth of pathogens.
  - 3.11.2. Previously chilled poultry carcasses and major portions must be kept chilled so that there is no outgrowth of pathogens.
  - 3.11.3. After the product has been chilled, the poultry processing facility must prevent the outgrowth of pathogens on the product for as long as the product remains at the facility, or within their control (if they are providing transportation to the buyer).
  - 3.11.4. The facility must develop, implement, and maintain written procedures for chilling that address, at a minimum, the prevention of pathogen outgrowth.
  - 3.11.5. Once chilled, poultry packaged and shipped must be stored at 40 °F or less.
- 3.12. Chilling System:
  - 3.12.1. Poultry chilling equipment must be constructed and operated in a manner to ensure compliance with Part 3.9.
  - 3.12.2. Only potable water and ice produced from potable water may be used for ice and water chilling. Water and ice used for chilling may be reused. The ice must be handled and stored in a sanitary manner.
- 3.13. Methods of Chilling:
  - 3.13.1. Water bath chilling:
    - 3.13.1.1. All water cooling baths must be of appropriate size and capacity for the species and quantity being processed.

- 3.13.2. Air chilling:
  - 3.13.2.1. Air chilling is the method of chilling raw poultry carcasses and parts predominately with air. An antimicrobial intervention may be applied with water at the beginning of the chilling process, provided that the use does not result in any net pick-up of water or moisture during the chilling process. The initial antimicrobial intervention may result in some temperature reduction of the product, provided that the majority of temperature removal is accomplished exclusively by chilled air.
- 3.14. Processed poultry must be placed in suitable food grade packaging and labeled in accordance with Part 9.
- 3.15. Processed Poultry Holding and Storage:
  - 3.15.1. Every processing facility must have a cooler or a freezer for holding or storing a poultry product under refrigeration.
  - 3.15.2. All freezers must be large enough, and constructed, maintained and operated so that refrigerated air adequately flows under and around the poultry 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.
  - 3.15.3. All coolers must be large enough, and constructed, maintained and operated so that the poultry product is stored therein without contacting any interior surface of the cooler, and with sufficient space to permit inspection of the poultry 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.
- 3.16. At least one person who is trained in safe food handling in a commercial food processing facility must be present while the licensee is processing.

#### **Part 4. Facility Grounds**

- 4.1. A licensee must maintain the grounds around the processing facility to prevent conditions that could lead to unsanitary conditions or adulteration of product. This includes maintaining all areas within the processing facility and surrounding grounds in a manner to prevent the harborage and breeding of pests.
- 4.2. Pesticides used on the grounds and in the processing area must be appropriate for use in food establishments. Employees applying pesticides must be trained in the use of pesticides in food establishments. A licensee must have procedures in place to ensure that pesticides are used according to label directions.
- 4.3. Driveways and parking areas must be paved or otherwise treated in order to reduce windblown debris, and prevent adulteration of any poultry product.

#### **Part 5. Sanitary Requirements**

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

- 5.2. All catch basins and similar features of any waste disposal system must be maintained in a clean and orderly condition to prevent the accumulation of waste products, and to avoid the creation of offensive odors.
- 5.3. All rooms and other interior areas must be free from any condition that could result in contamination of the poultry product, including without limitation, dirt, dust, or odors from catch basins, poultry pens, cages or any other source.
- 5.4. All rooms and other interior areas where processing has occurred must be thoroughly cleaned and sanitized after each day's use. Additionally, all equipment and utensils used for poultry processing must be thoroughly cleaned and sanitized after each day's use. However, if processing occurs in a room in which the ambient temperature is, at any time, more than 50°F, all equipment and utensils must be thoroughly cleaned and sanitized after four hours of operation.
- 5.5. Any item of equipment or utensil must be thoroughly cleaned and sanitized after any use or event that could have reasonably resulted in contamination of such equipment or utensil. All cleaned and sanitized equipment and utensils, when stored after use, must be protected and stored so as to avoid contamination.
- 5.6. Poultry 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 and sanitized. Any nonfood products or supplies must be stored in a storage room or area separate from any room or area where poultry product is processed or stored. Such nonfood products or supplies must be stored on racks or shelves at least 12 inches from the floor, and must be constructed of durable, rust and water resistant materials that are capable of being readily and thoroughly cleaned and sanitized.
- 5.7. Before being placed in a cooler, any carcass must be cleaned and reasonably free from feathers, waste product, dirt, or anything else that could contaminate the poultry.
- 5.8. Every processing facility must establish and maintain procedures for excluding and removing flies, rats, mice, and any other vermin from the interior premises of the processing facility.
- 5.9. All animals, other than those presented for processing, must be excluded from the interior premises of a processing facility.

## **Part 6. Licensing**

- 6.1. The expiration date for a license to operate a processing facility is December 31st of any given year.
- 6.2. Prior to initial licensing, poultry processing facilities must undergo and pass a pre-licensing inspection conducted by the Colorado Department of Agriculture.
- 6.3. Poultry processors who raise and process more than 1,000 of their own poultry per calendar year must be licensed by the Colorado Department of Agriculture.

## **Part 7. Recordkeeping**

- 7.1. All licensed and exempt poultry producers must create and maintain records for each customer transaction, including, at a minimum:
  - 7.1.1. The date of the slaughter;

- 7.1.2. The date of the sale;
  - 7.1.3. The name and address of the buyer;
  - 7.1.4. A description of the poultry or poultry products processed, including species and quantity;  
and
  - 7.1.5. The name and address of the producer / processor.
7. 2. The records created and maintained pursuant to this Part 7 must be kept for at least two years and made available to the Commissioner on demand.

**Part 8. Poultry Labeling Requirements for Producers who Process less than 1,000 Birds per Calendar Year and are Exempt from State Licensing Requirements**

- 8.1. An exempt poultry producer who sells processed poultry to individuals must label the poultry with the following information:
- 8.1.1. The statement, "Exempt – P.L. 90-492";
  - 8.1.2. A description of the poultry or poultry products, including species and quantity;
  - 8.1.3. The statement, "This poultry was produced in a facility that is not subject to licensure or inspection. This product is not intended for resale";
  - 8.1.4. A safe handling instructions statement that includes the following text:

Safe Handling Instructions:

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 to 165° F internal temperature.

Keep hot foods hot. Refrigerate leftovers immediately or discard.
  - 8.1.5. A pack or processing date; and
  - 8.1.6. The name and address of the processor.
- 8.2. Any poultry product sold by weight or other measurement must comply with the statutory requirements found in the Measurement Standards Act of 1983 §35-14-101 C.R.S., et.seq.



**Part 9. Poultry Labeling Requirements for Licensed Poultry Producers who Process less than 20,000 Birds per Calendar Year**

- 9.1. A licensee who sells processed poultry to individuals and retail food establishments must label the poultry with the following information:
- 9.1.1. The statement, "Exempt – P.L. 90-492";
  - 9.1.2. A description of the poultry or poultry products, including species and quantity;
  - 9.1.3. The statement, "This poultry product is exempt from USDA inspection and cannot be sold outside the state of Colorado. This poultry product was processed in a facility that is licensed by the Colorado Department of Agriculture";
  - 9.1.4. A safe handling instructions statement that includes the following text:

Safe Handling Instructions:

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 to 165° f internal temperature.

Keep hot foods hot. Refrigerate leftovers immediately or discard.
  - 9.1.5. A pack or processing date; and
  - 9.1.6. The name and address of the business as it appears on the Colorado Department of Agriculture custom exempt meat processor license.
- 9.2. Any poultry product sold by weight or other measurement must comply with the statutory requirements found in the Measurement Standards Act of 1983, §35-14-101 C.R.S., et.seq.

**Part 10. Disposal of Inedible Waste**

- 10.1. All inedible waste must be denatured and disposed of by a method approved by the Colorado Commissioner of Agriculture.
- 10.2. Acceptable methods of denaturing include:
- 10.2.1. FD&C Green No. 3 coloring;
  - 10.2.2. FD&C Blue No. 1 coloring;
  - 10.2.3. FD&C Blue No. 2 coloring;
  - 10.2.4. Finely powdered charcoal; or

- 10.2.5. Other proprietary substance approved by the USDA FSIS administrator.
- 10.3. Any container used in the 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 and sanitized. All waste containers including, without limitation, disposable waste containers, must be limited to and clearly marked for such use and maintained in a clean and sanitary condition.
- 10.4. All waste products from processing must 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.
- 10.5. Approved methods of disposal include:
- 10.5.1. Disposal to a licensed rendering company;
- 10.5.2. Sanitation landfill;
- 10.5.3. Composting, subject to approval by county and / or state health agency; or
- 10.5.4. Burial on site, subject to approval by county and / or state health agency.

**Part 11. Statements of Basis, Specific Statutory Authority and Purpose**

11.1. Adopted February 13, 2019 – Effective March 30, 2019

**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.

**Purpose**

The purpose of these permanent rule amendments is to:

- a. Create two separate rule sections, one for the sale and processing of poultry and one for the processing of large animals.
- b. Create a new designation for poultry processing of less than 20,000 poultry for sale to retail food establishments; this new designation enacts HB18-1235.

**Factual and Policy Issues**

The factual and policy issues pertaining to the adoption of these permanent rule amendments are as follows:

The amendments create two separate rule sections, one for the sale and processing of poultry and one for the processing of large animals. These separate rules account for the differences in processing procedures between poultry and large animals.

Additionally, the Colorado Department of Regulatory Agencies Performed a sunset review of the Colorado Custom Processing of Meat Animals Act, which resulted in a legislative amendment to the act enacted by HB18-1235, effective July 1, 2018. The amendment allows poultry producers, who are licensed meat processors, and who raise less than 20,000 poultry per calendar year, to process their own poultry for sale to Colorado retail food establishments.

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#### **Editor's Notes**

#### **History**

New rule eff. 03/30/2019.