

Rule 40-10-2-.02. Incorporation by Reference: Code of Federal Regulations, 9 CFR Part 381 - Federal Poultry Inspection Regulations

- (1) The current mandatory Poultry Products Inspection Regulations (Code of Federal Regulations, 9 CFR, Part 381) and Regulatory Requirements under the Poultry Products Inspection Act (Code of Federal Regulations, 9 CFR, Parts 416 and 417) of the United States Department of Agriculture, are hereby adopted in their entirety with the exception of the deleted regulations specified in 40-10-2-.03 of this chapter and amended regulations as specified in 40-10-2-.04 of this chapter.
- (2) Definitions in the incorporated parts of the Federal regulations on mandatory poultry products inspection (Code of Federal Regulations, 9 CFR, Parts 381, 416, and 417) of the United States Department of Agriculture are amended to read as follows when used in this chapter. Unless otherwise required by the context, the following terms shall be construed, respectively to mean:
 - (a) "The Act" means the Georgia Code Annotated 26-2-200 through 26-2-214.
 - (b) "The Administrator", "Regional Director", "Area Supervisor", "District Manager", or "District Office" means the Director of Meat Inspection, Georgia Department of Agriculture.
 - (c) "Circuit Supervisor" or "Inspection Service Supervisor" means the Assistant District Supervisor of the Poultry Inspection Program of the Georgia Department of Agriculture, Meat Inspection Section.
 - (d) "The Compliance Program, Regulatory Programs, FSIS" means the Georgia Department of Agriculture, Meat Inspection Compliance Program.
 - (e) "The Department", "United States Department of Agriculture", "USDA", or the "U.S. Department of Agriculture" means the Georgia Department of Agriculture. For brevity the acronym GDA is also used in this rule.
 - (i) "U.S. Condemned" means GDA Condemned.
 - (ii) "U.S. Detained" means GDA Detained.
 - (iii) "U.S. Inspected and Condemned" means GDA Inspected and Condemned.
 - (iv) "U.S. Inspected and Passed" means GDA Inspected and Passed.
 - (v) "U.S. Passed for Cooking" means GDA Passed for Cooking.
 - (vi) "U.S. Passed for Refrigeration" means GDA Passed for Refrigeration.
 - (vii) "U.S. Retained" means GDA Retained.

- (viii) "U.S. Rejected" means GDA Rejected.
 - (ix) "U.S. Suspect" means GDA Suspect. "U.S. Government Seals" means GDA Seals.
 - (f) "Federal" means State.
 - (g) "Federally Inspected and Passed", "U.S. Inspected and Passed", "U.S. Inspected for Wholesomeness", and "Federally Inspected for Wholesomeness", means GDA Inspected and Passed.
 - (h) "Food Inspector", "Inspector", "Inspection Service Employee", "USDA Inspector", "USDA Program Official", or "Program Inspector" means an inspector of the Poultry Inspection Program of the Georgia Department of Agriculture, Meat Inspection Section.
 - (i) "Food Labeling Division, Regulatory Programs, FSIS" means the office of the Director, Georgia Department of Agriculture, Meat Inspection Section.
 - (j) "The Program", "Federal Inspection", "Federal Poultry Inspection", "Meat and Poultry Inspection", "Meat and Poultry Inspection Program", "Inspection Service", "Food Safety and Inspection Service", "Food Safety and Quality Service", "Technical Services", "Technical Service Center", "Standards and Labeling Division", and "Agency" mean the Poultry Inspection Program of the Georgia Department of Agriculture, Meat Inspection Section.
 - (k) "The Secretary" means the Commissioner of the Georgia Department of Agriculture.
 - (l) "Veterinary Supervisor" means Statewide Veterinary Supervisor, District Supervisor, or the Director of the Poultry Inspection Program of the Georgia Department of Agriculture, Meat Inspection Section.
 - (m) "Veterinary Inspector" means Public Health Veterinarians of the Poultry Inspection Program of the Georgia Department of Agriculture, Meat Inspection Section.
 - (n) "USDA Inspection Legend" and "Official Inspection Legend" mean the Inspection Legend of the Poultry Inspection Program of the Georgia Department of Agriculture, Meat Inspection Section as outlined in this chapter of the regulations.
- (3) Nothing in this Subject 40-10-2 shall be construed as authorizing the slaughter, other than for humane euthanasia or disease control, of poultry by a dealer, broker, poultry market operator, or employee or contractor thereof or any person acquiring live poultry from any

of them on the premises of the dealer or broker or on the premises of a sales establishment in violation of Official Code of Georgia Annotated Section 4-4-82.1.

Authority: O.C.G.A. Sec. 26-2-202.

Rule 40-10-2-.03. Deletion of Incorporated Sections: Code of Federal Regulations, 9 CFR 381 - Federal Poultry Inspection Regulations

- (1) The following sections of the Code of Federal Regulations governing the mandatory poultry products inspection (9 CFR, Part 381) of the United States Department of Agriculture incorporated by reference under Section 40-10-2-.02 of this rule are deleted and are not rules of the Georgia Department of Agriculture: 381.6; 381.10(a)(2), (4), (6), and (7); 381.16; 381.17; 381.30; 381.31; 381.38; 381.39; 381.96; 381.97; 381.98; 381.104 through 381.112; 381.123(b)(3) and (4); 381.133(a)(1); 381.145(f); 381.185; 381.186; 381.195 through 381.236.
- (2) In 9 CFR 381.10(a)(3), the words "and the statement 'Exempt- P.L. 90-492 ' " are deleted.
- (3) In 9 CFR 381.123(b)(2) and (4) the words "and accompanied by the prefix 'P' " are deleted.

Authority: O.C.G.A. Secs. 26-2-202.

Rule 40-10-2-.04. Incorporation as Amended; Federal Poultry Inspection Regulations Sections

The following sections of the Code of Federal Regulations governing the mandatory poultry products inspection (9 CFR, Part 381) of the United States Department of Agriculture incorporated by reference under Section 40-10-2-.02 of this rule are amended as specified to allow incorporation as rules of the Georgia Department of Agriculture.

- (1) Code of Federal Regulations 9 CFR 381.10(b) shall be amended to read “[n]o person qualifies for any exemption specified in paragraph (a)(5) of this section if, in the current calendar year, such person (1) Slaughters or processes the products of more than 20,000 poultry, or (2) Slaughters or processes poultry products at a facility used for slaughtering or processing poultry products by any other person, except when the Commissioner grants such exemption after determining, upon review of a person's application, that such an exemption will not impair effectuating the purposes of the Act.”
- (2) Code of Federal Regulations 9 CFR 381.35 shall be amended to read "a rate as determined by the Commissioner" instead of "a rate of \$9.28 per hour".
- (3) Code of Federal Regulations 9 CFR 381.17 shall be amended to include:

- (a) The applicant for inspection will be responsible for furnishing acceptable drawings and specifications:
- (b) Each applicant for inspection shall submit to the program four copies of:
 - 1. Complete drawings with specifications of the floor plans of the establishment for which inspection is requested, showing the locations of principal pieces of equipment, floor drains, principal drainage lines, hand-washing basins, and hose connections for clean-up purposes;
 - 2. A plot plan showing the limits of the establishment's premises, locations in outline of buildings on the premises, cardinal points of the compass, and roadways and railways serving the establishment; and
 - 3. A room schedule showing the finish of walls, floors, and ceilings of all rooms in the establishment. The specifications shall include statements describing the water supply, plumbing, drainage, refrigeration, equipment, lighting, and operations of the establishment. Applicants for inspection may request information from the Commissioner concerning the requirements before submitting plans.
- (4) Code of Federal Regulations 9 CFR 381.145(a) shall be amended to include: "Poultry Product from an official establishment includes product from a state facility overseen by the Program."

Authority: O.C.G.A. Secs. 26-2-202, 26-2-206.

Rule 40-10-2-.06. Facilities Requiring Inspection

- (1) Establishments requiring inspection:
 - (a) Inspection under the regulation in this chapter is required at:
 - 1. Every establishment, except as provided in 9 CFR Chapter 381.10(a)(1) and (5), in which any domesticated poultry are slaughtered for transportation or sale as articles of commerce, or in which any products of, or derived from, carcasses of poultry are, wholly or in part, prepared for transportation or sale as articles of commerce which are intended for use as human food; and
 - 2. Every establishment designated by the Commissioner pursuant to paragraph 40-10-2-.06(b) and/or (c) of this Chapter as one producing adulterated products, which would clearly endanger the public health.

- (b) The Commissioner may extend the inspection requirements to any establishment in the State at which products are prepared for distribution solely within the State, if he determines in accordance with the provisions of the Act that it is producing adulterated products, which would clearly endanger the public health.
 - (c) Whenever any complaint is received by the Commissioner from any person alleging that any retail store claiming exemption under this paragraph (a) has been operated in violation of the conditions prescribed in this section for retail exemption, and the Commissioner, upon investigation of the complaint, has reason to believe that any such violation has occurred he shall so notify the operator of the retail store and afford him reasonable opportunity to present his views informally with respect to the matter. Thereafter, if the Commissioner still has reason to believe that such a violation has occurred, and that a requirement that the operator keep records concerning the operations of the retail store would effectuate the purposes of the Act, the Commissioner shall order the operator to maintain complete, accurate, and legible records of total monthly purchases and of total monthly sales of poultry, poultry byproducts, and poultry food products, in terms of dollar values of the products involved. Such records shall separately show total sales to household consumers and total sales to other consumers and shall be maintained for the period prescribed in 40-10-1-.22(3) of the Georgia Meat Inspection Rules. If the operator maintains copies of bills of lading, receiving and shipping invoices, warehouse receipts, or similar documents, which give the information required herein, additional records are not required by this paragraph.
- (2) Poultry and products entering official establishments. All poultry and all products entering any official establishment and all products prepared, in whole or in part, therein, shall be inspected, handled, stored, prepared, packaged, marked, and labeled as required by the regulations in this chapter.
 - (3) Establishments that qualify for a low volume exemption from inspection as prescribed in Rule 40-10-02-.04(1) must register with the Department as a Small Poultry Processor and pay any applicable registration fees.
 - (4) Establishments that qualify for a low volume exemption from inspection as prescribed in Rule 40-10-02-.04(1) must comply with all other applicable statutory and regulatory requirements including, but not limited to, the following:
 - (a) requirements relating to the prevention and control of diseases in livestock;
 - (b) requirements relating to the disposal of dead animals;
 - (c) requirements contained in Subject 40-13-10 entitled "Poultry";
 - (d) requirements contained in Rule 40-13-2-.15 relating to interstate movement health requirements for poultry; and
 - (f) requirements contained in the Department's "Small Poultry/Pasture Poultry Guidelines".

Authority: O.C.G.A. Secs. 26-2-208, 26-2-214.