

UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

FSIS DIRECTIVE

6030.1,
Revision 1

8/10/05

RELIGIOUS EXEMPTION FOR THE SLAUGHTER AND PROCESSING OF POULTRY

I. PURPOSE

This directive provides instructions to inspection program personnel for verifying that establishments are properly performing under a religious exemption for the slaughter and handling of poultry. This directive announces the use of the new poultry exemption form, FSIS Form 6030-1, which is a combination of the four previously used forms.

II. CANCELLATIONS

FSIS Directive 6030.1, dated 10/14/92
FSIS Form 6001-1 Exemption Certificate (Confucian Style Poultry)
FSIS Form 6001-3 Exemption Certificate (Islamic Style Poultry)
FSIS Form 6001-4 Exemption Certificate (Buddhist Style Poultry)
FSIS Form 6001-5 Exemption Certificate (Kosher Style Poultry)

III. REASON FOR REISSUANCE

This directive provides clarification to inspection program personnel about their verification responsibilities in establishments producing poultry products under a religious exemption. This directive also provides direction on the use of the new poultry exemption form, FSIS Form 6030-1 (replacing Forms 6001-1, 3, 4, and 5). Inspection program personnel may access FSIS Form 6030-1 electronically on outlook at:

Public Folders/All Public Folder/Agency Issuances\Forms\F SIS 6,000 series.

IV. REFERENCES

Poultry Products Inspection Act (PPIA) sections 15(a)(3), 15(e), and 21 U.S.C. 464(a)(3)
9 CFR 381.1, 381.10, 381.11, 381.12, 381.14, 381.65(e), 381.76(6)(3)(iv)(c), 381.94(a) and (b), 381.117, 381.118, 381.121, 381.125(a) and (b), 381.133, 381.170, 381 Subpart N, 381 Subpart Y, 381.196, 381.205, 381.206, and 441.10.
Title 9 CFR Part 416
Title 9 CFR Part 417
Title 9 CFR Part 500
FSIS Directive 5000.1, Revision 1, Verifying an Establishment's Food Safety System

DISTRIBUTION: Inspection Offices; T/A Inspectors;
Plant Mgt; T/A Plant Mgt; ABB; PRD; Import Offices

OPI: OPPED

V. FORMS AND ABBREVIATIONS

DO	District Office
HRI	Hotels, Restaurants, and Institutions
LCPS	Labeling and Consumer Protection Staff
PHV	Public Health Veterinarian
PPIA	Poultry Products Inspection Act
TSC	Technical Service Center

FSIS Form 6030-1, Exemption Certificate
FSIS Form 5200-1, Grant of Inspection Application

VI. BACKGROUND

A. The Poultry Products Inspection Act (PPIA) (21 U.S.C. 464(a)(3)) exempts establishments slaughtering or processing poultry or poultry products in accordance with religious dietary laws from specific provisions of the PPIA. The religious exemption is intended to prevent conflicts between religious dietary laws and regulatory requirements. Application for exemption to specific provisions of the Act or regulations may be made to FSIS by any person who slaughters or processes poultry or poultry products that are produced or processed as required by recognized religious dietary laws. Exemptions are granted to the extent necessary to avoid a conflict, as outlined in the poultry inspection regulations (9 CFR 381.11, 381.12, and 381.14). Also, see Attachment 1 for questions and answers regarding the religious exemptions.

B. Previously issued exemptions under the provisions of the PPIA are:

1. poultry processed in accordance with Buddhist religious beliefs that require that the head and feet remain on eviscerated poultry.
2. poultry processed in accordance with Confucian religious beliefs that require that the bird not be eviscerated, with head and feet intact.
3. poultry processed in accordance with Islamic (or Halal) religious beliefs that require that the bird be eviscerated, head-on and with or without the feet intact, and be in ready-to-cook form.
4. processing and handling of Kosher, noneviscerated, head and feet intact poultry.

VII. DISTRICT OFFICE RESPONSIBILITIES

A. The District Office (DO):

1. reviews the establishment's written application for inspection to slaughter or process poultry under a religious exemption. Applications should include the information specified in 9 CFR 381.11(a).

2. issues a completed FSIS Form 6030-1 to the establishment if the DO determines that the application contains the necessary information and that the establishment qualifies for the exemption. The DO will also send a copy to the IIC. This copy will provide the in-plant inspection program personnel information on the regulations from which the establishment is exempt.

NOTE: FSIS Form 6030-1 is a combination of the four previously used forms. The form differs by providing the user the option of choosing Buddhist, Confucian, Islamic, or Kosher as the type of poultry exemption. Use only one form for each exemption.

3. maintains a copy of FSIS Form 6030-1 on file in the DO.

NOTE: Specification of exempted activities is required in block 4 of the Application for Federal Meat, Poultry, or Import Inspection, FSIS Form 5200-2.

VIII. INSPECTION PROGRAM PERSONNEL VERIFICATION RESPONSIBILITIES

A. Inspection program personnel assigned to establishments currently operating under a religious exemption are to:

1. upon receipt of this directive, verify the establishment's Grant of Inspection and Religious Exemption Form (6001-1, 6001-3, 6001-4, or 6001-5) to ensure that all appropriate documentation is on file and complete.

NOTE: District Office personnel are to issue the new religious exemption certificate, FSIS Form 6030-1 from the date of the issuance of this directive forward.

2. contact the DO for further instructions, if the appropriate documentation is not on file.

B. Inspection program personnel are to verify that establishments:

1. issued a religious exemption are meeting the requirements of the regulations from which the establishment has NOT been exempted, including, as appropriate:

a. Sanitation (9 CFR Part 416)

b. HACCP (9 CFR Part 417)

c. Prohibition of poultry carcasses with visible fecal material entering the chill tank (9 CFR 381.65(e))

d. Finished Product Standards (9 CFR 381.76), if applicable.

2. do not further process noneviscerated carcasses. For example, religious exempt product produced under a non-eviscerated Confucian exemption is not further processed into cut-up parts.

3. producing multi-ingredient religious exempt product prevent ingredients that come into contact with religious exempt product from contacting carcasses or parts intended to be passed by FSIS (e.g., pickle solutions used for curing eviscerated Buddhist exempt carcasses).

C. Inspection program personnel will follow the methodology in FSIS Directive 5000.1, Revision 1, in verifying the establishment's compliance with the pathogen reduction, sanitation, and HACCP regulations that are applicable to an establishment that is operating under a religious exemption.

IX. DOCUMENTATION AND ENFORCEMENT

A. Inspection program personnel are to:

1. document regulatory noncompliance on a Noncompliance Record (NR) as described in FSIS Directive 5000.1, Revision 1, Chapter IV (Enforcement).

2. link noncompliances as described in FSIS Directive 5000.1, Revision 1, Chapter IV (Enforcement) until the determination is made that further enforcement action is necessary.

X. INSPECTION VERIFICATION OF LABELING REQUIREMENTS (MANDATORY AND OPTIONAL)

A. Inspection program personnel are to verify that:

1. shipping containers for religious exempt poultry bear the following features:

a. establishment's name and address or city, state, and zip code when listed in a public directory, and

b. the appropriate exemption statement:

“Noneviscerated Poultry Processed under USDA Exemption Permit No. –“
with the establishment number as the permit number.

“Eviscerated Poultry Processed under USDA Exemption Permit No. –“
with the establishment number as the permit number.

2. the label for items sold as retail provides the following features:

a. a statement that the product was processed under a Buddhist, Confucian, Islamic (or Halal), or Kosher exemption or a statement of equal meaning (e.g., “for Buddhist religion”),

b. the name of the religious official or organization under whose supervision the poultry was slaughtered,

c. the official establishment name and address or city, state, and zip code when listed in a public directory, and

d. the establishment number.

3. the following items for retail sale are individually identified:

a. unpackaged carcasses or parts affixed with tags labeled according to section X, A, 2 above,

b. carcasses or parts (eviscerated carcass cuts or giblets packaged in immediate containers, e.g., bags, tray packs, cartons, etc.)

4. Noneviscerated carcasses destined for hotel, restaurant, and institutional (HRI) trade channels are individually identified with an approved label that includes:

a. a statement that they were processed under a Buddhist, Confucian, Islamic (or Halal), or Kosher exemption or a statement of equal meaning (e.g., “for Buddhist religion”).

b. the name of the religious official or organization under whose supervision the poultry was slaughtered,

c. the official establishment name and address or city, state, and zip code when listed in a public directory, and

d. the establishment number.

5. Individual carcass identification or identification of unlabeled individual packages (protective coverings) for Buddhist or Islamic exempted poultry will not be required for eviscerated bulk packed poultry solely intended for HRI, provided that the large immediate container is identified with:

a. a statement that it was processed under a Buddhist or Islamic (or Halal) exemption or a statement of equal meaning (e.g., “for Buddhist religion”),

- b. the name of the religious official or organization under whose supervision the poultry was slaughtered,
- c. the establishment's name and address or city, state, and zip code when listed in a public directory,
- d. a statement of limited use; e.g., "For HRI Only" (recommended), and
- e. the appropriate exemption statement:

"Noneviscerated Poultry Processed under USDA Exemption Permit No. –" with the establishment number as the permit number.

"Eviscerated Poultry Processed under USDA Exemption Permit No. –" with the establishment number as the permit number.

5. "Soaked and Salted" is a statement that appears on the labeling of single-ingredient Kosher products because carcasses absorb water and salt from the religious soaking and salting of poultry known as "koshering" or "kashering."

NOTE: A handling statement is recommended for product safety for X A 1, 2, 4 and 5.

Refer technical questions to the Technical Service Center at 1-800-233-3935.



Assistant Administrator
Office of Policy, Program, and Employee Development

Attachment

Questions and Answers

1. Are establishments processing poultry or poultry products under a religious exemption required to meet the regulatory requirements of 9 CFR 416, 417, 381.76 (Finished Products Standards) and 381.65(e)?

Yes, any person processing poultry or poultry products under a religious exemption is subject to all other applicable provisions of the regulations except those for which the exemption applies. These regulations include Sanitation, 9 CFR 416, the Hazard Analysis and Critical Control Point (HACCP) regulatory requirements of 9 CFR 417, the Finished Product Standards of 9 CFR 381.76 (if applicable), and the prohibition of poultry carcasses with visible fecal material entering the chilling tank, 9 CFR 381.65(e).

2. Are establishments under a religious exemption required to meet the pathogen reduction performance standards for *Salmonella* and Generic *Escherichia coli* (*E. coli*) testing requirements?

Generic *E. coli* testing and pathogen reduction performance standards for *Salmonella* found in 9 CFR 381.94 do not apply to any person processing poultry or poultry products under a religious exemption. Religious exempt young chickens are not covered by the *Salmonella* performance standard for young chickens and generic *E. coli* testing because they were not included in the young chicken baseline and are a unique product. This policy is consistent with previous Agency decisions to not extend the *Salmonella* standards and *E. coli* testing to products that were not included in the baseline study or survey from which the standard was derived.

3. Can poultry slaughtered under a religious exemption receive the marks of inspection?

No, poultry inspected under a religious exemption cannot receive the marks of inspection.

4. Under what circumstances would a religious exemption not be required?

An exemption is not required for poultry prepared in accordance with religious dietary law and in accordance with all requirements of the Act and regulations (e.g. eviscerated Halal poultry). This product would receive the mark of inspection and be identified with a label bearing the identity of the clerical official or organization under whose supervision the poultry was slaughtered as well as the mandatory labeling features of immediate and shipping containers for inspected and passed product as designated in 9 CFR 381 Subpart N.

The slaughtering and handling of eviscerated Kosher and Islamic style (Halal) poultry with head and feet detached that meets FSIS inspection and regulatory requirements needs no religious exemption. Consequently, these poultry products bear the marks of inspection.

5. Is religious exempt poultry subject to the retained water rule?

No, labeling of poultry slaughtered under religious exemption does not bear the mark of inspection. Only labeling of poultry that bears an inspection legend is subject to the retained water rule.

6. Are kosher poultry products that bear the mark of inspection exempt from the retained water rule?

No, Kosher carcasses and parts are soaked and salted during a process called koshering or kashering. Any water absorbed as a result of the kashering process does not need to be declared as part of a retained water statement. However, any water above naturally occurring water that is absorbed during other prior or subsequent process steps, such as chilling, does need to be declared. Such products would bear the retained water statement if they absorbed water prior to kashering or after kashering. Although Kosher carcasses and parts are labeled as “soaked and salted,” they are not considered multi-ingredient products.

7. Do the initial steps for koshering or kashering need to be included in the written protocol required for the post-evisceration water chilling of carcasses and parts of inspected product?

No, the soaking, salting, and initial rinsing steps for koshering should not be included in the written protocol required for the post-evisceration water chilling of carcasses and parts. Koshering does not require a written protocol like the post-evisceration water chilling of carcasses and parts. Establishments producing Kosher poultry carcasses must submit a retained water protocol as per 9 CFR 441.10 only if water is used post-evisceration. The immersion chilling step must be in the written post evisceration water chilling protocol.

8. Are establishments required to separate religious exempt product from non-exempt product in poultry chillers and on sorting tables?

Yes, poultry slaughtered under a religious exemption that does not meet all FSIS regulatory requirements must be separated in time or space from other non-exempt poultry product. The separation is required because of the potential for contamination from sinuses, feet, or gastrointestinal tract. Noneviscerated poultry carcasses or carcasses with head or feet attached may not be commingled with poultry receiving the mark of inspection on sorting tables, in chiller water, or elsewhere. For example, non-exempt poultry carcasses enter and exit the chiller before exempt poultry carcasses do. If exempt poultry carcasses entered the chiller before the non-exempt carcasses, the establishment would need to ensure sanitary conditions before the non-exempt carcasses entered the chiller.

9. Would an inspector take a regulatory control action on religious exempt product under the Rules of Practice?

Yes, although religious exemption applies to one or more aspects of the Act, establishments must meet all other statutory requirements and produce a safe and wholesome product. Therefore, an inspector could take a regulatory control action on religious exempt product under the Rules of Practice.

10. Can an establishment slaughtering product under a religious exemption submit a notification or proposal for new technology?

Yes, establishments slaughtering product under a religious exemption that are interested in using new technology would follow the guidance provided in the Federal Register Notice "FSIS Procedures for Notification of New Technology" (68 FR 6873; 2/18/03).

11. What is the difference between a poultry exemption and a religious exemption from inspection?

Facilities operating under exemptions from inspection provided for in the PPIA and regulations (381.10) are not official establishments and, therefore, are not eligible to operate under a religious exemption. Religious exempt product, produced at an official establishment, must meet the requirements of the PPIA except for the specific requirement with respect to, which an application for exemption was made, such as "noneviscerated." Labeling for religious exempt product is different from that of custom slaughtered poultry products. Religious exemption regulations are covered under 9 CFR 381.11, 381.12, and 381.14 and poultry inspection exempt regulations under 9 CFR 381.10 and 381.13.

12. Are FSIS inspection program personnel responsible for certifying that products intended for export meet the requirements of the religious authority?

No, FSIS inspection program personnel are not responsible for certifying that products intended for export meet the requirements of the religious authority. Procedures for export certification do not include Agency oversight of the religious slaughter process or review and verification of the authenticity of a religious slaughter certificate.

13. Could the generic approval labeling regulations be used for new religious exempt product labeling?

No, generically approved labeling is not appropriate for labeling of religious exempt product. The generic approval labeling regulation 9 CFR 381.133, does not specifically include religious exempt product, which is why the labeling must be submitted for sketch approval. The Labeling and Consumer Protection Staff (LCPS) no longer grants final approvals. Once sketch approval is granted for religious exempt products, the companies would print the final label according to the sketch or sketch modified

approval and use the final label without prior approval in much the same manner that generically approved labels for amenable inspected and passed products are handled. The final label record for religious exempt products would consist of the final label, the formula (if any), the processing procedure, and any supporting documentation (i.e., a sketch approval).

14. May an establishment continue to use labeling bearing the previous exemption statement, e.g., “noneviscerated (dressed or eviscerated) Poultry Processed Under USDA Inspection—Exemption Permit (Plant) No. 000”?

Approved labeling bearing old religious exemption statements is acceptable for use until the supply is exhausted.

15. What are the optional labeling features for religious exempt product?

The immediate containers or shipping containers may bear optional labeling features that are truthful and not misleading. Labeling for religious exempt product usually bears the mandatory features of an inspected and passed poultry product (9 CFR 381, Subpart N), except that the labeling does not indicate that the product was inspected and passed. Labels bearing information other than the minimal labeling requirements identified in this directive in section X, A are recommended to be labeled with the optional features identified below.

1. The optional features commonly applied to exempt product labeling are:

a. Product Name – Products should be identified according to the Standards for Kinds and Classes and for Cuts of Raw Poultry in 9 CFR 381.170. In addition, the name must be descriptive according to 9 CFR 381.117 for carcasses that are not dressed in the same manner as inspected and passed birds. The name must include terminology for noneviscerated, head-on, or feet intact characteristics.

b. Handling Statement – Recommended for product safety (9 CFR 381.125(a)).

c. Net Weight Statement – Follow the requirements of 9 CFR 381.121.

d. Safe Handling Instructions – Follow the requirements of 9 CFR 381.125(b) except the first sentence of the rationale statement is not permitted since the product is not inspected and passed.

e. Nutrition Facts – Not required on single-ingredient products unless a nutrition claim is made on the labeling. See 9 CFR Part 381 Subpart Y.

f. Other labeling information may be used, provided that the labeling is truthful and not misleading. Labels bearing claims or organic claims, are sketch approved based on documentation accompanying the label bearing the claim attached to the application requesting sketch approval.

16. What are the labeling requirements for poultry cuts or multi-ingredient products?

Poultry cuts processed from religious exempt birds may not bear the mark of inspection. The parts must be labeled with the minimal information identified in this directive under section X, A. Optional labeling information may be used, provided that the guidelines above are followed, and the labeling is truthful and not misleading.

Multi-ingredient product labeling is required to bear an ingredients statement on the immediate container. The ingredients must be approved for use or listed as safe and suitable for use for the purpose intended.