

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE AND LIVESTOCK

The meeting was called to order by Rep. Bill Fuller at
Chairperson

10:00 a.m./p.m. on January 26, 1983 in room 423-S of the Capitol.

All members were present except: Rep. John Solbach

Committee staff present:

Bruce Hurd, Revisor of Statutes' Office
Raney Gilliland, Legislative Research Department
Kathleen Moss, Committee Secretary

Conferees appearing before the committee:

Dr. Lynn Muchmore, Director of the Budget
Harley Duncan, Chief Budget Analyst

The Minutes dated January 12, 1983 and January 19, 1983 were approved as printed.

Chairman Fuller informed those present that today will begin two or three days of hearings concerning meat and poultry inspection and that it may be necessary to meet on Friday to hear all the conferees. These meetings are a result of a Governor's budget recommendation to eliminate the funding for the State Meat and Poultry Inspection Program.

Dr. Lynn Muchmore, Director of the Budget, presented testimony representing the Governor's position. His prepared state is Attachment No. 1.

The next conferee to appear is Harley Duncan, Chief Budget Analyst representing the Governor's Office and the Budget Division. See Attachment No. 2.

During questioning the conferees from the Budget Division felt it would not be a hardship to meet federal regulations as existing facilities can be modified instead of using full standards that are set up for new facilities. He did not expect to see any closings although could not say as a fact that there would not be closings because of meeting the federal regulations. The Committee made points about the state budget, including the fact that only 0.7% was designated for agriculture, even when agriculture is the largest industry in the state of Kansas. It was claimed the industry generates more revenue than it is costing the state to operate. Concerns were expressed with the Governor's Budget recommendations which included an 11% increase in the general fund budget, yet calls for a decrease of 6.7% for funding projects for the agricultural industry. Dr. Muchmore agreed that was about right but there are other considerations such as taking into account the agricultural projects at the universities.

The meeting was adjourned at 10:00 a.m.

The next meeting will be at 9:00 a.m. on Thursday, January 27, 1983 in Room 423-S.

GUEST REGISTER

DATE Jan. 26, 1983

HOUSE OF REPRESENTATIVES
COMMITTEE ON AGRICULTURE AND LIVESTOCK

NAME	ORGANIZATION	ADDRESS
<i>J. Shannon</i>	<i>U.S. DA</i>	<i>5966 SW 25</i>
<i>Erin Suggan</i>	<i>U.S. DA</i>	<i>444 SE Quincy</i>
<i>Dono Page</i>	<i>Div. of Budget</i>	<i>752E Statehouse</i>
<i>Herby Duncan</i>	<i>Division of Budget</i>	<i>State House</i>
<i>Agnes Muckmore</i>	<i>Division of Budget</i>	<i>"</i>
<i>Alan Connors</i>	<i>" " "</i>	<i>"</i>
<i>Beth Lewis</i>	<i>UPI</i>	<i>"</i>
<i>Dee Polson</i>	<i>Visitor</i>	
<i>Deanna Suller</i>	<i>"</i>	
<i>John Blythe</i>	<i>KFB</i>	<i>Manhattan</i>
<i>Max Foster</i>	<i>Meat + Poultry Insp KSBA</i>	<i>Topeka</i>
<i>Don Jacka</i>	<i>Ks State Board of Agriculture</i>	<i>Topeka</i>
<i>LARRY D. Woodson</i>	<i>MEAT + POULTRY INSPECTION KSBA</i>	<i>TOPEKA</i>
<i>Jim Suber</i>	<i>Topeka Capital Journal</i>	<i>"</i>
<i>Cydra Jerve</i>	<i>Speaker's office</i>	<i>" "</i>
<i>Ricky Wilt</i>	<i>University Daily Kansan</i>	<i>Lawrence</i>
<i>Ivan W. Wyatt</i>	<i>Ks Farmers Union</i>	<i>McPherson</i>
<i>Larry Schuch</i>	<i>Ks. Meat Processors Assn.</i>	<i>Atchison</i>
<i>Bruce Hansen</i>	<i>KMPA</i>	<i>Alma</i>
<i>Nelson Buckles</i>	<i>Sec. Treas Kans Meat Proc. Ass'n</i>	<i>Independence</i>
<i>Roy E. Urruch</i>	<i>Ks. Meat Processors Assn.</i>	<i>Peabody</i>
<i>Terry Wooten</i>	<i>WICHITA EAGLE - BEACON</i>	<i>TOPEKA</i>
<i>Dwight Beckwith</i>	<i>KMPA</i>	<i>Bern</i>
<i>Bennie Strison</i>	<i>KMPA</i>	<i>Ottawa</i>

GUEST REGISTER

DATE Jan. 26, 1983

HOUSE OF REPRESENTATIVES
COMMITTEE ON AGRICULTURE AND LIVESTOCK

NAME

ORGANIZATION

ADDRESS

G. P. Lynn
Herald Wiley

Animal Health Dept
KA, W, Co.

Topeka
Topeka

Mr. Chairman and Members of the House Agriculture and Livestock Committee:

I wish to explain briefly the major factors influencing Governor Carlin's recommendation to permit full federal assumption of meat and poultry inspection activities in Kansas, as provided for under the federal Wholesome Meat Act of 1967. I will be followed by Mr. Harley Duncan, of my staff, who will compare the state and federal meat and poultry regulations and present our findings regarding the probable impact of this transition.

The Governor's recommendation on meat and poultry inspection is one of a number of decisions reached after spending several months analyzing the need for state government services and the State General Fund resources available to finance those needs. As you are aware, current revenue sources are projected to fall \$154 million short of the amount Governor Carlin believes is the minimum necessary for education, transportation, and the operation of other state programs in fiscal year 1984. The enormous pressure for service reductions and increased efficiency and productivity was translated during preparation of the executive budget into a series of program cutbacks. We recognized that these program cutbacks would be unpopular, but deemed them essential in order to maximize the public interest with severely limited funds. We recommended that the General Assistance program be sliced in half, that medical scholarships be discontinued, that cost-sharing funds for soil and water

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conservation programs be reduced, and that many other economy measures be taken.

Among these economy measures, one of the most reasonable is that Kansas discontinue the special status accorded to small meat and poultry plants whose products do not cross state lines. We firmly believe that the effect of this termination will be minimal. We expect no deterioration in the quality of the products delivered to Kansas consumers, a consideration of paramount importance. We expect few or no plant closings will occur as a direct result of this change in program administration. Although we cannot guarantee that no plant closings will occur, discussions with officials in other states where this change has occurred lead us to believe that the impacts will be minimal.

The question, we believe, turns on a single issue. Are the regulations applied to federally inspected plants so different from the regulations applied to state inspected plants that the adjustment required by plant owners forced to shift from one regulatory regime to another justifies annual State General Fund outlays in excess of \$1,000,000 per year? Our answer is no. While at one time differences in standards, procedures, and regulatory attitudes may have caused legitimate alarm, we believe that the two regulatory frameworks have converged to the point where further expenditures of this magnitude can no longer be justified. The chief differences between state regulations and federal regulations concern facilities requirements, and we are

convinced that these differences are minor enough to be met without unreasonable outlays by the industry.

In support of the Governor's position, I wish to offer the following arguments:

- 1) Meat and poultry inspection is an area in which the federal government successfully and properly asserted its jurisdiction through the federal Wholesome Meat Act of 1967. The responsibility we are discussing is a federal responsibility rather than a state responsibility. Thus, I want to emphasize that the Governor is not recommending that the state abdicate a duty that is properly within its sphere or relinquish responsibilities that by right should be exercised by state government. Rather, the Governor is recommending that we discontinue an exception for small plants operating only within Kansas which was that to be important in 1969. This exception has been sustained at a total cost of approximately \$9.4 million since 1970, and it will require a commitment of another \$1.1 million in fiscal year 1984. Nearly half of the states which made similar decisions to develop their own inspection programs after the passage of Wholesome Meat Act have preceded us. Twenty-two of these states have restored full inspection responsibilities to the federal government, among them all of the states surrounding Kansas except Oklahoma.

- 2) Because the state program is an exception, it affects only five percent of the meat and poultry slaughtered and processed in Kansas. Ninety-five percent of all Kansas meat products pass through interstate commerce, and are therefore already inspected by the U.S. Department of Agriculture.
- 3) This discussion affects only that segment of the intrastate industry that was "grandfathered" as a result of the 1967 Wholesome Meat Act. All newly licensed plants, whether dealing in intrastate or interstate commerce, are subject to the same regulations and standards, despite the fact that newly licensed intrastate plants are regulated by the state.
- 4) Conversations with officials in other states where federal assumption has occurred indicates that the transition, while requiring some adjustments, is a relatively painless one. Contrary to speculation and rumor that preceded the change-over in those states, small plants were not subject to wholesale harassment, and very few closed their doors. I think it is important that, while the federal government takes no position regarding the wisdom of such a change, the U.S. Department of Agriculture has, in fact, given special recognition of the needs of small intrastate plants, and has taken every reasonable measure to assure that these plants continue in business so long as health standards are met. I hasten to remind the Committee that these health requirements are not different standards than have been

applied by the state government. State inspection standards must be at least as stringent as federal standards where any question of product quality is involved for the state to maintain "equal to" status.

- 5) As Mr. Duncan will explain in greater detail, Kansas has adopted verbatim many of the federal regulations dealing with inspection. We have examined carefully those few areas in which verbatim adoption has not occurred, and we find the differences in requirements to be minimal. Special measures to protect small plants against federal regulations are not now necessary, and they are not an effective use of general fund dollars at this time.

During preparation of this budget, we examined program after program supported by state funds, and we found ourselves asking whether, if the state meat and poultry inspection program did not now exist, sufficient evidence could be mustered to create a compelling argument for its creation. We believe that were the proposal before use to spend an additional \$1.1 million to establish a state meat and poultry program, the experience of other states, the stated policy of the federal government, the recognized austerity forced upon us by revenue shortfalls, and the wisdom of adding 80-plus state employees to the payroll, would quickly be raised as compelling reasons why the commitment should not now be made. That the program does now exist is not, we believe, a reasonable and persuasive argument for its

continuation in the face of current fiscal realities in Kansas. While we will not attempt to refute the rationale used in 1969 to adopt the program - the facts were different and times have since changed - we find nothing on the record to convince us that continued outlays of the magnitude required for a state meat and poultry inspection program can be justified.

Division of the Budget
January 26, 1983

TYPES OF STATE-INSPECTED PLANTS

Plants which slaughter livestock or poultry, or process carcasses into meat or poultry products which are sold within the state, come under the provisions of the Kansas Meat and Poultry Act. There are four basic types of plants which receive state inspection:

Fully Inspected Plants are those in which inspection is performed before, during, and after the slaughter of all animals. The plant is also inspected for sanitation, processing, and product labeling. Carcasses and parts of carcasses bear the inspection legend and can be sold to all market outlets within the state, but may not be sold across state lines.

Custom Plants are usually small family-operated plants which slaughter and process animals for use by the owner, guests and employees. The carcass and meat from the carcass are stamped "Custom-Not For Sale," and the meat may not be sold over the counter. No inspection is provided before or after an animal is slaughtered, as it is at fully inspected plants, but the plant is checked periodically for sanitation, labeling, and adulteration.

Combination Plants - In a combination plant, all products to be sold in intrastate commerce are inspected in exactly the same manner as in a fully inspected plant, while all products derived from the slaughter of custom animals are not inspected, but are labeled "Custom-Not For Sale."

Curtis Exempt Plants are inspected under the provisions of the Curtis Amendment to the 1967 Federal Wholesome Meat Act. This amendment, sponsored by Senator Curtis of Nebraska, provides that custom plants may buy and sell provided that either a physical or time separation is maintained between the inspected and uninspected products. The Kansas Legislature followed with the same amendment to the Kansas Act.

The number of state-inspected plants, by type, is shown below:

	<u>FY 1981</u>	<u>FY 1982</u>	<u>FY 1983</u>
Fully Inspected Plants	184	197	197
Custom Plants, Combination Plants, and Curtis Exempt Plants	<u>62</u>	<u>46</u>	<u>46</u>
Total State-Inspected Plants	246	243	243

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Federal Meat and Poultry Inspection Regulations

Adopted by Reference in K.A.R. 4-16-1b
Effective May 1, 1982

<u>Federal Regulation</u>	<u>Subject</u>
Part 305	Official Numbers; Inauguration of Inspection, Withdrawal of Inspection; Reports of Violation
Part 308	<u>Sanitation</u> -- Includes such items as water supply and temperature, rest rooms, outer premises and driveways and appropriate equipment
Part 309	Ante-Mortem Inspection
Part 310	Post-Mortem Inspection
Part 311	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
Part 314	Handling and Disposal of Condemned or Other Inedible Products at Official Establishments
Part 315	Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
Part 316	Marking Products and Containers
Part 318.7	Approval of Substances for Use in Preparation of Products
Part 381 except 381.10	Poultry Products Inspection except Exemptions

Parts Not Adopted

<u>Federal Regulations</u>	<u>Subject</u>
Part 301	Definitions
Part 302	Application for Inspection
Part 303	Exemptions
Part 304	Application for Inspection
Part 306	Assignment of Employees
Part 307	Facilities for Inspection
Part 312	Official Marks, Devices and Certification
Part 313	Humane Slaughter of Livestock

COMPARISON OF FEDERAL AND STATE
MEAT AND POULTRY INSPECTION REGULATIONS

Federal Regulations
9CFR 301

Kansas Administrative
Regulations

Part VI.—FACILITIES FOR INSPECTION AND
HOURS OF OPERATION

4-16-7. Facilities for inspection personnel and hours of operation. (a) Office space, including necessary furnishings, light, heat, and janitor service shall be provided by owners or operators of establishments, rent free, for the exclusive use for official purposes of the inspector and other division employees assigned thereto.

(b) When required by the inspector in charge, the following facilities and conditions, and such others as may be found to be essential to efficient inspection and maintenance of sanitary conditions, shall be provided by the owners or operators of each establishment:

(1) Satisfactory pens, equipment, and assistants for conducting ante mortem inspection and for separating, marking, and holding apart from passed animals, those marked "Kansas Suspect" and those marked "Kansas Condemned." Pens, alleys, and runways shall be paved, drained, and supplied with adequate hose connections for cleanup purposes.

(2) Sufficient natural or artificial light, or both, at all places and all times of the day.

(3) Racks, receptacles, or other suitable devices for retaining such parts as the head, tongue, tail, thymus gland, and viscera, and all parts and blood to be used in the preparation of meat food products or medical products, until after the post mortem examination is completed, in order that they may be identified in case of condemnation of the carcass; equipment, trucks, and receptacles for the handling of viscera of slaughtered animals to prevent contact with the floor; and trucks, racks, marked receptacles, tables, and other necessary equipment for the separate and sanitary handling of carcasses or parts passed for cooking.

(4) Tables, benches, and other equipment on which inspection is performed.

(5) Watertight metal trucks or receptacles for holding and handling diseased carcasses and parts, so constructed as to be readily cleaned. The trucks or receptacles shall be marked in a conspicuous manner with the phrase "Kansas Condemned" in letters not less than two (2) inches high, and, when required by the inspector, they shall be equipped with facilities for locking or sealing.

(6) Adequate arrangements, including liquid soap and cleaners, for cleansing and disinfecting hands, for sterilizing all implements used in dressing diseased carcasses, floors, and other articles and places as may be contaminated by diseased carcasses or otherwise.

PART 307—FACILITIES FOR
INSPECTION

§ 307.1 Facilities for Program employees.

Office space, including necessary furnishings, light, heat, and janitor service, shall be provided by official establishments, rent free, for the exclusive use for official purposes of the inspector and other Program employees assigned thereto. The space set aside for this purpose shall meet with approval of the circuit supervisor and shall be conveniently located, properly ventilated and provided with lockers suitable for the protection and storage of Program supplies and with facilities suitable for Program employees to change clothing if such clothes changing facilities are deemed necessary by the circuit supervisor. At the discretion of the Administrator, small plants requiring the services of less than one full time inspector need not furnish facilities for Program employees as prescribed in this section, where adequate facilities exist in a nearby convenient location. Laundry service for inspectors' outer work clothing shall be provided by each establishment.

§ 307.2 Other facilities and conditions to be provided by establishment.

When required by the circuit supervisor, the following facilities and conditions, and such others as may be found to be essential to efficient conduct of inspection and maintenance of sanitary conditions, shall be provided by each official establishment:

(a) Satisfactory pens, equipment, and assistants for conducting ante-mortem inspection and for separating, marking and holding apart from passed livestock those marked "U.S. suspect" and those marked "U.S. condemned" (pens, alleys, and runways shall be paved, drained, and supplied with adequate hose connections for cleanup purposes);

(b) Sufficient light to be adequate for proper conduct of inspection;

(c) Racks, receptacles, or other suitable devices for retaining such parts as the head, tongue, tail, thymus gland, and viscera, and all parts and blood to be used in the preparation of meat food products or medical products, until after the post-mortem examination is completed, in order that they may be identified in case of condemnation of the carcass; equipment, trucks, and receptacles for the handling of viscera of slaughtered animals so as to prevent contact with the floor; and trucks, racks, marked receptacles, tables, and other necessary equipment for the separate and sanitary handling of carcasses or parts passed for cooking;

(d) Tables, benches, and other equipment on which inspection is to be performed, of such design, material, and construction as to enable Program employees to conduct their inspection in a ready, efficient and clean manner;

(e) Watertight metal trucks or receptacles for holding and handling diseased carcasses and parts, so constructed as to be readily cleaned; such trucks or receptacles to be marked in a conspicuous manner with the phrase "U.S. condemned" in letters not less than 2 inches high, and, when required by the circuit supervisor, to be equipped with facilities for locking or sealing;

(f) Adequate arrangements, including liquid soap and cleansers, for cleansing and disinfecting hands, for sterilizing all implements used in dressing diseased carcasses, floors, and such other articles and places as may be contaminated by diseased carcasses or otherwise;

Kansas Administrative
Regulations

(7) In establishments in which slaughtering is done, rooms, compartments, or specially prepared open places, to be known as "final inspection places," at which the final inspection of retained carcasses may be conducted. Competent assistants for handling retained carcasses and parts shall be provided by the owners or operators of the establishment. Final inspection places shall be adequate in size and their rail arrangements and other equipment shall be sufficient to prevent carcasses and parts passed for food or cooking, from being contaminated by contact with condemned carcasses or parts. They shall be equipped with hot water, lavatory, sterilizer, tables, and other equipment required for ready, efficient and sanitary conduct of the inspection. The floors shall be constructed to facilitate the maintenance of sanitary conditions and shall have proper drainage connections, and when the final inspection place is part of a larger floor, it shall be separated from the rest of the floor by a curb, railing, or otherwise.

(8) Retention rooms, cages or other compartments, and receptacles in which carcasses and product may be held for further inspection shall be provided in such number and in such locations as are necessary for proper inspection. They shall be equipped for secure locking and shall be held under locks furnished by the division, the keys of which shall not leave the custody of division employees. Every such room, compartment, or receptacle shall be marked conspicuously with the phrase "Kansas Retained" in letters not less than two (2) inches high. Rooms or compartments for these purposes shall be secure and kept clean. A method for sanitary disposal of the floor liquids shall be provided also. Establishment employees shall not enter any retention rooms or compartments or open any retention receptacles unless authorized by division employees.

(9) Adequate facilities, including denaturing materials, for the proper disposal of condemned articles in accordance with these regulations. Tanks or other rendering equipment which, under these regulations, must be sealed, shall be properly equipped for sealing as may be specified by these regulations or by the division employee or inspector in specific cases.

(10) Docks and receiving rooms for the receipt and inspection of all products as provided in K.A.R. 4-16-153 which shall be designated by the owners or operators of the establishment, with the approval of the director or inspector.

(11) Suitable lockers for storage of brands bearing the official inspection legend, official certificates and other official devices (excluding labels) shall be provided by the owners or operators of the establishment. All such lockers shall be equipped for locking with locks to be supplied by the division, and the keys shall be in custody of the inspector.

(12) Sanitary facilities and accommodations as prescribed by K.A.R. 4-16-2.

(g) In establishments in which slaughtering is done, rooms, compartments, or specially prepared open places, to be known as "final inspection places," at which the final inspection of retained carcasses may be conducted (competent assistants for handling retained carcasses and parts shall be provided by the establishment; final inspection places shall be adequate in size and their rail arrangement and other equipment shall be sufficient to prevent carcasses and parts passed for food or cooking, from being contaminated by contact with condemned carcasses or parts; they shall be equipped with hot water, lavatory, sterilizer, tables, and other equipment required for ready, efficient, and sanitary conduct of the inspection; the floors shall be of such construction as to facilitate the maintenance of sanitary conditions and shall have proper drainage connections, and when the final inspection place is part of a larger floor, it shall be separated from the rest of the floor by a curb, railing, or otherwise);

(h) Retention rooms, cages, or other compartments, and receptacles in which carcasses and product may be held for further inspection (these shall be in such number and in such locations as the needs of the inspection in the establishment may require; they shall be equipped for secure locking or sealing and shall be held under locks or official seals furnished by the Department; the keys of such locks shall not leave the custody of Program employees. Every such room, compartment, or receptacle shall be marked conspicuously with the phrase "U.S. retained" in letters not less than 2 inches high; rooms or compartments for these purposes shall be secure and susceptible of being kept clean, including a sanitary disposal of the floor liquids; establishment employees shall not enter any retention rooms or compartments or open any retention receptacles unless authorized by Program employees);

(i) Adequate facilities, including denaturing materials, for the proper disposal of condemned articles in accordance with the regulations in this subchapter (tanks or other rendering equipment which, under the regulations in this subchapter, must be sealed, shall be properly equipped for sealing as specified by the regulations in Part 314 of this subchapter or by the circuit supervisor in specific cases);

(j) Docks and receiving rooms, to be designated by the operator of the official establishment, with the circuit supervisor, for the receipt and inspection of all products as provided in § 318.3 of this subchapter.

(k) Suitable lockers in which brands bearing the official inspection legend and other official devices (excluding labels) and official certificates shall be kept when not in use (all such lockers shall be equipped for sealing or locking with locks or seals to be supplied by the Department; the keys of such locks shall not leave the custody of Program employees);

(l) Sanitary facilities and accommodations as prescribed by § 308.4 of this subchapter.

(m) In addition to any facilities required to accomplish sanitary dressing procedures, the following inspection station facilities for cattle and swine slaughter lines described in § 310.1(b) of this subchapter are required:

(1) An inspection station consisting of 5 feet of unobstructed line space for each head or carcass inspector and, for viscera table kills, 8 feet for each viscera inspector on the inspector's side of the table.

(2) A minimum of 50 foot-candles of shadow-free lighting at the inspection surfaces of the head, viscera, and carcass.

(3) For each inspector, a handwash lavatory (other than one which is hand operated), furnished with soap, towels, and hot and cold water, and located adjacent to the inspector's work area. In addition, for each head and viscera inspector, a sterilizer located adjacent to the inspector's work area.

Kansas Administrative
Regulations

(c) Hours of operation of establishments.

The operator of each establishment shall inform the inspector in charge, or his assistant, when work in each department has been concluded for the day, and of the day and hour when work will be resumed. Whenever any product is to be overhauled or otherwise handled in an establishment during unusual hours, the establishment operator shall, a reasonable time in advance, notify the inspector in charge, or his assistant, of the day and hour when such work will be commenced and such products shall not be so handled prior to that time and except after such notice has been given. No department of an establishment shall be operated except under the supervision of an inspector. All slaughtering of livestock and preparation of products shall be done within reasonable hours, and with reasonable speed, the facilities of the establishment being considered. Reasonable speed shall mean no less than one (1) animal per hour with all lesser amounts to be requested in writing and approved by the director or designated representative. No shipment of any product shall be made from any establishment until after due notice has been given to the inspector in charge, or his assistant.

(d) Days and hours of operation. When one inspector is detailed to conduct the work at two (2) or more establishments where animals are slaughtered, or where only a small quantity of any product is prepared, the inspector in charge and operators of the establishment shall work out the hours of the day and the days of the week during which such establishment may be operated.

(e) Overtime work by inspection personnel. The operator of an establishment desiring to work under conditions which require the services of a division employee on any Saturday, Sunday, or holiday or for any interval of more than four (4) or eight (8) regularly assigned hours on any other day as prescribed by the director shall request in advance that the inspector supply inspection service during the overtime period. The operator of such establishment shall pay the division for overtime services at the rate of twelve dollars (\$12.00) per hour to reimburse the agency for the cost of inspection services so furnished. (Authorized by K.S.A. 65-6a26, 65-6a30, 65-6a32, 65-6a44; effective Jan. 1, 1971; amended, E-80-25, Dec. 12, 1979; amended May 1, 1980.)

(4) For mechanized operations, a switch, located adjacent to each inspection station, which can stop the chain or conveyor.

(5) Facilities to position tally sheets or other recording devices, such as digital counters, and facilities to contain condemned brands.

(6) For swine slaughter lines requiring three or more inspectors and on which the swine heads are inspected while still attached to the carcass: at the carcass inspection stations, one glass, distortion-free mirror, at least 5 feet x 5 feet, mounted far enough away from the vertical axis of the moving line to allow the carcass to be turned, but not over 3 feet away and so mounted that any inspector standing at the carcass inspection station can readily view the back of the carcass.

135 FR 15560, Oct. 3, 1970, as amended at 46 FR 43409, Aug. 28, 1981]

§ 307.3 Inspectors to furnish implements and maintain hands and implements in sanitary condition.

Inspectors shall furnish their own work clothing and implements, such as flashlights and triers, for conducting inspection and shall cleanse their hands and implements as prescribed by § 308.8 of this subchapter.

§ 307.4 Schedule of operations.

(a) No operations requiring inspection shall be conducted except under the supervision of a Program employee. All slaughtering of animals and preparation of products shall be done with reasonable speed, considering the official establishment's facilities.

(b) A shift is a regularly scheduled operating period, exclusive of mealtime. One lunch period is the only official authorized interruption in the inspector's tour of duty once it begins. Lunch periods may be 30 minutes, 45 minutes, or in any case may not exceed one hour in duration. Once established, the lunch period must remain relatively constant as to time and duration. Lunch periods for inspectors shall not, except as provided herein, occur prior to 4 hours after the beginning of scheduled operations nor later than 5 hours after operations begin. In plants where a company rest break of not less than 30 minutes is regularly observed, approximately midpoint between start of work and the lunch period, and the inspector is allowed this time to meet his personal needs, the lunch period may be scheduled as long as 5½ hours after the beginning of scheduled operations.

(c) Official establishments, importers, and exporters shall be provided inspection service, without charge, up to 8 consecutive hours per shift during the basic workweek subject to the provisions of § 307.5: *Provided*, That any additional shifts meet requirements as determined by the Administrator or his designee. The basic workweek shall consist of five consecutive 8-hour days Monday through Friday, excluding the lunch period; except those plants presently operating on an approved Tuesday through Saturday schedule shall continue on this schedule until such time as a change in ownership occurs, or they request and are granted a Monday through Friday work schedule; and further, except in the designation of State programs, the Department may depart from the Monday to Friday workweek in those cases where it would seriously handicap the Department in carrying out its function.

(d)(1) Each official establishment shall submit a work schedule to the area supervisor for approval. In consideration of whether the approval of an establishment work schedule shall be given, the area supervisor shall take into account the efficient and effective use of inspection personnel. The work schedule must specify daily clock hours of operation and lunch periods for all departments of the establishment requiring inspection.

Federal Regulations

(2) Establishments shall maintain consistent work schedules. Any request by an establishment for a change in its work schedule involving an addition or elimination of shifts shall be submitted to the area supervisor at least 2 weeks in advance of the proposed change. Frequent requests for change shall not be approved: *Provided*, however, minor deviations from a daily operating schedule may be approved by the inspector in charge, if such request is received on the day preceding the day of change.

(3) Request for inspection service outside an approved work schedule shall be made as early in the day as possible for overtime work to be performed within that same workday; or made prior to the end of the day's operation when such a request will result in overtime service at the start of the following day: *Provided*, That an inspector may be recalled to his assignment after completion of his daily tour of duty under the provisions of § 307.6(b).

[40 FR 45799, Oct. 3, 1975, as amended at 40 FR 50719, Oct. 31, 1975; 41 FR 15401, Apr. 13, 1976]

§ 307.5 Overtime and holiday inspection service.

(a) The management of an official establishment, an importer, or an exporter shall pay the Food Safety and Inspection Service \$18.12 per hour per Program employee to reimburse the Program for the cost of the inspection service furnished on any holiday as specified in paragraph (b) of this section; or for more than 8 hours on any day, or more than 40 hours in any administrative workweek Sunday through Saturday.

(b) Holidays for Federal employees shall be New Year's Day, January 1; Washington's Birthday, the third Monday in February; Memorial Day, the last Monday in May; Independence Day, July 4; Labor Day, the first Monday in September; Columbus Day, the second Monday in October; Veterans' Day, November 11; Thanksgiving Day, the fourth Thursday in November; Christmas Day, December 25. When any of the above-listed holidays falls outside the basic workweek, the nearest workday within that week shall become a holiday.

[40 FR 45800, Oct. 3, 1975, as amended at 41 FR 15401, Apr. 13, 1976; 43 FR 51754, Nov. 7, 1978; 46 FR 46112, Sept. 17, 1981]

§ 307.6 Basis of billing for overtime and holiday services.

(a) Each recipient of overtime or holiday inspection service, or both, shall be billed, at the rate established in § 307.5(a), in increments of quarter hours. For billing purposes, 8 or more minutes shall be considered a full quarter hour. Billing will be for each quarter hour service rendered by each Program employee.

(b) Official establishments, importers, or exporters requesting and receiving the services of a Program employee after he has completed his day's assignment and left the premises, or called back to duty during any overtime or holiday period, shall be billed for a minimum of 2 hours overtime or holiday inspection service at the established rate.

(c) Bills are payable upon receipt and become delinquent 30 days from the date of the bill. Overtime or holiday inspection will not be performed for anyone having a delinquent account.

[40 FR 45800, Oct. 3, 1975]

State Meat and Poultry Plant
Deficiencies of Federal Guidelines

A total of 190 plants were surveyed by the Kansas Board of Agriculture. The results of that survey were as follows:

<u>Type of Deficiency</u>	<u>Number of Plants</u>
1. No inspector's office.....	140
2. Inadequate paving on plant site.....	87
3. Inadequate employee welfare facilities (restroom).....	80
4. Rails too low or close to a stationary objects.....	79
5. Processing area not properly refrigerated....	77
6. No fenced dry landing area or no curbed bleeding area.....	76
7. No retained cage in cooler.....	65
8. Inadequate floor drains or drain lines.....	64
9. Inadequate wall, ceiling, joint, floor coverings.....	61
10. Doors not metal clad.....	57
11. Blueprints (plumbing).....	47
12. Door(s) too narrow.....	31
13. Inadequate viscera cart or viscera truck sterilization.....	28
14. No separate suspect area.....	9
15. Other.....	121

Example of Other

- A. Need racks in cooler
- B. Wooden table in processing area
- C. Pens not covered
- D. Equipment not rust resistant
- E. Thermometer not in hot water line

Review of Deficiencies

1. No inspector's office - Federal regulations at the discretion of the Administrator, do NOT require an inspector's office in those small plants that have less than a full-time inspector. In many small plants, a regulation clothes locker may be all that is needed.
2. Paving on plant site - Paving is NOT required as long as driveways, etc. are of a dust proof material, crushed rock is acceptable.
3. Inadequate employee welfare facilities (restroom) - Dressing rooms as such may not be necessary in small plants with one or two employees if they live nearby and come to work properly clothed for their job. Presently installed hand operated sinks (other than kill floor) will be accepted if they furnish hot and cold running water through a mixing faucet, are of sanitary construction, and in good repair. Conveniently located lavatories must be provided to assure proper cleanliness of all food handlers.
4. Rails too low or close to stationary objects - In existing construction, rails lower than standard will be accepted if measures are taken to protect the meat from contamination. For example, if dressing and cooler rails are less than standard height, some or all of the carcasses may have to be quartered or otherwise divided before they can be hung or transported. The lowest part of the meat should be at least a foot from the floor.
5. Processing area not properly refrigerated - A midshift cleanup of all contact surfaces is permitted when a 50°F temperature cannot be maintained.
6. No fenced dry landing area or curbed bleeding area - Bleeding areas need not be curbed as long as the area is washed down between each animal. Landing area acceptable if animal is contained and sanitation needs are achieved.
7. No retained cage in cooler - This problem can be solved by installing a collapsible cage, or a gate which closes off one end of the cooler. When not in use, the cage can be collapsed, or the gate folded against the wall to free up cooler space.
8. Inadequate floor drains or drain lines - The extent and character of plant operations will determine whether drains are needed. Drains are often not required when the room can be kept dry, clean, and free of offensive odors. Joined soil and drainage lines are accepted if they are regularly maintained to prevent blockage.
9. Inadequate wall, ceiling, floor and other coverings - A variety of materials may be acceptable. The basic requirement is that the structures be of a material, construction, and finish which allows them to be easily and thoroughly cleaned.
10. Doors not metal clad - Doors will be acceptable as long as the doors can be easily and thoroughly cleaned, and will not cause contamination or adulteration of the meat products passing through them.

11. Blueprints (plumbing) - In the drawing approval process, allowances will be made for variances from norms, in existing construction, if the premises can be kept clean, wholesome meat can be produced, and necessary inspection features provided. The federal regulations require submission of two sets of complete drawings.
12. Doors too narrow - There are no specific requirements for doorway widths for existing facilities. They need only be wide enough so that there is no contact between the doorways and the meat product.
13. Inadequate viscera cart or viscera truck sterilization- Not all plants are required to have viscera carts. Intent is that all parts of a carcass be kept together.
14. No separate suspect area - A separate suspect area may NOT be required by the Federal government. What is required are nose tongs, a separate pen or some other method which provides restraint for suspect animals.