

# BUILDING RESILIENT LOCAL MEAT SUPPLY CHAINS:

## HOW ON-FARM SLAUGHTER FITS INTO THE FEDERAL MEAT INSPECTION ACT

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*USDA Photo by Lance Cheung*

### SUMMARY

This brief provides an overview of federal and state meat inspection laws governing on-farm slaughter practices. Specifically, it explores how the interpretation of on-farm slaughter exemptions by the federal and state agencies responsible for meat inspection as well as on-farm slaughter practitioners impacts small-scale livestock farmers. The brief includes policy considerations to improve access to on-farm slaughter services for small-scale livestock producers, support the expansion of small-scale meat processing infrastructure and workforce capacity, and increase local meat supply chain resilience.

### INTRODUCTION

The global meat industry plays a significant role in the lives of most Americans. The remarkable speed of this system quickly moves animals from farms to slaughterhouses to retailers and other points of sale where meat is typically available at a low price to consumers, despite its high production costs and negative externalities.<sup>1</sup> In recent months and years, even as large meatpackers<sup>2</sup> take advantage of market conditions to grow their profits,<sup>3</sup> higher meat prices still fail to account for the true costs of production.<sup>4</sup> By externalizing these costs, the industry has fostered economies of scale<sup>5</sup> to meet high global consumer demand.<sup>6</sup> Yet, the COVID-19 pandemic exposed the weaknesses and massive problems that result from tight, consolidated control over food and agriculture systems, including the meat industry. The consolidation that creates the efficiencies to which Americans have grown accustomed often results in less resilience, leaving meat supply chains vulnerable to shocks and compromising the integrity and reliability of our globalized food system.<sup>7</sup>

In the US, outbreaks of COVID-19 among slaughterhouse and processing plant employees in combination with pandemic response protocols led to widespread temporary plant closures, thousands of ill employees, massive delays in production, and soaring prices for available meat products.<sup>8</sup> This sequence of events forced meat supply chains to transition products typically destined for restaurants toward grocers and led many consumers and institutional buyers to local and regional livestock farmers and meat producers.<sup>9</sup> However, due to the decades-long centralization of the meat industry, processing infrastructure available to small meat producers is significantly limited, with more than 1,800 livestock slaughterhouses closed since 1990.<sup>10</sup> In the face of a new surge in demand paired with insufficient infrastructure, local and regional meat sales drastically increased while livestock farmers experienced unprecedented wait times for slaughter appointments, sometimes waiting up to 12 months or more.<sup>11</sup>

"Due to the decades-long centralization of the meat industry, processing infrastructure available to small meat producers is significantly limited, with more than 1,800 livestock slaughterhouses closed since 1990."



Workers at a beef slaughterhouse in Texas dissect, sort and separate beef parts. U.S. Department of Agriculture (USDA) Food Safety and Inspection Service (FSIS) inspectors are on site to ensure the beef is processed in accordance with regulations. [USDA photo](#) by Alice Welch

Since the height of the pandemic in 2020, the US federal government has shown increased interest in investing in and building more resilient regional food systems across the country. In a 2022 press release, the Biden Administration explicitly acknowledged that supporting local food production is necessary to provide greater resilience to the food system.<sup>12</sup> Since President Biden took office, the United States Department of Agriculture (USDA) has earmarked hundreds of millions of dollars in funding to build greater local supply chain resilience, including within the meat industry.<sup>13</sup> Similarly, states are investing in building meat and poultry supply chain resilience. In Wisconsin, for example, the governor's office invested millions of dollars in expanding meat processing infrastructure and capacity via the Meat and Poultry Supply Chain Resiliency Grant Program in an effort to improve "long-term viability of the state's livestock industry," recognizing meat processors as a "key component of a resilient supply chain."<sup>14</sup>

Even with increased investment in food system resilience, existing meat inspection laws simply do not translate well to small operations. However, small livestock farmers across the US have adapted to this system through a long tradition of selling animals or **animal shares** (portions of a live animal divided and distributed among multiple

people) and supporting **on-farm slaughter** services to provide their communities with direct access<sup>15</sup> to affordable, local,<sup>16</sup> humane, and culturally relevant meat.<sup>17</sup> At the same time, there is a parallel public interest in purchasing this type of meat because it directly supports small farmers' financial well-being, advances animal welfare, and promotes environmental protection.<sup>18</sup>

## What is on-farm slaughter and why does it matter?

Slaughtering animals on the farm where they are raised reduces the need for a farmer to travel long and costly distances and can promote animal welfare and overall meat quality.<sup>19</sup> While meat quality depends on a variety of factors, research shows that an animal's pre-slaughter experience, such as traveling long distances and moving through an industrialized processing plant, negatively impacts the quality and freshness of meat due to higher levels of stress hormones present in the animal's body at the time of slaughter.<sup>20</sup> Further, reducing these stresses by slaughtering animals on-farm can result in a more humane and ethical meat product (*See pop-out on next page*).

## What is “ethical meat”?

There is no legal definition of “ethical meat.”

However, within the small-scale meat industry, ethical meat is associated with a variety of values and approaches, including raising animals using regenerative agriculture practices like managed rotational grazing.<sup>23</sup> Typically, however, the central issue related to ethical meat is the animal’s welfare during slaughter.<sup>24</sup>

The Humane Methods of Slaughter Act was passed in 1958 and is enforced by USDA’s Food Safety and Inspection Service (FSIS).<sup>25</sup> In the act, Congress stated that the “use of humane methods in the slaughter of livestock prevents needless suffering, results in safer and better working conditions for persons engaged in the slaughtering industry, brings about improvement of products and economies in slaughtering operations, and produces other benefits for producers, processors, and consumers that tend to expedite an orderly flow of livestock and livestock products in interstate and foreign commerce.”<sup>26</sup>

The act outlines “humane methods of slaughter” for all livestock (except poultry).<sup>27</sup> In 1978, the act was amended to address instances of “inhumane slaughter or handling in connection with slaughter.”<sup>28</sup> If FSIS observes inhumane handling of an animal at an inspected facility, they must hold facility operators accountable to “take the necessary steps to prevent a recurrence.”<sup>29</sup>

While animal rights advocates debate over whether it is possible to produce ethical and humane meat—specifically, whether the Humane Methods of Slaughter Act provides enough protection to both animals and humans<sup>30</sup>—there is growing interest among consumers in ethical meat and among farmers in participating in a more ethical and humane meat production system.<sup>31</sup> Availability of this type of meat is often limited in traditional markets, making it difficult for both consumers and farmers to meet their needs. However, advocacy and organizing efforts are underway related to the use of on-farm slaughter exemptions in Canada and the US to facilitate more small-scale local and ethical meat production systems.<sup>32</sup>

Critically, localizing slaughter services can prevent processing bottlenecks in the meat supply chain, mitigate unexpected delays, and ease the burden on small-scale livestock farmers bringing their livestock to market. For example, if a slaughter appointment is postponed or canceled, farmers must contend with the fact that they may miss the optimal window of time for slaughter in the animal’s life, expend the additional costs associated with keeping their livestock longer than expected, and be available on short notice to travel for a slaughter appointment opening.

On-farm slaughter is also a matter of **food sovereignty** because those participating in a local, small-scale livestock and meat supply chain have choice and agency over how animals are raised, slaughtered, processed, and sold. Consequently, allowing on-farm slaughter raises the same concerns as other food sovereignty issues—such as land access or seed saving—rooted in the concept of local and individual control over how a food system functions from production and harvest to processing and distribution to consumption.

Food sovereignty was first defined in 1996 by the international peasant movement *La Via Campesina* as “the right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and *their right to define their own food and agriculture systems* [emphasis added].”<sup>21</sup> Since this definition emerged, numerous small-scale farmers and fishers, farmworkers, indigenous communities, and



nongovernmental organizations across the globe have adopted some version of the term in pursuit of a more just and fair food system.<sup>22</sup>

*For more information about food sovereignty*

*and related issues and movements, see [Towards Equitable and Just Food Systems: Exploring Food Justice, Food Sovereignty, and Ending Food Apartheid Policy & Practice](#).*

## What is the current legal status of on-farm slaughter?

In 2018, USDA’s Food Safety and Inspection Service (FSIS)—the federal agency responsible for ensuring humane animal handling and the safety of meat products—released guidance on the “personal use exemption” included in the Federal Meat Inspection Act (FMIA), which explicitly allows livestock owners to have their animals slaughtered with no inspection by FSIS. Although this guidance has been interpreted by states and advocates to allow for on-farm slaughter performed by hired third-party agents, some consider the guidance inconsistent with other FSIS interpretations of the FMIA. This has led to confusion among farmers, on-farm slaughter practitioners, policymakers, and agency officials. Further inconsistent interpretations at the state level threatens the livelihoods of on-farm slaughter practitioners due to changing guidance.



Vermont-based itinerant slaughterer Mary Lake teaches an on-farm slaughter workshop hosted by organization Rural Vermont.

Based on the FMIA’s statutory language and guidance published by FSIS in 2018, 29 states operate their own Meat and Poultry Inspection (MPI) programs with functions and requirements “at least equal to” federal regulations, including the personal use exemption that allows for on-farm slaughter.<sup>33</sup> Additionally, 8 states have enacted laws providing additional support for on-farm slaughter practices: Arizona, Illinois, Montana, Oregon, Rhode Island, South Carolina, Vermont, and Wisconsin.<sup>34</sup>

Critically, the FMIA does not include the language “on-farm slaughter,” nor does it elaborate on the full scope of the exemptions covered. This has led to multiple interpretations and ongoing debate among FSIS, equivalent state officials, and on-farm slaughter advocates over the meaning of the exemptions—specifically, how these exemptions do or should apply to on-farm slaughter. Some advocates have called for clarifying language to confirm the legality of state laws providing for on-farm slaughter that are based on this federal exemption. This clarification would explicitly allow livestock owners to employ an **itinerant slaughterer**—an agent who travels from farm to farm—to slaughter their livestock on the farms where the livestock were raised<sup>35</sup> without an inspected slaughter facility. Livestock owners would then have access to their meat without state or federal meat inspection.<sup>36</sup> The amended language would ensure that people who rely on the personal use exemption, including farmers selling livestock for on-farm slaughter, itinerant slaughterers, and custom processors, are not vulnerable to potential policy changes. Removing this vulnerability is crucial given that agencies can easily change guidance documents without a significant amount of process or public comment.

Evoking food sovereignty tenets, on-farm slaughter practitioners and advocates across the country **name supply chain transparency, local connection to community, agricultural literacy, scale-appropriate solutions, protection against changing administrations, preservation of heritage practices, ethical treatment of animals, and increased viable business avenues for small-scale livestock farmers** as reasons to support clarification of the FMIA’s statutory language and protect the personal use exemption.<sup>37</sup>

# OVERVIEW OF FEDERAL AND STATE MEAT INSPECTION LAWS

In the US, food safety regulation exists within a federalist legal framework. Under the Constitution, the federal government has the power to regulate interstate and international commerce.<sup>38</sup> State governments, in turn, possess “police powers” to regulate and protect “health, safety, and general welfare” within their own jurisdiction.<sup>39</sup> This power includes the ability to create and enforce food safety regulations.<sup>40</sup>

In 1906, Congress swiftly passed the Federal Meat Inspection Act (FMIA)<sup>41</sup> largely in response to a public outcry for meat regulation after Upton Sinclair’s novel, *The Jungle*, called public attention to the horrific and unsanitary practices common in the meatpacking industry.<sup>42</sup> Broadly, the FMIA requires pre- and post-slaughter inspection of all non-poultry<sup>43</sup> livestock prepared for commerce.<sup>44</sup> The act also gave USDA the authority to impose sanitary standards on slaughtering and processing plants.<sup>45</sup> In sum, the FMIA requires that all non-poultry meat products sold in the US be slaughtered and processed in a facility inspected either by FSIS or an equivalent state agency.<sup>46</sup> Critically, though, the food safety and inspection standards within the FMIA are the *minimum* for what is required across the country. Thus, as mentioned earlier, state-level MPI programs are required to enforce regulations that are “at least equal to” these federal inspection standards.<sup>47</sup>

Under this current meat inspection framework, however, small livestock farmers—especially those producing niche meat cuts and products—who often sell directly to consumers in regional markets, have difficulty accessing federal- and state-inspected facilities as well as other supply chain services like value-added processing. While USDA-inspected slaughter facilities are technically open to livestock farmers of any size, smaller producers with limited resources tend to be excluded due to several factors.<sup>48</sup> For example, inspected facilities are few in number and located far from each other, massive in size, and typically deal with large-scale industrial farmers who can provide high throughput.<sup>49</sup> Excessive time and distance to a slaughterhouse or processor; high processing fees; lack of guaranteed identity preservation;<sup>50</sup> and low-quality and non-specialty cutting, wrapping, and packaging services can significantly impact a small livestock farmer’s bottom line and jeopardize their long-term economic viability.<sup>51</sup> Large meatpackers are not incentivized to process small herds as smaller volumes of niche types of meat are not aligned with their typical scale of operation.<sup>52</sup>

*"Small livestock farmers—especially those producing niche meat cuts and products—who often sell directly to consumers in regional markets, have difficulty accessing federal- and state-inspected facilities."*



Cattle near barn in North Carolina. [Photo](#) by Mark Stebnicki

## Types of Meat Inspection Facilities

### A. Federally inspected (FI) facilities are directly regulated by the Food Safety Inspection Service (FSIS) under the Federal Meat Inspection Act (FMIA).

- Meat can be sold and shipped in interstate and international commerce<sup>53</sup>
- Require a Hazard Analysis and Critical Control Points (HACCP) plan, sanitation procedures, a meat recall plan, daily inspection of processing facilities, and inspection of each animal before and after slaughter<sup>54</sup>
- Process the majority of meat slaughtered in the US<sup>55</sup>

### B. State-inspected (SI) facilities must comply with state regulations that are “at least equal to” federal regulations.

- Operate under a state’s Meat and Poultry Inspection (MPI) program
- State health officials inspect SI facilities<sup>56</sup>
- Restricted to intrastate sales, unless operating a Cooperative Interstate Shipping program<sup>57</sup> or a Talmadge-Aiken Facility<sup>58</sup>
- Twenty-nine states currently operate MPI programs<sup>59</sup>

The **Cooperative Interstate Shipping (CIS) program** allows small SI facilities (fewer than 25 employees) to sell meat, meat products, and carcasses across state lines.<sup>60</sup> The CIS program is open to any state that has its own MPI programs and maintains regulations “at least equal to” FSIS standards.<sup>61</sup> Once an eligible state registers with the CIS program, any SI facility in that state may continue operations under inspection of its state health officials, under a new federal seal, and is allowed to engage in interstate commerce alongside FI facilities.<sup>62</sup> There are currently 10 states registered under the CIS program.<sup>63</sup>

### C. Custom-exempt (CE) facilities are exempt from daily FSIS inspection under the FMIA.

- Used for slaughtering and processing livestock as well as hunted game<sup>64</sup>
- Must comply with some FMIA regulations, including sanitation procedures and labeling requirements, and are subject to periodic inspections by FSIS or equivalent state health officials<sup>65</sup>
- Meat products processed in CE facilities cannot be commercially sold and must be labeled “not for sale”<sup>66</sup>
- All animals slaughtered under the FMIA’s custom exemption must be slaughtered in accordance with the Humane Methods of Slaughter Act<sup>67</sup> and be fit for human consumption<sup>68</sup>

CE facilities are valuable to small farmers as they can be more affordable and accessible than FI or SI facilities. Often, CE facilities are used when a farmer sells an animal to a private individual who is then responsible for paying the slaughter and processing fees. Typically, farmers organize this on behalf of those who purchase an animal or animal shares—the new livestock owners—and include the slaughter and processing fees in the price of the animal share. This arrangement can decrease costs for farmers by eliminating slaughter and processing fees on their end and reducing the number of individual animals and meat products the farmer must sell.<sup>69</sup> Under this exemption, farmers could construct slaughter facilities on their own properties and conduct on-farm slaughter operations as CE facilities. However, building and operating a CE facility is cost prohibitive for most farmers and may not be a part of their short- or long-term business plans.

## D. Other facilities:

### Retail-exempt facilities

Retail-exempt facilities are meat processing businesses that are allowed to sell meat at their own storefront without daily inspection from FSIS or state health officials. These facilities *cannot* slaughter livestock and therefore meat sold in a retail-exempt facility must come from FI or SI slaughterhouses.<sup>70</sup>

### Mobile slaughter units (MSU)

Federal- and state-inspected MSUs are semi-trucks that pull a large trailer, or “unit,” that can travel from farm to farm and provide animal slaughter services on-site, fully equipped with slaughter equipment and cold storage.<sup>71</sup> After slaughter, these units typically transport the carcasses to a processing facility for further breakdown and packaging as needed by the livestock owner. MSUs have remained popular as a potential solution to processing bottlenecks, especially for small farms. In theory, MSUs eliminate the need for live animal transport to off-farm slaughter facilities, consolidating transportation costs and reducing time and animal stress levels. Compared to on-farm slaughter operations, though, MSUs add a significant cost for transportation on top of the itinerant slaughterer and butcher fees. These units are not a silver bullet and come with other challenges, including

- the cost to build, at \$500,000 to \$750,000,
- the availability of USDA or state inspectors and skilled labor,
- achieving enough carcass throughput to break even or be a profitable business,
- the ability to travel and maneuver in rural conditions, and
- additional infrastructure needs for power and water access as well as waste disposal.<sup>72</sup>

According to the Niche Meat Processor Assistance Network, there are nine state-inspected or federally inspected red meat MSUs currently operating in the US.<sup>73</sup> On the other hand, the number of operating custom-exempt units—more often described as on-farm butchering and comprised of a mobile kill truck equipped with a hoist<sup>74</sup>—is unknown; however, due to their lower build costs and minimal licensing requirements, these are fairly common and may be an appealing option for small livestock owners or hunters in need of slaughter services to seek out. Even so, CE kill trucks are an extremely challenging business to make economically viable. For instance, it is difficult to charge enough per animal to fully cover the costs of the operator’s time, truck maintenance, mileage, disposal fees, and more. Increasing kill fees puts pressure on farm managers to increase the cost of their livestock in that direct market, reducing the potential for meaningful profit margins.

Some efforts are in place to “scale-down” slaughter facilities to address these issues, but the construction of new facilities is a resource-intensive process needing ample government support.<sup>75</sup> On-farm slaughter practitioners and supporters advocate for on-farm slaughter laws that clearly allow such practices. Currently, the language in the FMIA does not include such clarity.

Using the state of Vermont as a case study, the next section considers how federal and state interpretations of the personal use exemption in the FMIA have impacted on-farm slaughter practices and the security of the small-scale meat supply chain in the state. Vermont is one of a handful of states that have passed laws to address this issue and has seen a significant use of on-farm slaughter by the agrarian community. Critically, this case study serves as an example of the vulnerabilities faced by many other states and local meat supply chains due to inconsistent federal and state interpretations of the FMIA.

# INTERPRETATION OF ON-FARM SLAUGHTER LEGAL LANGUAGE: A VERMONT CASE STUDY

## Overview

As described earlier, all non-poultry meat sold in the US is subject to the inspection requirements of the FMIA: meat must be slaughtered and processed in a facility inspected by FSIS or an equivalent state agency. While 21 states defer to FSIS to inspect the meat slaughtered, processed, and sold in their state, 29 states operate their own MPI programs with inspection requirements equal to the federal standards. Of those states, 8 have passed laws that provide additional support for on-farm slaughter under the personal use exemption. These states—Arizona, Illinois, Montana, Oregon, Rhode Island, South Carolina, Vermont, and Wisconsin—have based their laws on the FMIA and 2018 FSIS guidance.

An interpretation dispute that arose in Vermont in 2021 serves as a case study to illustrate the limitations of the FMIA and how amending its language can support the livelihoods of small livestock farmers using on-farm slaughter by preventing unexpected changes to the law. The dispute arose in early 2022 as a result of an administrative act when the Vermont Agency of Agriculture, Food and Markets (VAAFAM) required registered farms engaged in on-farm slaughter to have customers present during the act of slaughter and to arrange appropriate transportation of carcasses.<sup>76</sup> Due to an influx of questions to the agency, the VAAFAM shared this change in a letter to the registered farms as a “review of the requirements for farmers who wish to participate in selling live livestock and offering an area or space for slaughter activities.”<sup>77</sup> In their letter, the VAAFAM stated that “USDA has reinforced the requirements in all states, including Vermont, that in order to qualify for the personal exemption, the owner(s) of the animal has to conduct the slaughter and/or be present if they hire an itinerant slaughterer.”<sup>78</sup> However, these requirements ran counter to what livestock farmers using on-farm slaughter understood to be legal and practicable at the time.<sup>79</sup>

Previously, FSIS had stated that Vermont’s law permitting itinerant slaughterers to slaughter livestock on behalf of livestock buyers or animal share buyers—whether or not the buyers are present—was congruent with the FMIA.<sup>80</sup> After this law was passed in 2013,<sup>81</sup> the use of on-farm itinerant slaughter services became more common across small livestock operations in the state, building on longstanding heritage practices in the region. Once the VAAFAM issued

these new requirements in 2022 without official FSIS guidance or administrative rulemaking, Vermont livestock farmers and the on-farm slaughter community were faced with uncertainty.



## FMIA exemption language

The FMIA’s “personal slaughtering and custom slaughtering for personal, household, guest, and employee uses” exemption states:

“ . . . [I]nspection of the slaughter of animals and the preparation of the carcasses . . . for commerce shall not apply to the slaughtering by any person of animals of his own raising . . . exclusively for use by him and members of his household and his nonpaying guests and employees [emphasis added] . . . ”<sup>82</sup>

“ . . . nor to the custom slaughter by any person, firm, or corporation of cattle, sheep, swine or goats . . . in commerce of the carcasses, parts thereof, meat and meat food products of such animals, exclusively for use, in the household of such owner, by him and members of his household and his nonpaying guests and employees [emphasis added]. ”<sup>83</sup>



## THE FMIA'S INSPECTION EXEMPTION: "PERSONAL SLAUGHTERING AND CUSTOM SLAUGHTERING FOR PERSONAL, HOUSEHOLD, GUEST, AND EMPLOYEE USES"

### PERSONAL USE EXEMPTION

The personal use exemption allows livestock farmers to sell their live animals or animal shares to customers who then, as the new owners of the animal or shares, *have the animal slaughtered on the farm where the animal was raised*. The meat must be exclusively for their own personal consumption, including members of their household, nonpaying guests, and employees.

#### **On-farm slaughter:**

Typically, on-farm slaughter may be performed under this exemption, provided there is sufficient space and equipment and appropriate means to dispose of any waste on-site. On-farm slaughter under this exemption is commonly performed by homesteaders, farmers who raise small ruminants, and itinerant slaughterers hired for slaughter services once livestock has been sold. If a person purchases livestock, and uses on-site facilities without assistance from the seller, then the activity remains a permissible instance of the personal use exemption per FSIS guidance.<sup>84</sup> If the seller participates in the slaughter or processing activity, then the facility owner is subject to the custom exemption (see adjacent).<sup>85</sup>

### CUSTOM EXEMPTION

The custom exemption allows livestock farmers to sell their live animals or animal shares to customers who then, as the new owners of the animal or shares, *have the animal slaughtered or processed at a custom-exempt (CE) facility*, which may or may not be on-farm. The new owner of the animal must pay for all transportation, processing, cutting, and packaging fees. Critically, the meat must be labeled "not for sale" and the processed meat may only be consumed by the new owners or their household, nonpaying guests, or employees. Per FSIS guidance, farmers *are* allowed to slaughter the animals they have raised at a CE facility on behalf of new livestock owners, which is not allowed under the personal use exemption (unless they are doing so for their own personal use).<sup>86</sup>

#### **Custom-exempt on-farm slaughter:**

On-farm slaughter may be performed under this exemption by hiring on-farm butchering services via a CE mobile slaughter truck equipped with a hoist. This arrangement requires additional infrastructure such as power and water hookups on-site. Further, depending on the type of animal, farms may need to have alternative waste disposal options on-site. As described earlier, CE mobile slaughter trucks are not the same as SI or FI mobile slaughter units; CE slaughter trucks allow for gutting and eviscerating outside, with animals hung by an external hoist on the back of the truck. While CE mobile slaughter trucks are used all over the country, the total number in operation is unknown. Notably, notwithstanding their "mobile" characteristics, mobile CE trucks are distinguished from professional itinerant slaughterers who use on-farm facilities under a personal use exemption (see adjacent).<sup>87</sup>

No person operating under either exemption is exempt from the adulteration and misbranding requirements of the FMIA,<sup>88</sup> but regulatory inspection requirements are less stringent than those for slaughterers operating without an exemption.





Washington state-based Puget Sound Meat Producers Cooperative created a mobile slaughter unit because of small livestock producers' difficulties traveling long distances to slaughterhouses. [USDA photo](#)

### Interpreting “the slaughtering by any person”

In its 2018 guidance, FSIS asserted that the FMIA’s “by any person” language requires that an individual seeking to invoke the personal use exemption must personally slaughter their own livestock on-farm, effectively disqualifying owners using third parties to assist with slaughter.<sup>89</sup> This guidance conflicted with the letter FSIS sent to the VAAF in 2013 that explicitly stated Vermont’s law permitting itinerant slaughterers to slaughter livestock on behalf of livestock buyers or animal share buyers was consistent with the FMIA. However, the FMIA’s statutory language does not explicitly prohibit the use of third persons. Moreover, the existing Vermont state law permits the use of third persons during slaughter.<sup>90</sup>

While the 2018 guidance has caused confusion over the hiring of itinerant slaughterers, FSIS has not released updated public guidance to clarify this matter. And, even though state laws like Vermont’s embody a reasonable interpretation of the law, which was once reviewed and endorsed by FSIS, they remain vulnerable to changing FSIS guidance. If FSIS reinterpreted the FMIA and explicitly stated that itinerants may slaughter pursuant to a custom exemption only, for example, Vermont might be forced to repeal or amend its itinerant law. Failure to do so would likely trigger FMIA’s preemption clause<sup>91</sup> and result in a loss of the state’s “at least equal to” status.<sup>92</sup> Clarifying the FMIA to explicitly permit itinerants under the personal use exemption would protect states like Vermont from inconsistent FSIS interpretations and remain in accordance with the agency’s prior thinking on the issue.

### Interpreting “of his own raising”

The phrase “of his own raising” is sometimes interpreted as the literal raising of livestock from birth until death. Under personal use criteria, FSIS guidance states that “the resulting product from the animal slaughtered and processed under this exemption is exclusively for the private use by the owner raising the livestock.”<sup>93</sup> However, the personal use exemption has long been used by persons who own livestock, no matter when or how they came to own it, which supports a more relaxed interpretation of the law inclusive of more types of private ownership.<sup>94</sup>

In practice, farmers invoking on-farm slaughter exemptions may sell a single animal to multiple parties (as in an animal share agreement) while the animal is still living. In many cases, farmers are also selling an animal’s entire offspring to a customer. The new owners of the animals are then responsible for arranging slaughter services. While FSIS regulations do not allow farmers to assist in slaughter under the personal use exemption,<sup>95</sup> farmers commonly organize slaughter services on behalf of their customers to reduce logistical challenges for buyers. In some cases, this might mean the new owners use existing on-farm equipment and facilities to slaughter the animal themselves. In this instance, the act of slaughtering still falls under the personal use exemption, as the animals’ new owners are personally slaughtering their own livestock and exclusively consuming the resulting meat. As noted earlier, though, this may not be a favorable option for those purchasing livestock either because necessary slaughter equipment may be unavailable, access to culturally appropriate slaughter practices (Halal, for example) is required, or livestock owners may simply not want to (or know how to) slaughter their own animals.

Alternatively, in the case of Vermont, new owners may hire the services of an itinerant slaughterer to perform on-farm slaughter. Other possible scenarios include utilizing a state- or federal-inspected Mobile Slaughter Unit (MSU) or custom-exempt butchering services to perform the slaughter onsite. No inspection exemptions are triggered if a federal- or state-inspected MSU is utilized, even if the slaughter occurs on-farm. If a custom-exempt slaughter truck is used then the custom exemption is applicable.

## Interpreting “exclusively for use by him”

Typically, livestock animals produce more meat than a single consumer is interested in purchasing, transporting, and storing.<sup>96</sup> As described earlier, this results in the sale of animal shares. Even though the FMIA does not explicitly prohibit animal share agreements, the “exclusively for use by him” requirement of the personal use exemption has raised the question of whether multiple people from different households can simultaneously own one animal under the law. However, FSIS guidance, state laws, contract law, and general concepts of ownership all point to application of the personal use exemption when livestock is owned by more than one person.<sup>97</sup>

Still, in 2021, FSIS expressed opposition to the multiple-owner model in email correspondence with representatives from Vermont’s federal delegation (in an exchange with the Vermont State Legislature), stating that the personal use exemption “is not permissible for use under animal share or herd share programs.”<sup>98</sup> Around that same time, FSIS conducted an annual review of 27 state inspection programs and responded with similar reluctance to a Wyoming law that interpreted the FMIA to allow for animal shares among multiple owners.<sup>99</sup> Wyoming later clarified that its animal share program does not establish a basis for personal use exemptions.<sup>100</sup> Instead, Wyoming requires that slaughters occurring under their “at least equal to” animal share program are subject to custom-exempt facility inspection requirements.<sup>101</sup>

In 2021, Colorado enacted the Ranch to Plate Act, an animal share law which exempts meat sold as a share of an animal from inspection.<sup>102</sup> In contrast to Vermont and Wyoming, Colorado does not have a state Meat and Poultry Inspection (MPI) program or “at least equal to” status and thus relies on FSIS to enforce the FMIA across the state.<sup>103</sup> The Colorado Department of Agriculture’s guidance to Colorado farmers and ranchers regarding the Ranch to Plate Act states that FSIS has advised the department that “the FMIA regulations on the personal use exemption are intended for exclusive use by an *individual* [emphasis added], not by multiple owners of a single animal.”<sup>104</sup>

Again, FSIS’ recent positions on animal shares directly contradicts its 2018 public guidance, which states that “the *owners* [emphasis added] may or may not reside at the same physical location as the animal”<sup>105</sup>—indicating that multiple owners of an animal may use on-farm slaughter under the personal use exemption, and that they do not necessarily need to be from the same household.<sup>106</sup> Ambiguous language in the FMIA, paired with inconsistent interpretation by FSIS, has made it challenging for states like Vermont, Colorado, and Wyoming to enforce their on-farm slaughter laws and support small farmers engaging in this practice.

The next section presents policy recommendations aimed at clarifying FMIA language to protect on-farm slaughter while ensuring food safety and local food values. Additional policy considerations regarding expanding small-scale meat processing infrastructure and workforce capacity are also included.



USDA photo by Lance Cheung

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## POLICY CONSIDERATIONS

As outlined in its 2018 guidance, FSIS' interpretation of the FMIA provides a valid legal basis for on-farm slaughter for both state laws and state agencies that defer to that guidance in implementing their respective MPI programs. Consequently, multiple states have passed laws that explicitly allow for on-farm slaughter, use of itinerant slaughterers, and sale of animal shares as they work to support small farmers.<sup>107</sup> However, ambiguous language in the FMIA negatively impacts small livestock farmers and local meat supply chains engaged in on-farm slaughter under the personal use exemption. It also puts states with legal on-farm slaughter laws at risk of losing their "at least equal to" status.

On-farm slaughter practitioners, as well as individuals and businesses supporting and supported by the food sovereignty practice, would benefit from more clarity in the law. This clarity would allow for more confident engagement with on-farm slaughter. Ultimately this could translate to better understanding on the part of insurance companies about how to best support farmers who base their business models on the practice; individuals having a complete sense of their liability for the meat products they have processed on-farm;

and small livestock farmers ensuring that their marketing and sale of live animals or meat complies with the law.

Once the federal law provides better clarity, federal and state agencies tasked with its implementation can play a more active and supportive role to farmers practicing on-farm slaughter. This may include promoting the practice as a viable business opportunity, administering funding for acquiring necessary on-farm infrastructure, supporting on-farm slaughter and processing workforce training and educational opportunities, and developing relevant materials and guidance for farmers regarding issues such as food safety and liability.

Ultimately, the practice of on-farm slaughter can be strengthened by clarifying the language in the federal law in addition to investment in small-scale meat processing infrastructure and workforce capacity, as outlined below. The livelihoods of many small livestock farmers, as well as fledgling markets for locally raised meat and resilient foodsheds, may be improved in turn.

- **Amend the FMIA to explicitly allow the use of third-party slaughterers and on-farm slaughter for animal shares.**

Prohibiting these practices unfairly limits the number of people who can participate in on-farm slaughter without addressing any of the expressed food safety concerns. Rather than excluding individuals who want to participate, states have the ability to issue more specific requirements such as processing limits, registration, licensing, and recordkeeping and reporting requirements. Notably, advocates have called for an amendment to the FMIA that enables livestock owners, as defined by the personal use exemption, to "designate agents to raise and/or slaughter their livestock."<sup>108</sup> Vermont's Agency of Agriculture, Food and Markets is also proposing language to amend the FMIA to explicitly allow (1) the existing practice of including new owners (not only those who "raised" the animals) under the definition of "any person"; (2) multiple owners of the same animal (namely, animal share agreements); and (3) third-party agents to perform slaughter and assist in carcass transportation, as needed.

- **Provide funding to farmers for development of on-farm custom-exempt facilities.**

State and federal governments could assist in regulating on-farm slaughter by providing financial and technical assistance to develop custom-exempt facilities on livestock farmers' land.<sup>109</sup> Constructing these smaller, less strictly regulated facilities on-farm is often cost prohibitive for farmers. However, their construction would allow farmers to operate under the FMIA's custom exemption rather than the personal use exemption. The funding might be distributed through a competitive state or federal grant program, which farmers could apply to for assistance in setting up custom facilities on their properties. Additionally, expanding the types of activities that custom-exempt facilities allow, such as expanding retail-exempt facility sales beyond the farm, would better support integration of smaller livestock and slaughter operations into local supply chains<sup>110</sup> and rebuild processing infrastructure that has been lost over the last several decades.

○ **Provide funding for on-farm slaughter training and education.**

There is growing interest among those participating in community-based food systems in learning the craft of animal slaughter and butchery. For a variety of reasons, there is particular interest in learning the skill of how to perform slaughter on-farm in a way that is ethical and sustainable. These motivations may include long-time itinerant and custom-exempt slaughter business operators looking to transition into retirement; community members seeking ethical meat options; industrial meat processing professionals interested in working as itinerant slaughterers; farmers wanting to expand to include on-farm slaughter services to their customers; or homesteaders who want to learn the skill themselves. Local, small-scale meat supply chains bring together this interest in the skill of on-farm, ethical slaughtering and processing in a way that industrial slaughterhouses and meatpacking facilities do not. Providing funding for education and training programs that facilitate pathways to necessary slaughter and meat processing jobs directly supports the viability and longevity of local, small-scale meat supply chains and ensures appropriate food safety practices are implemented.

○ **Scale food safety regulations to the size of slaughter and processing operations.**

Promulgating new regulations scaled appropriately to operational size is essential for ensuring the viability of smaller processing facilities. Currently, the FMIA's sanitary and inspection conditions apply evenly to small- and large-scale operations alike. However, the requirements that apply to large industrial slaughter facilities are often untenable on a small scale. New regulations that better consider the realities of small federally- and state-inspected operations may include requiring that inspectors travel to smaller operations for inspection. The creation of these mobile inspector jobs might also reasonably require that federal and state inspections are conducted less frequently than the current daily inspection requirements under the FMIA, based on the size of the facility. Critically, when crafting these new rules for inspection and sanitation, small farmers should be central to the policymaking process.

○ **Invest in slaughterhouses committed to local meat production.**

The consolidation of the meatpacking industry and the loss of small, local slaughterhouses have increased transportation and marketing costs for small niche meat producers and livestock farmers.<sup>111</sup> Reinvesting in local and regional slaughterhouses improves farmer access to slaughter and processing services that can be better tailored to their needs, including proper handling of heritage breeds, specialty cutting and wrapping, and identity preservation.<sup>112</sup>



*"Ambiguous language in the FMIA negatively impacts small livestock farmers and local meat supply chains engaged in on-farm slaughter under the personal use exemption."*

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## CONCLUSION

In the face of the COVID-19 pandemic, the meat industry's vertical integration and consolidation caused it to fracture. Consequently, it became apparent that the decentralization and relocalization of food supply chains are critical to protecting the integrity and resilience of our national food system. Small livestock farmers and meat processors can be at the center of those efforts. Legally bolstering on-farm slaughter within the Federal Meat Inspection Act as well as investing in small-scale meat processing infrastructure and workforce capacity directly supports food sovereignty and promotes local resilient meat supply chains. These efforts are in alignment with the federal government's broad objectives to build a resilient food system while preserving food safety values.

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### About the Center for Agriculture and Food Systems at Vermont Law and Graduate School



The Center for Agriculture and Food Systems (CAFS) uses law and policy to build a more sustainable and just food system. With local, regional, national, and international partners, CAFS addresses food system challenges related to food justice, food security, farmland access, animal welfare, worker protections, the environment, and public health, among others. CAFS works closely with its partners to provide legal services that respond to their needs and develop resources that empower the communities they serve. Through CAFS' Food and Agriculture Clinic and Research Assistant program, students work directly on projects alongside partners nationwide, engaging in innovative work that spans the food system. Visit [vermontlaw.edu/cafs](http://vermontlaw.edu/cafs) to learn more.

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- 97 Memorandum from Michael O’Grady on Agric. and Forestry to the Vt. Senate Comm. on Agric. (Dec. 1, 2021) (on file with author) [hereinafter O’Grady Memorandum].
- 98 *Id.*
- 99 Food Safety and Inspection Service, *FSIS Review of State Meat and Poultry Inspection Programs*, USDA 1, 8 (Jan. 2023), [https://www.fsis.usda.gov/sites/default/files/media\\_file/2021-02/review-of-state-programs.pdf](https://www.fsis.usda.gov/sites/default/files/media_file/2021-02/review-of-state-programs.pdf) [hereinafter States Review] (stating that “[G]rowing food security concerns triggered a movement across State legislators to enact animal share and food sovereignty laws that created exemptions for the sale of uninspected prepared meat food products directly to consumers and, in turn, contravene Federal food safety laws and regulations. In FY 2020, Wyoming[] enact[ed]...Wyoming Statute 11-49-104, a herd share law containing provisions that expand inspection exemptions beyond those outlined in the FMIA and PPIA...”); Charles Wallace, *New Wyoming Law to Allow Ranchers to Sell Meat Directly*, W. LIVESTOCK J., [https://www.wlj.net/top\\_headlines/new-wyoming-law-to-allow-ranchers-to-sell-meat-directly/article\\_9b8f8fc2-80c5-11ea-a6cf-93097893a422.html#:~:text=In%20March%2C%20Wyoming%20Gov.,share%20agreement%2C%20circumventing%20](https://www.wlj.net/top_headlines/new-wyoming-law-to-allow-ranchers-to-sell-meat-directly/article_9b8f8fc2-80c5-11ea-a6cf-93097893a422.html#:~:text=In%20March%2C%20Wyoming%20Gov.,share%20agreement%2C%20circumventing%20)

- USDA%20inspection (last updated Dec. 21, 2020) (incorporating an Editor’s note stating that Rep. Tyler Lindholm who cosponsored the Wyoming Act reached out to the publisher to clarify the necessity of inspection requirements under Wyoming’s animal share law); cf. Rachel Gabel, *Wyoming Law Allows Consumers to Bypass Meat Case for Ranch Gate*, FENCE POST (Apr. 8, 2020), <https://www.thefencepost.com/news/wyoming-law-allows-consumers-to-bypass-meat-case-for-ranch-gate-2/> (quoting Rep. Lindholm as saying “That’s what the Food Freedom Act has always been all about...[p]roducers selling directly to consumers without licensing, labeling or inspection.”).
- 100 See Food Safety and Inspection Service, Annual Audit and Determination Report 3 (Jan. 2023), [https://www.fsis.usda.gov/sites/default/files/media\\_file/2021-02/state-review-wyoming.pdf](https://www.fsis.usda.gov/sites/default/files/media_file/2021-02/state-review-wyoming.pdf).
- 101 *Id.*
- 102 COLO. REV. STAT. § 25-4-1617 (2021).
- 103 O’Grady Memorandum, *supra* note 99.
- 104 *Guidance to Ranchers and Custom Exempt Processors Regarding the Ranch to Plate Act (SB21-079)*, COLO. DEPT. OF AGRIC., <https://ag.colorado.gov/guidance-to-ranchers-and-custom-exempt-processors-regarding-the-ranch-to-plate-act-sb21-079#:~:text=During%20the%202021%20Legislative%20Session,of%20live%20animal%2Dshare%20agreements.> (last visited Mar. 14, 2023).
- 105 2018 Guidance, *supra* note 66, at 1.
- 106 O’Grady Memorandum, *supra* note 99.
- 107 See, e.g., VT. STAT. ANN. tit. 6, § 3311a(e) (2021) (showing Vermont’s itinerant slaughter law); COLO. REV. STAT. § 25-4-1617 (2021) (showing Colorado’s animal share law); NEB. REV. STAT. § 54-1915.01 (2021) (showing Nebraska’s animal share law); WYO. STAT. ANN. § 11-49-101-04 (2017); WYO. STAT. ANN. § 11-23-102(a) (2018) (showing Wyoming’s animal share law).
- 108 RURAL VT., *supra* note 35.; RURAL VT., *supra* note 37.
- 109 *NSAC Releases Brief on Financing Options for Meat Processing Infrastructure*, NAT’L SUSTAINABLE AGRIC. COAL. (Aug. 24, 2021), <https://sustainableagriculture.net/blog/nsac-releases-brief-on-financing-options-for-meat-processing-infrastructure/>.
- 110 Richardson, *supra* note 29, at 310.
- 111 Sarah Berger Richardson, *From Slow Food to Slow Meat: Slowing Line Speeds to Improve Worker Health and Animal Welfare in Canadian Abattoirs*, 59:1 ALBERTA L. REV. 99 (2021).
- 112 Richardson, *supra* note 29, at 304.