

# **\*\*\*DRAFT - NOT FOR FILING\*\*\***

## **901:2-1-01 Uniform state meat inspection service - intrastate production.**

The federal meat inspection regulations housed in Title 9 of the Code of Federal Regulations parts 300 to 442 ~~(2015)~~(2018) adopted pursuant to the Federal Meat Inspection Act (34 Stat. 1260) as amended by the Wholesome Meat Act (81 Stat. 584, 21 U.S.C. Supp., Section 601 et seq.) are adopted in their entirety with the exception of those provisions amended or deleted by this chapter.

The purpose of this chapter is to regulate the ~~intrastate~~-production of meat [food](#) products as they are defined in 9 C.F.R. 301.2.

All violations of this chapter are governed pursuant to Chapter 901:2-2 of the Administrative Code.

### ~~901:2-1-01.1~~ **Limitations.**

~~The rules in this chapter apply exclusively when meat processing establishments are processing meat for intrastate production.~~

## **901:2-1-02 Amended definitions.**

As adopted in rule 901:2-1-01 of the Administrative Code, where ever used in 9 C.F.R. parts 300 to ~~500~~[442](#), the following definitions are modified as follows:

- (A) "Administrator" shall be read as "chief."
- (B) "Circuit Supervisor" shall be read as "district supervisor and/or regional veterinarian."
- (C) "Food safety and inspection service" or "FSIS" shall be read as the "division of meat inspection."
- (D) "Secretary" or "secretary of agriculture" shall be read as "director of the Ohio department of agriculture."
- (E) "United States department of agriculture" or "department" shall be read as "Ohio department of agriculture."
- (F) "U.S. condemned" shall be read as "Ohio condemned."
- (G) "U.S. inspected and condemned" shall be read as "Ohio inspected and condemned."
- (H) "U.S. inspected and passed" shall be read as "Ohio inspected and passed."
- (I) "U.S. inspected and passed by department of agriculture" shall be read as "Ohio inspected and passed by department of agriculture."
- (J) "U.S. passed for cooking" shall be read as "Ohio passed for cooking."
- (K) "U.S. passed for refrigeration" shall be read as "Ohio passed for refrigeration."
- (L) "U.S. retained" shall be read as "Ohio retained."
- (M) "U.S. suspect" shall be read as "Ohio suspect."

## **901:2-1-03 Deleted regulations.**

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Pursuant to rule 901:2-1-01 of the Administrative Code, the following sections of the ~~2015~~-federal meat inspection regulations are deleted in their entirety and shall not become rules of the Ohio department of agriculture:

(A) From 9 C.F.R. Part 300, the following paragraphs are hereby not adopted:

- (1) 9 C.F.R. 300.2(b)(3);
- (2) 9 C.F.R. 300.2(b)(5);
- (3) 9 C.F.R. 300.2(b)(7);
- (4) 9 C.F.R. 300.4(b); and
- (5) 9 C.F.R. 300.6(a)(2).

(B) From 9 C.F.R. Part 301.2, the definition of the term "Territory" is not adopted.

(C) From 9 C.F.R. Part 312, the following sections are hereby not adopted:

- (1) 9 C.F.R. 312.3;
- (2) 9 C.F.R. 312.8;
- (3) 9 C.F.R. 312.9; and,
- (4) 9 C.F.R. 312.10.

(D) From 9 C.F.R. Part 316, the following sections are hereby not adopted:

- (1) 9 C.F.R. 316.12; and
- (2) 9 C.F.R. 316.13(c).

(E) From 9 C.F.R. Part 317, the following sections are hereby not adopted:

- (1) 9 C.F.R. 317.7; and,
- (2) 9 C.F.R. 317.9.

(F) 9 C.F.R. Part 318.8.

(G) 9 C.F.R. Part 321.

(H) 9 C.F.R. Part 322.

(I) 9 C.F.R. Part 325.3, ~~the following sections are hereby not adopted:~~

~~(1) 9 C.F.R. 325.3;~~

~~(2) 9 C.F.R. 325.4.~~

(J) 9 C.F.R. Part 327.

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(K) 9 C.F.R. Part 331.

(L) 9 C.F.R. Part 335.40.

(M) 9 C.F.R. Part 350.

(N) 9 C.F.R. Part 351.

(O) From 9 C.F.R. Part ~~352.16~~ 352, the following sections are not adopted:

(1) 9 C.F.R. Part 325.16;

(2) 9 C.F.R. Part 325.18; and

(3) 9 C.F.R. Part 325.19.

(P) From 9 C.F.R. Part 354, the following paragraphs and sections are not adopted:

(1) 9 C.F.R. Part 354.1(e);

(2) 9 C.F.R. Part 354.1(p);

(3) 9 C.F.R. Part 354.1(r);

(4) 9 C.F.R. Part 354.1(u);

(5) 9 C.F.R. Part 354.1(ff);

(6) 9 C.F.R. Part 354.2(a);

(7) 9 C.F.R. Part ~~Section~~ 354.2(b);

(8) 9 C.F.R. Part 354.20(b)

(9) 9 C.F.R. Part 354.64;

(10) 9 C.F.R. Part 354.100(c);

(11) 9 C.F.R. Part 354.101;

(12) 9 C.F.R. Part 354.105;

(13) 9 C.F.R. Part 354.106;

(14) 9 C.F.R. Part 354.107;

(15) 9 C.F.R. Part 354.110;

(16) 9 C.F.R. Part 354.128;

(17) 9 C.F.R. Part 354.140;

(18) 9 C.F.R. Part 354.141;

(19) 9 C.F.R. Part 354.142;

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(20) 9 C.F.R. Part 354.143; and

(21) 9 C.F.R. Part 354.144.

(Q) 9 C.F.R. Part 355.

(R) ~~From~~ 9 C.F.R. Part 362, ~~the following paragraphs are not adopted:~~

~~(1) (1) 9 C.F.R. Part 362.2(b); and~~

~~(2) (2) 9 C.F.R. Part 362.2(e).~~

(S) 9 C.F.R. Part 381.

(T) 9 C.F.R. Part 390.

(U) 9 C.F.R. Part 391.

(V) 9 C.F.R. 392.

~~(V)~~ (W) 9 C.F.R. 439.

**901:2-1-04      Amendments.**

The following sections of 9 C.F.R. part 300 to 9 C.F.R. part 442 are amended to read as follows:

(A) 9 C.F.R. Part 300 is hereby amended as follows:

(1) In 9 C.F.R. 300.3(a) delete existing language and insert:

"The organization of the division of meat inspection reflects the agency's primary regulatory responsibilities: implementation of the Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA) as adopted by reference, amended and modified. The division of meat inspection implements the inspection provisions of the FMIA and PPIA through its field structure."

(2) In 9 C.F.R. 300.3(b) delete existing language and insert:

"For more information regarding the Department please visit [www.agri.ohio.gov](http://www.agri.ohio.gov)."

(3) In 9 C.F.R. Part 300.4(a) amend the definition of "Inspection program, inspection service, or program" to read as:

"The organizational unit within the Department with responsibility for carrying out the FMIA, the PPIA, and chapter 918 of the Ohio Revised Code."

(4) In 9 C.F.R. Part 300.4(a) amend the definition of "Inspector" to read as:

"Inspector of the inspection program. ("Inspector" includes an employee or official of the Ohio department of agriculture, division of meat inspection who is authorized by the director to inspect meat and meat products or poultry and poultry products under the FMIA or the PPIA, respectively, under an agreement entered into between United States department of agriculture and the state of Ohio."

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(B) 9 C.F.R. Part 301 is hereby amended as follows:

(1) In 9 C.F.R. Part 301.2, amend the definition of the term "the Act" to read as follows:

"The act means the Federal meat inspection act, as amended (34 Stat. 1260, as amended, 81 Stat. 584, 84 Stat. 438, 92 Stat. 1069, 21 Stat. U.S.C. 601 et seq.), chapter 918 of the Ohio Revised Code, and the chapters housed in 901:2 of the Ohio Administrative Code."

(2) In 9 C.F.R. Part 301.2, add a definition of the term "slaughter" to read as follows:

"Slaughter means livestock capable of use as human food and has been killed for such purpose. Terms such as 'slaughter', 'dispatch', and 'harvest' are synonymous and shall be used interchangeably."

(3) In 9 C.F.R. Part 301.2, add a definition of the term "volunteer" to read as follows:

"Volunteer means an individual who has agreed (free of charge) to assist, without compensation, a non-profit entity, corporation, and/or association, a political subdivision, school, or any other state or government agency acting as a caterer or central kitchen as those entities are defined in Title 9 CFR, Part 303.1(d)(2)(iv)(b) and (c) as adopted by paragraph (A) of rule 901:2-1-01 of the Administrative Code. The caterer or central kitchen shall exercise direct supervision of the volunteers and then training as that term is described in rule 3717-1-02.4 of the Administrative Code."

(C) 9 C.F.R. Part 303 is hereby amended as follows:

(1) In 9 C.F.R. 303.1(a)(1), delete existing language and insert:

"The slaughtering by the owner of livestock of their own raising on their own premise, or the slaughter by an individual operating a mobile facility to prepare products for the owner of the livestock on the owner's premise and the preparation by them and transportation in commerce of the carcasses, parts thereof, meat and meat food products of such livestock exclusively for use by them and members of their household and their nonpaying guests and employees;"

(2) In 9 C.F.R. 303.1(a)(2)(ii), delete existing language and insert:

"If the custom operator prepares or handles any products for sale, they are kept separate and apart from custom prepared products at all times while the latter are in his custody. Products originating from 'custom' operations (operator compensated only for service and not product) cannot be sold unless prepared under full inspection. Facilities preparing products for the owner's use in a retail operation would be required licensing under a custom exemption."

(3) In 9 C.F.R. 303.1(b)(3), delete existing language and insert:

"The custom operators claiming exemptions under paragraph (a)(2) of this section shall keep records, in addition to records otherwise required by part 320 of this subchapter, showing the numbers and kinds of livestock slaughtered on a custom basis, and the names and addresses of the owners of the livestock and products. An animal delivered for slaughter may be listed with up to four owners with indication of the part of the animal each owner is to receive (e.g., four owners could each receive a quarter carcass of an animal delivered for custom slaughter.)"

(4) In 9 C.F.R. 303.1(d)(2)(iv)(b), delete existing language and insert:

"The definition of a restaurant includes a caterer whose employees or designated volunteers delivers or

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serves product in meals, or as entrees, only to individual consumers and otherwise meets the requirements of this paragraph."

(5) In 9 C.F.R. 303.1(d)(2)(iv)(c), delete existing language and insert:

"For purposes of this paragraph, operations conducted at a restaurant central kitchen facility shall be considered as being conducted at a restaurant if the restaurant central kitchen prepares meat or meat food products that are ready to eat when they leave such facility (i.e., no further cooking or other preparation is needed, except that they may be reheated prior to serving if chilled during transportation), transported directly to a receiving restaurant by its own employees, or a volunteer designated by the restaurant, without intervening transfer or storage, maintained in a safe, unadulterated condition during transportation, and served in meals or as entrees only to customers at restaurants, or through vending machines, owned or operated by the same person that owns or operates such facility, and which otherwise meets the requirements of this paragraph: Provided, That the requirements of §§320.1 through 320.4 of this subchapter apply to such facility. Provided further, That the exempted facility may be subject to inspection requirements under the Act for as long as the Administrator deems necessary, if the Administrator determines that the sanitary conditions or practices of the facility or the processing procedures or methods at the facility are such that any of its meat or meat food products are rendered adulterated. When the Administrator has made such determination and subjected a restaurant central kitchen facility to such inspection requirements, the operator of such facility shall be afforded an opportunity to dispute the Administrator's determination in a hearing pursuant to rules of practice which will be adopted for this proceeding."

(D) 9 C.F.R. Part 304 is hereby amended as follows:

(1) In 9 C.F.R. 304.1(a), delete existing language and insert:

"Before the inspection is granted, each person conducting operations at an establishment subject to the Act, whether tenant, subsidiary, or landlord, shall make application therefor to the Director as provided for in this part, unless the operations subject to the act has a USDA grant of inspection."

(2) In 9 C.F.R. 304.1(b), delete existing language and insert:

"Every application under this section shall be made on an official form furnished by the Program, available from the Department and shall be completed to include all information requested. Trade names of the applicant for labeling purposes shall be inserted in the appropriate blank in the application. Each applicant for inspection will be held responsible for compliance with the Act and the regulations in this subchapter if inspection license is issued. Preparation of product and other operations at the establishment for which inspection is granted may be conducted only by the applicant named in the application."

(3) In 9 C.F.R. 304.2(a), delete existing language and insert:

"The Department shall provide an Inspection License to each applicant eligible to receive said license, which will include what operations the applicant is registered and/or licensed to conduct."

(4) In 9 C.F.R. 304.2(b), delete existing language and insert:

"The Director is authorized to issue an inspection license upon his determination that the applicant and the establishment are eligible therefor and to refuse to grant inspection at any establishment if he determines that it does not meet the requirements of this part or the regulations in 9 C.F.R. 305, 307, and

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9 C.F.R. 416, §§ 416.1 through 416.6 or that the applicant has not received approval of labeling and containers to be used at the establishment as required by the regulations in 9 C.F.R. 316 and 317. Any application for inspection may be refused in accordance with the rules of practice in 901:2-2 of the Ohio Administrative Code."

(5) In 9 C.F.R. 304.3(a), delete existing language and insert:

"Before being issued an inspection license, an establishment must have developed written sanitation Standard Operating Procedures, as required by 9 C.F.R. 416, and written recall procedures as required by 9 C.F.R. 418."

(6) In 9 C.F.R. 304.3(b), delete existing language and insert:

"Before being issued an inspection license, an establishment shall have conducted a hazard analysis and developed a HACCP plan, as required by 9 C.F.R. 417.2. During a period not to exceed 90 days after the date the new inspection license is issued, the establishment shall validate its HACCP plan, in accordance with 9 C.F.R. 417.4."

(E) In 9 C.F.R. Part 306.3 delete existing language and insert:

"Picture Identification Badge as Identification of Inspectors - Each inspector will be furnished with a picture identification badge, which he/she shall not allow to leave his/her possession, and which he/she shall wear in such manner and at such times as the Director may prescribe."

(F) 9 C.F.R. Part 307 is hereby amended as follows:

(1) In 9 C.F.R. 307.1, delete the following language:

"Laundry service for inspector's outer work clothing shall be provided by each establishment."

(2) In 9 C.F.R. 307.6(a), delete existing language and insert:

"Each recipient of overtime or holiday inspection service, or both, shall be billed as provided in section 307.5(a) and at the rate established by the director, in increments of tenths of an hour. For billing purposes, one to six minutes shall be considered a tenth of an hour. Seven to 12 minutes, two tenths, 13 to 18 minutes, three tenths, 19 to 24 minutes, four tenths, 25 to 30 minutes, five tenths, 31 to 36 minutes, six tenths, 37 to 42 minutes, seven tenths, 43 to 48 minutes, eight tenths, 49 to 54 minutes, nine tenths and 55 to 60 minutes, one hour. Billing will be for each tenth of an hour of service rendered by each program employee."

(3) In 9 C.F.R. 307.6(b), delete existing language and insert:

"Official establishments 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 four hours overtime or holiday inspection service at the rate established by the director."

(4) In 9 C.F.R. 307.6(c), delete existing language and insert:

"Overtime charges are to be paid-in-full no later than thirty days from the invoice date. Payments must be made by check, money order, or credit card made payable to the Ohio department of agriculture - division of meat inspection. Overtime and holiday inspection may not be performed for an establishment"

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having a delinquent account."

(5) In 9 C.F.R. 307.6, insert the following language as paragraph (d):

"The overtime and holiday rate for inspection services provided pursuant to section 307.5 is \$46.80 per hour per program employee."

(G) In 9 C.F.R. Part 310.12, delete existing language and insert:

"The sternum to be split; abdominal and thoracic viscera shall be removed. The sternum of each carcass shall be split and the abdominal and thoracic viscera shall be removed at the time of slaughter in order to allow proper inspection. In some cases with roasting pigs, veal, goats and sheep carcasses, the following procedure as approved by the regional veterinary supervisor may be allowed:

(1) Pelvic area: The pelvic bone may remain intact after dropping the bung provided the pizzle, castration scars, and testicles are removed and no pathology or contamination is present;

(2) Abdomen: The incision shall be complete from the anterior brim of the pelvis to the xyphoid cartilage;

(3) Thorax: Good dressing procedures regardless of the size of swine shall be followed and if there is no pathology and/or contamination present in the thoracic area; if the establishment demonstrates the ability to remove the thoracic viscera without severing the esophagus at the thoracic inlet; if the establishment can remove the thoracic viscera without spillage of ingesta from the esophagus into or onto the carcass; then the splitting of the sternum is optional. However if contamination occurs or pathology is present, the sternum shall be split and the carcass properly presented for inspection;

(4) Neck area: The opening incision shall be from the first rib to the symphysis of the mandible and deep enough to allow removal of the trachea and larynx. In cattle, the tongue must be dropped for examination and palpation. The tonsils must be removed and the head and sinuses flushed. Proper lighting must be supplied (50 foot candle power) by the establishment to accomplish inspection, either by permanent light fixtures or portable hand-held equipment;

(5) Heads: Diseased heads and gunshot heads shall be condemned and heads passed shall be treated as market heads with eyelids and eardrums removed and sinuses and mouth flushed; and,

(6) Boars shall be handled as required by regulation regarding sexual odor."

(H) 9 C.F.R. Part 311 is hereby amended as follows:

(1) In 9 C.F.R. 311.20(a) delete existing language and insert paragraph 311.20(a)(1):

"Except as outlined in 9 C.F.R. 311.20(a)(2), carcasses of swine which give off a pronounced sexual odor shall be condemned."

(2) In 9 C.F.R. 311.20, insert paragraph 311.20(a)(2):

"Carcasses of swine which give off a pronounced sexual odor may not be condemned if the animal is owned by an individual other than the establishment when it is presented for antemortem inspection and the owner wants the carcass for his own use. In those cases the following is permitted:

(i) The carcass will be downgraded to 'not for sale' and handled as uninspected product;



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(ii) The owner shall sign a statement that he/she was informed of the condition; and,

(iii) An entry shall be made on the exempt products log to identify the custom product/processes for the animal including the owner name and address."

(D) 9 C.F.R. Part 312 is hereby amended as follows:

(1) In 9 C.F.R. 312.2(a) delete existing language and insert the following as paragraph (a)(1):

"The official inspection legend required by parts 316 of this subchapter to be applied to inspected and passed carcasses and parts of carcasses of cattle, sheep, swine and goats, meat food products in animal casings, and other products as approved by the Chief, shall be in the appropriate form as hereinafter specified. The number "141" is given as an example only. The establishment number of the official establishment where the product is prepared shall be used in lieu thereof.

For application to sheep carcasses, the loins and ribs of pork and beef tails the official inspection legend required by part 316 of this subchapter will be:



For application to beef, hob, veal, and goat carcasses, primal parts and cuts there-from, beef livers, beef tongues, beef hearts, burlap, muslin, cheesecloth, heavy paper or other acceptable material that encloses carcasses or parts of carcasses the official inspection legend required by part 316 of this subchapter will be:

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(2) In 9 C.F.R. 312.2, insert the following as paragraph (a)(2):

"For those selected establishments participating in a cooperative interstate shipment program, the official inspection legend required by parts 316 and 332 of this subchapter to be applied to inspected and passed carcasses and parts of carcasses of cattle, sheep, swine and goats, meat food products in animal casings, and other products as approved by the Chief, shall be in the appropriate form as hereinafter specified. The number "141" is given as an example only. The establishment number of the official establishment where the product is prepared shall be used in lieu thereof.

For application to the sheep carcasses, loins and ribs of pork, and beef tails the selected establishment official inspection legend required by part 316 and part 332 of this subchapter will be:



For application to beef, hog, veal, sheep, and goat carcasses, primal parts and cuts there-from, livers, tongues, hearts, burlap, muslin, cheesecloth, heavy paper or other acceptable material that encloses carcasses or parts of carcasses the selected establishment official inspection legend required by part 316

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and part 332 of this subchapter will be:



(3) In 9 C.F.R. 312.2(b)(1) delete existing language and insert:

"The official inspection legend required by part 317 of this subchapter to be shown on all labels for inspected and passed products of cattle, sheep, swine, and goats shall be in the following form except that it need not be of the size illustrated, provided that it is a sufficient size and of such color as to be conspicuously displayed and readily legible, and the same proportions of letter size and boldness are maintained as illustrated:

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The selected establishment official inspection legend required by part 317 and part 332 of this subchapter to be shown on all labels for inspected and passed products of cattle, sheep, swine, and goats shall be in the following form except that it need not be of the size illustrated, provided that it is a sufficient size and of such color as to be conspicuously displayed and readily legible, and the same proportions of letter size and boldness are maintained as illustrated:



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(4) In 9 C.F.R. 312.5 delete existing language and insert:

"The official mark for use in sealing railroad cars or other means of conveyance as prescribed in part 325 of this subchapter shall be a serial numbered band seal approved by the director as an official device for purposes of the act."

(5) In 9 C.F.R. 312.6 delete the words "Form MP-427" and "Form MP-35."

(J) In 9 C.F.R. 317.3(c)(1), delete existing language and insert:

"The certificate is an Ohio Department of Agriculture form for signature by a Program employee and the official establishment ordering the brand or other marking device, bearing a certificate serial number and a letterhead and the seal of Ohio Department of Agriculture. The certificate authorizes the making of only the brands or other marking devices of the type and quantity listed on the certificate."

(K) In 9 C.F.R. Part 332.5(c)(1), delete existing language and insert:

"The official establishment number for an Ohio Selected establishment shall immediately precede the suffix "SEOH", i.e. 141 SEOH"

(L) 9 C.F.R. Part 352 is hereby amended as follows:

(1) In 9 C.F.R. 352.1(k) delete existing language and insert:

""Exotic animal" means any reindeer, elk, deer, antelope, water buffalo, bison, bear, or large cats."

(2) In 9 C.F.R. 352.1 insert new paragraph (bb):

""Bear" means any member of the ursidae family not protected by state, federal, or international law as an endangered species."

(3) In 9 C.F.R. 352.1 insert new paragraph (cc)t:

""Cats" means any member of the felidae family not protected by State, Federal, or international law as an endangered species."

(4) In 9 C.F.R. 352.3(a) delete existing language and insert:

"Any person desiring to process exotic animals, exotic animal carcasses, exotic animal meat and meat food products in an establishment under exotic animal inspection service must receive approval of such establishment and facilities as an official exotic animal establishment and the operation must meet the regulatory requirements for 9 C.F.R. Parts 416, 417, and 418 prior to the rendition of such service."

(5) In 9 C.F.R. 352.3(b) delete existing language and insert:

"An application for inspection service to be rendered in an official exotic animal establishment shall be approved in accordance with the provisions contained in sections 304.1 and 304.2 of subchapter a of this chapter."

(6) In 9 C.F.R. 352.5(b) delete existing language and insert:

"The fees and charges provided for in this section shall be paid by check, draft, or money order payable to the Ohio department of agriculture and shall be remitted promptly upon furnishing to the applicant a

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statement as to the amount due. Funds will be deposited in accordance with section 918.15 of the Ohio Revised Code. Bills are payable upon receipt and become delinquent 30 days from the date of the bill. Inspection services will not be performed for anyone having a delinquent account."

(7) In 9 C.F.R. 352.5(c) delete existing language and insert:

"The fees to be charged and collected for service under the regulations in this part shall be at a rate set by the director for base time and overtime:"

(8) In 9 C.F.R. 352.5(c), insert the following as paragraph (1):

"Each recipient of voluntary (exotic) inspection service, shall be billed as provided in 9 C.F.R. Parts 352, 354 and 362 at the rate established by the director, in increments of tenths of an hour. For billing purposes, one to six minutes shall be considered a tenth of an hour. Seven to 12 minutes, two tenths, 13 to 18 minutes, three tenths, 19 to 24 minutes, four tenths, 25 to 30 minutes, five tenths, 31 to 36 minutes, six tenths, 37 to 42 minutes, seven tenths, 43 to 48 minutes, eight tenths, 49 to 54 minutes, nine tenths and 55 to 60 minutes, one hour. Billing will be for each tenth of an hour of service rendered by each program employee."

(9) In 9 C.F.R. 352.5(c), insert the following as paragraph (2):

"The base time rate is set at \$ 15.04 per hour. After eight hours of inspection and on holidays, the overtime and holiday rate for inspection services provided pursuant to section 307.5 is \$ 46.80 per hour per program employee."

(M) 9 C.F.R. Part 354 is hereby amended as follows:

(1) In 9 C.F.R. 354.13 delete existing language and insert:

"All inspection service shall be subject to supervision at all times by the district supervisor and/or the division chief or representative. Such service shall be rendered where the facilities and conditions are satisfactory for the conduct of the service and the requisite inspectors are available."

(2) In 9 C.F.R. 354.20(a) delete existing language and insert:

"Any person who is a state meat inspection employee and possessing the proper qualifications as determined by an evaluation of competency, and who is to perform inspection service under this part may be licensed or otherwise authorized by the Director as an inspector."

(3) In 9 C.F.R. 354.34 delete existing language and insert:

"Any person desiring to process and pack products in a plant under inspection service must receive approval of such plant and facilities as an official plant and the operation must meet the regulatory requirements for part 416, part 417 and part 418 prior to the rendition of such service. An application for inspection service to be rendered in an official plant shall be approved according to the following procedure:"

(4) In 9 C.F.R. 354.63 delete existing language and insert:

"Wording and form of inspection mark. Except as otherwise authorized, the inspection mark permitted to be used with respect to inspected and certified edible products shall include wording as follows and in all capitalized letters: "OHIO INSPECTED AND PASSED BY DEPARTMENT OF AGRICULTURE"

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This wording shall be contained within a triangle in the form and arrangement shown in 9 C.F.R. 352.7(b)(1). The appropriate plant number of the official plant shall be included in the triangle unless it appears elsewhere on the packaging material. The Chief may approve the use of abbreviations of such inspection mark, and such approved abbreviations shall have the same force and effect as the inspection mark. The inspection mark or approved abbreviation thereof, as the case may be, may be applied to the inspected and certified edible product or to the packaging material of such product. When the inspection mark, or the approved abbreviation thereof, is used on packaging material, it shall be printed on such material or on a label to be affixed to the packaging material and the name of the packer or distributor of such product shall be printed on the packaging material or label, as the case may be, except that on shipping containers and containers for institutional packs, the inspection marks may be stenciled on the container and, when the inspection mark is so stenciled, the name and address of the packer or distributor may be applied by the use of a stencil or a rubber stamp. Notwithstanding the foregoing, the name and address of the packer or distributor, if appropriately shown elsewhere on the packaging material, may be omitted from insert labels which bear an official identification if the applicable plant number is shown."

(5) In 9 C.F.R. 354.65 delete existing language and insert:

"The inspection mark approved for use on inspected products shall be contained within a triangle and include the following all capitalized wording: `Ohio inspected and passed by department of agriculture.' The form and arrangement of such wording shall be as indicated in the example below. The plant number of the official plant shall be included within the triangle on the bottom line preceded by "EST."



(6) In 9 C.F.R. 354.100(a) delete existing language and insert:

"The fees and charges provided for in this section shall be paid by check, draft, or money order payable to the Ohio department of agriculture and shall be remitted promptly upon furnishing to the applicant a statement as to the amount due. Funds will be deposited in accordance with section 918.15 of the Revised Code. Bills are payable upon receipt and become delinquent 30 days from the date of the bill. Inspection services will not be performed for anyone having a delinquent account."

(7) In 9 C.F.R. 354.100(b) delete existing language and insert:

"The fees to be charged and collected for service under the regulations in this part shall be at a rate set by the director for base time and overtime."

(8) In 9 C.F.R. 354.100(b), insert the following as paragraph (1):

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"Each recipient of voluntary (rabbit) inspection service, shall be billed as provided in 9 C.F.R. Parts 352, 354 and 362 at the rate established by the director, in increments of tenths of an hour. For billing purposes, one to six minutes shall be considered a tenth of an hour. Seven to 12 minutes, two tenths, 13 to 18 minutes, three tenths, 19 to 24 minutes, four tenths, 25 to 30 minutes, five tenths, 31 to 36 minutes, six tenths, 37 to 42 minutes, seven tenths, 43 to 48 minutes, eight tenths, 49 to 54 minutes, nine tenths and 55 to 60 minutes, one hour. Billing will be for each tenth of an hour of service rendered by each program employee."

(9) In 9 C.F.R. 354.100(b), insert the following as paragraph (2):

"The base time rate is set at \$ 15.04 per hour. After eight hours of inspection and on holidays, the overtime and holiday rate for inspection services provided pursuant to 9 C.F.R. 307.5 is \$ 46.80 per hour per program employee."

(10) In 9 C.F.R. 354.240 delete existing language and insert:

"The premises shall be kept free from refuse, waste materials, and all other sources of objectionable odors and conditions. All provisions of 9 C.F.R. 416 shall be met prior to operations."

(N) 9 C.F.R. Part 412 is hereby amended as follows:

(1) In 9 C.F.R. 412.1(a) delete existing language and insert:

"No final label may be used on any product unless the label has been submitted for approval to the Ohio Department of Agriculture Labeling Staff, accompanied by ODA Label Approval Application, and approved by such staff, except for generically approved labels authorized for use in 9 C.F.R. 412.2. The management of the official establishment must maintain a copy of all labels used, in accordance with parts 320 and 381, subpart Q. Such records must be made available to any duly authorized representative of the Director upon request."

(2) In 9 C.F.R. 412.1(b) delete existing language and insert:

"All labels required to be submitted for approval as set forth in paragraph (a) of this section will be submitted to the Ohio Department of Agriculture Labeling Staff. A parent company for a corporation may submit only one label application for a product produced in other establishments that are owned by the corporation."

(3) In 9 C.F.R. 412.1(c) delete existing language and insert:

"Ohio Department of Agriculture requires the submission of labeling applications for the following:

(1) Sketch labels as defined in paragraph (d) of this section for products which are produced under a religious exemption;

(2) Special statements and claims as defined in paragraph (e) of this section and presented in the context of a final label;

(3) Requests for the temporary use of final labels as prescribed in paragraph (f) of this section;

(4) Meat/Poultry Food Products made from two or more ingredients."

(4) In 9 C.F.R. 412.1(f)(2) delete existing language and insert:



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"Extensions of temporary approvals may also be granted by the Ohio Department of Agriculture provided that the applicant demonstrates that new circumstances, meeting the above criteria, have developed since the original temporary approval was granted."

(5) In 9 C.F.R. 412.2(a)(1) delete existing language and insert:

"An official establishment, is authorized to use generically approved labels, as defined in paragraph (b) of this section, and thus is free to use such labels without submitting them to the Ohio Department of Agriculture for approval, provided the label, in accordance with this section, displays all mandatory features in a prominent manner in compliance with part 317 or part 381, and is not otherwise false or misleading in any particular."

(6) In 9 C.F.R. 412.2(a)(2) delete existing language and insert:

"The Ohio Department of Agriculture will select samples of generically approved labels from the records maintained by official establishments to determine compliance with label requirements. If the Agency finds that an establishment is using a false or misleading label, it will institute the proceedings prescribed in Part 500.8 of this chapter to revoke the approval for the label."

(7) In 9 C.F.R. 412.2(b) delete existing language and insert:

"Generically approved labels are labels that comply with the regulations and:

(1) that have been modified after "sketch approved as modified" by the Ohio Department of Agriculture Labellings Staff,

(2) Single Cuts of Meat and/or Poultry that follow retail standards for labeling such cuts.

(3) Repackaging previously inspected products therefore transposing all product and ingredient information from original label (except for labels that bear special statements or claims defined in §412.1(e)).

(4) Labels defined in 412.1 that are having the following label features modified:

(A) Change in Net Weight Statement provided it meets the requirements of §317.2(h),

(B) Modification to the inspection legend.

(C) Changes in the name and address line.

(D) Removal of insignificant or not essential ingredients from an approved product label,

(E) Deletion of a special statement or claim from an approved product label.

(F) Allergen statements (e.g., "contains soy") applied in accordance with the Food Allergen Labeling and Consumer Protection Act are also deemed generically approved."

**901:2-1-05 Exemptions based on religious dietary laws.**

(A) Any person who slaughters, processes, or otherwise handles cattle, sheep, swine, or goats which have been or are to be processed as required by recognized religious dietary laws may apply for exemption from specific

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provisions of the act or regulations which are in conflict with such religious dietary laws. Any person desiring such an exemption shall:

- (1) Apply in writing to the Ohio department of agriculture, meat and poultry inspection division, Reynoldsburg, Ohio 43068 setting forth the specific provisions of the act and the regulations from which exemption is sought;
  - (2) Set forth the provisions of the religious dietary laws in support of the requested exemption; and
  - (3) Submit a statement from the clerical official having jurisdiction over the enforcement of the religious dietary laws with respect to the cattle, sheep, swine or goats involved, which identifies the requirements of such laws pertaining to the slaughter of the livestock and the processing or other handling of the meat and meat food products involved, and certifies that such requirements are in conflict with specific provisions of the act and regulations from which the exemption is sought.
- (B) The department, upon a determination that an exemption should be granted, will grant such exemption to the extent necessary to avoid conflict with the religious requirements while still effectuating the purposes of the act. The department may impose such conditions as to sanitary standards, practices, and procedures in granting such an exemption as he deems necessary to effectuate the purposes of the act.
- (C) The department may in accordance with applicable rules of practice suspend or terminate any exemption under this rule whenever he finds that such action will aid in effectuating the purposes of the act.
- (D) Failure to comply with the conditions of the exemption, including, but not limited to, failure to process livestock and/or meat and meat food products under clean and sanitary conditions may result in termination of an exemption, in addition to any other penalties provided by law.
- (E) Inspectors of the inspection service are authorized to make inspections in accordance with law to ascertain whether any of the provisions of the act or regulations applying to producers, retailers, or other persons purporting to be exempt from any requirements under this subpart have been violated.