

TITLE 21 AGRICULTURE AND RANCHING
CHAPTER 33 ABATTOIRS, MEAT DEALERS AND STORAGE PLANTS
PART 2 FOOD SAFETY, MEAT AND POULTRY INSPECTION

21.33.2.1 ISSUING AGENCY: New Mexico Livestock Board.

[21.33.2.1 NMAC - N, 7-1-06]

21.33.2.2 SCOPE: All owners and operators of slaughter houses, meat processing plants, retail markets and storage plants in the state of New Mexico and all those that handle meat and poultry for resale for any reason.

[21.33.2.2 NMAC - N, 7-1-06]

21.33.2.3 STATUTORY AUTHORITY: Section 77-2-7 through 77-2-29, Sections 77-17-1 through 77-17-14, Section 77-9-29, Sections 77-9-1 through 77-9-57 NMSA 1978, Meat Inspection Act, Sections 25-3-7 through 25-3-21 and related statutes.

[21.33.2.3 NMAC - N, 7-1-06]

21.33.2.4 DURATION: Permanent.

[21.33.2.4 NMAC - N, 7-1-06]

21.33.2.5 EFFECTIVE DATE: July 1, 2006, unless a later date is cited at the end of a section.

[21.33.2.5 NMAC - N, 7-1-06]

21.33.2.6 OBJECTIVE: To establish rules governing the inspection of meat and poultry processing establishments in New Mexico and provide the meat packing and processing industry an inspection service that assures the consumer they are receiving a clean, wholesome and safe product.

[21.33.2.6 NMAC - N, 7-1-06]

21.33.2.7 DEFINITIONS: All words or terms defined or used in the federal regulations incorporated by reference shall mean the state equivalent or counterpart to those word or terms. The following words or terms, when used in this part, shall have the following meaning, unless the context clearly indicates otherwise.

A. “Act” means the New Mexico Meat Inspection Act, Sections 25-3-6 through 25-3-21 NMSA 1978.

B. “Cleaning agents” means cleaning compounds, sanitizing agents, processing aids and other chemicals used by an establishment, must be used, handled and stored in a manner that will not adulterate product or create unsanitary conditions. Documentation substantiating the safety of the chemical’s use in food processing environment must be available to New Mexico livestock board inspection program employees for review. In most cases documentation will be “Material Safety Data Sheets”.

C. “Collection center” means any place where bodies or parts of bodies of dead animals or poultry or used cooking grease and oils are collected for loading into a permitted vehicle for delivery to the renderer.

D. “Director” means the director of meat inspection.

E. “Division” means that part of the New Mexico livestock board devoted to food safety, meat and poultry inspection.

F. “Easily cleanable” means to be readily accessible and so designed, constructed, and fabricated that residues and foreign substances can be completely removed by normal cleaning methods.

G. “Farm slaughter” means the slaughtering of an animal or animals for the owner of that animal or animals on the owner’s farm or premises for personal use.

H. “Livestock” means cattle, bison, sheep, swine, goat, horse, mule, or other equine.

I. “Meat” means the part of the muscle of any cattle, bison, sheep, swine, or goats, that is skeletal or that is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve, and blood vessels which normally accompany the muscle tissue and that are not separated from it in the process of dressing. It does not include the muscle found in the lips, snout, or ears.

J. “Meat broker” means any person engaged in the business of buying or selling carcasses, parts of carcasses, meat or meat food products of livestock on commission, or negotiating purchases or sales other than for a personally held account or as an employee of another person.

K. "Meat by-product" means any part capable of use as human food, other than meat that has been derived from one or more cattle, bison, sheep, swine, or goats.

L. "Meat food product" means any article capable of use as human food that is made wholly or in part from any meat or other portion of the carcass from any cattle, bison, sheep, swine, or goats. However, "meat food product" shall not include those exempted from definition as a meat food product by the director in specific cases or by the rules, in Title 9 of the Code of Federal Regulations (CFR), Part 317 due to a determination that they contain meat or other portions of carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry. Those exempted shall comply with any requirements that are imposed as conditions of the exemptions to assure that the meat or other portions of carcasses contained in the articles are not adulterated and are not represented as meat food products.

M. "Mobile farm slaughter establishment" means slaughtering trucks, trailers, or other acceptable vehicles and the equipment and utensils used to slaughter in a sanitary manner.

N. "Permittee" means any person issued a vehicle permit.

O. "Poultry" means any domesticated bird, whether live or dead, including chickens, turkeys, ducks, geese, guineas, ratites, or squabs (also known as young pigeons from one to about thirty days of age).

P. "Poultry product" means any poultry carcass, part, or product made wholly or in part from any poultry carcass or part which can be used as human food, except those exempted from definition as a poultry product in Title 9 of the Code of Federal Regulations (CFR), Part 381.15. This term shall not include detached ova.

Q. "Poultry by-product" means the skin, fat, gizzard, heart, or liver, or any combination of any poultry for cooked, smoked sausage.

R. "Renderer" means any person who, for purposes other than human consumption, collects, cooks, and processes bodies or parts of bodies of dead animals and poultry, or used cooking grease and oils for the purpose of salvaging hides, wool, skins, or feathers and or for the production of animal and poultry protein, blood meal, bone meal, grease, or tallow.

S. "Rendering materials" means bodies or parts of bodies of dead animals or poultry and used cooking grease and oils.

T. "Sanitize" means the treatment of physically clean surfaces of equipment, utensils, refrigeration units, and structures by a process, approved by the department that effectively destroys microorganisms including pathogens.

[21.33.2.7 NMAC - N, 7-1-06]

21.33.2.8 INCORPORATION BY REFERENCE OF FEDERAL MEAT INSPECTION AND

POULTRY PRODUCTS INSPECTION REGULATIONS: The Federal Meat Inspection Act, Poultry Products Inspection Act and Regulations 9 CFR, Chapter III, 300 through 590.970, are incorporated by reference as presently in effect and as they may later be modified.

[21.33.2.8 NMAC - N, 7-1-06]

21.33.2.9 GUIDELINES AND PROCEDURES: The following publications prepared and approved by the United States department of agriculture are applicable to the New Mexico livestock board as determined by the director of meat inspection: *"U.S. inspected meat and poultry packing plants: a guide to construction and layout," agriculture handbook 570; "the meat and poultry inspection manual;" "food standards and labeling policy book"* (May 2003); and all federal food safety and inspection service's directives, notices, and bulletins.

[21.33.2.9 NMAC - N, 7-1-06]

21.33.2.10 REGISTRATION AND APPLICATION REQUIREMENTS FOR CUSTOM EXEMPT PLANTS:

A. Every establishment where livestock and poultry are custom slaughtered without ante-mortem and post-mortem inspection or in which custom processing of carcasses or parts of carcasses derived from livestock and poultry slaughtered without ante-mortem and post-mortem inspection is required to submit an application and have all facilities approved by the director prior to conducting operations.

B. Any person or establishment, not licensed as a retail exempt business, engaged in custom processing of inspected and passed carcasses for individuals, is required to submit an application and meet all facility requirements prior to conducting operations.

[21.33.2.10 NMAC - N, 7-1-06]

21.33.2.11 REGULATIONS AND PERMITTING MOBILE FARM SLAUGHTER:

A. Any person operating a mobile farm slaughter establishment shall apply for a permit from the board.

(1) The application shall provide the following information:

- (a) name of the operator;
- (b) telephone number of the operator;
- (c) address of the operator's principal place of business.

(2) The permit number shall be prominently displayed on both sides of the mobile farm slaughter establishment and shall be in contrasting colors not less than three (3) inches high.

(3) The operator shall renew the permit annually.

(a) Any person applying for a permit to operate a mobile farm slaughter establishment shall demonstrate the appropriate experience and capability of slaughtering an animal in a quick, clean, and sanitary manner.

(b) Any person slaughtering more than ten (10) head per year on the farm or in the field, whether or not for personal use shall be a mobile farm slaughter establishment and shall be subject to all laws pertaining to mobile farm slaughter establishments.

[21.33.2.11 NMAC - N, 7-1-06]

21.33.2.12 REVOCATION OR SUSPENSION OF PERMIT: Violation of any portion of 21.33.2.10 NMAC may subject the owner and/or operator of a mobile farm slaughter establishment to revocation or suspension of his/her mobile farm slaughter establishment permit. No permit issued under this section is transferable.

[21.33.2.12 NMAC - N, 7-1-06]

21.33.2.13 TEMPORARY SUSPENSION OR MODIFICATION OF PERMIT: In the event of a zoonotic as declared by the board the permit to operate a mobile farm slaughter establishment may be temporarily suspended or modified as is consistent with public health and safety or to prevent an imminent peril to the livestock industry or any portion thereof within the state of New Mexico.

[21.33.2.13 NMAC - N, 7-1-06]

21.33.2.14 LABELING OR MARKING BY MOBILE FARM SLAUGHTER ESTABLISHMENTS:

A. Each carcass or part thereof shall be tagged or marked with the owner's name to insure the identity of the owner and that the carcass or part belongs to the owner.

B. Each carcass or part thereof shall be tagged or marked with the mobile slaughter operator's permit number or name and shall be subject to inspection by the board.

[21.33.2.14 NMAC - N, 7-1-06]

21.33.2.15 GRANDFATHER CLAUSE:

A. Any mobile slaughter operator currently listed with the state of New Mexico who can demonstrate to the board that the operator's mobile slaughter unit and operation complies with the basic sanitary facilities and functions such as pressurized water, sterilizing agents and can provide a clean dust proof manner of transporting the carcass, may be allowed to continue operation until:

- (1) the operator's current mobile slaughter unit is out of use; or
- (2) the operator's permit is revoked; or
- (3) the board finds that the operator is producing an unacceptable product.

B. Excluding the grandfather clause and from henceforth all mobile farm slaughtering establishments shall be constructed and equipped with the following:

(1) it shall have a van-type body enclosing and covering the unit, excluding the driver's cab and hoist, with surfaces constructed from non-rusting metal or other materials that are non-rusting and amenable to proper and adequate cleaning; wood may only be used as internal framing or spacing materials between double non-wooden walls; it shall be designed and constructed to prevent the entry of contaminants (dirt, dust, insects, etc.) and to allow the exterior and interior to be easily cleanable and sanitized;

(2) materials for use in mobile farm slaughter establishments must be approved by the board prior to beginning construction of a mobile farm slaughter establishment; all mobile farm slaughtering establishments will be inspected by the board for conformance with construction and facility requirements prior to issuance of a permit;

(3) it shall have a metal interior lining, with the junctions of facing surfaces to be smoothly welded

or soldered (or rolled and soldered) and spatter removed; all interior corners shall be rounded for ease of cleaning; caulking compounds shall not be substituted for welding or soldering; the interior facing surfaces shall not be painted except for rail hangers; the minimum metal gauges for interior facing surfaces are 14 gauge for aluminum, 16 gauge for sheet metal, and 17 gauge for stainless steel; fiberglass, or fiberglass reinforced resin or aluminum alloys are permitted upon being approved by the board; insulation shall be non-absorbent;

(4) it shall have the following minimum interior dimensions (excluding space for tanks and other affixed or mounted equipment):

- (a) height of 6 feet;
- (b) length of 6 feet;
- (c) width of 4 feet for single center hanging rail or 6 feet for double hanging rail;

(5) it shall have affixed a metal hoist of not less than 1 1/2 tons capacity, capable of lifting carcasses to above 12 inches from the ground for purposes of bleeding and evisceration; the hoist shall be situated so that carcasses suspended from it do not contact the truck or trailer body, and shall be equipped with a metal beef spreader;

(6) it shall contain sterilizing agents approved by the U.S.D.A. in sufficient amounts to sterilize all knives, cleavers, saws, hooks, and pans used in slaughter operation;

(7) it shall contain a water tank of rust resistant metal (such as a water tank for home use) and at least one hose with nozzle for washing of carcasses; it shall contain at least 10 gallons of potable water per head, depending upon the capacity of the mobile slaughter unit; (3 head capacity 30 gallons, 6 head capacity 60 gallons etc.); it shall contain at least 60 pounds per square inch pressure, prior to commencing the slaughter operations; the pressure shall be maintained during all slaughter operations.

C. Unless specified in these rules, all equipment shall be fabricated from metal or other approved material. Hooks, trolleys, and spreaders used in dressing carcasses shall be constructed of non-rusting materials. [21.33.2.15 NMAC - N, 7-1-06]

21.33.2.16 SANITATION OF MOBILE CUSTOM SLAUGHTER ESTABLISHMENT:

A. Mobile custom slaughtering establishment shall be maintained in a clean and sanitary condition in accordance with the following:

(1) the interior and exterior of the truck, trailer, or other vehicle shall be cleaned and sanitized before and after each day's operation;

(2) the tools (knives, cleavers, saws, hooks, etc.) and equipment (pans, trolleys, spreaders, etc.) shall be cleaned and sanitized before, after, and as necessary during, the slaughter operation; in addition, they shall be sterilized if contaminated by viscera contents, abscesses, or foreign material during the slaughter operation;

(3) hooks, trolleys, and spreaders used in dressing carcasses shall additionally have a coat of edible mineral oil applied to them after cleaning.

B. Soap and clean toweling shall be provided for washing of hands, tools and equipment. [21.33.2.16 NMAC - N, 7-1-06]

21.33.2.17 CONDITIONS OF TRANSPORT AND SLAUGHTER:

A. No carcass shall be transported in a mobile custom slaughter unit unless it is hung free from contact with the unit floor, and tagged as prescribed in 21.33.2.14 NMAC.

B. No carcass, other than a scalded and dehaired hog carcass, shall be dressed or transported in a mobile custom slaughter unit with the hide on.

C. Meat by-products shall be transported in a mobile custom slaughter unit in clean and sanitary containers, of material approved by the board, with secure coverings or lids.

D. Inedible offal shall be transported in a mobile custom slaughter unit in clean and sanitary containers (barrels, tubs, etc.) of easily cleaned and durable rubber, plastic, or rust resistant metal materials that shall be separated from the area of the unit used for the slaughter operations. In lieu of the preceding, the offal may be transported in a clean, sanitary, covered watertight trailer of a design approved by the board. All inedible offal (except hides) shall be disposed of through rendering operations duly permitted by the board.

E. No horse carcass, or parts thereof, shall be transported in a mobile custom slaughter unit.

F. No slaughter of a meat animal in a mobile custom slaughter unit while other carcasses are hanging therein shall be performed unless the unit doors are closed or the area in which the carcasses are situated is separated from the area used for the slaughter operation.

G. No slaughter of a suspect animal shall be performed without approval of a New Mexico state

licensed veterinarian approved by the New Mexico livestock board.
[21.33.2.17 NMAC - N, 7-1-06]

21.33.2.18 AVAILABILITY FOR INSPECTION OF FARM SLAUGHTER ESTABLISHMENTS: A mobile farm slaughtering establishment owner or operator will make their establishment available for inspection by any authorized New Mexico livestock board employee upon request.
[21.33.2.18 NMAC - N, 7-1-06]

21.33.2.19 APPLICATION FOR INSPECTION, TENANTS, SUBSIDIARIES AND CONSTRUCTION STANDARDS FOR PACKING PLANTS:

A. Each person conducting operations at an establishment subject to the Act, including tenants, subsidiaries, and landlords, shall apply for an inspection.

B. The application for inspection shall be on official forms provided by the food safety, meat and poultry inspection division of the New Mexico livestock board.

(1) The application shall contain all requested information.

(2) All applicant trade names used for labeling shall be provided in the application.

(3) Each applicant for inspection shall be responsible for compliance with the Act and the rules if inspection is granted.

(4) Only the person listed as the applicant is authorized to conduct operations at the establishment for which inspection is granted.

C. A new application shall be made for changes of ownership or location.
[21.33.2.19 NMAC - N, 7-1-06]

21.33.2.20 DRAWINGS, INFORMATION TO BE FURNISHED, GRANT OR REFUSAL INSPECTION:

A. Each applicant for inspection shall submit three (3) copies of the following:

(1) complete drawings with specifications of the floor plans of the establishment for which inspection is requested, showing the locations of principal pieces of equipment, floor drains, principal drainage lines, hand washing basins, and hose connections for cleanup purposes;

(2) a plot plan showing the limits of the establishment's premises, locations in outline of buildings on the premises, cardinal points of the compass, and roadways and railways serving the establishment;

(3) a room schedule showing the finish of walls, floors, and ceilings of all rooms in the establishment;

(4) statements describing the water supply, plumbing, drainage, refrigeration, equipment, lighting, and operations of the establishment related to sanitation and proper performance of inspection.

B. Written notice shall be given to each applicant granted inspection, specifying the establishment to which the grant applies.

C. The director may grant inspection upon a determination that the applicant and the establishment are eligible.

D. The director may refuse to grant inspection at any establishment if the director determines the establishment does not meet all requirements of applicable laws or regulations the applicant has not received approval of labeling and containers to be used at the establishment as required by the rules in Title 9 of the Code of Federal Regulations (CFR) Parts 304.3, 316, and 317, or in accordance with the New Mexico Meat Inspection Act, Sections 25-3-6 through 25-3-21 NMSA 1978 and the applicable rules of practice.

E. When inspection is refused for any reason, the applicant shall be informed of the reasons for the action and shall be afforded an opportunity for an individual hearing.

F. Any applicant for inspection shall obtain a certificate of acceptability or a permit for the liquid waste disposal system. The permit shall be prominently posted in the establishment.

[21.33.2.20 NMAC - N, 7-1-06]

21.33.2.21 WITHDRAWAL OF INSPECTION, STATEMENT OF POLICY:

A. The board may withdraw inspection from an official establishment where the sanitary conditions are such that its products are rendered adulterated, or for failure of the operator to destroy condemned products as required by the act and these rules.

B. Inspection service may be withheld by the director when the operator of any official establishment

or tenant therein, or any officer, employee, or agent of any operator or any subsidiary or tenant, acting within the scope of their office, employment or agency forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any division employee while engaged in or on account of the performance of their official duties under the Act. This withholding of inspection will continue in effect until assurances acceptable to the board are received that there cannot be any recurrences.

[21.33.2.21 NMAC - N, 7-1-06]

21.33.2.22 HOURS OF OPERATION OF OFFICIAL ESTABLISHMENTS: The operator of each official establishment shall inform the inspector in charge, or his assistant, when work in each department has been concluded and the day and hour when work will be resumed therein. Whenever any product is to be overhauled or otherwise handled in an official establishment during unusual hours, the establishment operator shall, a reasonable time in advance, notify the inspector in charge or the inspector's assistant, of the day and hour when the work will be commenced and the products shall not be handled prior to that time and except after notice has been given. No department of an official establishment in which are conducted operations requiring inspection shall be operated except under the supervision of a division employee. 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.

[21.33.2.22 NMAC - N, 7-1-06]

21.33.2.23 DESIGNATION OF DAYS AND HOURS OF OPERATION BY DIRECTOR: When one inspector is detailed to conduct the work at two or more official establishments where few livestock are slaughtered or where but a small quantity of any product is prepared, the director may designate the hours of the day and the days of the week during which operations requiring inspection in the establishments may be conducted.

[21.33.2.23 NMAC - N, 7-1-06]

21.33.2.24 OVERTIME WORK OF PROGRAM INSPECTORS:

A. The management of an official establishment desiring to work under the conditions which will require the services of a meat inspector on any Saturday, Sunday or for more than 8 hours on any other day, shall, sufficiently in advance of the period of overtime, request the inspector in charge or the inspector's assistant to furnish inspection service during an overtime period, and shall pay the board a per hour per division inspector fee established at one and one half the inspectors hourly rate for the cost of inspection services.

B. When an official establishment requires inspection service on a holiday, the service is considered holiday work. The official establishment shall, in advance of holiday work, request the inspector in charge to furnish inspection service during the period and shall pay the board at the rate established as stated in Subsection A of this section. Service in excess of eight (8) hours for that day is considered overtime and shall be paid for at the overtime rate. Holidays for state employees will be those declared by the state personnel office of the state of New Mexico.

[21.33.2.24 NMAC - N, 7-1-06]

21.33.2.25 MULTIPLE SHIFT OPERATIONS:

A. Multiple shift operations may be approved by the director provided the management of an official establishment requests in writing and a reasonable amount of time is allowed for the agency to provide inspection personnel. The request for this operation must clearly show the necessity for the additional shift(s). Therefore, plant management must specify the type(s) of operation(s) that will be conducted during the multiple shifts and must further demonstrate that at least five (5) hours of work will be required in excess of a normal eight hour shift on a continual and on-going basis during the normal work week of Monday through Friday.

B. If any of the provisions of this rule are not met, the director shall refuse or revoke the approval for multiple shift operations and require the establishment be billed for overtime inspection services at the appropriate established rate in effect.

[21.33.2.25 NMAC - N, 7-1-06]

21.33.2.26 PROTECTIVE HANDLING OF PRODUCTS: Products shall be protected from contamination from any source such as dust, dirt, or insects during the storage, loading, or unloading at and transportation from official establishments. Products are to be maintained at an appropriate temperature to assure safety of product before removal from the official establishment. All forms of transportation should be capable of maintaining an appropriate temperature of product at the point of destination.

[21.33.2.26 NMAC - N, 7-1-06]

21.33.2.27 MANUFACTURE OF DOG FOOD OR SIMILAR UNINSPECTED ARTICLE AT OFFICIAL ESTABLISHMENT:

A. When dog food or similar uninspected article is manufactured in a part of an official establishment, the area in which the article is manufactured shall be separated from edible product departments in the manner required for separation between edible product departments and inedible product departments. Sufficient space must be allotted and adequate equipment provided that the manufacture of the uninspected article does not interfere with the proper functioning of the other operations at the establishment. Nothing in this section shall be construed as permitting any deviation from the requirement that dead animals, condemned products, and similar materials of whatever origin, must be placed in the inedible product rendering equipment, and without undue delay. The manufacture of the uninspected article must not interfere with the maintenance of general sanitary conditions on the premises, and it shall be subjected to inspectional supervision similar to that exercised over other inedible product departments. There shall be no movement of any product from an inedible product department to any edible product department. Trucks, barrels, and other equipment shall be cleaned before being returned to edible product departments from inedible product departments. Inoffensive material prepared outside edible product departments may be stored in, and distributed from edible product departments only if packaged in clean, properly identified, sealed containers.

B. Animal food shall be distinguished from articles of human food, so as to avoid distribution of animal food as human food. To accomplish this, animal food shall be labeled or identified.

[21.33.2.27 NMAC - N, 7-1-06]

21.33.2.28 RENDERING PLANT FACILITIES:

A. No rendering plant facility shall be operated without first obtaining a permit from the board.

B. Each place permitted for the carrying on of a business shall, to the satisfaction of the New Mexico livestock board be provided with floors constructed of concrete, or some other non-absorbent material, adequate drainage, be thoroughly sanitary, be provided with adequate water supply and sufficient hot water to properly and adequately clean floors and trucks.

C. The floors, walls, and all buildings and equipment shall at all times be kept in a sanitary condition and shall be cleaned with adequate hot water. All plants shall be equipped with adequate water supply and sufficient hot water to properly and adequately clean floors and trucks.

D. Authorized agents of the board shall have the right and authority to go upon any premises or place during normal business hours and enter any building or enclosure for the purpose of inspection or examination.

E. In the event of a zoonotic as declared by the board the permit to operate a rendering or blending plant facility may be temporarily suspended or modified as is consistent with the public health and safety or to prevent imminent peril to the livestock industry or any portion thereof within the state of New Mexico.

[21.33.2.28 NMAC - N, 7-1-06]

21.33.2.29 RENDERING PLANT PREMISES:

A. Plants shall be separated by a permanent wall and apart from any other business operation.

B. The location of new plant facilities shall be in compliance with local zoning ordinances before the New Mexico livestock board will issue a permit.

C. No permit will be issued by the New Mexico livestock board until necessary approvals for plant construction have been issued by the appropriate state agency.

[21.33.2.29 NMAC - N, 7-1-06]

21.33.2.30 MAINTENANCE AND SANITATION OF RENDERING FACILITIES:

A. The permittee shall maintain the facilities in such sanitary manner as to eliminate insofar as possible, all odors, insects, and vermin.

B. In case of collection centers, all rendering materials shall be picked up at the collection center and transported to the rendering plant daily, except during subfreezing weather.

[21.33.2.30 NMAC - N, 7-1-06]

22.33.2.31 SALMONELLA CONTROL FOR RENDERERS:

A. A separate building or storage area shall be provided for the purpose of storing the finished

products in order to avoid contamination after completion of processing.

B. No tools or equipment used in handling the unfinished product shall be used in storage area, or in handling of finished product.

C. Renderers shall provide toilet, showering, dressing and disinfecting facilities for all employees. Said toilet, showering, dressing and disinfecting facilities shall conform to all applicable state and local plumbing codes.

D. All toilet, showering, dressing and disinfecting facilities shall be maintained in a sanitary condition and provided with hot and cold water, soap and towels at all times. Hand soaps used shall be those approved by U.S.D.A. for use in meat packing plants.

E. Rodent and vermin control shall be diligently practiced. Uncontrolled animal and birds shall not be tolerated on the premises.

F. Buildings and surrounding grounds shall be kept clean and free from refuse, trash, or the accumulation of product or products of processing, including paunch manure.

G. Any authorized representative of the New Mexico livestock board shall be allowed access to inspect inventory during regular business hours and to take samples at the request of the state government, federal government, the permittee or manufacturer using the product, for the purpose of laboratory diagnosis to determine if salmonella are present or for any other purpose necessary to protect the health, welfare or safety of the citizens of the state of New Mexico.

[21.33.2.31 NMAC - N, 7-1-06]

21.33.2.32 REQUIREMENTS FOR BARRELS USED IN TRANSPORTING AND STORAGE OF USED GREASE AND OILS: All barrels used for transporting and storage of scrap, or used cooking grease and oils shall be clearly marked "inedible" with letters not less than three inches in height.

[21.33.2.32 NMAC - N, 7-1-06]

21.33.2.33 VEHICLES:

A. All vehicles intended for transporting of product intended for rendering use shall be constructed so as to preclude unauthorized escape of liquids or any other contents onto public or private property.

B. Vehicle construction shall permit proper and adequate cleaning.

C. Vehicles intended for transport of product for rendering purposes shall be made available for inspection by authorized agents of the board upon request.

D. Vehicles and vehicle equipment shall at all times be kept in a sanitary condition, and the trucks shall be cleaned with hot water.

E. All cleaning of vehicles shall be done on rendering plant premises.

[21.33.2.33 NMAC - N, 7-1-06]

21.33.2.34 COLLECTION CENTERS: A collection center shall comply with the following requirements:

A. The location of a collection center shall be in compliance with local zoning ordinances before the division will issue a permit.

B. The collection center shall be covered by a metal roof or other permanent type structure. The building shall be equipped with louver-type ventilators that are screened as to prevent rodents and other animals, birds, flies, and insects from entering.

C. Adequate hot water shall be provided to thoroughly clean the collection center premises. Failure to maintain collection centers in a sanitary manner will be sufficient cause for the board to revoke or suspend the permit to operate.

D. The collection center equipment and premises shall be disinfected with a product approved for use by the United States department of agriculture for use in meat packing plants.

E. Rendering plants and collection centers shall use cleaning compounds approved by the United States department of agriculture for use in meat packing plants.

F. No collection center will operate without first obtaining a permit from the board.

G. The permittee shall maintain all collection center, facilities in such sanitary manner as to eliminate insofar as possible, all odors, insects, and vermin.

[21.33.2.34 NMAC - N, 7-1-06]

21.33.2.35 DISPOSAL BY COLLECTION CENTER OF UNUSABLE MATERIALS: Paunch manure,

quantities of hair, feathers, and other unusable materials shall be routinely disposed of by burning, burying, or spreading with manure spreader on cultivated ground not used for pasture of livestock, and approved by the board.
[21.33.2.35 NMAC - N, 7-1-06]

21.33.2.36 PRODUCT OR LIVESTOCK SUBJECT TO ADMINISTRATIVE DETENTION: Any carcass, part of a carcass, meat or meat food product of livestock is subject to detention for a period not to exceed 20 days when found by any authorized representative of the board upon any premises where it is held for purposes of or during or after distribution of intrastate commerce, and there is reason to believe that:

- A. Any article is adulterated or misbranded and is capable of use as human food; or
- B. Any article has not been inspected, in violation of the Federal Meat Inspection Act or the Federal Food, Drug, and Cosmetic Act; or
- C. Any article or animal has been or is intended to be distributed in violation of any provisions.

[21.33.2.36 NMAC - N, 7-1-06]

21.33.2.37 METHOD OF DETENTION; FORM, OF DETENTION TAG: An authorized representative of the board shall detain any article or livestock to be detained under this part, by affixing an official "New Mexico Retained Tag" to the article or livestock.

[21.33.2.37 NMAC - N, 7-1-06]

21.33.2.38 NOTIFICATION OF DETENTION TO THE OWNER OF THE ARTICLE OR LIVESTOCK DETAINED, OR HIS AGENT, OR PERSON HAVING CUSTODY:

- A. An authorized agent of the board shall give oral notification of detention to the immediate custodian of the article or livestock being detained.
- B. An authorized agent of the board shall furnish, as soon as possible, a copy of a completed "Notice of Detention" to the immediate custodian of the detained article or livestock.
- C. If the owner of the detained article or livestock, or the owner's agent is not the immediate custodian at the time of detention and if the owner, or owner's agent, can be ascertained and notified, an authorized agent of the board shall furnish, as soon as possible, a copy of the completed "Notice of Detention" to the owner, or the owner's agent.
- D. The "Notice of Detention" shall be delivered by personal service or certified mail to the owner or owner's agent at the last known residence or principal place of business.

[21.33.2.38 NMAC - N, 7-1-06]

21.33.2.39 NOTIFICATION OF GOVERNMENTAL AUTHORITIES HAVING JURISDICTION OVER ARTICLE OR LIVESTOCK DETAINED; FORM OF WRITTEN NOTIFICATION: Within 48 hours after the detention of any livestock or article pursuant to this part an authorized representative of the board shall give oral or written notification of such detention to any state or other governmental authorities not connected with the division and having jurisdiction over such livestock or article. In the event notification is given orally, it shall be confirmed in writing, as promptly as circumstances permit.

[21.33.2.39 NMAC - N, 7-1-06]

21.33.2.40 MOVEMENT OF ARTICLE OR LIVESTOCK DETAINED; REMOVAL OF OFFICIAL MARKS: No article or livestock detained in accordance with the provisions in 21.33.2 NMAC shall be moved by any person from the place at which it is located when so detained, until released by an authorized representative of the board; provided, that any article or livestock may be moved from the place at which it is located when detained, for refrigeration, freezing, or storage purposes if the movement has been approved by an authorized representative of the board; and provided further, that the article or livestock moved will be detained by an authorized representative of the board after the movement until such time as the detention is terminated. When the detention of an article or livestock is terminated, the owner, or his agent or the carrier or other person in possession of the article or livestock who was notified when the article or livestock was detained, will receive notification of the termination. The notification "Notice of Termination of Detention" shall be served by either delivering the notice to such person, or by certifying and mailing the notification, addressed to such at his last known residence or principal office or place of business. All official marks may be required by such representative to be removed from such article or livestock before it is released unless it appears to the satisfaction of the representative that the article or livestock is eligible to retain such marks.

[21.33.2.40 NMAC - N, 7-1-06]

21.33.2.41 ARTICLES OR LIVESTOCK SUBJECT TO JUDICIAL SEIZURE AND

CONDEMNATION: Any carcass, part of a carcass, meat or meat food product, or any dead, dying, disabled, or diseased livestock, that is being transported in commerce or is otherwise subject to the act, or is held for sale in the state after such transportation, is subject to seizure and condemnation, in a judicial proceeding pursuant to 21.33.2.42 NMAC of this part if such article or livestock is or has been prepared, sold, transported, or otherwise distributed or offered or received for distribution in violation of the act, or:

A. is capable of use as human food and is adulterated or misbranded, or

B. in any other way is in violation of the Federal Meat Inspection Act, Poultry Products Inspection Act and state laws or regulations; this does not preclude utilization of Section 25-3-12 or other lawful procedures.

[21.33.2.41 NMAC - N, 7-1-06]

21.33.2.42 PROCEDURE FOR SEIZURE, CONDEMNATION, AND DISPOSITION: Any article or livestock subject to seizure and condemnation under this part shall be liable to be proceeded against and seized and condemned, and disposed of, at any time, on an appropriate pleading in any district court, or other proper court specified in the act, within the jurisdiction of which the article or livestock is found.

[21.33.2.42 NMAC - N, 7-1-06]

21.33.2.43 AUTHORITY FOR CONDEMNATION OR SEIZURE UNDER OTHER PROVISIONS

OF LAWS: The provisions of this part relating to seizure, condemnation and disposition of articles or livestock do not derogate from authority for condemnation or seizure conferred by other provisions of the act, or other laws.

[21.33.2.43 NMAC - N, 7-1-06]

21.33.2.44 CRIMINAL OFFENSES: The several laws relating to livestock that the board enforces contain criminal provisions with respect to numerous offenses specified in the act, including but not limited to bribery of division employees, receipt of gifts by division employees, and forcible assaults on, or other interference with, division employees while engaged in, or on account of, the performance of their official duties under the act.

[21.33.2.44 NMAC - N, 7-1-06]

21.33.2.45 PROCEDURE TO FOLLOW WHEN PLANT IS IDENTIFIED AS INSANITARY:

A. When upon inspection of a plant an inspector finds indication of any of the following conditions, the director shall be notified by telephone call of the fact:

(1) nonpotable water being used in departments producing edible product; nonpotable means unsafe by laboratory determinations;

(2) product being prepared is subjected to an environment that allows or will allow bacterial growth and development or result in the entry of foreign matter in the product and therefore is insanitary; this includes failure to control vermin and insects;

(3) when carcasses or parts show evidence of contamination or insanitary condition or systemic disease condition or evidence of bearing diseases transmissible to man, or in any manner adulterated;

(4) meats exhibiting the characteristics of spoilage being used in processing meat food products;

(5) the presence of excessive amounts of approved chemicals, the presence of foreign material, prohibited chemicals, preservatives, and failure to properly treat or destroy trichinae.

B. Further, the inspector shall inform the plant operator of the fact. If the director is not satisfied that the condition will be immediately corrected, said director may order the facility to immediately stop sale and may withdraw inspection. Said stop sale order shall remain effective until lifted by the director, the board, or appropriate court order. The order shall include the setting of a show cause hearing before the director at a time and date certain when the plant operator may appear, with counsel if desired, to show cause why inspection should be restored. Appeal of the director's order following the show cause hearing is to the New Mexico livestock board.

[21.33.2.45 NMAC - N, 7-1-06]

21.33.2.46 OFFICIAL MARKS, DEVICES AND CERTIFICATES: The marks, devices, and certificates prescribed or referenced in this part shall be official marks, devices, and certificates and shall be used in accordance with the provisions of this part and the rules cited therein.

[21.33.2.46 NMAC - N, 7-1-06]

21.33.2.47 OFFICIAL MARKS AND DEVICES TO IDENTIFY INSPECTED AND PASSED PRODUCTS OF CATTLE, BISON, SHEEP, SWINE, OR GOATS: The official inspection legend required by Part 316 of 9 CFR to be applied to inspected and passed carcasses and parts of carcasses of cattle, bison, sheep, swine and goats, meat food products in animal casings, and other products as approved by the director shall be in the appropriate form as specified below:

A. 3/4" round - for application to sheep and goat carcasses, the loins and ribs of pork, beef tails, and the smaller varieties of sausage and meat food products in animal casings;

B. 1 3/4" round - for application to calf and swine carcasses and on the larger varieties of sausage and meat food products in animal casings. For application to swine carcasses, wholesale and primal cuts, beef and bison carcasses;

C. 1 3/4" brand - for application to exotics, in the shape of the state of New Mexico.
[21.33.2.47 NMAC - N, 7-1-06]

21.33.2.48 OFFICIAL ANTE-MORTEM INSPECTION MARKS AND DEVICES: The official marks and devices used in connection with ante-mortem inspection are those prescribed in 9 CFR 309.18.
[21.33.2.48 NMAC - N, 7-1-06]

21.33.2.49 OFFICIAL SEALS FOR TRANSPORTATION OF PRODUCTS: The official mark for use in sealing railroad cars or other means of conveyance as prescribed in 9 CFR Part 325 shall be the inscription and a serial number approved by the director for applying such mark shall be an official device for purposes of the act. This seal shall be attached to the means of conveyance only by a division employee.
[21.33.2.49 NMAC - N, 7-1-06]

21.33.2.50 OFFICIAL MARKS AND DEVICES IN CONNECTION WITH POST-MORTEM INSPECTION AND IDENTIFICATION OF ADULTERATED PRODUCTS AND INSANITARY EQUIPMENT AND FACILITIES:

A. The official marks required by Part 310 of 9 CFR, for use in post-mortem inspection and identification of adulterated products and insanitary equipment and facilities are:

(1) the U.S. Retained tag which is used to retain carcasses and parts of carcasses in the slaughter department; it is blue and black, and bears the legend "U.S. Retained."; it is a four section tag as used for hogs, sheep, goats, calves, cattle, bison and equine;

(2) the "New Mexico Retained" mark which is applied to products and articles as prescribed in Part 310 of 9 CFR by means of a paper tag bearing the legend "New Mexico Retained.";

(3) the "New Mexico Rejected" mark which is used to identify insanitary buildings, rooms, or equipment and is applied by means of a paper tag bearing the legend "New Mexico Rejected.";

(4) the "New Mexico Passed for Cooking" mark is applied on products passed for cooking as prescribed in Part 310 of 9 CFR by means of a brand;

(5) the "New Mexico Condemned" mark shall be applied to products that are condemned.

B. The New Mexico retained and New Mexico rejected tags, and all other brands, stamps, labels, and other devices approved by the director and bearing any official mark, shall be official devices for purposes of the act.

[21.33.2.50 NMAC - N, 7-1-06]

21.33.2.51 INSPECTION OF ANIMALS TO BE SLAUGHTERED – SETTING APART OF SUSPECT ANIMALS-METHODS OF SLAUGHTER-EXAMINATION AND INSPECTION OF METHOD OF SLAUGHTER:

A. For the purpose of preventing the use in intrastate commerce, as hereinafter provided, of meat and meat food products, which are adulterated, the board shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all cattle, bison, sheep, swine, goats, horses, mules and other equines before they shall be allowed to enter into any slaughtering, packing, meat-canning, rendering or similar establishment in this state in which slaughtering and preparation of meat and meat food products of such animals are conducted for intrastate commerce; and all cattle, bison, sheep, swine, goats, horses, mules and other equines found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other cattle, bison, sheep, swine, goats, horses, mules or other equines, and when so slaughtered, the carcasses of said cattle,

bison, sheep, swine, goats, horses, mules and other equines shall be subject to a careful examination and inspection, all as provided by the rules and regulations of the board.

B. For the purpose of preventing the inhumane slaughter of livestock, the board shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of the method by which cattle, bison, sheep, swine, goats, horses, mules and other equines are slaughtered and handled in connection with slaughter in the slaughtering establishments inspected by law. The board may refuse to provide inspection to a new slaughtering establishment or may cause inspection to be temporarily suspended at a slaughtering establishment if the board finds that any cattle, bison, sheep, swine, goats, horses, mules or other equines have been slaughtered or handled in connection with slaughter at such establishment by any method not in accordance with this section until the establishment furnishes assurances satisfactory to the board that all slaughtering and handling in connection with slaughter of livestock shall be in accordance with such method.

C. Either of the following methods of slaughtering livestock and handling livestock in connection with slaughter is hereby found to be humane:

(1) in the case of cattle, bison, sheep, swine, goats, horses, mules or other equines, the animals are rendered insensible to pain by a single blow or gunshot or an electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast or cut or;

(2) by slaughtering in accordance with the ritual requirements of the Jewish faith or any other religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument and handling in connection with such slaughter.

D. The Federal Humane Slaughter Act of 1978 be adopted by reference.
[21.33.2.51 NMAC - N, 7-1-06]

21.33.2.52 ESTABLISHMENTS REQUIRING INSPECTION: Inspection under the rules is required at:

A. every establishment, except as provided in 9 CFR, Part 303.1, 381.10, 381.11, 381.12, 381.13, 381.14, and 381.15, within the state, at which any livestock or poultry are slaughtered or any meat or poultry products are processed, for use as human food solely for distribution within such jurisdiction;

B. every establishment, operating under exemptions, as provided in 9 CFR, Part 303.1, 381.10, 381.11, 381.12, 381.13, 381.14, and 381.15, which becomes designated by the director pursuant to the act as one producing adulterated meat or poultry products which would clearly endanger the public health.

[21.33.2.52 NMAC - N, 7-1-06]

21.33.2.53 HEARINGS: Absent other statutorily specified hearing procedures, the board shall follow the Uniform Licensing Act, to the extent not inconsistent with applicable law, with the respect to required hearings before the board.

[21.33.2.53 NMAC - N, 7-1-06]

HISTORY OF 21.33.2 NMAC: [RESERVED]