

6030.1

OPI: S&T/SISPD

APPLICATION FOR EXEMPTION BASED ON
RELIGIOUS DIETARY LAWS

I. PURPOSE

A. This directive outlines the policy and procedures for (1) submitting applications for exemption based on religious dietary laws, (2) issuing exemption certificates when applications meet all requirements, and (3) suspending or terminating such exemptions.

B. General questions concerning implementation of this directive are to be directed to the Deputy Administrator, IO.

II. CANCELLATION

FSIS DIRECTIVE 9720.1, dated 5/23/83

III. REASON FOR REISSUANCE

To incorporate provisions for Islamic exemptions.

IV. REFERENCES

PPIA, Sections 15(a)3, 15(e).; FSIS Directive 5220.1;
Poultry Inspection Regulations, sections 381.11 through 381.14.

V. FORMS AND ABBREVIATIONS

The following will appear as abbreviated in this directive.

CFR	Code of Federal Regulations
FSIS	Food Safety and Inspection Service
IO	Inspection Operations
PPIA	Poultry Products Inspection Act
FSIS Form 6001-1	Exemption Certificate (Confucian)
FSIS Form 6001-3	Exemption Certificate (Halal)
FSIS Form 6001-4	Exemption Certificate (Buddhist)
FSIS Form 6001-5	Exemption Certificate (Kosher)
FSIS Form 8822-1	Application for Label Approval

VI. GENERAL

A. The PPIA provides that the Secretary shall exempt from specific provisions of this Act persons slaughtering, processing, or otherwise handling poultry or poultry products which have been, or are to be processed as required by recognized religious dietary laws.

B. Exemptions will be granted to the extent necessary to avoid conflict with religious requirements, as outlined in the poultry inspection regulations (9 CFR 381.11-381.14). However, any person processing poultry or poultry products under such exemption shall be subject to all other applicable provisions of the Act and regulations.

C. The following exemptions have been issued under the exemption provisions of the PPIA.

1. Processing and handling of "kosher", noneviscerated poultry.

2. Poultry processed in accordance with Chinese Buddhist religious beliefs that require that the head and feet remain on eviscerated poultry.

3. Chinese Confucian exemption based on beliefs which require that the bird not be eviscerated.

4. Islamic style poultry exemption based on beliefs which require that the bird be eviscerated and be in ready-to-cook form. For the purpose of this exemption "ready-to-cook" means any dressed poultry from which the protruding pinfeathers, vestigial feathers, crop, oil glands, trachea, entrails, reproductive organs, and lungs have been removed, and with or without giblets, and is ready to cook without need for further processing.

VII. APPLICATION FOR EXEMPTION

All persons desiring exemptions based on religious dietary laws are required to:

- A. Apply in writing to the appropriate Regional Director, IO, FSIS, and quote which religious dietary laws support the requested exemption.

- B. Submit a statement from an official of the religion involved having authority over enforcement of religious dietary laws relating to poultry and poultry products (hereinafter, the "clerical official"). For Confucian exemption, the "clerical official" is defined as the responsible leader of a Chinese Benevolent Association (e.g., local, regional, etc.). For Islamic exemption, the "clerical official" is defined as the responsible leader or a member of an Islamic Center or Islamic Organization. The statement shall:

1. Specify the religious dietary requirements affecting poultry and poultry products, and

2. Certify that such requirements are in conflict with specific provisions of the Act and cite the regulations from which exemption is sought.

C. Submit to the Regional Director labeling material for use in connection with poultry and poultry products to be processed under exemption. This includes:

1. For Confucian exemption: (FSIS Form 6001-1)
 - a. Individual labels that identify the bird as Confucian exempt.
 - b. Shipping container labels for slaughtered poultry processed under exemption bearing the packer's name and address and the statement "Noneviscerated Poultry Processed Under USDA Inspection-- Exemption Permit (Plant) No. 000."
2. For Islamic exemption: (FSIS Form 6001-3)
 - a. Marking for Halal.
 - b. Shipping container labels for slaughtered poultry processed under exemption bearing the packer's name and address, and the statement "Eviscerated Islamic Style Poultry Processed Under USDA Inspection."
3. For Buddhist exemption: (FSIS Form 6001-4)
 - a. For poultry individually packaged for retail trade, labels that identify the official establishment's name, address, and plant number.
 - b. Shipping container labels for slaughtered poultry processed under exemption bearing the packer's name and address and the statement "Eviscerated Poultry Processed Under USDA Inspection--Exemption Permit (Plant) No. 000."
4. For Kosher exemption: (FSIS Form 6001-5)
 - a. Individual bird labels that identify the clerical official by name under whose supervision the poultry was slaughtered.
 - b. Shipping container labels for slaughtered poultry processed under exemption bearing the packer's name and address, and the statement "Dressed Poultry Processed Under USDA Inspection--Exemption Permit (Plant) No. 000."

VIII. GRANTING EXEMPTIONS

A. The Regional Director shall:

1. Provide applicant with information and FSIS Forms 8822-1 as needed to submit complete and timely applications.

2. Review and evaluate exemption applications, and statements prepared by the clerical official to assure documentation is complete and accurate.

3. Forward all labeling materials to Food Labeling Division, Regulatory Programs. Maintain a copy of the FSIS Form 8822-1 and forward copies to applicant, inspector in charge, and appropriate area supervisor.

4. Upon notification of label approval by Regulatory Programs, issue the appropriate exemption certificate--FSIS Form 6001-1, FSIS Form 6001-3, FSIS Form 6001-4, or FSIS Form 6001-5.

5. Maintain official records relating to applicants and grantees, e.g., correspondence, establishment history, exemption certificate, etc.

6. Forward copies of all documents relating to exemption to affected area supervisor and inspector(s) in charge.

B. Note that exemptions only apply to establishments that have a "Grant of Inspection." Applicants not having a grant of inspection must apply for same as outlined in FSIS Directive 5220.1, Granting, Refusing, or Withdrawing Federal Inspection Service.

IX. SUSPENSION OR TERMINATION OF EXEMPTIONS

The PPIA provides that any authorized exemption may be suspended or terminated whenever such action aids in effectuating the Act's purpose. Regulations specify conditions under which exemptions are authorized and may be granted. Accordingly, action will be initiated to suspend or terminate exemptions for failure to comply with requirements in VI above, and any "Special Conditions" specified on the Exemption Certificate. With respect to suspension or termination of exemptions identified above, follow the procedure outlined in FSIS Directive 5220.1, and the Rules of Practice Governing Proceedings Under the Poultry Products Inspection Act.

W. S. HORNE
Deputy Administrator
Inspection Operations