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DEPARTMENT OF AGRICULTURE

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RULE TITLE: Definitions

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RULE SUMMARY: Definitions

RULE TEXT:

The definitions set forth in ORS chapter 603, ORS chapter 616, ORS chapter 619, and OAR 603-028-0005 apply to these Division 29 rules. As used in these Division 29 rules, except as otherwise specified, the following terms shall have the meanings stated below:

(1) “Adulterated” means any carcass, part thereof, meat or meat product under one or more of the following circumstances:

(a) If it bears or contains any poisonous or deleterious substance which may render it injurious to health. However, if the substance is not an added substance such food shall not be considered adulterated under this paragraph if the quantity of such substance in such food does not ordinarily render it injurious to health.

(b) If it bears or contains any added poisonous or added deleterious substance, other than a pesticide chemical in or on a raw agricultural commodity and other than a food additive or color additive, which is unsafe within the meaning of ORS 616.245, or it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of ORS 616.341 or if it is, bears or contains any food additive which is declared unsafe by the State Department of Agriculture under ORS 616.350. However, when a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or tolerance prescribed under ORS 616.341, and such raw agricultural commodity has been subjected to processing, such as canning, cooking, freezing, dehydrating or milling, the residue of such pesticide chemical remaining in or on such processed food, notwithstanding ORS 616.341 and this section are not unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice, and the concentration of such residue in the processed food when ready-to-eat, is not

greater than the tolerance prescribed for the raw agricultural commodity.
(c) If it consists in whole or in part of a diseased, contaminated, filthy, putrid or decomposed substance, or if it is otherwise unfit for food.
(d) If it has been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome or injurious to health.
(e) If it is, in whole or in part, the product of a diseased animal or an animal which has died otherwise than by slaughter, or that has been fed upon the uncooked offal from a slaughterhouse.
(f) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.
(g) If any valuable constituent has been in whole or in part omitted or abstracted therefrom;
(h) If any substance has been substituted wholly or in part therefor;
(i) If damage or inferiority has been concealed in any manner; or
(j) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength or make it appear better or of greater value than it is.
(k) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to ORS 616.205(11);
(2) “Anesthesia” means Loss of sensation or feeling.
(3) “Animal food manufacturer” means “animal food slaughtering or processing establishment” as defined in ORS 619.010(2).
(4) “Article” means any part of a meat animal or any product prepared therefrom, in any form, state, or stage of preparation, that is intended or ordinarily used for human consumption.
(5) “Artificial coloring” means a coloring containing any dye or pigment, which dye or pigment was manufactured by a process of synthesis or other similar artifice, or a coloring which was manufactured by extracting a natural dye or natural pigment from a plant or other material in which such dye or pigment was naturally produced.
(6) “Artificial flavoring” means a flavoring containing any sapid or aromatic constituent, which constituent was manufactured by a process of synthesis or other similar artifice.
(7) “Biological residue” means any substance, including metabolites, remaining in livestock at time of slaughter or in any of its tissues after slaughter as the result of treatment or exposure of the livestock to a pesticide, organic or inorganic compound, hormone, hormone-like substance, growth promoter, antibiotic, anthelmintic, tranquilizer, or other therapeutic or prophylactic agent.
(8) “Byproduct” includes pork stomachs or snouts; beef, veal, lamb, or goat tripe; beef, veal, lamb, goat, or pork hearts, tongues, fat, lips, weasands, and spleens; and partially defatted pork fatty tissue, or partially defatted beef fatty tissue.
(9) “Captive bolt” means a stunning instrument which when activated drives a bolt out of a barrel for a limited distance.
(10) “Carbon dioxide” means a gaseous form of the chemical formula CO2.
(11) “Carbon dioxide concentration” means a ratio of carbon dioxide gas and atmospheric air.
(12) “Carcass” means all parts, including viscera, of any slaughtered meat animal.
(13) “Chemical preservative” means any chemical that, when added to a meat or meat product, tends to prevent or retard deterioration thereof, but does not include common salt, sugars, vinegars, spices, or oils extracted from spices or substances added to meat and meat products by exposure to wood smoke.
(14) “CIS establishment” means an establishment in a state other than Oregon that is inspected by employees of that state pursuant to the Cooperative Interstate Shipment program established in 21 USC § 683(b) and 9 CFR §321.3.
(15) “Color additive” has the meaning given in ORS 616.205(3).
(16) “Commerce” means commerce in the State of Oregon.
(17) “Consciousness” means responsiveness of the brain to the impressions made by the senses.
(18) “Cutting up” means any division of any carcass or part thereof, except that the trimming of carcasses or parts thereof to remove surface contaminants is not considered as cutting up.
(19) “Dead meat animal” means the body (cadaver) of a meat animal which has died otherwise than by slaughter.

(20) “Director” means the Director of the Oregon Department of Agriculture or the Director’s delegate.
(21) “Dying, Diseased, or Disabled Meat Animal” means a meat animal which has or displays symptoms of having any of the following:
(a) Central nervous system disorder;
(b) Abnormal temperature (high or low);
(c) Difficult breathing;
(d) Abnormal swellings;
(e) Lack of musculature coordination;
(f) Inability to walk normally or stand;
(g) Any of the conditions for which meat animals are required to be condemned on ante-mortem inspection in accordance with the regulations in OAR 603-029-0300 to 603-029-0395.
(22) “Edible” means intended for use as human food.
(23) “Experimental animal” means any animal used in any research investigation involving the feeding or other administration of, or subjection to, an experimental biological product, drug, or chemical or any nonexperimental biological product, drug, or chemical used in a manner for which it was not intended.
(24) “Exposure time” means the period of time an animal is exposed to an anesthesia-producing carbon dioxide concentration.
(25) “Federal Food, Drug, and Cosmetic Act” means 21 USC §§ 301 – 399i.
(26) “Firm” means any partnership, association, or other unincorporated business organization.
(27) “Food additive” has the meaning given in 21 USC § 321(s).
(28) “FSIS” means the Food Safety and Inspection Service of the U.S. Department of Agriculture.
(29) “Further processing” means smoking, cooking, canning, curing, refining, or rendering in a state-inspected establishment of product previously prepared in official federal establishments.
(30) “Immediate container” means the receptacle or other covering in which any product is directly contained or wholly or partially enclosed.
(31) “Inedible” means adulterated, uninspected, or not intended for use as human food.
(32) “Inspected and passed” or “Oregon Inspected and Passed” or “Oregon Inspected and Passed by Department of Agriculture” (or any authorized abbreviation thereof) means that the product so identified has been inspected and passed under these Division 29 rules, and at the time it was inspected, passed, and identified, it was found to be not adulterated.
(33) “Inspector” means a Department employee, including but not limited to a supervisor, who has been trained to inspect meat animals and meat products at a state-inspected establishment.
(34) “Meat broker” means any person, firm, or corporation engaged in the business of buying or selling carcasses, parts of carcasses, meat, or meat products on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person, firm, or corporation.
(35) “Misbranded” means any carcass, part thereof, meat or meat product under one or more of the following circumstances:
(a) If its labeling is false or misleading in any particular, or fails to conform to ORS 616.325.
(b) If it is offered for sale under the name of another food.
(c) If it is an imitation of another food, unless its label bears in type of uniform size and prominence the word “imitation” and, immediately thereafter, the name of the food imitated.
(d) If its container is so made, formed or filled as to be misleading.
(e) If in package form:
(A) Unless it bears a label containing:
(i) The name and place of business of the manufacturer, packer or distributor; and
(ii) An accurate statement of the net quantity of the contents in terms of weight, measure, volume or numerical count. The statement shall be separately and accurately stated upon the principal display panel of the label.

(B) The same reasonable variations allowed in ORS chapter 618 shall be permitted.
(C) Exemptions as to small packages shall be established by rules promulgated by the State Department of Agriculture.
(f) If any word, statement or other information required by or under authority of ORS 616.205 to 616.295 to appear on the label or labeling is not prominently placed thereon with such conspicuousness, as compared with other words, statements, designs or devices, in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.
(g) If it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by rule as provided by ORS 616.230, unless it conforms to such definition and standard and its label bears the name of the food specified in the definition and standard, and, in so far as may be required by such rule, the common names of optional ingredients, other than spices, flavoring and coloring present in such food.
(h) If it purports to be or is represented as a food for which a standard of quality has been prescribed by rule as provided by ORS 616.230 and its quality falls below the standards such rule specifies, a statement that it falls below such standard.
(i) If it is a food for which a standard or standards of fill of container have been prescribed by rule as provided by ORS 616.230, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such rule specifies, a statement that it falls below such standard.
(j) If it is not subject to the provisions of subsection (7) of this section, unless its label bears:
(A) The common or usual name of the food, if any there be; and
(B) In case it is fabricated from two or more ingredients, the common or usual name of each such ingredient. However, spices, flavorings and colorings, other than those sold as such, may be designated as spices, flavorings and colorings, without naming them. To the extent that compliance with the requirements of paragraph (b) of this subsection is impractical or results in deception or unfair competition, exemptions shall be established by rule promulgated by the department.
(k) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral and other dietary properties as the department determines to be, and by rule prescribed as, necessary in order to fully inform purchasers as to its value for such uses.
(l) If it bears or contains any artificial flavoring, artificial coloring or chemical preservative, unless it bears labeling stating that fact. To the extent that compliance with the requirements of this subsection is impracticable, exemptions shall be established by rule promulgated by the department. This subsection and subsections (7) and (10) of this section with respect to artificial coloring do not prohibit the use of harmless coloring matter in butter, cheese or ice cream. The provisions of this subsection with respect to chemical preservatives do not apply to a pesticide chemical when used in or on a raw agricultural commodity which is the product of the soil.
(m) If it is a raw agricultural commodity which is the product of the soil, bearing or containing a pesticide chemical applied after harvest, unless the shipping container of such commodity bears labeling which declares the presence of such chemical in or on such commodity and the common or usual name and the function of such chemical. However, no such declaration is required while such commodity, having been removed from the shipping container, is being held or displayed for sale at retail out of such container in accordance with the custom of the trade.
(n) If following the labeled directions or instructions on the product in using it as a food ingredient will result in the final food being adulterated or misbranded.
(o) If it is a color additive, unless its packaging and labeling are in conformity with the packaging and labeling requirements applicable to such color additive prescribed under the provisions of the federal Act.
(p) If it has been salvaged, unless it bears labeling or notification stating that fact. For the purposes of this subsection, “salvaged” means the reconditioning, repacking, relabeling, cleaning or culling of foods that have been damaged or adulterated as a result of fire, storm, flood, water, smoke, chemicals, radiation or commercial transit accident.
(q) if it fails to bear, directly thereon or on its container, as the Director may by rules prescribe, the inspection legend and, unrestricted by any of the foregoing, such other information as the Director may require in such rules to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required

to maintain the article in a wholesome condition.
(36) “Nonamenable species” means any species of meat animal except for cattle, sheep, swine, goats, or poultry.
(37) “Nonfood compound” means any substance proposed for use in state-inspected establishments, the intended use of which will not result, directly or indirectly, in the substance becoming a component or otherwise affecting the characteristics of meat food and meat products, excluding labeling and packaging materials as covered in OAR 603-029-1000 to 603-029-1058.
(38) “Official certificate” means any certificate prescribed by rules of the Department for issuance by an inspector or other person performing official functions under these Division 29 rules.
(39) “Official federal establishment” means an establishment that is continuously inspected by FSIS pursuant to the Federal Meat Inspection Act.
(40) “Official federal inspection legend” means any symbol prescribed by 9 CFR Part 312 showing that an article was inspected and passed by FSIS in accordance with the Act.
(41) “Official federal mark” means any official federal inspection legend or other symbol that is prescribed by 9 CFR Part 312 to identify the status of any article or animal.
(42) “Official mark” means an official federal mark or an Oregon mark.
(43) “Oregon Condemned” means that the livestock so identified has been inspected and found to be in a dying condition, or to be affected with any other condition or disease that would require condemnation of its carcass.
(44) “Oregon Detained” means that the carcass, viscera, other part of carcass, or other product, or article so identified is held pending disposal.
(45) “Oregon device” means any device prescribed or authorized by the Department for use in applying any Oregon mark.
(46) “Oregon Inspected and Condemned” (or any authorized abbreviation thereof) means that the carcass, viscera, other part of carcass, or other product so identified has been inspected, found to be adulterated, and condemned under these Division 29 rules.
(47) “Oregon inspection legend” means any symbol prescribed by these Division 29 rules showing that an article was inspected and passed in accordance with these Division 29 rules.
(48) “Oregon mark” means the Oregon inspection legend or any other symbol prescribed by these Division 29 rules to identify the status of any article or animal.
(49) “Oregon Passed for Cooking” means that the meat or meat byproduct so identified has been inspected and passed on condition that it be cooked or rendered as prescribed by the regulations in OAR 603-029-0880 to 603-029-0890.
(50) “Oregon Passed for Refrigeration” means that the meat or meat byproduct so identified has been inspected and passed on condition that it be refrigerated or otherwise handled as prescribed by the regulations in OAR 603-029-0500 to 603-029-0574.
(51) “Oregon Retained” means that the carcass, viscera, other part of carcass, or other product, or article so identified is held for further examination by an inspector to determine its disposal.
(52) “Oregon Suspect” means that the livestock so identified is suspected of being affected with a disease or condition which may require its condemnation, in whole or in part, when slaughtered, and is subject to further examination by an inspector to determine its disposal.
(53) “Packaging material” means any cloth, paper, plastic, metal, or other material used to form a container, wrapper, label, or cover for meat or meat products.
(54) “Pesticide chemical” has the meaning given in 21 USC § 321(q)(1).
(55) “Potable water” has the meaning given in OAR 333-061-0020(115).
(56) “Prepared” has the meaning given that term in ORS 619.010.
(57) “Primal part” means, for beef, chuck, rib, loin, round, flank, short plate, brisket, and shank; for pork, shoulder, loin, leg, and side; for sheep or lamb, shoulder, breast, rib, loin, and leg; and for goats, the leg, flank, loin, rack, breast, and shoulder.
(58) “Process authority” means a person or organization with expert knowledge in meat production process control and

relevant regulations. This definition does not apply to OAR 603-029-2600 to 603-029-2655.
(59) “Process schedule” means a written description of processing procedures, consisting of any number of specific, sequential operations directly under the control of the establishment employed in the manufacture of a specific product, including the control, monitoring, verification, validation, and corrective action activities associated with production. This definition does not apply to OAR 603-029-2600 to 603-029-2655.
(60) “Product” means any carcass, meat, meat byproduct, or meat food product, capable of use as human food.
(61) “Raw agricultural commodity” has the meaning given in ORS 616.205(19).
(62) “Ready-to-cook (RTC) pork product” means any slaughtered pork product sufficiently free from bile, hair, scurf, dirt, hooves, toenails, claws, bruises, edema, scabs, skin lesions, icterus, foreign material, and odor, which is suitable for cooking without need of further processing.
(63) “Regulatory control action” means the retention of meat or meat products, rejection of equipment or facilities, slowing or stopping of lines, or refusal to allow the processing of specifically identified meat or meat product.
(64) “Renderer” means any person, firm, or corporation engaged in the business of rendering carcasses or parts or products of the carcasses, of meat animals, except rendering conducted under inspection or exemption under these Division 29 rules.
(65) “Serviceperson” has the meaning given in OAR 603-027-0670(5).
(66) “Service agency” has the meaning given in OAR 603-027-0670(4).
(67) “Shipping container” means the outside container (box, bag, barrel, crate, or other receptacle or covering) containing or wholly or partly enclosing any product packed in one or more immediate containers.
(68) “State-inspected establishment” means any establishment inspected by the Oregon Department of Agriculture pursuant to these Division 29 rules.
(69) “Supervision” means the controls, as prescribed in instructions to Department employees, to be exercised by them over particular operations to ensure that such operations are conducted in compliance with these Division 29 rules.
(70) “Supervisor” means a Food Safety Program Manager, Veterinary Medical Officer, or Meat Program Lead employed by the Department.
(71) “Surgical anesthesia” means a state of unconsciousness measured in conformity with accepted surgical practices.
(72) “Suspension” means an interruption in the assignment of Department employees to all or part of an establishment.
(73) “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 U.S.C., sec. 601 et seq.).
(74) “Veterinary Medical Officer” means the State Veterinarian or any other veterinarian employed by the Department who has undergone FSIS supervisory public health veterinary training.
(75) “Withholding action” means the refusal to allow the marks of inspection to be applied to meat or meat products. A withholding action may affect all meat product in the establishment or meat product produced by a particular process.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-0015

RULE TITLE: Scope

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Scope

RULE TEXT:

The following types of establishments are subject to these Division 29 rules if they are inspected by the Oregon Department of Agriculture pursuant to a program of state meat inspection authorized by ORS chapter 603, and ORS chapter 619 that imposes requirements that are at least equal to those imposed under the Federal Meat Inspection Act (21 U.S.C. §§ 601 – 695) and the Humane Methods of Slaughter Act (7 U.S.C. §§ 1901 – 1907):

(1) Slaughterhouse, as defined in ORS 603.010(12) and ORS 603.025(4)(c);

(2) Meat seller, as defined in ORS 603.010(8) and ORS 603.025(4)(a); and

(3) Non-slaughtering processor, as defined in ORS 603.010(9) and ORS 603.025(4)(b).

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.046, OL 2020, Ch. 6

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.046, ORS 619.042

ADOPT: 603-029-0020

RULE TITLE: Exemptions

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Exemptions

RULE TEXT:

(1) The rules in this Division 29 do not apply to:

(a) The slaughtering by any individual of meat animals of his own raising, and the preparation by him and transportation in commerce of the carcasses, parts thereof, meat and meat products of such meat animals exclusively for use by him and members of his household and his nonpaying guests and employees;

(b) Custom slaughter or custom processing, provided that the following requirements are met:

(A) If custom slaughter or custom processing are conducted in a state-inspected establishment, all of the provisions of OAR 603-029-2100 to 603-029-2175 of shall apply to that custom slaughter or custom processing;

(B) If a custom slaughtering establishment or custom processing establishment prepares or handles any products for sale, they must be kept separate and apart from the custom products at all times while the latter are in the establishment's custody;

(C) If custom slaughter or custom processing is conducted in a state-inspected establishment, all facilities and equipment in the state-inspected establishment used for such custom slaughter or custom processing shall be thoroughly cleaned and sanitized before they are used for preparing any products for sale; and

(D) The exempted custom products shall be prepared and handled in accordance with OAR chapter 603, division 28.

(c) Custom slaughtering establishments and custom processing establishments claiming exemption under section (1)(b) of this rule shall keep records, in addition to records otherwise required by OAR 603-029-1300 to 603-029-1330, showing the numbers and kinds of meat animals slaughtered on a custom basis, the quantities and types of products prepared on a custom basis, and the names and addresses of the owners of the meat animals and products.

(d) Articles capable of use as human food, resulting from exempted custom slaughter or exempted custom processing, shall be promptly denatured or otherwise identified in accordance with OAR 603-029-1440 and not removed from the establishment where the custom operations are conducted until so identified, unless they are delivered to the owner of the articles for use in accordance with subsection (1)(b) of this rule.

(2)(a) The requirements of ORS 619 and this Division 29 for inspection of the preparation of products do not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities, or service of such articles to consumers at such establishments.

(b) For purposes of subsection (2)(a) of this rule:

(A) Operations of types traditionally and usually conducted at retail stores are the following:

(i) Cutting up, slicing, and trimming carcasses, halves, quarters, or wholesale cuts into retail cuts such as steaks, chops, and roasts, and freezing such cuts;

(ii) Grinding and freezing products made from meat;

(iii) Curing, cooking, smoking, rendering or refining of meat animal fat, or other preparation of products, except slaughtering or the retort processing of canned products;

(iv) Breaking bulk shipments of products;

(v) Wrapping or rewrapping products.

(B) Any quantity or product purchased by a consumer from a particular retail supplier shall be deemed to be a normal retail quantity if the quantity so purchased does not in the aggregate exceed one-half carcass. The following amounts of product will be accepted as representing one-half carcass of the species identified:

(i) Cattle 300 pounds

(ii) Calves 37.5 pounds

(iii) Sheep 27.5 pounds

(iv) Swine 100 pounds
(v) Goats 25 pounds
(C) A retail store is any food establishment where:
(i) The sales of product are made to consumers only;
(ii) At least 75 percent, in terms of dollar value, of total sales of product represents sales to household consumers and the total dollar value of sales of product to consumers other than household consumers does not exceed $84,900.
(iii) Only federally or State inspected and passed product is handled or used in the preparation of any product, except that product resulting from the custom slaughter or custom preparation of product may be handled or used in accordance with subsection (1)(b) and section (2) of this rule but not for sale;
(iv) No sale of product is made in excess of a normal retail quantity as defined in paragraph (2)(b)(B) of this rule;
(v) The preparation of products for sale to household consumers is limited to traditional and usual operations as defined in paragraph (2)(b)(A) of this rule; and
(vi) The preparation of products for sale to other than household consumers is limited to traditional and usual operations as defined in subparagraphs (2)(b)(A) (i), (ii), (iv), and (v) of this rule. (A retail store at which custom slaughtering or preparation of products is conducted is not thereby disqualified from exemption as a retail store under this section (2).)
(D) Restaurants.
(i) A restaurant is any establishment where:
(I) Product is prepared only for sale or service in meals or as entrees directly to individual consumers at such establishments;
(II) Only federally or State inspected and passed product or such product prepared at a retail store exempted under paragraph (2)(b)(C) of this rule is handled or used in the preparation of any product;
(III) No sale of product is made in excess of a normal retail quantity as defined in paragraph (2)(b)(B) of this rule; and
(IV) The preparation of product is limited to traditional and usual operations as defined in paragraph (2)(b)(A) of this rule.
(ii) The definition of a restaurant includes a caterer which delivers or serves product in meals, or as entrees, only to individual consumers and otherwise meets the requirements of this paragraph.
(iii) 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, 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 OAR 603-029-1300 to 603-029-1315 apply to such facility. Provided further, That the exempted facility may be subject to inspection requirements under Division 29 for as long as the Department deems necessary, if the Department 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 products are rendered adulterated. When the Department 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 Department's determination in a hearing pursuant to rules of practice which will be adopted for this proceeding.
(E) Similar retail-type establishment: Any establishment which is a combination retail store and restaurant, and is regulated by the Department pursuant to the Memorandum of Understanding between the Department and the Oregon Health Authority; or other establishment as determined by the Department in specific cases.
(F) Consumer: Any household consumer, hotel, restaurant, or similar institution as determined by the Department in specific cases.
(c) Whenever any complaint is received by the Department from any person alleging that any retail store claiming

exemption under this section (2) has been operated in violation of the conditions prescribed in OAR 603-029-0020 for exemption, and the Department, upon investigation of the complaint, has reason to believe that any such violation has occurred, it shall so notify the operator of the retail store and afford it reasonable opportunity to present its views informally with respect to the matter. Thereafter, if the Department still has reason to believe that such a violation has occurred, and that a requirement that the operator keep records concerning the operations of the retail store would effectuate the purposes of ORS chapter 603 and these Division 29 rules, the Department shall order the operator to maintain complete, accurate, and legible records of total monthly purchases and of total monthly sales of meat, meat byproducts, and meat products, in terms of dollar values of the products involved. Such records shall separately show total sales to household consumers and total sales to other consumers and shall be maintained for the period prescribed in OAR 603-029-1310. If the operator maintains copies of bills of lading, receiving and shipping invoices, warehouse receipts, or similar documents which give the information required herein, additional records are not required by this subsection.

(4)(a) The Division 29 rules pertaining to inspection of the preparation of products do not apply to meat pizzas containing meat product ingredients which were prepared, inspected, and passed in a cured or cooked form as ready-to-eat (i.e., no further cooking or other preparation is needed) in compliance with the requirements of these Division 29 rules, if the meat pizzas are to be served in public institutions or private nonprofit institutions, provided that the meat pizzas are ready-to-eat (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 the receiving institution by employees of the preparing firm, receiving institution, or a food service management company contracted to conduct food service at the public or private nonprofit institution, without intervening transfer or storage. The rules in OAR chapter 603, division 25, apply to any such institutions that are under the Department's jurisdiction.

(b) For purposes of this subsection, the term "private nonprofit institution" means "a corporation, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation, and which does not participate in, or intervene in (including the publishing or distribution of statements), any political campaign on behalf of (or in opposition to) any candidate for public office."

(c)(A) The Department may withdraw or modify the exemption set forth in OAR 603-029-0020(4)(a) for a particular establishment when it determines that such action is necessary to ensure food safety and public health. Before such action is taken, the establishment shall be notified, in writing, of the reasons for the proposed action and shall be given an opportunity to respond, in writing, to the Department within 20 days after notification of the proposed action. The written notification shall be served on the owner or operator of the establishment either personally or by registered or certified mail.

(B) If the establishment does not respond to the written notification regarding the withdrawal or modification of the exemption, or if the Department is not satisfied with the establishment's response, the Department may issue a written Notice of Withdrawal or Modification of Exemption to the establishment. The Notice of Withdrawal or Modification of Exemption shall:

(i) State the effective date of the action(s);

(ii) Describe the reasons for the action(s);

(iii) Identify the products or processes affected by the action(s);

(iv) Advise the establishment that it may challenge the action by requesting that a supervisor review the propriety of the action; and

(v) Comply with the requirements of ORS 183.415.

(C) The establishment may file a written request for a hearing with the Department within 20 days of issuance of the Notice of Withdrawal or Modification of Exemption. If the establishment timely requests a hearing, such hearing will be

conducted in accordance with the procedures for contested cases set forth in ORS chapter 183 and OAR chapter 137, division 3.
(D) If the Department determines that the condition prompting the Notice of Withdrawal or Modification of Exemption poses a serious danger to the public health or safety, the Department may make the Notice of Withdrawal or Modification of Exemption effective immediately. In such circumstances, OAR 137-003-0560 is applicable.
(5) The adulteration and misbranding provisions of these Division 29 rules, other than the requirement of the official inspection legend, apply to articles which are exempted from inspection or not required to be inspected under this rule.
(6) The Department may in specific classes of cases waive for limited periods any provisions of these Division 29 rules in order to permit appropriate and necessary action in the event of a public health emergency or to permit experimentation so that new procedures, equipment, and/or processing techniques may be tested to facilitate definite improvements: Provided, That such waivers of the provisions of such rules are not in conflict with the purposes or provisions of ORS chapter 619.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-0100

RULE TITLE: Application for Inspection

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Application for Inspection

RULE TEXT:

(1) Each establishment that wishes to be inspected by the Department under Division 29 shall make application therefor to the Department as provided for in OAR 603-029-0100 through 603-029-0115.

(2) Every application for such inspection shall be made on an official form furnished by 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 applicable Division 29 rules if inspection is granted. 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 cases of change of ownership or location, a new application shall be made.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-0105

RULE TITLE: Information to be Furnished; Grant or Refusal of Inspection

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Information to be Furnished; Grant or Refusal of Inspection

RULE TEXT:

(1) The Department shall give notice in writing to each applicant granted inspection and shall specify in the notice the establishment, including the limits of the establishment's premises, to which the grant pertains.

(2) The Department is authorized to grant inspection upon the determination that the applicant and the establishment are eligible therefor and to refuse to grant inspection at any establishment if it determines that it does not meet the requirements of OAR 603-029-0100 through 603-029-0115 or that the applicant has not received approval of labeling and containers to be used at the establishment as required by the regulations in OAR 603-029-0900 to 603-029-1058. Any application for inspection may be refused in accordance with OAR 603-029-1555.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-0110

RULE TITLE: Conditions for Receiving Inspection

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Conditions for Receiving Inspection

RULE TEXT:

(1) Before being granted inspection, an establishment must have developed written Sanitation Standard Operating Procedures, as required by OAR 603-029-2100 to 603-029-2175, and written recall procedures as required by OAR 603-029-2300 to 603-029-2310.

(2) Before being granted inspection, an establishment shall have conducted a hazard analysis and developed and validated a HACCP plan, as required by OAR 603-029-2205 to 603-029-2215. A conditional grant of inspection shall be issued for a period not to exceed 90 days, during which period the establishment must validate its HACCP plan.

(3) Before producing new product for distribution in commerce, an establishment shall have conducted a hazard analysis and developed a HACCP plan applicable to that product in accordance with OAR 603-029-2205. During a period not to exceed 90 days after the date the new product is produced for distribution in commerce, the establishment shall validate its HACCP plan, in accordance with OAR 603-029-2215.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-0115

RULE TITLE: Refusal to Grant Inspection

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Refusal to Grant Inspection

RULE TEXT:

(1) The Department may issue a Notice of Refusal to Grant Inspection because:

(a) An establishment does not have a HACCP plan as required by OAR 603-029-1000 to 603-029-1058;

(b) An establishment does not have Sanitation Standard Operating Procedures as required by OAR 603-029-2100 to 603-029-2175;

(c) An establishment has not demonstrated that adequate sanitary conditions exist in the establishment as required OAR 603-029-2100 to 603-029-2175;

(d) An establishment has not demonstrated that livestock will be handled and slaughtered humanely; or

(e) An establishment, or anyone responsibly connected with the establishment, has been convicted, in any federal or state court, of:

(A) Any felony, or

(B) More than one violation of any law, other than a felony, based upon the acquiring, handling, or distributing of unwholesome, mislabeled, or deceptively packaged food or upon fraud in connection with transactions in food. A person shall be deemed to be responsibly connected with an establishment if the person was a partner, officer, director, holder, or owner of 10 percent or more of its voting stock or was an employee in a managerial or executive capacity.

(2) If the Department issues a Notice of Refusal to Grant Inspection, the establishment may file a written request for a hearing with the Department within 20 days of issuance of the Notice of Refusal to Grant Inspection. If the establishment timely requests a hearing, such hearing shall be conducted in accordance with the procedures for contested cases set forth in ORS chapter 183 and OAR chapter 137, division 3.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-0140

RULE TITLE: Official Numbers; Subsidiaries and Tenants

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Official Numbers; Subsidiaries and Tenants

RULE TEXT:

(1) An official number shall be assigned to each establishment granted inspection pursuant to these Division 29 rules. Such number shall be used to identify all inspected and passed products prepared in the state-inspected establishment. More than one number shall not be assigned to a state-inspected establishment.

(2) Two or more state-inspected establishments under the same ownership or control may be granted the same official number, provided a serial letter is added in each case to identify each establishment and the products thereof.

(3) When inspection has been granted to any applicant at an establishment, it shall not be granted to any other person at the same establishment. However, persons operating as separate entities in the same building or structure may operate separate establishments therein only under their own grant of inspection. All such persons operating separate establishments in the same building or structure shall be responsible for compliance with these Division 29 rules in their own establishments, which shall include common areas, e.g., hallways, stairways, and elevators.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-0145

RULE TITLE: Separation of State-Inspected Establishments

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Separation of State-Inspected Establishments

RULE TEXT:

(1) Each state-inspected establishment shall be separate and distinct from any establishment that is not state-inspected pursuant to these Division 29 rules.

(2) Inspection shall not be inaugurated in any building, any part of which is used as living quarters, unless the part for which inspection is requested is separated from such quarters by floors, walls, and ceilings of solid concrete, brick, wood, or similar material, and the floors, walls, and ceilings are without openings that directly or indirectly communicate with any part of the building used as living quarters.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-0150

RULE TITLE: Sanitation and Adequate Facilities

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Sanitation and Adequate Facilities

RULE TEXT:

Inspection shall not be inaugurated if an establishment is not in a sanitary condition nor unless the establishment agrees to maintain a sanitary condition and provides adequate facilities for conducting such inspection.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-0155

RULE TITLE: Inauguration of Inspection

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Inauguration of Inspection

RULE TEXT:

When inspection is granted, the Department shall, at or prior to the inauguration of inspection, inform the operator of the establishment of the requirements of this Division 29. If the establishment, at the time inspection is inaugurated, contains any product which has not theretofore been inspected, passed, and marked in compliance with this Division 29, the identity of the same shall be maintained, and it shall not be distributed in commerce, or otherwise subject to the requirements of such regulations, or dealt with as inspected and passed under the regulations. The establishment shall adopt and enforce all necessary measures and shall comply with all such directions as the Department may prescribe, for carrying out the purposes of this rule

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-0160

RULE TITLE: Reports of Violations

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Reports of Violations

RULE TEXT:

Department employees shall report, in a manner prescribed by the Department, all violations of ORS chapter 619 or these Division 29 rules regarding which they have information.

STATUTORY/OTHER AUTHORITY: ORS 603.015, ORS 619.021, ORS 619.042

STATUTES/OTHER IMPLEMENTED: ORS 603.015, ORS 619.021, ORS 619.042

ADOPT: 603-029-0200

RULE TITLE: Facilities for Department Employees

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Facilities for Department Employees

RULE TEXT:

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

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-0205

RULE TITLE: Other Facilities and Conditions to be Provided by the State-Inspected Establishment

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Other Facilities and Conditions to be Provided by the State-Inspected Establishment

RULE TEXT:

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

(1) Satisfactory pens, equipment, and assistants for conducting ante-mortem inspection and for separating, marking and holding apart from passed meat animals those marked “Oregon suspect” and those marked “Oregon condemned” (pens, alleys, and runways shall be paved, drained, and supplied with adequate hose connections for cleanup purposes);

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

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

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

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

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

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

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

(9) Adequate facilities, including denaturing materials, for the proper disposal of condemned articles in accordance with

the regulations in this Division 29 (tanks or other rendering equipment which, under the regulations in this Division 29, must be sealed, shall be properly equipped for sealing as specified by the regulations in OAR 603-029-0800 to 603-029-0850 or by a supervisor in specific cases);
(10) Docks and receiving rooms, to be designated by the operator of the state-inspected establishment, with a supervisor, for the receipt and inspection of all products as provided in OAR 603-029-1110
(11) Suitable lockers in which brands bearing the Oregon inspection legend and other Oregon devices (excluding labels) and official certificates shall be kept when not in use (all such lockers shall be equipped for sealing or locking with locks or seals to be supplied by the Department; the keys of such locks shall not leave the custody of Department employees);
(12) Sanitary facilities and accommodations as prescribed by OAR 603-029-2010(3) to (6), and (8).
(13) In addition to any facilities required to accomplish sanitary dressing procedures, the following inspection station facilities for cattle and swine slaughter lines described in OAR 603-029-0401(2) are required:
(a) An inspection station consisting of 5 feet of unobstructed line space for each head or carcass inspector and, for viscera table kills, 8 feet for each viscera inspector on the inspector's side of the table.
(b) A minimum of 50-foot candles of shadow-free lighting at the inspection surfaces of the head, viscera, and carcass.
(c) A handwash lavatory (other than one which is hand operated), furnished with soap, towels, and hot and cold water, and located adjacent to the inspector's work area. In addition, for each head and viscera inspector on cattle slaughter lines, and each head inspector on swine slaughter lines, a sterilizer located adjacent to the inspector's work area.
(d) For mechanized operations, a line control switch located adjacent to each inspection station.
(e) Facilities to position tally sheets or other recording devices, such as digital counters, and facilities to contain condemned brands.
(f) For swine slaughter lines requiring three or more inspectors, and for those one- and two-inspector configurations where the establishment installs a mirror: At the carcass inspection station one glass or plastic, distortion-free mirror, at least 5 feet × 5 feet, mounted far enough away from the vertical axis of the moving line to allow the carcass to be turned, but not over 3 feet away, and so mounted that any inspector standing at the carcass inspection station can readily view the back of the carcass.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-0215

RULE TITLE: Inspectors to Maintain Sanitary Conditions

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Inspectors to Maintain Sanitary Conditions

RULE TEXT:

Inspectors shall maintain garments and implements in sanitary condition as prescribed by OAR 603-029-2110(1).

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-0225

RULE TITLE: Overtime Charges and Holiday Inspection Service

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Overtime Charges and Holiday Inspection Service

RULE TEXT:

(1) For all services performed during the following times (which will be considered overtime), the State-inspected establishment shall be charged at a rate that is 150% of the base rate established in OAR 603-029-0220 for all time involved. Overtime charges shall be figured to the nearest one-half hour:

(a) Times between 6 pm and 7 am Monday through Friday of each week;

(b) After eight hours per facility visit;

(c) At any time on Saturdays or Sundays; and

(d) At any time on any day which is declared by law to be a holiday for state employees.

(2) Overtime Service Charge: The minimum overtime service charge for Saturdays, Sundays and other legal holidays shall be four hours.

(3) Charges may also be made to cover other expenses incurred by the department in connection with the furnishing of the service.

(4) No Service Days: No service will be given on Thanksgiving, Christmas, or New Year's Day.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-0230

RULE TITLE: Schedule of Operations

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Schedule of Operations

RULE TEXT:

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

(2) A shift is a regularly scheduled operating period, exclusive of mealtime. One lunch period is the only official authorized interruption in the inspector's tour of duty once it begins. Lunch periods may be 30 minutes, 45 minutes, or in any case may not exceed one hour in duration. Once established, the lunch period must remain relatively constant as to time and duration. Lunch periods for inspectors shall not, except as provided herein, occur prior to 4 hours after the beginning of scheduled operations nor later than 5 hours after operations begin. In plants where a company rest break of not less than 30 minutes is regularly observed, approximately midpoint between start of work and the lunch period, and the inspector is allowed this time to meet his personal needs, the lunch period may be scheduled as long as 5 ½ hours after the beginning of scheduled operations.

(3) State-inspected establishments shall be provided inspection service, without charge, up to 8 consecutive hours per shift during the basic workweek subject to the provisions of OAR 603-029-0225:

(a) Provided, that any additional shifts meet requirements as determined by the Director or their designee.

(b) The basic workweek shall consist of 5 consecutive 8-hour days within the administrative workweek Monday through Sunday, except that, when possible, the Department shall schedule the basic workweek so as to consist of 5 consecutive 8-hour days Monday through Friday.

(c) The 8-hour day excludes the lunch period but shall include activities deemed necessary by the Department to fully carry out an inspection program, including the time for inspection program personnel to put on required gear and to walk to a work station; to prepare the work station; to return from a work station and remove required gear; to sharpen knives, if necessary; and to conduct duties scheduled by the Department, including administrative duties. The Department may depart from the basic workweek in those cases where maintaining such a schedule would seriously handicap the Department in carrying out its function. These provisions are applicable to all state-inspected establishments except in certain cases as provided in OAR 603-029-1115.

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

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

(c) Request for inspection service outside an approved work schedule shall be made as early in the day as possible for overtime work to be performed within that same workday; or made prior to the end of the day's operation when such a request will result in overtime service at the start of the following day: Provided, That an inspector may be recalled to his assignment after completion of his daily tour of duty under the provisions of OAR 603-029-0225.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-0300

RULE TITLE: Ante-Mortem Inspection

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Ante-Mortem Inspection

RULE TEXT:

Examination of animals before slaughtering; diseased animals slaughtered separately and carcasses examined for the purpose of preventing the use in commerce of meat and meat products which are adulterated, the Director shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all meat animals before they shall be allowed to enter into any slaughtering, packing, meat-canning, rendering, or similar establishment, in which they are to be slaughtered and the meat and meat products thereof are to be used in commerce; and all meat animals found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other meat animals, and when so slaughtered the carcasses of said meat animals shall be subject to a careful examination and inspection, all as provided by the rules prescribed by the Director.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 603.065, ORS 619.026, ORS 619.036

ADOPT: 603-029-0305

RULE TITLE: Ante-Mortem Inspection on Premises of State-Inspected Establishments

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Ante-Mortem Inspection on Premises of State-Inspected Establishments

RULE TEXT:

(1) All meat animals offered for slaughter in a state-inspected establishment shall be examined and inspected on the day of and before slaughter unless, because of unusual circumstances, prior arrangements acceptable to the Department have been made in specific cases by a supervisor for such examination and inspection to be made on a different day before slaughter.

(2) Such ante-mortem inspection shall be made on the premises of the establishment at which the meat animals are offered for slaughter before the meat animals shall be allowed to enter into any part of the establishment where they are to be slaughtered or dressed or in which edible products are handled. When the holding pens of a state-inspected establishment are located in a public stockyard and are reserved for the exclusive use of the establishment, such pens shall be regarded as part of the premises of that establishment and the operator of the establishment shall be responsible for compliance with all requirements of the rules in this division with respect to such pens.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 603.065, ORS 619.026, ORS 619.036

ADOPT: 603-029-0310

RULE TITLE: Meat Animals Suspected of Being Diseased or Affected with Certain Conditions; Identifying Suspects; Disposition on Post-Mortem Inspection or Otherwise

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Meat Animals Suspected of Being Diseased or Affected with Certain Conditions; Identifying Suspects; Disposition on Post-Mortem Inspection or Otherwise

RULE TEXT:

(1) Any meat animals which, on ante-mortem inspection, do not clearly show, but are suspected of being affected with any disease or condition that, under OAR 603-029-0500 to 603-029-0574, may cause condemnation of the carcass on post-mortem inspection, and any meat animals which show, on ante-mortem inspection, any disease or condition that, under OAR 603-029-0500 to 603-029-0574 would cause condemnation of only part of the carcass on post-mortem inspection, shall be so handled as to retain its identity as a suspect until it is given final post-mortem inspection, when the carcass shall be marked and disposed of as provided in OAR 603-029-0400 to 603-029-0574, or until it is disposed of as otherwise provided in this rule.

(2) All seriously crippled meat animals and non-ambulatory disabled meat animals shall be identified as Oregon Suspects and disposed of as provided in OAR 603-029-0500 unless they are required to be classed as condemned under OAR 603-029-0315. Non-ambulatory disabled meat animals are meat animals that cannot rise from a recumbent position or that cannot walk, including, but not limited to, those with broken appendages, severed tendons or ligaments, nerve paralysis, fractured vertebral column, or metabolic conditions.

(3) Meat animals which have reacted to a test for leptospirosis, or anaplasmosis, but which show no symptoms of the disease, shall be identified as Oregon Suspects and disposed of as provided in OAR 603-029-0516.

(4) Meat animals which are known to have reacted to the tuberculin test shall be identified as Oregon Suspects and disposed of as provided in OAR 603-029-0502, except that meat animals bearing an official “Oregon Reactor” tag shall not be tagged as Oregon Suspects.

(5) Any cattle found on ante-mortem inspection to be affected with epithelioma of the eye or of the orbital region to a lesser extent than as described in OAR 603-029-0330 shall be identified as an Oregon Suspect and disposed of as provided in OAR 603-029-0520.

(6) Cattle found on ante-mortem inspection to be affected with anasarca to a lesser extent than as described in OAR 603-029-0340 shall be identified as Oregon Suspects and disposed of as provided in OAR 603-029-0512 or section (7) of this rule.

(7) Any meat animals suspected of being affected with anasarca may be set apart and held for treatment under Department or other responsible official supervision approved by the State Veterinarian. If at the expiration of the treatment period the meat animal upon examination is found to be free from disease, it may be released for any purpose. Otherwise, it shall be identified as Oregon Suspect and disposed of as provided in OAR 603-029-0512 or condemned and disposed of as provided in OAR 603-029-0340, whichever is appropriate.

(8) All hogs suspected on ante-mortem inspection of being affected with swine erysipelas shall be identified as Oregon Suspects and disposed of as provided in OAR 603-029-0507 or section (9) of this rule.

(9) A hog suspected of being affected with swine erysipelas may be set apart and held for treatment under Department or other responsible official supervision approved by the State Veterinarian. If at the expiration of the treatment period the meat animal upon examination is found to be free from disease, it may be released for any purpose. Otherwise, it shall be identified as Oregon Suspect and disposed of as provided in OAR 603-029-0507, or condemned and disposed of as provided in OAR 603-029-0365, whichever is appropriate.

(10) Any meat animal which is affected with vesicular exanthema or vesicular stomatitis, but which has recovered to the extent that the lesions are in process of healing, the temperature is within normal range, and the meat animal shows a return to normal appetite and activity, shall be identified as Oregon Suspect and disposed of as provided in OAR 603-029-0560, except that if desired, such meat animal may be set apart and held under supervision of a Department

employee or other official designated by the State Veterinarian for treatment. If the meat animal is set aside for treatment, the Oregon Suspect identification device will be removed by a Department employee, following such treatment, if the meat animal is found to be free from any such disease. Such meat animal found to be free from any such disease may be released for slaughter or for purposes other than slaughter, provided that in the latter instance, the operator of the state-inspected establishment or the owner of the meat animal shall first obtain permission from the State Veterinarian.

(11) Meat animals which are offered for ante-mortem inspection under this division, and which are regarded by the inspector as immature, shall be identified as Oregon Suspects and, if slaughtered, the disposition of their carcasses shall be determined by the post-mortem findings in connection with the ante-mortem conditions. If not slaughtered as suspects, such meat animals shall be held under supervision of a Department employee or other official designated by the State Veterinarian, and after sufficient development may be released for slaughter or may be released for any other purpose, provided they have not been exposed to any infectious or contagious disease. If such exposure occurs, permission should be obtained from the State Veterinarian prior to release of such livestock.

(12) Meat animals previously condemned for listeriosis, if released for slaughter under OAR 603-029-0365(2) shall be identified as Oregon Suspect in accordance with OAR 603-029-0365(3).

(13) Each meat animal required by OAR 603-029-0300 to 603-029-0395 to be treated as an Oregon Suspect shall be identified as such by or under the supervision of a Department employee with an official device in accordance with OAR 603-029-0390. No such device shall be removed except by a Department employee.

(14) Each meat animal identified as an Oregon Suspect on ante-mortem inspection shall be set apart and shall be slaughtered separately from other meat animals at that establishment unless disposed of as otherwise provided in this part.

(15) Each meat animal identified as an Oregon Suspect on ante-mortem inspection, when presented for slaughter, shall be accompanied with a form developed by the Department on which the inspector at the establishment shall record the Oregon Suspect identification number and any other identifying tag numbers present and a brief description of the meat animal and of the disease or condition for which the meat animal was classed as a suspect, including its temperature when the temperature of such meat animal might have a bearing on the disposition of the carcass on post-mortem inspection.

(16) When any meat animal identified as an Oregon Suspect is released for any purpose or reason, as provided in OAR 603-029-0300 to 603-029-0395, the official identification device shall be removed only by a Department employee, who shall report that action to a supervisor. When a suspect is to be released under the provisions of OAR 603-029-0300 to 603-029-0395 for a purpose other than slaughter, the operator of the state-inspected establishment or the owner of the meat animal shall first obtain permission for the removal of such meat animal from the State Veterinarian.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 603.065, ORS 619.026

ADOPT: 603-029-0315

RULE TITLE: Dead, Dying, Disabled, or Diseased and Similar Meat Animals

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Dead, Dying, Disabled, or Diseased and Similar Meat Animals

RULE TEXT:

(1) Meat animals found to be dead or in a dying condition on the premises of a state-inspected establishment shall be identified as Oregon Condemned and disposed of in accordance with OAR 603-029-0365.

(2) Meat animals plainly showing on ante-mortem inspection any disease or condition that, under OAR 603-029-0500 to 603-029-0574, would cause condemnation of their carcasses on post-mortem inspection shall be identified as Oregon Condemned and disposed of in accordance with OAR 603-029-0365.

(3) Any swine having a temperature of 106 °F. or higher and any cattle, sheep, or goats having a temperature of 105 °F. or higher shall be identified as Oregon Condemned. In case of doubt as to the cause of the high temperature, or when for other reasons a Department employee deems such action warranted, any such meat animal may be held for a reasonable time under the supervision of a Department employee for further observation and taking of temperature before final disposition of such meat animal is determined. Any meat animal so held shall be reinspected on the day it is slaughtered. If, upon such reinspection, or when not held for further observation and taking of temperature, then on the original inspection, the meat animal has a temperature of 106 °F. or higher in the case of swine, or 105 °F. or higher in the case of cattle, sheep, or goats, it shall be condemned and disposed of in accordance with OAR 603-029-0365.

(4) Any meat animal found in a comatose or semicomatose condition or affected with any condition not otherwise covered in OAR 603-029-0300 to 603-029-0395, which would preclude release of the meat animal for slaughter for human food, shall be identified “Oregon Condemned” and disposed of in accordance with OAR 603-029-0365, except that such meat animal may be set apart and held for further observation or treatment under supervision of a Department employee or other official designated by the State Veterinarian and for final disposition in accordance with OAR 603-029-0300 to 603-029-0395.

(5) Establishment personnel must notify Department inspection personnel when cattle become non-ambulatory disabled after passing ante-mortem inspection. Non-ambulatory disabled cattle that are offered for slaughter must be condemned and promptly disposed of in accordance with OAR 603-029-0365.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 603.065, ORS 603.026, ORS 619.036

ADOPT: 603-029-0320

RULE TITLE: Meat Animals Showing Symptoms of Certain Metabolic, Toxic, Nervous, or Circulatory Disturbances, Nutritional Imbalances, or Infectious or Parasitic Diseases

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Meat Animals Showing Symptoms of Certain Metabolic, Toxic, Nervous, or Circulatory Disturbances, Nutritional Imbalances, or Infectious or Parasitic Diseases

RULE TEXT:
All meat animals showing, on ante-mortem inspection, symptoms of anaplasmosis, ketosis, leptospirosis, listeriosis, parturient paresis, pseudorabies, rabies, scrapie, tetanus, grass tetany, transport tetany, strangles, purpura hemorrhagica, azoturia, infectious equine encephalomyelitis, toxic encephalomyelitis (forage poisoning), dourine, acute influenza, generalized osteoporosis, glanders (farcy), acute inflammatory lameness or extensive fistula shall be identified as Oregon Condemned and disposed of in accordance with OAR 603-029-0365.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 603.065, ORS 619.026, ORS 619.036

ADOPT: 603-029-0325

RULE TITLE: Swine; Disposal Because of Hog Cholera

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Swine; Disposal Because of Hog Cholera

RULE TEXT:

(1) All swine found by an inspector to be affected with hog cholera shall be identified as Oregon Condemned and disposed of in accordance with OAR 603-029-0365. Immediate notification shall be given by the inspector to the State Veterinarian.

(2) All swine, even though not themselves identified as Oregon Suspects, which are of lots in which one or more meat animals have been condemned or identified as Oregon Suspect for hog cholera, shall, as far as possible, be slaughtered separately and apart from all other livestock passed on ante-mortem inspection.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 603.065, ORS 619.026, ORS 619.036

ADOPT: 603-029-0330

RULE TITLE: Epithelioma of the Eye

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Epithelioma of the Eye

RULE TEXT:

Any meat animal found on ante-mortem inspection to be affected with epithelioma of the eye and the orbital region in which the eye has been destroyed or obscured by neoplastic tissue and which shows extensive infection, suppuration, and necrosis, usually accompanied with foul odor, or any meat animal affected with epithelioma of the eye or of the orbital region which, regardless of extent, is accompanied with cachexia shall be identified as Oregon Condemned and disposed of in accordance with OAR 603-029-0365.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 603.065, ORS 619.026, ORS 619.036

ADOPT: 603-029-0335

RULE TITLE: Meat Animals Affected with Anthrax; Cleaning and Disinfection of Infected Meat Animal Pens and Driveways

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Meat Animals Affected with Anthrax; Cleaning and Disinfection of Infected Meat Animal Pens and Driveways

RULE TEXT:

(1) Any meat animal found on ante-mortem inspection to be affected with anthrax shall be identified as Oregon Condemned and disposed of in accordance with OAR 603-029-0365.

(2) No other meat animals of a lot in which anthrax is found on ante-mortem inspection shall be slaughtered and presented for post-mortem inspection until it has been determined by a careful ante-mortem inspection that no anthrax-infected animal remains in the lot.

(3) Apparently healthy meat animals (other than hogs) from a lot in which anthrax is detected, and any apparently healthy meat animals which have been treated with anthrax biologicals which do not contain living anthrax organisms, may be slaughtered and presented for post-mortem inspection if they have been held not less than 21 days following the last treatment or the last death of any meat animal in the lot. Alternatively, if desired, all apparently healthy meat animals of the lot may be segregated and held for treatment by a State licensed veterinarian under supervision of the State Veterinarian. No anthrax vaccine (live organisms) shall be used on the premises of a state-inspected establishment.

(4) Meat animals which have been injected with anthrax vaccines (live organisms) within 6 weeks, and those bearing evidence of reaction to such treatment, such as inflammation, tumefaction, or edema at the site of the injection, shall be condemned on ante-mortem inspection, or such meat animals may be held under supervision of the State Veterinarian until the expiration of the 6-week period and the disappearance of any evidence of reaction to the treatment.

(5) When meat animals are found on ante-mortem inspection to be affected with anthrax, all exposed meat animal pens and driveways of the state-inspected establishment shall be cleaned and disinfected by promptly and thoroughly removing and burning all straw, litter, and manure. This shall be followed immediately by a thorough disinfection of the exposed premises by soaking the ground, fences, gates, and all exposed material with a 5 percent solution of sodium hydroxide or commercial lye prepared as outlined in OAR 603-029-0440(5)(a), or other disinfectant that may be approved in specific cases by the Department specifically for this purpose.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 603.065, ORS 619.026, ORS 619.036

ADOPT: 603-029-0340

RULE TITLE: Cattle Affected with Anasarca and Generalized Edema

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Cattle Affected with Anasarca and Generalized Edema

RULE TEXT:
All cattle found on ante-mortem inspection to be affected with anasarca in advanced stages and characterized by an extensive and generalized edema shall be identified as Oregon Condemned and disposed of in accordance with OAR 603-029-0365.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 603.065, ORS 619.026, ORS 603.036

ADOPT: 603-029-0345

RULE TITLE: Swine Erysipelas

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Swine Erysipelas

RULE TEXT:

All hogs plainly showing on ante-mortem inspection that they are affected with acute swine erysipelas shall be identified as Oregon Condemned and disposed of in accordance with OAR 603-029-0365.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 603.065, ORS 619.026, ORS 619.036

ADOPT: 603-029-0350

RULE TITLE: Onset of Parturition

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Onset of Parturition

RULE TEXT:

Any meat animal showing signs of the onset of parturition shall be withheld from slaughter until after parturition and passage of the placenta. Slaughter or other disposition may then be permitted if the meat animal is otherwise acceptable.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 603.065, ORS 619.026, ORS 619.036

ADOPT: 603-029-0355

RULE TITLE: Vaccine Meat Animals

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Vaccine Meat Animals

RULE TEXT:

Vaccine meat animals with unhealed lesions of vaccinia, accompanied with fever, which have not been exposed to any other infectious or contagious disease, are not required to be slaughtered and may be released for removal from the premises.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 603.065, ORS 619.026, ORS 619.036

ADOPT: 603-029-0360

RULE TITLE: Emergency Slaughter; Inspection Prior to

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Emergency Slaughter; Inspection Prior to

RULE TEXT:

In all cases of emergency slaughter, except as provided in OAR 603-029-0550, the meat animals shall be inspected immediately before slaughter, whether theretofore inspected or not. When the necessity for emergency slaughter exists, the establishment shall notify a supervisor so that such inspection may be made.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 603.065, ORS 619.026, ORS 619.036

ADOPT: 603-029-0365

RULE TITLE: Disposition of Condemned Meat Animals

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Disposition of Condemned Meat Animals

RULE TEXT:

(1) Except as otherwise provided in this part, meat animals identified as Oregon Condemned shall be killed by the state-inspected establishment, if not already dead. Such meat animals shall not be taken into the state-inspected establishment to be slaughtered or dressed; nor shall they be conveyed into any part of the establishment used for edible products; but they shall be disposed of in the manner provided for condemned carcasses OAR 603-029-0800 to 603-029-0850. The official Oregon Condemned tag shall not be removed from, but shall remain on the carcass until it is disposed of as prescribed in OAR 603-029-0800 to 603-029-0850, at which time such tag may be removed by a Department employee only. The number of such tag shall be reported to the supervisor by the inspector who affixed it, and also by the inspector who supervised the disposition of the carcass.

(2) Any meat animal condemned on account of ketosis, swine erysipelas, vesicular diseases, grass tetany, transport tetany, parturient paresis, anasarca, anaplasmosis, leptospirosis, listeriosis, or inflammatory condition including pneumonia, enteritis, and peritonitis may be set apart and held for treatment under supervision of a Department employee or official designated by the State Veterinarian. The Oregon Condemned identification tag will be removed by a Department employee following treatment under such supervision if the meat animal is found to be free from any such disease.

(3) Meat animals previously affected with listeriosis, including those released for slaughter after treatment under section (2) of this rule, shall be identified as Oregon Suspect.

(4) When a meat animal under the provisions of this rule is to be released for a purpose other than slaughter, the operator of the state-inspected establishment or the owner of the meat animal shall first obtain permission for the movement of such meat animal from the State Veterinarian.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 603.065, ORS 619.026, ORS 619.036

ADOPT: 603-029-0370

RULE TITLE: Brucellosis-reactor Goats

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Brucellosis-reactor Goats

RULE TEXT:

Goats which have reacted to a test for brucellosis shall not be slaughtered in a state-inspected establishment.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 603.065, ORS 619.026, ORS 619.036

ADOPT: 603-029-0375

RULE TITLE: Vesicular Diseases

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Vesicular Diseases

RULE TEXT:

(1) Immediate notification shall be given by the inspector to the State Veterinarian when any meat animal is found to be affected with a vesicular disease.

(2) No meat animal under quarantine by State or Federal animal sanitary officials on account of a vesicular disease will be given ante-mortem inspection. If no quarantine is invoked, or if quarantine is invoked and later removed, upon ante-mortem inspection, any meat animal found to be affected with vesicular exanthema or vesicular stomatitis in the acute stages, as evidenced by acute and active lesions or an elevated temperature, shall be identified as Oregon Condemned and disposed of in accordance with OAR 603-029-0365.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 603.065, ORS 619.026, ORS 619.036

ADOPT: 603-029-0380

RULE TITLE: Meat Animals Suspected of Having Biological Residues

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Meat Animals Suspected of Having Biological Residues

RULE TEXT:

(1) Except as provided by section (5) of this rule, meat animals suspected of having been treated with or exposed to any substance that may impart a biological residue which would make the edible tissues unfit for human food or otherwise adulterated shall be handled in compliance with the provisions of this section. They shall be identified at state-inspected establishments as “Oregon Condemned.” These meat animals may be held under the custody of a Department employee, or other official designated by the State Veterinarian, until metabolic processes have reduced the residue sufficiently to make the tissues fit for human food and otherwise not adulterated. When the required time has elapsed, the meat animals, if returned for slaughter, must be re-examined on ante-mortem inspection. To aid in determining the amount of residue present in the tissues, officials of the Department may permit the slaughter of any such meat animals for the purpose of collecting tissues for analysis for the residue. Such analysis may include the use of in-plant screening procedures designed to detect the presence of antimicrobial residues in any species of meat animal.

(2) All carcasses and edible organs and other parts thereof, in which are found any biological residues which render such articles adulterated, shall be marked as “Oregon Condemned” and disposed of in accordance with OAR 603-029-0800 or OAR 603-029-0810.

(3) Calves shall not be presented for ante-mortem inspection in a state-inspected establishment except under the provisions of this section.

(a) Definitions. For purposes of this section, the following definitions shall apply:

(A) Calf. A calf up to 3 weeks of age or up to 150 pounds.

(B) Certified calf. A calf that the producer and all other subsequent custodians of the calf certify in writing has not been treated with any animal drug while in his or her custody or has been treated with one or more drugs in accordance with FDA approved label directions while in his or her custody and has been withheld from slaughter for the period(s) of time specified by those label directions.

(C) Healthy calf. A calf that an inspector determines shows no visual signs of disease or treatment of disease at ante-mortem inspection.

(D) Producer. The owner of the calf at the time of its birth.

(E) Sick calf. A calf that an inspector on ante-mortem inspection determines has either signs of treatment or signs of disease.

(b) General requirements.

(A) The identity of the producer of each calf presented for ante-mortem inspection shall be made available by the state-inspected establishment to the inspection prior to the animal being presented for ante-mortem inspection.

(B) The inspector shall segregate the calves presented for ante-mortem inspection at the establishment and identify each calf as one of the following: (A) Certified, (A) noncertified, or (C) previous residue condemnation.

(c) Certified group.

(A) For a calf to be considered certified, the producer and all other subsequent custodians of the calf must certify in writing that while the calf was in his or her custody, the calf was not treated with animal drugs or was treated with one or more drugs in accordance with FDA approved label directions and was withheld from slaughter for the period(s) of time specified by those label directions. All prior certifications must be presented with the animal at the time of slaughter. The certifications shall contain a list of the calves with accompanying identification numbers, as required by section (3)(c)(B)) of this rule, followed by the following language: [Statement 603-029-0380(3)(c)(A)]

(B) Each calf must be identified by use of backtag, eartag, or other type of secure identification which displays a number which shall be recorded on all written certifications.

(C) The inspector shall have segregated for examination by the State Veterinarian or their designee any certified calf

which he or she determines to show any sign of disease or which is not identified individually. Such animal will be tagged as “Oregon Suspect” and its carcass will be retained on post-mortem inspection and handled in accordance with OAR 603-029-0492 (3) and (4).
(D) The inspector shall handle the remaining carcasses of healthy meat animals in accordance with OAR 603-029-0492 (3) and (4).
(d) Noncertified group. On ante-mortem inspection, the inspector shall have segregated for examination by the State Veterinarian or their designee any calf which he or she determines to show any sign of disease. Such animal will be tagged as “Oregon Suspect” and its carcass will be retained on post-mortem inspection and handled in accordance with OAR 603-029-0492 (3). The inspector shall handle the remaining carcasses of healthy meat animals in accordance with OAR 603-029-0492 (3).
(e) Calves from producers with previous residue condemnation. On ante-mortem inspection, the inspector shall have segregated for examination by the State Veterinarian or their designee any calf which he or she determines to show any sign of disease. Such animal will be tagged as “Oregon Suspect” and its carcass will be retained on post-mortem inspection and handled in accordance with OAR 603-029-0492 (5). The inspector shall handle the remaining carcasses of healthy meat animals in accordance with OAR 603-029-0492 (5).
(4) The name of each and all person(s) who sold or consigned each swine to the establishment shall be made available by the establishment to any Department employee upon that employee's request and presentation of his or her official credentials. Swine identification must be maintained throughout post-mortem inspection, in accordance with OAR 603-029-0496(1).

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 603.065, ORS 619.026, ORS 619.036

ADOPT: 603-029-0385

RULE TITLE: Meat Animals Used for Research

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Meat Animals Used for Research

RULE TEXT:

(1) No meat animals used in any research investigation involving an experimental biological product, drug, or chemical shall be eligible for slaughter at a state-inspected establishment unless:

(a) The operator of such establishment, the sponsor of the investigation, or the investigator has submitted to the Veterinary Services unit of the Animal and Plant Health Inspection Service of the Department of Agriculture or to the Environmental Protection Agency or to the Food and Drug Administration of the Department of Health, Education, and Welfare, data or a summary evaluation of the data which demonstrates to the satisfaction of one of those agencies that the use of such biological product, drug, or chemical will not result in the products of such livestock being adulterated;

(b) A supervisor has approved the slaughter in writing prior to the time of slaughter;

(c) In the case of an animal administered any unlicensed, experimental veterinary biologic product regulated under the Virus-Serum Toxin Act (21 U.S.C. 151 et seq.), the product was prepared and distributed in compliance with Part 103 of the regulations issued under said Act, and used in accordance with the labeling approved under said regulations;

(d) In the case of an animal administered any investigational drug regulated under the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 301 et seq.), the drug was prepared and distributed in compliance with the applicable provisions of part 135 of the regulations issued under said Act (21 CFR part 135), and used in accordance with the labeling approved under said regulations;

(e) In the case of an animal subjected to any experimental economic poison under section 2(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135 et seq.), the product was prepared and distributed in accordance with § 362.17 of the regulations issued under said Act (7 CFR 362.17), and used in accordance with the labeling approved under said regulations.

(f) In the case of an animal administered or subjected to any substance that is a food additive or pesticide chemical under the Federal Food, Drug, and Cosmetic Act, supra, there has been compliance with all tolerance limitations established by said Act and the regulations promulgated thereunder (21 CFR 1.1 et seq.), and all other restrictions and requirements imposed by said Act and said regulations will be complied with at the time of slaughter.

(2) A supervisor may deny or withdraw the approval for slaughter of any livestock subject to the provision of this rule when he deems it necessary to assure that all products prepared at the state-inspected establishment are free from adulteration.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 603.065, ORS 619.026, ORS 619.036

ADOPT: 603-029-0390

RULE TITLE: Official Marks and Devices for Purposes of Ante-Mortem Inspection

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Official Marks and Devices for Purposes of Ante-Mortem Inspection

RULE TEXT:

(1) All meat animals required by OAR 603-029-0300 to 603-029-0395 to be identified as Oregon Suspects shall be tagged with a serially numbered metal ear tag bearing the term “Oregon Suspect,” except as provided in OAR 603-029-0310(4) and except that cattle affected with epithelioma of the eye, antinomycosis, or actinobacillosis to such an extent that the lesions would be readily detected on post-mortem inspection, need not be individually tagged on ante-mortem inspection with the Oregon Suspect tag, provided that such cattle are segregated and otherwise handled as Oregon Suspects.

(2) In addition, identification of Oregon Suspect swine must include the use of tattoos specified by the inspector to maintain the identity of the swine through the dehairing equipment when such equipment is used.

(3) All meat animals required by OAR 603-029-0300 to 603-029-0395 to be identified as Oregon Condemned shall be tagged with a serially numbered metal ear tag bearing the term “Oregon Condemned.”

(4) The devices described in sections (1), (2), and (3) of this rule shall be the official devices for identification of livestock required to be identified as Oregon Suspect or Oregon Condemned as provided in OAR 603-029-0300 to 603-029-0395.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 603.065, ORS 619.026, ORS 619.036

ADOPT: 603-029-0401

RULE TITLE: Extent and Time of Post-Mortem Inspection; Post-Mortem Inspection Staffing Standards

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Extent and Time of Post-Mortem Inspection; Post-Mortem Inspection Staffing Standards

RULE TEXT:

(1) A careful post-mortem examination and inspection shall be made of the carcasses and parts thereof of all livestock slaughtered at state-inspected establishments. Such inspection and examination shall be made at the time of slaughter unless, because of unusual circumstances, prior arrangements acceptable to the Director have been made in specific cases by the supervisor for making such inspection and examination at a later time.

(2)(a) The staffing standards on the basis of the number of carcasses to be inspected per hour are outlined in the following tables. Standards for multiple inspector lines are based on inspectors rotating through the different types of inspection stations during each shift to equalize the workload. The inspector in charge shall have the authority to require the state-inspected establishment to reduce slaughter line speeds where, in his judgment, the inspection procedure cannot be adequately performed at the current line speed because of particular deficiencies in carcass preparation and presentation by the plant at the higher speed, or because the health condition of the particular animals indicates a need for more extensive inspection.

(b) Cattle inspection. For all cattle staffing standards, an ''a'' in the ''Number of Inspectors by Stations'' column means that one inspector performs the entire inspection procedure and a ''b'' means that one inspector performs the head and lower carcass inspection and a second inspector performs the viscera and upper carcass inspection.

(A) Inspection Using the Viscera Truck. [Table 603-029-0401(2)(b)(A)]

(i) Rules for determining adjusted maximum slaughter rates for single-inspector kills considering walking distance according to the table in this subdivision: Determine the distances the inspector actually walks between the points shown in columns 2 through 14 of the following table. For each column, determine the deduction figure opposite the appropriate number of feet in column 1. Compute the total of the deduction figures for columns 2 through 14. The adjusted maximum rate is the maximum rate in section (2)(b)(A) of this rule minus total of the deduction figures. If the resultant number is not a whole number, it must be rounded off to the next lowest whole number.

(ii) Rules for determining adjusted maximum slaughter rates for two-inspector kills considering walking distance according to the table in this subdivision: Determine the distances the inspectors actually walk between the points shown in columns 2 through 9 of the following table. Column 9 is used only if the condemned brands and tags the viscera inspector uses are kept at a location other than at the wash- basin-sterilizer. For each column, determine the deduction figure opposite the appropriate number of feet in column 1. Compute the total of the deduction figures for columns 2 through 9. Divide this total by 2. The adjusted maximum rate is the maximum rate in section (2)(b)(A) of this rule minus the number calculated above. If the resultant number is not a whole number, it must be rounded off to the next lowest whole number. [Table 603-029-0401(2)(b)(A)(i)] and [Table 603-029-0401(2)(b)(A)(ii)]

(B) Inspection Using Viscera Table, Tongue-In Presentation of Heads. [Table 603-029-0401(2)(b)(A)(iii)]

(C) Inspection Using Viscera Table, Tongue-Out Presentation of Heads. [Table 603-029-0401(2)(b)(A)(iv)]

(D) Swine inspection. Traditional inspection shall be used for all swine slaughtered under state inspection. The following inspection staffing standards are applicable to swine slaughter configurations. The inspection standards for all slaughter lines are based upon the observation rather than palpation, at the viscera inspection station, of the spleen, liver, heart, lungs, and mediastinal lymph nodes. In addition, for one- and two-inspector lines under traditional inspection, the standards are based upon the distance walked (in feet) by the inspector between work stations; and for three or more inspector slaughter lines, upon the use of a mirror, as described in OAR 603-029-0205(13)(f), at the carcass inspection station. Although not required in a one- or two-inspector slaughter configuration, except in certain cases as determined by the inspection service, if a mirror is used, it must comply with the requirements of OAR 603-029-0205(13)(f). [Table 603-029-0401(c)]

NOTE: In multiple-inspector plants, the inspectors must rotate between all inspection positions during each shift to

equalize the workload.

[Table 603-029-0401(d)]

NOTE: In multiple-inspector plants, the inspectors must rotate between all inspection positions during each shift to equalize the workload.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0405

RULE TITLE: Identification of Carcass with Certain Severed Parts Thereof and with Animal from Which Derived

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Identification of Carcass with Certain Severed Parts Thereof and with Animal from Which Derived

RULE TEXT:

(1) The head, tail, tongue, thymus gland, and all viscera of each slaughtered meat animal, and all blood and other parts of such meat animal to be used in the preparation of meat products or medical products, shall be handled in such a manner as to identify them with the rest of the carcass and as being derived from the particular meat animal involved, until the post-mortem examination of the carcass and parts thereof has been completed. Such handling shall include the retention of ear tags, backtags, implants, and other identifying devices affixed to the meat animal, in such a way to relate them to the carcass until the post-mortem examination has been completed.

(2) The official State-Federal Department backtag on any carcass shall:

(a)(A) Be removed from the hide of the meat animal by a state-inspected establishment employee and placed in a clear plastic bag. The bag containing the tag shall be affixed to the corresponding carcass.

(B) The bag containing the tag shall be removed from the carcass by a state-inspected establishment employee and presented with the viscera to the inspector at the point where such inspector conducts the viscera inspection.

(b)(A) Brucellosis and tuberculosis ear tags, herd identification ear tags, sales tags, ear bangles, and similar identification devices shall be removed from the meat animal's hide or ear by a state-inspected establishment employee and shall be placed in a clear plastic bag and affixed to the corresponding carcass.

(B) The bag containing the tag shall be removed from the carcass by a state-inspected establishment employee and presented with the viscera to the inspector at the point where such inspector conducts the viscera inspection.

(c) In cases where both types of devices described in sections (2)(a) and (b) of this rule are present on the same meat animal, both types may be placed in the same plastic bag or in two separate bags.

(d) The supervisor may allow the use of any alternate method proposed by the operator of a state-inspected establishment for handling the type of devices described in section (2)(b) of this rule if such alternate method would provide a ready means of identifying a specific carcass with the corresponding devices by an inspector during the post-mortem inspection.

(e) Disposition and use of identifying devices.

(A) The official State-Federal Department backtags will be collected by an inspector and used to obtain traceback information necessary for proper disposition of the meat animal or carcass and otherwise handled according to instructions issued to the inspectors.

(B) The devices described in section (2)(b) of this rule shall be collected by the inspector when required to obtain traceback information necessary for proper disposition of the meat animal or carcass and for controlling the slaughter of reactor meat animals. Devices not collected for these purposes shall be discarded after the post-mortem examination is complete.

(f) Plastic bags used by the establishment for collecting identifying devices will be furnished by the Department.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 617.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0410

RULE TITLE: Carcasses and Parts in Certain Instances to be Retained

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Carcasses and Parts in Certain Instances to be Retained

RULE TEXT:

Each carcass, including all detached organs and other parts, in which any lesion or other condition is found that might render the meat or any part unfit for food purposes, or otherwise adulterated, and which for that reason would require a subsequent inspection, shall be retained by the Department employee at the time of inspection. The identity of every such retained carcass, detached organ, or other part shall be maintained until the final inspection has been completed. Retained carcasses shall not be washed or trimmed unless authorized by the Department employee.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0415

RULE TITLE: Identification of Carcasses and Parts; Tagging

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Identification of Carcasses and Parts; Tagging

RULE TEXT:

Such devices and methods as may be approved by the Director may be used for the temporary identification of retained carcasses, organs, and other parts. In all cases, the identification shall be further established by affixing “Oregon Retained” tags as soon as practicable and before final inspection. These tags shall not be removed except by a Department employee.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0420

RULE TITLE: Condemned Carcasses and Parts to be so Marked; Tanking; Separation

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Condemned Carcasses and Parts to be so Marked; Tanking; Separation

RULE TEXT:

Each carcass or part which is found on final inspection to be unsound, unhealthful, unwholesome, or otherwise adulterated shall be conspicuously marked, on the surface tissues thereof, by a Department employee at the time of inspection, as “Oregon Inspected and Condemned.” Condemned detached organs and other parts of such character that they cannot be so marked shall be placed immediately in trucks or receptacles which shall be kept plainly marked “Oregon Condemned,” in letters not less than 2 inches high. All condemned carcasses and parts shall remain in the custody of a Department employee and shall be disposed of as required in the regulations in OAR 603-029-0800 to 603-029-0850 at or before the close of the day on which they are condemned.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0425

RULE TITLE: Carcasses and Parts Passed for Cooking; Marking

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Carcasses and Parts Passed for Cooking; Marking

RULE TEXT:

Carcasses and parts passed for cooking shall be marked conspicuously on the surface tissues thereof by a Department employee at the time of inspection, “Oregon Passed for Cooking.” All such carcasses and parts shall be cooked in accordance with OAR 603-029-0880 to 603-029-0890, and until so cooked shall remain in the custody of a Department employee.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0430

RULE TITLE: Removal of Spermatic Cords, Pizzles and Preputial Diverticuli

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Removal of Spermatic Cords, Pizzles and Preputial Diverticuli

RULE TEXT:

Spermatic cords and pizzles shall be removed from all carcasses. Preputial diverticuli shall be removed from hog carcasses.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0435

RULE TITLE: Passing and Marking of Carcasses and Parts

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Passing and Marking of Carcasses and Parts

RULE TEXT:

Carcasses and parts found to be sound, healthful, wholesome, and otherwise not adulterated shall be passed and marked as provided in OAR 603-029-0900 to 603-029-0970. In all cases where carcasses showing localized lesions are passed for food or for cooking and “Oregon Retained” tags are attached to the carcasses, the affected tissues shall be removed and condemned before the tags are removed. “Oregon Retained” tags shall be removed only by a Department employee.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0440

RULE TITLE: Anthrax; Carcasses not to be Eviscerated; Disposition of Affected Carcasses; Hides, Hoofs, Horns, Hair, Viscera and Contents, and Fat; Handling of Blood And Scalding Vat Water; General Cleanup and Disinfection

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Anthrax; Carcasses not to be Eviscerated; Disposition of Affected Carcasses; Hides, Hoofs, Horns, Hair, Viscera and Contents, and Fat; Handling of Blood And Scalding Vat Water; General Cleanup and Disinfection

RULE TEXT:

(1) Carcasses found before evisceration to be affected with anthrax shall not be eviscerated but shall be retained, condemned, and immediately tanked or otherwise disposed of as provided OAR 603-029-0800 to 603-029-0850.

(2) All carcasses and all parts, including hides, hoofs, horns, hair, viscera and contents, blood, and fat of any meat animal found to be affected with anthrax shall be condemned and immediately disposed of as provided in OAR 603-029-0800 to 603-029-0850, except that the blood may be handled through the usual blood cooking and drying equipment.

(3) Any part of any carcass that is contaminated with anthrax-infected material through contact with soiled instruments or otherwise shall be immediately condemned and disposed of as provided in OAR 603-029-0800 to 603-029-0850.

(4) The scalding vat water through which hog carcasses affected with anthrax have passed shall be immediately drained into the sewer and all parts of the scalding vat shall be cleaned and disinfected as provided in section (5) of this rule.

(5)(a) That portion of the slaughtering department, including the bleeding area, scalding vat, gambrelling bench, floors, walls, posts, platforms, saws, cleavers, knives, and hooks, as well as employees' boots and aprons, contaminated through contact with anthrax-infected material, shall, except as provided in subsection (5)(b) of this rule be cleaned immediately and disinfected with one of the following disinfectants or other disinfectant[1] approved specifically for this purpose by the Department:

(A) A 5 percent solution of sodium hydroxide or commercial lye containing at least 94 percent of sodium hydroxide. The solution shall be freshly prepared immediately before use by dissolving 2 1/2 pounds of sodium hydroxide or lye in 5 1/2 gallons of hot water and shall be applied as near scalding hot as possible to be most effective. (Owing to the extremely caustic nature of sodium hydroxide solution, precautionary measures such as the wearing of rubber gloves and boots to protect the hands and feet, and goggles to protect the eyes, should be taken by those engaged in the disinfection process. It is also advisable to have an acid solution, such as vinegar, in readiness in case any of the sodium hydroxide solution should come in contact with any part of the body.)

(B) A solution of sodium hypochlorite containing approximately one-half of 1 percent (5,000 parts per million) of available chlorine. The solution shall be freshly prepared.

(C) When a disinfectant solution has been applied to equipment which will afterwards contact meat or meat product, the equipment shall be rinsed with clean water before such contact.

(b) In case anthrax infection is found in the hog slaughtering department, an immediate preliminary disinfection shall be made from the head-dropper's station to the point where the disease is detected and the affected carcasses shall be cut down from the rail and removed from the room. Upon completion of the slaughtering of the lot of hogs of which the anthrax-infected animals were a part, slaughtering operations shall cease, and a thorough cleanup and disinfection shall be made, as provided in section (5)(a) of this rule. If the slaughter of the lot has not been completed by the close of the day on which anthrax was detected, the cleanup and disinfection shall not be deferred beyond the close of that day.

(c) The first and indispensable precautionary step for persons who have handled anthrax material is thorough cleansing of the hands and arms with liquid soap and running hot water. It is important that this step be taken immediately after exposure, before vegetative anthrax organisms have had time to form spores. In the cleansing, a brush or other appropriate appliance shall be used to insure the removal of all contaminating material from under and about the fingernails. This process of cleansing is most effective when performed in repeated cycles of lathering and rinsing rather than in spending the same amount of time in scrubbing with a single lathering. After the hands have been cleansed thoroughly and rinsed free of soap, they may, if desired, be immersed for about 1 minute in a 1:1,000 solution of bichloride of mercury, followed by thorough rinsing in clean running water. Supplies of bichloride of mercury for the

purpose must be held in the custody of the veterinary medical officer. (As a precautionary measure, all persons exposed to anthrax infection should report promptly any suspicious condition (sore or carbuncle) or symptom to a physician, in order that anti-anthrax serum or other treatment may be administered as indicated.)

A list of disinfectants approved for this purpose is available upon request to the Scientific Services, Meat and Poultry Inspection, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0445

RULE TITLE: Carcasses with Skin or Hide on; Cleaning Before Evisceration; Removal of Larvae of Hypodermae, External Parasites and Other Pathological Skin Conditions

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Carcasses with Skin or Hide on; Cleaning Before Evisceration; Removal of Larvae of Hypodermae, External Parasites and Other Pathological Skin Conditions

RULE TEXT:
When a carcass is to be dressed with the skin or hide left on, the skin or hide shall be thoroughly washed and cleaned before any incision is made for the purpose of removing any part thereof or evisceration, except that where calves are slaughtered by the kosher method, the heads shall be removed from the carcasses, before washing of the carcasses. The skin shall be removed at the time of post-mortem inspection from any calf carcass infested with the larvae of the “oxwarble” fly (Hypoderma lineata and Hypoderma bovis), or external parasites, or affected with other pathological skin conditions.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0450

RULE TITLE: Sternum to be Split; Abdominal and Thoracic Viscera to be Removed

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Sternum to be Split; Abdominal and Thoracic Viscera to be Removed

RULE TEXT:

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.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0455

RULE TITLE: Inflating Carcasses or Parts Thereof; Transferring Caul or Other Fat

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Inflating Carcasses or Parts Thereof; Transferring Caul or Other Fat

RULE TEXT:

(1) State-inspected establishments that slaughter meat animals and prepare meat animal carcasses and parts may inflate carcasses or parts of carcasses with air if they develop, implement, and maintain controls to ensure that the air inflation procedure does not cause insanitary conditions or adulterate product. State-inspected establishments shall incorporate these controls into their HACCP plans or Sanitation SOPs or other prerequisite programs.

(2)(a) Transferring the caul or other fat from a fat to a lean carcass is prohibited.

(b) Injecting compressed air into the skulls of cattle in conjunction with a captive bolt stunner to hold the animal still for dressing operations is prohibited.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0460

RULE TITLE: Handling of Bruised Parts

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Handling of Bruised Parts

RULE TEXT:

When only a portion of a carcass is to be condemned on account of slight bruises, either the bruised portion shall be removed immediately and disposed of in accordance with OAR 603-029-0800 to 603-029-0850, or the carcass shall be promptly placed in a retaining room and kept until chilled and the bruised portion shall then be removed and disposed of as provided in OAR 603-029-0800 to 603-029-0850.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-0465

RULE TITLE: Disposition of Thyroid Glands and Laryngeal Muscle Tissue

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Disposition of Thyroid Glands and Laryngeal Muscle Tissue

RULE TEXT:

(1) Meat animal thyroid glands and laryngeal muscle tissue shall not be used for human food.

(2) Meat animal thyroid glands and laryngeal muscle tissue may be distributed to pharmaceutical manufacturers for pharmaceutical use in accordance with OAR 603-029-0840 or OAR 603-029-1470(3), if they are labeled in accordance with OAR 603-029-0960(6). Otherwise, they shall be disposed of at the official establishment in accordance with OAR 603-029-0800 or OAR 603-029-0810.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0470

RULE TITLE: Disposition of Lungs

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Disposition of Lungs

RULE TEXT:

(1) Meat animal lungs shall not be saved for use as human food.

(2) Lungs found to be affected with disease or pathology and lungs found to be adulterated with chemical or biological residue shall be condemned and identified as “Oregon Inspected and Condemned.” Condemned lungs may not be saved for pet food or other nonhuman food purposes. They shall be maintained under inspectional control and disposed of in accordance with OAR 603-029-0800 or OAR 603-029-0810.

(3) Lungs not condemned under section (b) of this rule may be used in the preparation of pet food or for other nonhuman food purposes at the state-inspected establishment, provided they are handled in the manner prescribed in OAR 603-029-1135, or they may be distributed from the state-inspected establishment in commerce, or otherwise, in accordance with the conditions prescribed in OAR 603-029-1425 for nonhuman food purposes or they may be so distributed to pharmaceutical manufacturers for pharmaceutical use in accordance with OAR 603-029-0840 and OAR 603-029-1470(2), if they are labeled as “Inedible [SPECIES] Lungs - for Pharmaceutical Use Only.” Otherwise, they shall be disposed of at the state-inspected establishment, in accordance with OAR 603-029-0800 or OAR 603-029-0810.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0475

RULE TITLE: Inspection of Mammary Glands

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Inspection of Mammary Glands

RULE TEXT:

(1) Lactating mammary glands and diseased mammary glands of cattle, sheep, swine, and goats shall be removed without opening the milk ducts or sinuses. If pus or other objectionable material is permitted to come in contact with the carcass, the parts of the carcass thus contaminated shall be removed and condemned.

(2) Nonlactating cow udders may be saved for food purposes provided suitable facilities for handling and inspecting them are provided. Examination of udders by palpation shall be done by a Department employee. When necessary, in the judgment of the Department employee for adequate inspection, the official establishment employees shall incise udders in sections no greater than 2 inches in thickness. All udders showing disease lesions shall be condemned by a Department employee. Each udder shall be properly identified with its respective carcass and kept separate and apart from other udders until its disposal has been accomplished in accordance with the provisions of OAR 603-029-0500 to 603-029-0574.

(3) Lactating mammary glands of cattle, sheep, swine, and goats shall not be saved for edible purposes.

(4) The udders from cows officially designated as “Brucellosis reactors” or as “Mastitis elimination cows” shall be condemned.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0480

RULE TITLE: Contamination of Carcasses, Organs, or Other Parts

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Contamination of Carcasses, Organs, or Other Parts

RULE TEXT:

(1) Carcasses, organs, and other parts shall be handled in a sanitary manner to prevent contamination with fecal material, urine, bile, hair, dirt, or foreign matter; however, if contamination occurs, it shall be promptly removed in a manner satisfactory to the inspector.

(2) Brains, cheek meat, and head trimmings from animals stunned by lead, sponge iron, or frangible bullets shall not be saved for use as human food but shall be handled as described in OAR 603-029-0800 or OAR 603-029-0810.

(3) State-inspected swine slaughter establishments must develop, implement, and maintain written procedures to prevent contamination of carcasses and parts by enteric pathogens, and visible fecal material, ingesta, and milk contamination throughout the entire slaughter and dressing operation. State-inspected establishments must incorporate these procedures into their HACCP plans, or sanitation SOPs, or other prerequisite programs. These procedures must include sampling and analysis for microbial organisms in accordance with the sampling location and frequency requirements in sections (3)(a) and (b) of this rule to monitor their ability to maintain process control.

(a) Sampling locations. State-inspected swine slaughter establishments, except for very low-volume establishments, must collect and analyze carcass samples for microbial organisms at the pre-evisceration and post-chill points in the process. State-inspected establishments that slaughter more than one type of meat animal must test the type of meat animal slaughtered in the greatest number. State-inspected establishments that bone their products before chilling (i.e., hot-boned products) must collect and analyze samples at the pre-evisceration point in the process and after the final wash instead of at post-chill. Very low-volume establishments must collect and analyze samples for microbial organisms at the post-chill point in the process. All state-inspected swine establishments must sponge or excise tissue from the ham, belly, and jowl areas. Very low-volume establishments annually slaughter no more than 20,000 swine, or a combination of swine and other meat animals not exceeding 6,000 cattle and 20,000 total of all livestock.

(b) Sampling frequency. State-inspected establishments, except for very low-volume establishments as defined in section (3)(a) of this rule, must collect and analyze samples at a frequency proportional to the establishment's volume of production at the following rates:

(A) State-inspected establishments, except for very low-volume establishments as defined in section (3)(a) of this rule, must collect and analyze samples at a frequency of once per 1,000 carcasses, but a minimum of once during each week of operation.

(B) Very low-volume establishments as defined in section (3)(a) of this rule must collect and analyze samples at least once during each week of operation starting June 1 of every year. If, after consecutively collecting 13 weekly samples, very low-volume establishments can demonstrate that they are effectively maintaining process control, they may modify their sampling plans.

(C) State-inspected establishments must maintain accurate records of all test results and retain these records as provided in section (4) of this rule.

(4) State-inspected swine slaughter establishments must maintain daily records sufficient to document the implementation and monitoring of the procedures required under this rule. Records required by this rule may be maintained on computers if the establishment implements appropriate controls to ensure the integrity of the electronic data. Records required by this rule must be maintained for at least one year and must be accessible to the Department.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0485

RULE TITLE: Inspection of Kidneys

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Inspection of Kidneys

RULE TEXT:

An employee of the state-inspected establishment shall open the kidney capsule and expose the kidneys of all livestock at the time of slaughter for the purpose of examination by a Department employee.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0490

RULE TITLE: Saving of Blood from Meat Animals as an Edible Product

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Saving of Blood from Meat Animals as an Edible Product

RULE TEXT:

Blood may be saved for edible purposes at state-inspected establishments provided it is derived from meat animals, the carcasses of which are inspected and passed, and the blood is collected, defibrinated, and handled in a manner so as not to render it adulterated under Oregon law and rules issued pursuant thereto. The defibrination of blood intended for human food purposes shall not be done with the hands. Anticoagulants may be used in accordance with regulations in Division 29.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0492

RULE TITLE: Carcasses Suspected of Containing Sulfa and Antibiotic Residues; Sampling Frequency; Disposition of Affected Carcasses and Parts

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Carcasses Suspected of Containing Sulfa and Antibiotic Residues; Sampling Frequency; Disposition of Affected Carcasses and Parts

RULE TEXT:

(1) Calf carcasses from meat animals suspected of containing biological residues under OAR 603-029-0380(4) shall, on post-mortem inspection, be handled in accordance with the provisions of this rule.

(2) For purposes of this rule, the following definitions shall apply:

(a) Calf. A calf up to 3 weeks of age or up to 150 pounds.

(b) Certified calf. A calf that the producer and all other subsequent custodians of the calf certify in writing has not been treated with any animal drug while in his or her custody or has been treated with one or more drugs in accordance with FDA approved label directions while in his or her custody and has been withheld from slaughter for the period(s) of time specified by those label directions.

(c) Healthy carcass. A carcass that an inspector determines shows no lesions of disease or signs of disease treatment at post-mortem inspection

(d) Producer. The owner of the calf at the time of its birth.

(e) Sick calf carcass. A calf carcass that an inspector on post-mortem inspection determines has either signs of disease treatment or lesions of disease or was from an animal identified as sick on ante-mortem.

(f) Sign of treatment. Sign of treatment of a disease is indicated by leakage around jugular veins, subcutaneous, intramuscular or intraperitoneal injection lesions, or discoloration from particles or oral treatment in any part of the digestive tract.

(g) Veterinary medical officer. An inspector of the Department that has obtained a Doctor of Veterinary Medicine degree which is recognized by the Department.

(3) Selection of carcasses for testing. The inspector shall perform a swab bioassay test[1] on:

(a) Any carcass from a calf tagged as “Oregon Suspect” at the time of ante-mortem inspection, except that calves whose carcasses are condemned for pathology shall not be tested for drug residues.

(b) Any carcass which he/she finds has either lesions of disease which is not condemned because of these lesions or a sign of treatment of disease at the time of post-mortem inspection,

(c) Any carcass of a calf from a producer whose calf or calves have previously been condemned for residues as prescribed in section (5) of this rule, and

(d) Carcasses from healthy-appearing certified and noncertified calves, as determined by the veterinary medical officer during ante-mortem inspection, will be selected for testing as set forth below: [Table 603-029-0492(3)(d)]

(4) Testing of carcasses:

(a) The inspector shall test all carcasses as prescribed in section (3) of this rule.

(b) Upon initiation of this program at a state-inspected establishment, the inspector shall begin the testing rate for carcasses from healthy-appearing certified and noncertified calves at Level D as prescribed in section (3)(d) of this rule. The inspector shall increase the testing rate to the next higher level the following business day when three carcasses in 100 or less consecutively tested show a positive test result for a drug residue. The inspector shall decrease it to the next lower level when no more than two calves show a positive test result for a drug residue in either 500 calves consecutively tested or all calves tested over a 60 working day period.

(c) Test results shall be determined by the veterinary medical officer.

(d) The state-inspected establishment may designate one or more of its employees to aid the inspector in performing the swab bioassay test under the supervision of the veterinary medical officer who shall interpret the results, maintain animal identification with the test unit, and ensure integrity of the testing program.

(e) All carcasses and parts thereof from calves selected for testing shall be retained until all test results are complete.
(f) The veterinary medical officer shall condemn all carcasses and parts thereof for which there are positive test results and release for human consumption all carcasses and parts thereof for which there are negative test results.
(g) If there is a positive test result, subsequent calves from the producer of the calf shall be tested in accordance with section (5) of this rule. These test results will not be included in computations to determine a state-inspected establishment's compliance record.
(h) The veterinary medical officer may reduce inspection line rates when, in his/her judgment, the prescribed testing cannot be adequately performed within the time available because the state-inspected establishment's compliance history dictates a need for extensive testing.
(5) Calves from producers with a previous residue condemnation. The inspector shall perform a swab bioassay test on all carcasses of all calves in the group. The veterinary medical officer shall determine the test results and shall condemn any carcass and parts thereof for which there is a positive test result and pass for human consumption any such carcass and parts thereof for which there is a negative test result. All subsequent calves from the same producer which has previously sold or delivered to state-inspected establishments any carcass that was condemned because of drug residues must be tested according to this section until five consecutive animals test completely free of animal drug residues.
(6) If the owner or operator of an official establishment disagrees with the veterinary medical officer's disposition of carcasses and parts thereof, the owner or operator may appeal as provided in OAR 603-029-1505.

The procedures for performing the swab bioassay test are set forth in one of two self-instructional guides: “Performing the CAST” or “Fast Antimicrobial Screen Test.” These guides are available for review in the office of the FSIS Docket Clerk, Room 4352 South, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0494

RULE TITLE: Specified Risk Materials from Cattle and Their Handling and Disposition

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Specified Risk Materials from Cattle and Their Handling and Disposition

RULE TEXT:

(1) The following materials from cattle are specified risk materials, except when they are from cattle from a country that can demonstrate that its bovine spongiform encephalopathy (BSE) risk status can reasonably be expected to provide the same level of protection from human exposure to the BSE agent as prohibiting specified risk materials for use as human food does in the United States:

(a) The brain, skull, eyes, trigeminal ganglia, spinal cord, vertebral column (excluding the vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae, and the wings of the sacrum), and dorsal root ganglia from cattle 30 months of age and older and

(b) The distal ileum of the small intestine and the tonsils from all cattle.

(2) Specified risk materials are inedible and prohibited for use as human food.

(3) Specified risk materials must be removed from the carcasses of cattle, segregated from edible materials, and disposed of in accordance with OAR 603-029-0800 or OAR 603-029-0810. The spinal cord from cattle 30 months of age and older must be removed from the carcass at the state-inspected establishment where the animal was slaughtered.

(4) Requirements for use of the small intestine for human food.

(a) The small intestine from all cattle may be used for human food if:

(A) It is derived from cattle that were inspected and passed in a state-inspected establishment, an official establishment in the United States, or in a certified foreign establishment in a country eligible to export meat and meat products to the United States under 9 CFR 327.2(b) and it is otherwise eligible for importation under 9 CFR 327.1(b), and

(B) The distal ileum is removed by a procedure that removes at least 80 inches of the uncoiled and trimmed small intestine as measured from the ceco-colic junction and progressing proximally towards the jejunum or by a procedure that the establishment demonstrates is effective in ensuring complete removal of the distal ileum.

(C) If the conditions in sections (4)(a)(A) or (B) of this rule are not met, the entire small intestine must be removed from the carcass, segregated from edible materials, and disposed of in accordance with OAR 603-029-0800 or OAR 603-029-0810.

(b) The requirements in section (4)(a) of this rule does not apply to materials from cattle from countries that can demonstrate that their BSE risk status can reasonably be expected to provide the same level of protection from human exposure to the BSE agent as prohibiting specified risk materials for use as human food does in the United States.

(5) Procedures for the removal, segregation, and disposition of specified risk materials.

(a) State-inspected establishments that slaughter cattle and state-inspected establishments that process the carcasses or parts of cattle must develop, implement, and maintain written procedures for the removal, segregation, and disposition of specified risk materials. These procedures must address potential contamination of edible materials with specified risk materials before, during, and after entry into the establishment. Establishments must incorporate their procedures for the removal, segregation, and disposition of specified risk materials into their HACCP plans or Sanitation SOPs or other prerequisite programs.

(b) State-inspected establishments that slaughter cattle and state-inspected establishments that process the carcasses or parts of cattle must take appropriate corrective action when either the state-inspected establishment or the Department determines that the state-inspected establishment's procedures for the removal, segregation, and disposition of specified risk materials, or the implementation or maintenance of these procedures, have failed to ensure that specified risk materials are adequately and effectively removed from the carcasses of cattle, segregated from edible materials, and disposed of in accordance with section (3) of this rule.

(c) State-inspected establishments that slaughter cattle and state-inspected establishments that process the carcasses

or parts of cattle must routinely evaluate the effectiveness of their procedures for the removal, segregation, and disposition of specified risk materials in preventing the use of these materials for human food and must revise the procedures as necessary whenever any changes occur that could affect the removal, segregation, and disposition of specified risk materials.

(d) Recordkeeping requirements.

(A) State-inspected establishments that slaughter cattle and state-inspected establishments that process the carcasses or parts of cattle must maintain daily records sufficient to document the implementation and monitoring of the procedures for the removal, segregation, and disposition of the materials listed in section (1) of this rule, and any corrective actions taken.

(B) Records required by this rule may be maintained on computers provided that the state-inspected establishment implements appropriate controls to ensure the integrity of the electronic data.

(C) Records required by this rule must be retained for at least one year and must be accessible to the Department. All such records must be maintained at the state-inspected establishment for 48 hours following completion, after which they may be maintained off-site provided such records can be made available to the Department within 24 hours of request.

(6) Sanitation of equipment used to cut through specified risk materials.

(a) If a state-inspected establishment that slaughters cattle, or that processes the carcasses or parts from cattle, does not segregate the carcasses and parts from cattle 30 months of age and older from the carcasses and parts from cattle younger than 30 months during processing operations it must:

(A) Use dedicated equipment to cut through specified risk materials; or

(B) Clean and sanitize equipment used to cut through specified risk materials before the equipment is used on carcasses or parts from cattle younger than 30 months of age.

(b) If a state-inspected establishment that slaughters cattle, or that process the carcasses or parts from cattle, segregates the carcasses and parts of cattle 30 months of age and older from cattle younger than 30 months of age during processing operations, and processes the carcasses or parts from the cattle younger than 30 months first, it may use routine operational sanitation procedures on equipment used to cut through specified risk materials.

(7) State-inspected slaughter establishments may ship beef carcasses or parts that contain vertebral columns from cattle 30 months of age and older to another state- or federally-inspected establishment for further processing if the state-inspected establishment shipping these materials:

(a) Maintains control of the carcasses or parts while they are in transit or ensures that the carcasses or parts move under Department or FSIS control;

(b) Ensures that the carcasses or parts are accompanied by documentation that clearly states that the carcasses or parts contain vertebral columns from cattle that were 30 months of age and older at the time of slaughter;

(c) Maintains records that identify the state-inspected establishment that received the carcasses or parts;

(d) Maintains records that verify that the state-inspected establishment that received the carcasses or parts removed the portions of the vertebral column designated as specified risk materials in section (1)(a) of this rule and disposed of them in accordance with OAR 603-029-0800 or OAR 603-029-0810.

(8) The materials listed in section (1)(a) of this rule will be deemed to be from cattle 30 months of age and older unless the state-inspected establishment can demonstrate through documentation that the materials are from an animal that was younger than 30 months of age at the time of slaughter.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0496

RULE TITLE: Identification of Carcasses and Parts of Swine

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Identification of Carcasses and Parts of Swine

RULE TEXT:

(1) The identification of the carcasses and parts of swine identified in accordance with 9 CFR 71 shall be made available to the inspector upon the inspector's request throughout post-mortem inspection.

(2) If the state-inspected establishment fails to provide required swine identification, the inspector shall order the retention of swine carcasses at the state-inspection establishment until the completion of tests to confirm that the carcasses are not adulterated.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0498

RULE TITLE: Contamination with Microorganisms; Process Control Verification Criteria and Testing; Pathogen Reduction Standards

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Contamination with Microorganisms; Process Control Verification Criteria and Testing; Pathogen Reduction Standards

RULE TEXT:

(1) Criteria for verifying process control; E. coli testing.

(a) Each state-inspected establishment that slaughters meat animals must test for Escherichia coli Biotype 1 (E.coli). State-inspected establishments that slaughter more than one type of meat animal shall test the type of meat animal slaughtered in the greatest number. The state-inspected establishment shall:

(A) Collect samples in accordance with the sampling techniques, methodology, and frequency requirements in section (1)(b) of this rule;

(B) Obtain analytic results in accordance with section (1)(c) of this rule; and

(C) Maintain records of such analytic results in accordance with section (1)(d) of this rule.

(b) Sampling requirements.

(A) Written procedures. Each state-inspected establishment shall prepare written specimen collection procedures which shall identify employees designated to collect samples, and shall address location(s) of sampling, how sampling randomness is achieved, and handling of the sample to ensure sample integrity. The written procedure shall be made available to the Department upon request.

(B) Sample collection. The state-inspected establishment must collect samples from all chilled meat animal carcasses, except those boned before chilling (hot-boned), which must be sampled after the final wash. Samples must be collected in the following manner;

(i) For cattle, state-inspected establishments must sponge or excise tissue from the flank, brisket and rump, except for hide-on calves, in which case state-inspected establishments must take samples by sponging from inside the flank, inside the brisket, and inside the rump.

(ii) For sheep or goat carcasses, state-inspected establishments must sponge from the flank, brisket and rump, except for hide-on carcasses, in which case state-inspected establishments must take samples by sponging from inside the flank, inside the brisket, and inside the rump.

(C) Sampling frequency. State-inspected slaughter establishments, except very low volume establishments as defined in section (1)(b)(E) of this rule, must take samples at a frequency proportional to the volume of production at the following rates: Cattle, sheep, and goats: 1 test per 300 carcasses, but, a minimum of one sample during each week of operation.

(D) Sampling frequency alternatives. A state-inspected establishment operating under a validated HACCP plan in accordance with OAR 603-029-2205(2 may substitute an alternative frequency for the frequency of sampling required under section (1)(b)(C) of this rule if,

(i) The alternative is an integral part of the state-inspected establishment's verification procedures for its HACCP plan and,

(ii) The Department does not determine, and notify the state-inspected establishment in writing, that the alternative frequency is inadequate to verify the effectiveness of the establishment's processing controls.

(E) Sampling in very low volume establishments.

(i) Very low volume establishments annually slaughter no more than 6,000 cattle, 6,000 sheep, 6,000 goats, or a combination of meat animals not exceeding 6,000 cattle and 20,000 total of all meat animals. Very low volume establishments that collect samples by sponging shall collect at least one sample per week, starting the first full week of operation after June 1 of each year, and continue sampling at a minimum of once each week the state-inspected establishment operates until June 1 of the following year or until 13 samples have been collected, whichever comes first. Very low volume establishments collecting samples by excising tissue from carcasses shall collect one sample per

week, starting the first full week of operation after June 1 of each year, and continue sampling at a minimum of once each week the establishment operates until one series of 13 tests meets the criteria set forth in paragraph (1)(e)(A) of this rule.
(ii) Upon the state-inspected establishment's meeting requirements of subparagraph (1)(b)(E)(i) of this rule, weekly sampling and testing is optional, unless changes are made in state-inspected establishment facilities, equipment, personnel, or procedures that may affect the adequacy of existing process control measures, as determined by the state-inspected establishment or the Department. Department determinations that changes have been made requiring resumption of weekly testing shall be provided to the state-inspected establishment in writing.
(c) Analysis of samples. Laboratories may use any quantitative method for analysis of E. coli that is approved as an AOAC Official Method of the AOAC International (formerly the Association of Official Analytical Chemists) or approved and published by a scientific body and based on the results of a collaborative trial conducted in accordance with an internationally recognized protocol on collaborative trials and compared against the three tube Most Probable Number (MPN) method and agreeing with the 95 percent upper and lower confidence limit of the appropriate MPN index.
(d) Recording of test results. The state-inspected establishment shall maintain accurate records of all test results, in terms of CFU/cm 2 of surface area sponged or excised. Results shall be recorded onto a process control chart or table showing at least the most recent 13 test results, by type of meat animal slaughtered. Records shall be retained at the state-inspected establishment for a period of 12 months and shall be made available to the Department upon request.
(e) Criteria for evaluation of test results.
(A) A state-inspected establishment excising samples from carcasses is operating within the criteria when the most recent E. coli test result does not exceed the upper limit (M), and the number of samples, if any, testing positive at levels above (m) is three or fewer out of the most recent 13 samples (n) taken, as follows: [Table 603-029-0498(1)(A)]
(B) State-inspected establishments sponging carcasses shall evaluate E. coli test results using statistical process control techniques.
(f) Failure to meet criteria. Test results that do not meet the criteria described in subsection (1)(e) of this rule are an indication that the state-inspected establishment may not be maintaining process controls sufficient to prevent fecal contamination. The Department shall take further action as appropriate to ensure that all applicable provisions of the law are being met.
(g) Failure to test and record. Inspection shall be suspended in accordance with rules of practice that will be adopted for such proceedings upon a finding by the Department that one or more provisions of subsections (1) (a) to (d) of this rule have not been complied with and written notice of same has been provided to the state-inspected establishment.
(2) Pathogen reduction performance standard; Salmonella -
(a) Raw meat product performance standards for Salmonella. A state-inspected establishment's raw meat products, when sampled and tested by the Department for Salmonella, as set forth in this rule, may not test positive for Salmonella at a rate exceeding the applicable pathogen reduction performance standard, as provided in Table 1 to this section: [Table 603-029-0498(2)(a)
(b) Enforcement. The Department will sample and test raw meat products in an individual state-inspected establishment on an unannounced basis to determine prevalence of Salmonella in such products to determine compliance with the standard. The frequency and timing of such testing will be based on the state-inspected establishment's previous test results and other information concerning the state-inspected establishment's performance. In a state-inspected establishment producing more than one class of product subject to the pathogen reduction standard, the Department may sample any or all such classes of products. [3][1]
(c) Noncompliance and establishment response. When the Department determines that a state-inspected establishment has not met the performance standard:
(A) The state-inspected establishment shall take immediate action to meet the standard.
(B) If the state-inspected establishment fails to meet the standard on the next series of compliance tests for that product, the state-inspected establishment shall reassess its HACCP plan for that product and take appropriate

corrective actions.

(C) Failure by the state-inspected establishment to act in accordance with paragraph (2)(c)(B) of this rule, or failure to meet the standard on the third consecutive series of Department-conducted tests for that product, constitutes failure to maintain sanitary conditions and failure to maintain an adequate HACCP plan, in accordance with OAR 603-029-2200 to 603-029-2235, for that product, and will cause the Department to suspend inspection services. Such suspension will remain in effect until the state-inspected establishment submits to the Director or his/her designee satisfactory written assurances detailing the action taken to correct the HACCP system and, as appropriate, other measures taken by the state-inspected establishment to reduce the prevalence of pathogens.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0500

RULE TITLE: Disposal of Diseased or Otherwise Adulterated Carcasses and Parts; General

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Disposal of Diseased or Otherwise Adulterated Carcasses and Parts; General

RULE TEXT:

(1) The carcasses or parts of carcasses of all meat animals slaughtered at a state-inspected establishment and found at the time of slaughter or at any subsequent inspection to be affected with any of the diseases or conditions named in this rule shall be disposed of according to the rule pertaining to the disease or condition: Provided, That no product shall be passed for human food under any such rule unless it is found to be otherwise not adulterated. Products passed for cooking or refrigeration under this rule must be so handled at the state-inspected establishment where they are initially prepared unless they are moved to another establishment for such handling or in the case of products passed for refrigeration are moved for such refrigeration to a freezing facility approved by the Department in specific cases: Provided, That when so moved the products are shipped in containers sealed as provided in OAR 603-029-1420. Owning to the fact that it is impracticable to formulate rules covering every case and to designate at just what stage a disease process or a condition results in adulteration of a product, the decision as to the disposal of all carcasses, organs, or other parts not specifically covered in this part shall be left to the State Veterinarian. The veterinary medical officer shall exercise his judgment regarding the disposition of all carcasses or parts of carcasses under this part in a manner which will insure that only wholesome, unadulterated product is passed for human food.

(2) In cases of doubt as to a condition, a disease, or the cause of a condition, or to confirm a diagnosis, representative specimens of the affected tissues, properly prepared and packaged, shall be sent for examination to the National Veterinary Services Laboratories or other pathology laboratory approved in advance by the Department.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 593.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0502

RULE TITLE: Tuberculosis

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Tuberculosis

RULE TEXT:

The following principles shall apply to the disposition of carcasses of meat animals based on the difference in the pathogenesis of tuberculosis in swine, cattle, sheep, and goats.

(1) Carcasses condemned. The entire carcass of swine, cattle, sheep, and goats shall be condemned if any of the following conditions occur:

(a) When the lesions of tuberculosis are generalized (tuberculosis is considered to be generalized when the lesions are distributed in a manner made possible only by entry of the bacilli into the systemic circulation);

(b) When on ante mortem inspection the meat animal is observed to have a fever found to be associated with an active tuberculosis lesion on post mortem inspection;

(c) When there is an associated cachexia;

(d) When a tuberculosis lesion is found in any muscle or intermuscular tissue, or bone, or joint, or abdominal organ (excluding the gastrointestinal tract) or in any lymph node as a result of draining a muscle, bone, joint, or abdominal organ (excluding the gastrointestinal tract);

(e) When the lesions are extensive in tissues of either the thoracic or the abdominal cavity;

(f) When the lesions are multiple, acute, and actively progressive; or

(g) When the character or extent of the lesions otherwise is not indicative of a localized condition.

(2) Organs or other parts condemned. An organ or other part of a swine, cattle, sheep, or goat carcass affected by localized tuberculosis shall be condemned when it contains lesions of tuberculosis or when the corresponding lymph node contains lesions of tuberculosis.

(3) Carcasses of cattle passed without restriction for human food. Carcasses of cattle may be passed without restriction for human food only when the carcass of a meat animal not identified as a reactor to a tuberculin test administered by the State Veterinarian or their designee is found free of tuberculosis lesions during postmortem inspection.

(4) Portions of carcasses and carcasses of cattle passed for cooking.

(a) When a cattle carcass reveals a tuberculosis lesion or lesions not so severe or so numerous as the lesions described in section (1) of this rule, the unaffected portion of the carcass may be passed for cooking in accordance with OAR 603-029-0880 to 603-029-0890; if the character and extent of the lesions indicate a localized condition, and if the lesions are calcified or encapsulated, and provided the affected organ or other part is condemned.

(b) When the carcass of a cattle identified as a reactor to a tuberculin test administered by the State Veterinarian or their designee is found free of lesions of tuberculosis, the carcass may be passed for cooking in accordance with OAR 603-029-0880 to 603-029-0890.

(5) Portions of carcasses and carcasses of swine passed without restriction for human food. Swine carcasses found free of tuberculosis lesions during post mortem inspection may be passed for human food without restriction. When tuberculosis lesions in any swine carcass are localized and confined to one primary seat of infection, such as the cervical lymph nodes, the mesenteric lymph nodes, or the mediastinal lymph nodes, the unaffected portion of the carcass may be passed for human food without restriction after the affected organ or other part is condemned.

(6) Portions of carcasses of swine passed for cooking. When the carcass of any swine reveals lesions more severe or more numerous than those described in section (5) of this rule, but not so severe or so numerous as the lesions described in section (1) of this rule, the unaffected portions of such carcass may be passed for cooking in accordance with OAR 603-029-0880 to 603-029-0890; if the character and extent of the lesions indicate a localized condition, and if the lesions are calcified or encapsulated, and provided the affected organ or other part is condemned.

(7) Carcasses of sheep and goats passed without restriction for human food. Carcasses of sheep and goats may be passed without restriction for human food only if found free of tuberculosis lesions during post-mortem inspection.

(8) Portions of carcasses of sheep and goats passed for cooking. If a carcass of any sheep or goat reveals a tuberculosis lesion or lesions that are not so severe or so numerous as the lesions described in section (1) of this rule, the unaffected portion of the carcass may be passed for cooking in accordance with OAR 603-029-0880 to 603-029-0890; if the character and extent of the lesions indicate a localized condition, and if the lesions are calcified or encapsulated, and provided the affected organ or other part is condemned.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0504

RULE TITLE: Hog Cholera

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Hog Cholera

RULE TEXT:

(1) The carcasses of all hogs affected with hog cholera shall be condemned.

(2) Inconclusive but suspicious symptoms of hog cholera observed during the ante-mortem inspection of an Oregon suspect shall be duly considered in connection with post-mortem findings and when the carcass of such a suspect shows lesions in the kidneys and the lymph nodes which resemble lesions of hog cholera, they shall be regarded as those of hog cholera and the carcass shall be condemned.

(3) When lesions resembling those of hog cholera occur in kidneys and lymph nodes of carcasses of hogs which appeared normal on ante-mortem inspection, further inspection of such carcasses shall be made for corroborative lesions. If on such further inspection, characteristic lesions of hog cholera are found in some organ or tissue in addition to those in the kidneys or in the lymph nodes or in both, then all lesions shall be regarded as those of hog cholera and the carcass shall be condemned. Immediate notification shall be given by the inspector to the State Veterinarian.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0507

RULE TITLE: Swine Erysipelas

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Swine Erysipelas

RULE TEXT:

Carcasses affected with swine erysipelas which is acute or generalized, or which show systemic change, shall be condemned.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0508

RULE TITLE: Diamond-Skin Disease

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Diamond-Skin Disease

RULE TEXT:

Carcasses of hogs affected with diamond-skin disease when localized and not associated with systemic change may be passed for human food after removal and condemnation of the affected parts, provided such carcasses are otherwise healthy.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0510

RULE TITLE: Arthritis

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Arthritis

RULE TEXT:

(1) Carcasses affected with arthritis which is localized and not associated with systemic change may be passed for human food after removal and condemnation of all affected parts. Affected joints with corresponding lymph nodes shall be removed and condemned. In order to avoid contamination of the meat which is passed, a joint capsule shall not be opened until after the affected joint is removed.

(2) Carcasses affected with arthritis shall be condemned when there is evidence of systemic involvement.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0512

RULE TITLE: Cattle Carcasses Affected with Anasarca or Generalized Edema

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Cattle Carcasses Affected with Anasarca or Generalized Edema

RULE TEXT:

(1) Carcasses of cattle found on post-mortem inspection to be affected with anasarca in advanced stages and characterized by an extensive or well-marked generalized edema shall be condemned.

(2) Carcasses of cattle, including their detached organs and other parts, found on post-mortem inspection to be affected with anasarca to a lesser extent than as described in section (1) of this rule may be passed for human food after removal and condemnation of the affected tissues, provided the lesion is localized.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0514

RULE TITLE: Actinomycosis and Actinobacillosis

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Actinomycosis and Actinobacillosis

RULE TEXT:

(1) The definition of generalization as outlined for tuberculosis in OAR 603-029-0502(1) shall apply for actinomycosis and actinobacillosis, and carcasses of meat animals with generalized lesions of either such disease shall be condemned.
(2) Carcasses of meat animals in a well-nourished condition showing uncomplicated localized lesions of actinomycosis or actinobacillosis may be passed for human food after the infected organs or other infected parts have been removed and condemned, except as provided in sections (3) and (4) of this rule.
(3) Heads affected with actinomycosis or actinobacillosis, including the tongue, shall be condemned, except that when the disease of the jaw is slight, strictly localized, and without suppuration, fistulous tracts, or lymph node involvement, the tongue, if free from disease, may be passed, or, when the disease is slight and confined to the lymph nodes, the head including the tongue, may be passed for human food after the affected nodes have been removed and condemned.
(4) When the disease is slight and confined to the tongue, with or without involvement of the corresponding lymph nodes, the head may be passed for human food after removal and condemnation of the tongue and corresponding lymph nodes.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0516

RULE TITLE: Anaplasmosis, Anthrax, Babesiosis, Bacillary Hemoglobinuria (Cattle), Blackleg, Bluetongue, Hemorrhagic Septicemia, Icterohematuria (Sheep), Infectious Bovine Rhinotracheitis, Leptospirosis, Malignant Epizootic Catarrh, Strangles, Purpura Hemorrhagica, Azoturia, Infectious Equine Encephalomyelitis, Toxic Encephalomyelitis, Infectious Anemia, Dourine, Acute Influenza, Generalized Osteoporosis, Glanders, Acute Inflammatory Lameness, Extensive Fistula, Unhealed Vaccine Lesions

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Anaplasmosis, Anthrax, Babesiosis, Bacillary Hemoglobinuria (Cattle), Blackleg, Bluetongue, Hemorrhagic Septicemia, Icterohematuria (Sheep), Infectious Bovine Rhinotracheitis, Leptospirosis, Malignant Epizootic Catarrh, Strangles, Purpura Hemorrhagica, Azoturia, Infectious Equine Encephalomyelitis, Toxic Encephalomyelitis, Infectious Anemia, Dourine, Acute Influenza, Generalized Osteoporosis, Glanders, Acute Inflammatory Lameness, Extensive Fistula, Unhealed Vaccine Lesions

RULE TEXT:
(1) Carcasses of meat animals affected with or showing lesions of any of the following named diseases or conditions shall be condemned:
(a) Anthrax.
(b) Blackleg.
(c) Unhealed vaccine lesions (vaccinia).
(d) Strangles.
(e) Purpura hemorrhagica.
(f) Azoturia.
(g) Infectious equine encephalomyelitis.
(h) Toxic encephalomyelitis (forage poisoning).
(i) Infectious anemia (swamp fever).
(j) Dourine.
(k) Acute influenza.
(l) Generalized osteoporosis.
(m) Glanders (farcy).
(n) Acute inflammatory lameness.
(o) Extensive fistula.
(2) Carcasses of meat animals affected with or showing lesions of any of the following named diseases or conditions shall be condemned, except when recovery has occurred to the extent that only localized lesions persist, in which case the carcass may be passed for human food after removal and condemnation of the affected organs or other parts:
(a) Anaplasmosis.
(b) Bacillary hemoglobinuria in cattle.
(c) Babesiosis (piroplasmosis).
(d) Bluetongue.
(e) Hemorrhagic septicemia.
(f) Icterohematuria in sheep.
(g) Infectious bovine rhinotracheitis.
(h) Leptospirosis.
(i) Malignant epizootic catarrh.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0518

RULE TITLE: Neoplasms

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Neoplasms

RULE TEXT:

(1) An individual organ or other part of a carcass affected with a neoplasm shall be condemned. If there is evidence of metastasis or that the general condition of the meat animal has been adversely affected by the size, position, or nature of the neoplasm, the entire carcass shall be condemned.

(2) Carcasses affected with malignant lymphoma shall be condemned.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0520

RULE TITLE: Epithelioma of the Eye

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Epithelioma of the Eye

RULE TEXT:

(1) Carcasses of meat animals affected with epithelioma of the eye, or the orbital region shall be condemned in their entirety if one of the following three conditions exists:

(a) The affection has involved the osseous structures of the head with extensive infection, suppuration, and necrosis;

(b) There is metastasis from the eye, or the orbital region, to any lymph node including the parotid lymph node, internal organs, muscles, skeleton, or other structures, regardless of the extent of the primary tumor; or

(c) The affection, regardless of extent, is associated with cachexia or evidence of absorption or secondary changes.

(2) Carcasses of meat animals affected with epithelioma of the eye, or the orbital region, to a lesser extent than as described in section (1) of this rule may be passed for human food after removal and condemnation of the head, including the tongue, provided the carcass is otherwise normal.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0522

RULE TITLE: Pigmentary Conditions; Melanosis, Xanthosis, Ochronosis, etc

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Pigmentary Conditions; Melanosis, Xanthosis, Ochronosis, etc.

RULE TEXT:

(1) Except as provided in OAR 603-029-0534, carcasses of livestock showing generalized pigmentary deposits shall be condemned.

(2) The affected parts of carcasses showing localized pigmentary deposits of such character as to be unwholesome or otherwise adulterated shall be removed and condemned.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0524

RULE TITLE: Abrasions, Bruises, Abscesses, Pus, etc.

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Abrasions, Bruises, Abscesses, Pus, etc.

RULE TEXT:

All slight, well-limited abrasions on the tongue and inner surface of the lips and mouth, when without lymph node involvement, shall be carefully excised, leaving only sound, normal tissue, which may be passed for human food. Any organ or other part of a carcass which is badly bruised or which is affected by an abscess, or a suppurating sore shall be condemned; and when the lesions are of such character or extent as to affect the whole carcass, the whole carcass shall be condemned. Portions of carcasses which are contaminated by pus or other diseased material shall be condemned.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0526

RULE TITLE: Brucellosis

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Brucellosis

RULE TEXT:

Carcasses affected with localized lesions of brucellosis may be passed for human food after the affected parts are removed and condemned.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0528

RULE TITLE: Carcasses so Infected that Consumption of the Meat may Cause Food Poisoning

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Carcasses so Infected that Consumption of the Meat may Cause Food Poisoning

RULE TEXT:

(1) All carcasses of meat animals so infected that consumption of the products thereof may give rise to food poisoning shall be condemned. This includes all carcasses showing signs of:

(a) Acute inflammation of the lungs, pleura, pericardium, peritoneum, or meninges.

(b) Septicemia or pyemia, whether puerperal, traumatic, or without any evident cause.

(c) Gangrenous or severe hemorrhagic enteritis or gastritis.

(d) Acute diffuse metritis or mammitis.

(e) Phlebitis of the umbilical veins.

(f) Septic or purulent traumatic pericarditis.

(g) Any acute inflammation, abscess, or suppurating sore, if associated with acute nephritis, fatty and degenerated liver, swollen soft spleen, marked pulmonary hyperemia, general swelling of lymph nodes, diffuse redness of the skin, cachexia, icteric discoloration of the carcass or similar condition, either singly or in combination.

(h) Salmonellosis.

(2) Implements contaminated by contact with carcasses affected with any of the disease conditions mentioned in this rule shall be thoroughly cleaned and sanitized. The equipment used in the dressing of such carcasses, such as viscera trucks or inspection tables, shall be sanitized with hot water having a minimum temperature of 180 °F. Carcasses or parts of carcasses contaminated by contact with such diseased carcasses shall be condemned unless all contaminated tissues are removed within 2 hours.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0530

RULE TITLE: Necrobacillosis, Pyemia, and Septicemia

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Necrobacillosis, Pyemia, and Septicemia

RULE TEXT:

From the standpoint of meat inspection, necrobacillosis may be regarded as a local infection at the beginning, and carcasses in which the lesions are localized may be passed for human food if in a good state of nutrition, after those portions affected with necrotic lesions are removed and condemned. However, when emaciation, cloudy swelling of the parenchymatous tissue of organs or enlargement of the lymph nodes is associated with the infection, it is evident that the disease has progressed beyond the condition of localization to a state of toxemia, and the entire carcass shall therefore be condemned as both unwholesome and noxious. Pyemia or septicemia may intervene as a complication of the local necrosis, and when present the carcass shall be condemned in accordance with OAR 603-029-0528.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0532

RULE TITLE: Caseous Lymphadenitis

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Caseous Lymphadenitis

RULE TEXT:

(1) A thin carcass showing well-marked lesions in the viscera and the skeletal lymph nodes, or a thin carcass showing extensive lesions in any part shall be condemned.

(2) A thin carcass showing well-marked lesions in the viscera with only slight lesions elsewhere or showing well-marked lesions in the skeletal lymph nodes with only slight lesions elsewhere may be passed for cooking.

(3) A thin carcass showing only slight lesions in the skeletal lymph nodes and in the viscera may be passed for human food without restriction.

(4) A well-nourished carcass showing well-marked lesions in the viscera and with only slight lesions elsewhere or showing well-marked lesions confined to the skeletal lymph nodes with only slight lesions elsewhere may be passed for human food without restriction.

(5) A well-nourished carcass showing well-marked lesions in the viscera and the skeletal lymph nodes may be passed for cooking; but where the lesions in a well-nourished carcass are both numerous and extensive, it shall be condemned.

(6) All affected organs and nodes of carcasses passed for human food without restriction or passed for cooking shall be removed and condemned.

(7) As used in this rule, the term “thin” does not apply to a carcass which is anemic or emaciated; and the term “lesions” refers to lesions of caseous lymphadenitis.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0534

RULE TITLE: Icterus

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Icterus

RULE TEXT:

Carcasses showing any degree of icterus shall be condemned. Yellow fat conditions caused by nutritional factors or characteristic of certain breeds of meat animals and yellow fat sometimes seen in sheep shall not be confused with icterus. Such carcasses should be passed for human food, if otherwise normal.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0536

RULE TITLE: Sexual Odor of Swine

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Sexual Odor of Swine

RULE TEXT:

(1) Carcasses of swine which give off a pronounced sexual odor shall be condemned.

(2) The meat of swine carcasses which give off a sexual odor less than pronounced may be passed for use in comminuted cooked meat food product or for rendering. Otherwise, it shall be condemned.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0538

RULE TITLE: Mange or Scab

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Mange or Scab

RULE TEXT:

Carcasses of meat animals affected with mange or scab in advanced stages, showing cachexia or extensive inflammation of the flesh, shall be condemned. When the disease is slight, the carcass may be passed after removal of the affected portion.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0540

RULE TITLE: Hogs Affected with Urticaria, Tinea Tonsurans, Demodex Follicurlorum, or Erythema

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Hogs Affected with Urticaria, Tinea Tonsurans, Demodex Follicurlorum, or Erythema

RULE TEXT:

Carcasses of hogs affected with urticaria (nettle rash), tinea tonsurans, demodex folliculorum, or erythema may be passed for human food after detaching and condemning the affected skin, if the carcass is otherwise not adulterated.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0542

RULE TITLE: Tapeworm Cysts (Cysticercus Bovis) in Cattle

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Tapeworm Cysts (Cysticercus Bovis) in Cattle

RULE TEXT:

(1) Except as provided in section (2) of this rule, carcasses of cattle affected with lesions of cysticercus bovis shall be disposed of as follows:

(a) Carcasses of cattle displaying lesions of cysticercus bovis shall be condemned if the infestation is extensive or if the musculature is edematous or discolored. Carcasses shall be considered extensively infested if in addition to finding lesions in at least two of the usual inspection sites, namely the heart, diaphragm and its pillars, muscles of mastication, esophagus, tongue, and musculature exposed during normal dressing operations, they are found in at least two of the sites exposed by

(A) an incision made into each round exposing the musculature in cross section, and

(B) a transverse incision into each forelimb commencing 2 or 3 inches above the point of the olecranon and extending to the humerus.

(b) Carcasses of cattle showing one or more tapeworm lesions of cysticercus bovis but not so extensive as indicated in section (1)(a) of this rule, as determined by a careful examination, including examination of, but not limited to, the heart, diaphragm and its pillars, muscles of mastication, esophagus, tongue, and musculature exposed during normal dressing operations, may be passed for human food after removal and condemnation of the lesions with surrounding tissues: Provided, That the carcasses, appropriately identified by retained tags, are held in cold storage under positive control of a Department inspector at a temperature not higher than 15 °F. continuously for a period of not less than 10 days, or in the case of boned meat derived from such carcasses, the meat, when in boxes, tierces, or other containers, appropriately identified by retained tags, is held under positive control of a Department inspector at a temperature of not higher than 15 °F. continuously for a period of not less than 20 days. As an alternative to retention in cold storage as provided in this subsection, such carcasses and meat may be heated throughout to a temperature of at least 140 °F. under positive control of a Department inspector.

(2) Edible viscera and offal shall be disposed of in the same manner as the rest of the carcass from which they were derived unless any lesion of cysticercus bovis is found in these byproducts, in which case they shall be condemned.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0544

RULE TITLE: Hogs Affected with Tapeworm Cysts

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Hogs Affected with Tapeworm Cysts

RULE TEXT:

Carcasses of hogs affected with tapeworm cysts (Cysticercus cellulosae) may be passed for cooking, unless the infestation is excessive, in which case the carcass shall be condemned.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0546

RULE TITLE: Parasites not Transmissible to Man; Tapeworm Cysts in Sheep; Hydatid Cysts; Flukes; Gid Bladder-Worms.

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Parasites not Transmissible to Man; Tapeworm Cysts in Sheep; Hydatid Cysts; Flukes; Gid Bladder-Worms.

RULE TEXT:

(1) In the disposal of carcasses, edible organs, and other parts of carcasses showing evidence of infestation with parasites not transmissible to humans, the following general rules shall govern except as otherwise provided in this rule: If the lesions are localized in such manner and are of such character that the parasites and the lesions caused by them can be completely removed, the nonaffected portion of the carcass, organ, or other part of the carcass may be passed for human food after the removal and condemnation of the affected portions. If an organ or other part of a carcass shows numerous lesions caused by parasites, or if the character of the infestation is such that complete extirpation of the parasitic infestation or invasion renders the part in any way unfit for human food, the affected part shall be condemned. If parasites are found to be distributed in a carcass in such a manner or to be of such character that their removal and the removal of the lesions caused by them is impracticable, no part of the carcass shall be passed for human food. If the infestation is excessive, the carcass shall be condemned. If the infestation is moderate, the carcass may be passed for cooking, but in case such carcass is not cooked as required by OAR 603-029-0880 to 603-029-0890, it shall be condemned.

(2) In the case of sheep carcasses affected with tapeworm cysts (Cysticercus ovis, so-called sheep measles, not transmissible to humans), such carcasses may be passed for human food after the removal and condemnation of the affected portions: Provided, however, That if, upon the final inspection of sheep carcasses retained on account of measles, the total number of cysts found embedded in muscular tissue, or in immediate relation with muscular tissue, excluding the heart, exceeds five, the entire carcass shall be condemned, or such carcass shall be heated throughout to a temperature of at least 140 °F. after removal and condemnation of all affected portions.

(3) Carcasses found infested with gid bladder-worms (Coenurus cerebralis, Multiceps multiceps) may be passed for human food after condemnation of the affected organ (brain or spinal cord).

(4) Organs or other parts of carcasses infested with hydatid cysts (echinococus) shall be condemned.

(5) Livers infested with flukes or fringed tapeworms shall be condemned.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0548

RULE TITLE: Emaciation

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Emaciation

RULE TEXT:

Carcasses of meat animals too emaciated to produce wholesome meat, and carcasses which show a serous infiltration of muscle tissues, or a serous or mucoid degeneration of the fatty tissue, shall be condemned. A gelatinous change of the fat of the heart and kidneys of well-nourished carcasses and mere leanness shall not be classed as emaciation.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0550

RULE TITLE: Injured Meat Animals Slaughtered at Unusual Hours

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Injured Meat Animals Slaughtered at Unusual Hours

RULE TEXT:

When it is necessary for humane reasons to slaughter an injured meat animal at night or on Sunday or a holiday when the inspector cannot be obtained, the carcass and all parts of all meat animals except for cattle shall be kept for inspection, with the head and all viscera except the stomach, bladder, and intestines held by the natural attachments. If all parts are not so kept for inspection, the carcass shall be condemned. If, on inspection of a carcass slaughtered in the absence of an inspector, any lesion or other evidence is found indicating that the meat animal was sick or diseased, or affected with any other condition requiring condemnation of the meat animal on ante-mortem inspection, or if there is lacking evidence of the condition which rendered emergency slaughter necessary, the carcass shall be condemned. The parts and carcasses of cattle slaughtered in the absence of an inspector shall not be used for human food.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0552

RULE TITLE: Carcasses of Young Calves, Pigs, Kids, Lambs, and Foals

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Carcasses of Young Calves, Pigs, Kids, Lambs, and Foals

RULE TEXT:

Carcasses of young calves, pigs, kids, and lambs are unwholesome and shall be condemned if:

(1) the meat has the appearance of being water-soaked, is loose, flabby, tears easily, and can be perforated with the fingers; or

(2) its color is grayish-red; or

(3) good muscular development as a whole is lacking, especially noticeable on the upper shank of the leg, where small amounts of serous infiltrates or small edematous patches are sometimes present between the muscles; or

(4) the tissue which later develops as the fat capsule of the kidneys is edematous, dirty yellow, or grayish-red, tough, and intermixed with islands of fat.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0554

RULE TITLE: Unborn and Stillborn Meat Animals

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Unborn and Stillborn Meat Animals

RULE TEXT:

All unborn and stillborn meat animals shall be condemned and no hide or skin thereof shall be removed from the carcass within a room in which edible products are handled.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0556

RULE TITLE: Meat Animals Suffocated and Hogs Scalded Alive

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Meat Animals Suffocated and Hogs Scalded Alive

RULE TEXT:

All meat animals which have been suffocated in any way and hogs which have entered the scalding vat alive shall be condemned.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0558

RULE TITLE: Livers Affected with Carotenosis; Livers Designated as “Telangiectatic,” “Sawdust,” Or “Spotted”

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Livers Affected with Carotenosis; Livers Designated as “Telangiectatic,” “Sawdust,” Or “Spotted”

RULE TEXT:

(1) Livers affected with carotenosis shall be condemned.

(2) Cattle livers and calf livers showing the conditions sometimes designated as “telangiectatic,” “sawdust,” or “spotted” shall be disposed of as follows:

(a) When any or all of the conditions are slight in the organ, the whole organ shall be passed for human food without restriction.

(b) When any or all of the conditions are more severe than slight and involve less than one-half of the organ, while in the remainder of the organ the conditions are slight or nonexistent, the remainder shall be passed for human food without restriction and the other portion shall be condemned.

(c) When any or all of the conditions are more severe than slight and involve one-half or more of the organ, the whole organ shall be condemned.

(d) The divisions of an organ into two parts as contemplated in this section for disposition, shall be accomplished by one cut through the organ. This, of course, does not prohibit incisions which are necessary for inspection.

(e) “Telangiectatic,” “sawdust,” or “spotted” livers and parts of livers which are condemned for human food may be shipped from a state-inspected establishment for purposes other than human food in accordance with OAR 603-029-0845.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0560

RULE TITLE: Vesicular Diseases

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Vesicular Diseases

RULE TEXT:

(1) Any carcass affected with vesicular disease shall be condemned if the condition is acute and if the extent of the condition is such that it affects the entire carcass or there is evidence of absorption or secondary change.

(2) Any carcass affected with vesicular disease to a lesser extent than as described in section (1) of this rule may be passed for human food after removal and condemnation of the affected parts, if the carcass is otherwise healthy.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0562

RULE TITLE: Listeriosis

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Listeriosis

RULE TEXT:

Carcasses of livestock identified as Oregon Suspects because of a history of listeriosis shall be passed for human food after condemnation of the head if the carcass is otherwise normal.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0564

RULE TITLE: Anemia

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Anemia

RULE TEXT:

Carcasses of meat animals too anemic to produce wholesome meat shall be condemned.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0566

RULE TITLE: Muscular Inflammation, Degeneration, or Infiltration

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Muscular Inflammation, Degeneration, or Infiltration

RULE TEXT:

(1) If muscular lesions are found to be distributed in such a manner or to be of such character that removal is impractical, the carcass shall be condemned.

(2) If muscular lesions are found to be distributed in such a manner or to be of such character that removal is practical, the following rules shall govern the disposal of the carcasses, edible organs, and other parts of carcasses showing such muscular lesions. If the lesions are localized in such a manner and are of such a character that the affected tissues can be removed, the nonaffected parts of the carcass may be passed for human food after the removal and condemnation of the affected portion. If a part of the carcass shows numerous lesions, or if the character of the lesion is such that complete extirpation is difficult and uncertainly accomplished, or if the lesion renders the part in any way unfit for human food, the part shall be condemned.

(3) If the lesions are slight or of such character as to be insignificant from a standpoint of wholesomeness, the carcass or parts may be passed for use in the manufacture of comminuted cooked product, after removal and condemnation of the visibly affected portions.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0568

RULE TITLE: Coccidioidal Granuloma

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Coccidioidal Granuloma

RULE TEXT:

(1) Carcasses which are affected with generalized coccidioidal granuloma or which show systemic changes because of such disease shall be condemned.

(2) Carcasses affected with localized lesions of this disease may be passed for human food after the affected parts are removed and condemned.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0570

RULE TITLE: Odors, Foreign and Urine

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Odors, Foreign and Urine

RULE TEXT:

(1) Carcasses which give off a pronounced odor of medicinal, chemical, or other foreign substance shall be condemned.

(2) Carcasses which give off a pronounced urine odor shall be condemned.

(3) Carcasses, organs, or parts affected by odor to a lesser degree than as described in sections (1) and (2) of this rule and in which the odor can be removed by trimming or chilling may be passed for human food, after removal of affected parts or dissipation of the condition.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 649.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 649.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0572

RULE TITLE: Meat and Meat Byproducts from Meat Animals Which Have Been Exposed to Radiation

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Meat and Meat Byproducts from Meat Animals Which Have Been Exposed to Radiation

RULE TEXT:

Meat and meat byproducts from meat animals which have been administered radioactive material shall be condemned unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0574

RULE TITLE: Biological Residues

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Biological Residues

RULE TEXT:

Carcasses, organs, or other parts of carcasses of meat animals shall be condemned if it is determined that they are adulterated because of the presence of any biological residues.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 596.392, ORS 596.388, ORS 619.026, ORS 619.036

ADOPT: 603-029-0600

RULE TITLE: General

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: General

RULE TEXT:

The marks, devices, and certificates prescribed or referenced in this part shall be Oregon marks, devices, and certificates for purposes of this Division 29, and shall be used in accordance with the provisions of OAR 603-029-0600 to 603-029-0620 and the regulations cited therein.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0610

RULE TITLE: Oregon Marks and Devices to Identify Inspected and Passed Products of Cattle, Sheep, Swine, or Goats.

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Oregon Marks and Devices to Identify Inspected and Passed Products of Cattle, Sheep, Swine, or Goats.

RULE TEXT:

(1) The Oregon inspection legend required by OAR 603-029-0900 to 603-029-0970 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 Department, shall be in the appropriate form as hereinafter specified: [Image 1, 603-029-0610(a)]

(a) For application to sheep carcasses, the loins and ribs of pork, beef tails, and the smaller varieties of sausage and meat food products in animal casings. [Image 2, 603-029-0610(a)]

(b) For application to calf and goat carcasses and on the larger varieties of sausage and meat food products in animal casings. [Image 3, 603-029-0610(a)]

(c) For application to beef and hog carcasses primal parts and cuts therefrom, beef livers, beef tongues, beef hearts, and smoked meats not in casings. [Image 4, 603-029-0610(a)]

(d) For application to burlap, muslin, cheesecloth, heavy paper, or other acceptable material that encloses carcasses or parts of carcasses.

(2)(a) The Oregon inspection legend required by OAR 603-029-1000 to 603-029-1058 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: [Image 5, 603-029-0610(b)(1)]

(b) This Oregon mark shall be applied by mechanical means and shall not be applied by a hand stamp.

(c) The Oregon inspection legend described in section (2)(a) of this rule may also be used for purposes of OAR 603-029-0900 to 603-029-0970 on shipping containers, band labels, artificial casings, and other articles with the approval of the Department.

(3) Any brand, stamp, label, or other device approved by the Department and bearing any Oregon mark prescribed in section (a) or (b) of this rule shall be an Oregon device for purposes of this Division 29.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0615

RULE TITLE: Oregon Ante-Mortem Inspection Marks and Devices

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Oregon Ante-Mortem Inspection Marks and Devices

RULE TEXT:

The Oregon marks and devices used in connection with ante-mortem inspection are those prescribed in OAR 603-029-0390.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0620

RULE TITLE: Oregon Marks and Devices in Connection with Post-Mortem Inspection and Identification of Adulterated Products and Insanitary Equipment and Facilities

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Oregon Marks and Devices in Connection with Post-Mortem Inspection and Identification of Adulterated Products and Insanitary Equipment and Facilities

RULE TEXT:

(1) The Oregon marks required by OAR 603-029-0400 to 603-029-0498 and OAR 603-029-2100 to 603-029-2175 for use in post-mortem inspection and identification of adulterated products and insanitary equipment and facilities are:

(a) The Oregon tag which is used to retain carcasses and parts of carcasses in the slaughter department; it is black and white, and bears the legend “Oregon Retained.”

(b) The “Oregon Retained” mark which is applied to products and articles as prescribed in OAR 603-029-0400 to 603-029-0498 by means of a paper tag bearing the legend “Oregon Retained.”

(c) The “Oregon Rejected” mark which is used to identify insanitary buildings, rooms, or equipment as prescribed in OAR 603-029-2100 to 603-029-2175 and is applied by means of a paper tag (Form MP-35) bearing the legend “Oregon Rejected.”

(d) The “Oregon Passed for Cooking” mark is applied on products passed for cooking as prescribed in OAR 603-029-0400 to 603-029-0498 by means of a brand and is in the following form: [Image 1, 603-029-0620(a)(4)]

(e) The “Oregon Inspected and Condemned” mark shall be applied to products condemned as prescribed in OAR 603-029-0400 to 603-029-0498 by means of a brand and is in the following form: [Image 2, 603-029-0620(a)(5)]

(2) The “Oregon Retained” and “Oregon Rejected” tags, and all other brands, stamps, labels, and other devices approved by the Department and bearing any Oregon mark prescribed in section (a) of this rule, shall be Oregon devices for purposes of this Division 29.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0625

RULE TITLE: Official Seals for Transportation of Products

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Official Seals for Transportation of Products

RULE TEXT:

The official mark for use in sealing railroad cars or other means of conveyance as prescribed in OAR 603-029-1400 to 603-029-1480 shall be the inscription and a serial number as hereinafter shown [2] and any seal approved by the Director for applying such mark shall be an official device for purposes of this Division 29. This seal shall be attached to the means of conveyance only by a Department employee. [Image 1, 603-029-0625]

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0700

RULE TITLE: Meat Animal Pens, Driveways and Ramps

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Meat Animal Pens, Driveways and Ramps

RULE TEXT:

(1) Meat animal pens, driveways and ramps shall be maintained in good repair. They shall be free from sharp or protruding objects which may, in the opinion of the inspector, cause injury or pain to the animals. Loose boards, splintered or broken planking, and unnecessary openings where the head, feet, or legs of an animal may be injured shall be repaired.

(2) Floors of meat animal pens, ramps, and driveways shall be constructed and maintained so as to provide good footing for meat animals. Slip resistant or waffled floor surfaces, cleated ramps and the use of sand, as appropriate, during winter months are examples of acceptable construction and maintenance.

(3) Oregon Suspects (as defined in OAR 603-029-0010(52)) and dying, diseased, and disabled meat animals (as defined in OAR 603-029-0010 (25)) shall be provided with a covered pen sufficient, in the opinion of the inspector, to protect them from the adverse climatic conditions of the locale while awaiting disposition by the inspector.

(4) Meat animal pens and driveways shall be so arranged that sharp corners and direction reversal of driven animals are minimized.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 603.059, ORS 613.065

ADOPT: 603-029-0705

RULE TITLE: Handling of Meat Animals

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Handling of Meat Animals

RULE TEXT:

(1) Driving of meat animals from the unloading ramps to the holding pens and from the holding pens to the stunning area shall be done with a minimum of excitement and discomfort to the animals. Meat animals shall not be forced to move faster than a normal walking speed.

(2) Electric prods, canvas slappers, or other implements employed to drive meat animals shall be used as little as possible in order to minimize excitement and injury. Any use of such implements which, in the opinion of the inspector, is excessive, is prohibited. Electrical prods attached to AC house current shall be reduced by a transformer to the lowest effective voltage not to exceed 50 volts AC.

(3) Pipes, sharp or pointed objects, and other items which, in the opinion of the inspector, would cause injury or unnecessary pain to the animal shall not be used to drive meat animals.

(4) Disabled meat animals and other meat animals unable to move.

(a) Disabled meat animals shall be separated from normal ambulatory meat animals and placed in the covered pen provided for in OAR 603-029-0700(3).

(b) The dragging of disabled meat animals, while conscious, is prohibited. Stunned meat animals may, however, be dragged.

(c) Disabled meat animals and other meat animals unable to move may be moved, while conscious, on equipment suitable for such purposes; e.g., stone boats.

(5) Meat animals shall have access to water in all holding pens and, if held longer than 24 hours, access to feed. There shall be sufficient room in the holding pen for meat animals held overnight to lie down.

(6) Stunning methods approved in OAR 603-029-0728 shall be effectively applied to meat animals prior to their being shackled, hoisted, thrown, cast, or cut.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 603.059, ORS 603.065

ADOPT: 603-029-0710

RULE TITLE: Chemical; Carbon Dioxide

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Chemical; Carbon Dioxide

RULE TEXT:

The slaughtering of sheep, calves and swine with the use of carbon dioxide gas and the handling in connection therewith, in compliance with the provisions contained in this rule, are hereby designated and approved as humane methods of slaughtering and handling of such animals.

(1) Administration of gas, required effect; handling.

(a) The carbon dioxide gas shall be administered in a chamber in accordance with this rule so as to produce surgical anesthesia in the animals before they are shackled, hoisted, thrown, cast, or cut. The animals shall be exposed to the carbon dioxide gas in a way that will accomplish the anesthesia quickly and calmly, with a minimum of excitement and discomfort to the animals. In swine, carbon dioxide may be administered to induce death in the animals before they are shackled, hoisted, thrown, cast, or cut.

(b) The driving or conveying of the animals to the carbon dioxide chamber shall be done with a minimum of excitement and discomfort to the animals. Delivery of calm animals to the anesthesia chamber is essential since the induction, or early phase, of anesthesia is less violent with docile animals. Among other things this requires that, in driving animals to the anesthesia chamber, electrical equipment be used as little as possible and with the lowest effective voltage.

(c) On emerging from the carbon dioxide tunnel, the animals shall be in a state of surgical anesthesia and shall remain in this condition throughout shackling, sticking, and bleeding, except for swine in which death has been induced by the administration of carbon dioxide. Asphyxia or death from any cause shall not be produced in animals before bleeding, except for swine in which death has been induced by the administration of carbon dioxide.

(2) Facilities and procedures.

(a) General requirements for gas chambers and auxiliary equipment; operator.

(A) The carbon dioxide gas shall be administered in a tunnel which is designed to permit the effective exposure of the animal. Two types of tunnels, based on the same principle, are in common use for carbon dioxide anesthesia. They are the “U” type tunnel and the “Straight Line” type tunnel, and are based on the principle that carbon dioxide gas has a higher specific gravity than air. The tunnels are open at both ends for entry and exit of animals and have a depressed central section. Anesthetizing, or, in the case of swine, death-inducing, carbon dioxide concentrations are maintained in the central sections of the tunnels. Effective anaesthetization is produced in these central sections. Animals are driven from holding pens through pathways constructed of large-diameter pipe or smooth metal and onto continuous conveyor devices that move the animals through the tunnels. The animals are either compartmentalized on the conveyors by mechanical impellers synchronized with the conveyor or they are otherwise prevented from crowding. While impellers are used to compartmentalize the animals, mechanically or manually operated gates are used to move the animals onto the conveyors. Surgically anaesthetized animals, or killed swine, are moved out of the tunnels by the same continuous conveyors that moved them into and through the carbon dioxide gas.

(B) Flow of animals into and through the carbon dioxide chamber is dependent on one operator. The operation or stoppage of the conveyor is entirely dependent upon this operator. It is necessary that the operator be skilled, attentive, and aware of the operator’s responsibility. Overdosages and death of animals can be brought about by carelessness of this individual.

(b) Special requirements for gas chamber and auxiliary equipment. The ability of anesthetizing equipment to perform with maximum efficiency is dependent on its proper design and efficient mechanical operation. Pathways, compartments, gas chambers, and all other equipment used must be designed to accommodate properly the species of animals being anesthetized. They shall be free from pain-producing restraining devices. Injury of animals must be prevented by the elimination of sharp projections or exposed wheels or gears. There shall be no unnecessary holes, spaces or openings where feet or legs of animals may be injured. Impellers or other devices designed to mechanically

move or drive animals or otherwise keep them in motion or compartmentalized shall be constructed of flexible or well-padded rigid material. Power activated gates designed for constant flow of animals to anesthetizing equipment shall be so fabricated that they will not cause injury. All equipment involved in anesthetizing animals shall be maintained in good repair.

(c) Gas. Maintenance of a uniform carbon dioxide concentration and distribution in the anesthesia chamber is a vital aspect of producing surgical anesthesia. This may be assured by reasonably accurate instruments which sample and analyze carbon dioxide gas concentration within the chamber throughout anesthetizing operations. Gas concentration shall be maintained uniform so that the degree of anesthesia in exposed animals will be constant. Carbon dioxide gas supplied to anesthesia chambers may be from controlled reduction of solid carbon dioxide or from a controlled liquid source. In either case the carbon dioxide shall be supplied at a rate sufficient to anesthetize adequately and uniformly the number of animals passing through the chamber. Sampling of gas for analysis shall be made from a representative place or places within the chamber and on a continuing basis. Gas concentrations and exposure time shall be graphically recorded throughout each day's operation. Neither carbon dioxide nor atmospheric air used in the anesthesia chambers shall contain noxious or irritating gases. Each day before equipment is used for anesthetizing animals, proper care shall be taken to mix adequately the gas and air within the chamber. All gas producing and control equipment shall be maintained in good repair and all indicators, instruments, and measuring devices must be available for inspection by Program inspectors during anesthetizing operations and at other times. An exhaust system must be provided so that, in case of equipment failure, non-uniform carbon dioxide concentrations in the gas tunnel or contamination of the ambient air of the establishment will be prevented.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 603.059, ORS 603.065

ADOPT: 603-029-0715

RULE TITLE: Mechanical; Captive Bolt

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Mechanical; Captive Bolt

RULE TEXT:

The slaughtering of meat animals by using captive bolt stunners and the handling in connection therewith, in compliance with the provisions contained in this rule, are hereby designated and approved as humane methods of slaughtering and handling of such meat animals.

(1) Application of stunners, required effect; handling.

(a) The captive bolt stunners shall be applied to the meat animals in accordance with this rule so as to produce immediate unconsciousness in the animals before they are shackled, hoisted, thrown, cast, or cut. The meat animals shall be stunned in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort.

(b) The driving of the meat animals to the stunning area shall be done with a minimum of excitement and discomfort to the animals. Delivery of calm animals to the stunning areas is essential since accurate placement of stunning equipment is difficult on nervous or injured animals. Among other things, this requires that, in driving animals to the stunning areas, electrical equipment be used as little as possible and with the lowest effective voltage.

(c) Immediately after the stunning blow is delivered the meat animals shall be in a state of complete unconsciousness and remain in this condition throughout shackling, sticking and bleeding.

(2) Facilities and procedures.

(a) General requirements for stunning facilities; operator.

(A) Acceptable captive bolt stunning instruments may be either skull penetrating or nonpenetrating. The latter type is also described as a concussion or mushroom type stunner. Penetrating instruments on detonation deliver bolts of varying diameters and lengths through the skull and into the brain. Unconsciousness is produced immediately by physical brain destruction and a combination of changes in intracranial pressure and acceleration concussion. Nonpenetrating or mushroom stunners on detonation deliver a bolt with a flattened circular head against the external surface of the animal's head over the brain. Diameter of the striking surface of the stunner may vary as conditions require. Unconsciousness is produced immediately by a combination of acceleration concussion and changes in intracranial pressures. A combination instrument utilizing both penetrating and nonpenetrating principles is acceptable. Energizing of instruments may be accomplished by detonation of measured charges of gunpowder or accurately controlled compressed air. Captive bolts shall be of such size and design that, when properly positioned and activated, immediate unconsciousness is produced.

(B) To assure uniform unconsciousness with every blow, compressed air devices must be equipped to deliver the necessary constant air pressure and must have accurate, constantly operating air pressure gauges. Gauges must be easily read and conveniently located for use by the stunning operator and the inspector. For purposes of protecting employees, inspectors, and others, it is desirable that any stunning device be equipped with safety features to prevent injuries from accidental discharge. Stunning instruments must be maintained in good repair.

(C) The stunning area shall be so designed and constructed as to limit the free movements of animals sufficiently to allow the operator to locate the stunning blow with a high degree of accuracy. All chutes, alleys, gates and restraining mechanisms between and including holding pens and stunning areas shall be free from pain-producing features such as exposed bolt ends, loose boards, splintered or broken planking, and protruding sharp metal of any kind. There shall be no unnecessary holes or other openings where feet or legs of animals may be injured. Overhead drop gates shall be suitably covered on the bottom edge to prevent injury on contact with animals. Roughened or cleated cement shall be used as flooring in chutes leading to stunning areas to reduce falls of animals. Chutes, alleys, and stunning areas shall be so designed that they will comfortably accommodate the kinds of animals to be stunned.

(D) The stunning operation is an exacting procedure and requires a well-trained and experienced operator. The operator must be able to accurately place the stunning instrument to produce immediate unconsciousness. The

operator must use the correct detonating charge with regard to kind, breed, size, age, and sex of the animal to produce the desired results.

(b) Special requirements and prohibitions.

(A) Choice of instrument and force required to produce immediate unconsciousness varies, depending on kind, breed, size, age, and sex of the meat animal. Young swine, lambs, and calves usually require less stunning force than mature animals of the same kind. Bulls, rams, and boars usually require skull penetration to produce immediate unconsciousness. Charges suitable for smaller kinds of meat animals such as swine or for young animals are not acceptably interchanged for use on larger kinds or older meat animals, respectively.

(B) Captive bolt stunners that deliberately inject compressed air into the cranium at the end of the penetration cycle shall not be used to stun cattle.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 603.059, ORS 603.065

ADOPT: 603-029-0720

RULE TITLE: Mechanical; Gunshot

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Mechanical; Gunshot

RULE TEXT:

The slaughtering of meat animals by shooting with firearms and the handling in connection therewith, in compliance with the provisions contained in this rule, are hereby designated and approved as humane methods of slaughtering and handling of such animals.

(1) Utilization of firearms, required effect; handling.

(a) The firearms shall be employed in the delivery of a bullet or projectile into the meat animal in accordance with this rule so as to produce immediate unconsciousness in the animal by a single shot before it is shackled, hoisted, thrown, cast, or cut. The meat animal shall be shot in such a manner that it will be rendered unconscious with a minimum of excitement and discomfort.

(b) The driving of the animals to the shooting areas shall be done with a minimum of excitement and discomfort to the animals. Delivery of calm animals to the shooting area is essential since accurate placement of the bullet is difficult in case of nervous or injured animals. Among other things, this requires that, in driving animals to the shooting areas, electrical equipment be used as little as possible and with the lowest effective voltage.

(c) Immediately after the firearm is discharged and the projectile is delivered, the animal shall be in a state of complete unconsciousness and remain in this condition throughout shackling, sticking and bleeding.

(2) Facilities and procedure.

(a) General requirements for shooting facilities; operator.

(A) On discharge, acceptable firearms dispatch free projectiles or bullets of varying sizes and diameters through the skull and into the brain. Unconsciousness is produced immediately by a combination of physical brain destruction and changes in intracranial pressure. Caliber of firearms shall be such that when properly aimed and discharged, the projectile produces immediate unconsciousness.

(B) To assure uniform unconsciousness of the animal with every discharge where small-bore firearms are employed, it is necessary to use one of the following type projectiles: Hollow pointed bullets; frangible iron plastic composition bullets; or powdered iron missiles. When powdered iron missiles are used, the firearms shall be in close proximity with the skull of the animal when fired. Firearms must be maintained in good repair. For purposes of protecting employees, inspectors and others, it is desirable that all firearms be equipped with safety devices to prevent injuries from accidental discharge. Aiming and discharging of firearms should be directed away from operating areas.

(C) The provisions contained in OAR 603-029-0715(2)(a)(C) with respect to the stunning area also apply to the shooting area.

(D) The shooting operation is an exacting procedure and requires a well-trained and experienced operator. The operator must be able to accurately direct the projectile to produce immediate unconsciousness. The operator must use the correct caliber firearm, powder charge and type of ammunition to produce the desired results.

(b) Special requirements. Choice of firearms and ammunition with respect to caliber and choice of powder charge required to produce immediate unconsciousness of the animal may vary depending on age and sex of the animal. In the case of bulls, rams, and boars, small bore firearms may be used provided they are able to produce immediate unconsciousness of the animals. Small bore firearms are usually effective for stunning other cattle, sheep, swine, and goats, and calves.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 603.059, ORS 603.065

ADOPT: 603-029-0725

RULE TITLE: Electrical; Stunning or Slaughtering with Electric Current

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Electrical; Stunning or Slaughtering with Electric Current

RULE TEXT:

The slaughtering of swine, sheep, calves, cattle, and goats with the use of electric current and the handling in connection therewith, in compliance with the provisions contained in this rule, are hereby designated and approved as humane methods of slaughtering and handling of such animals.

(1) Administration of electric current, required effect; handling.

(a) The electric current shall be administered so as to produce, at a minimum, surgical anesthesia, i.e., a state where the meat animal feels no painful sensation. The animals shall be either stunned or killed before they are shackled, hoisted, thrown, cast, or cut. They shall be exposed to the electric current in a way that will accomplish the desired result quickly and effectively, with a minimum of excitement and discomfort.

(b) The driving or conveying of the animals to the place of application of electric current shall be done with a minimum of excitement and discomfort to the animals. Delivery of calm animals to the place of application is essential to ensure rapid and effective insensibility. Among other things, this requires that, in driving animals to the place of application, electrical equipment be used as little as possible and with the lowest effective voltage.

(c) The quality and location of the electrical shock shall be such as to produce immediate insensibility to pain in the exposed animal.

(d) The stunned animal shall remain in a state of surgical anesthesia through shackling, sticking, and bleeding.

(2) Facilities and procedures; operator.

(a) General requirements for operator. It is necessary that the operator of electric current application equipment be skilled, attentive, and aware of his or her responsibility.

(b) Special requirements for electric current application equipment. The ability of electric current equipment to perform with maximum efficiency is dependent on its proper design and efficient mechanical operation. Pathways, compartments, current applicators, and all other equipment used must be designed to properly accommodate the species of animals being anesthetized. Animals shall be free from pain-producing restraining devices. Injury of animals must be prevented by the elimination of sharp projections or exposed wheels or gears. There shall be no unnecessary holes, spaces or openings where feet or legs of animals may be injured. Impellers or other devices designed to mechanically move or drive animals or otherwise keep them in motion or compartmentalized shall be constructed of flexible or padded material. Power activated gates designed for constant flow of animals shall be so fabricated that they will not cause injury. All equipment used to apply and control the electrical current shall be maintained in good repair, and all indicators, instruments, and measuring devices shall be available for inspection by inspectors during the operation and at other times.

(c) Electric current. Each animal shall be given a sufficient application of electric current to ensure surgical anesthesia throughout the bleeding operation. Suitable timing, voltage and current control devices shall be used to ensure that each animal receives the necessary electrical charge to produce immediate unconsciousness. The current shall be applied so as to avoid the production of hemorrhages or other tissue changes which could interfere with inspection procedures.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 603.059, ORS 603.065

ADOPT: 603-029-0728

RULE TITLE: Ritual Slaughter Practices and Exemption

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Ritual Slaughter Practices and Exemption

RULE TEXT:

(1) Slaughtering of the animal in accordance with the ritual requirements of the Jewish faith or any other religious faith that prescribes the 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 slaughtering.

(2) Nothing in this sub-chapter shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person or group. Notwithstanding any other provision of this sub-chapter, in order to protect freedom of religion, ritual slaughter and the handling or other preparation of livestock for ritual slaughter are exempted from the terms of this sub-chapter. For the purposes of this sub-section, the term “ritual slaughter” means slaughter in accordance with sub-section 603-029-0728(1).

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 603.065, ORS 619.026, ORS 619.036

ADOPT: 603-029-0730

RULE TITLE: Tagging of Equipment, Alleyways, Pens, or Compartments to Prevent Inhumane Slaughter or Handling in Connection with Slaughter

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Tagging of Equipment, Alleyways, Pens, or Compartments to Prevent Inhumane Slaughter or Handling in Connection with Slaughter

RULE TEXT:

(1) When an inspector observes an incident of inhumane slaughter or handling in connection with slaughter, the inspector shall inform the establishment operator of the incident and request that the operator take the necessary steps to prevent a recurrence. If the establishment operator fails to take such action or fails to promptly provide the inspector with satisfactory assurances that such action will be taken, the inspector shall follow the procedures specified in section (a), (b), or (c) of this rule, as appropriate.

(a) If the cause of inhumane treatment is the result of facility deficiencies, disrepair, or equipment breakdown, the inspector shall attach an “Oregon Rejected” tag thereto. No equipment, alleyway, pen or compartment so tagged shall be used until made acceptable to the inspector. The tag shall not be removed by anyone other than an inspector. All meat animals slaughtered prior to such tagging may be dressed, processed, or prepared under inspection.

(b) If the cause of inhumane treatment is the result of establishment employee actions in the handling or moving of meat animals, the inspector shall attach an “Oregon Rejected” tag to the alleyways leading to the stunning area. After the tagging of the alleyway, no more meat animals shall be moved to the stunning area until the inspector receives satisfactory assurances from the establishment operator that there will not be a recurrence. The tag shall not be removed by anyone other than an inspector. All meat animals slaughtered prior to the tagging may be dressed, processed, or prepared under inspection.

(c) If the cause of inhumane treatment is the result of improper stunning, the inspector shall attach an “Oregon Rejected” tag to the stunning area. Stunning procedures shall not be resumed until the inspector receives satisfactory assurances from the establishment operator that there will not be a recurrence. The tag shall not be removed by anyone other than an inspector. All meat animals slaughtered prior to such tagging may be dressed, processed, or prepared under inspection.

(2) When an inspector attaches an “Oregon Rejected” tag to any equipment or area in a state-inspected establishment, the Department shall also promptly issue a written Notice of Inhumane Slaughter/Handling to the establishment. The Notice of Inhumane Slaughter/Handling shall:

(a) State the effective date of the action(s);

(b) Describe the reasons for the action(s);

(c) Identify the equipment or area of the establishment that is tagged with an “Oregon Rejected” tag;

(d) Advise the state-inspected establishment that it may challenge the action by requesting that a supervisor review the propriety of the action; and

(e) Comply with the requirements of ORS 183.415.

(3) If the Department determines that the condition prompting the issuance of the Notice of Inhumane Slaughter/Handling poses a serious danger to the public health or safety, the Department may make the Notice of Inhumane Slaughter/Handling effective immediately. In such circumstances, OAR 137-003-0010 is applicable.

(4) A state-inspected establishment may challenge the Notice of Inhumane Slaughter/Handling by requesting that a supervisor review the propriety of the action. A state-inspected establishment may also challenge the Notice of Inhumane Slaughter/Handling by filing a written request for a hearing with the Department such that the Department receives the request no later than 20 days after the issuance of the Notice of Inhumane Slaughter/Handling. If timely requested, a hearing shall be conducted in accordance with the procedures for contested cases set forth in ORS chapter 183 and OAR chapter 137, division 3. Upon request, or if the Notice of Inhumane Slaughter/Handling is effective immediately, the Department will request that the hearing be expedited.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 603.059, ORS 603.065

ADOPT: 603-029-0800

RULE TITLE: Disposition of Condemned Products at State-Inspected Establishments Having Tanking Facilities; Sealing of Tanks.

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Disposition of Condemned Products at State-Inspected Establishments Having Tanking Facilities; Sealing of Tanks.

RULE TEXT:

(1) Carcasses, parts of carcasses, and other products condemned at state-inspected establishments having facilities for tanking shall, except as provided in section (3) of this rule or elsewhere in this part, be disposed of by tanking as follows:

(a) The lower opening of the tank shall first be sealed securely by a Department employee, except when permanently connected with a blow line; then the condemned products shall be placed in the tank in the employee's presence, after which the upper opening shall also be sealed securely by such employee, who shall then see that the contents of the tank are subjected to sufficient heating for sufficient time to effectively destroy the contents for human food purposes.

(b) The use of equipment such as crushers or hashers for pre-tanking preparation of condemned products in the inedible products department has been found to give inedible character and appearance to the material. Accordingly, if condemned products are so crushed or hashed, conveying systems, rendering tanks, and other equipment used in the further handling of crushed or hashed material need not be locked or sealed during the tanking operations. If the rendering tanks or other equipment contain condemned material not so crushed or hashed, the equipment shall be sealed as prescribed in section (1)(a) of this rule. If the crushed or hashed material is not rendered in the state-inspected establishment where produced, it shall be denatured as provided for in OAR 603-029-0810 before leaving such establishment.

(2) The seals of tanks shall be broken only by a Department employee and only after the contents of the tanks have been treated as provided in section (1) of this rule. The rendered fat derived from condemned material shall be held until a Department employee shall have had an opportunity to determine whether it conforms with the requirements of this rule. Samples shall be taken by Department employees as often as is necessary to determine whether the rendered fat is effectually denatured.

(3) Carcasses of animals condemned under OAR 603-029-0315 may be disposed of as provided in OAR 603-029-0810, in lieu of tanking, with the approval of the inspector.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0805

RULE TITLE: Tanking and Other Facilities for Inedible Products to be Separate from Edible Product Facilities.

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Tanking and Other Facilities for Inedible Products to be Separate from Edible Product Facilities.

RULE TEXT:

All tanks and equipment used for rendering, otherwise preparing, or storing inedible products must be in rooms or compartments separate from those used for preparing or storing edible products. There may be a connection between rooms or compartments containing inedible products and those containing edible products as long as it does not cause the adulteration of edible product or create insanitary conditions.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0810

RULE TITLE: Disposition of Condemned Products at State-Inspected Establishments Having no Tanking Facilities

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Disposition of Condemned Products at State-Inspected Establishments Having no Tanking Facilities

RULE TEXT:

(1) Carcasses, parts of carcasses, and other products condemned at a state-inspected establishment which has no facilities for tanking shall, except as provided in section (2) of this rule or elsewhere in OAR 603-029-0800 to 603-029-0850, be destroyed in the presence of an inspector by incineration, or denatured with crude carbolic acid, or cresylic disinfectant, or a formula consisting of one part FD&C No. 3 green coloring, 40 parts water, 40 parts liquid detergent, and 40 parts oil of citronella or any other proprietary material approved by the Department in specific cases. When such product is to be denatured, it shall be freely slashed before the denaturing agent is applied, except that, in the case of dead meat animals that have not been dressed, the denaturant may be applied by injection. The denaturant must be deposited in all portions of the carcass or product to the extent necessary to preclude its use for food purposes.

(2) All carcasses and parts condemned on account of anthrax, as identified in OAR 603-029-0440(2), at state-inspected establishments which are not equipped with tanking facilities shall be disposed of by:

(a) complete incineration, or

(b) by thorough denaturing with crude carbolic acid, or cresylic disinfectant, and then disposed of in accordance with the requirements of the particular State or municipal authorities, who shall be notified immediately by the Supervisor.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0815

RULE TITLE: Suppression of Odors in Preparing Inedible Products

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Suppression of Odors in Preparing Inedible Products

RULE TEXT:

Tanks, fertilizer driers, and other equipment used in the preparation of inedible product must be operated in a manner that will suppress odors incident to such preparation which could adulterate edible product or create insanitary conditions.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0820

RULE TITLE: Inedible Rendered Fats Prepared at State-Inspected Establishments

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Inedible Rendered Fats Prepared at State-Inspected Establishments

RULE TEXT:

Except as provided in OAR 603-029-1435(2), rendered animal fat derived from condemned or other inedible materials at state-inspected establishments shall be denatured to effectually distinguish it from an edible product, either with low grade offal during the rendering or by adding to, and mixing thoroughly with, such fat, denaturing oil, No. 2 fuel oil, or brucine dissolved in a mixture of alcohol and pine oil or oil of rosemary, and may be shipped in commerce in accordance with OAR 603-029-1435(3).

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0825

RULE TITLE: Inedible Fats from Outside State-Inspected Establishments

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Inedible Fats from Outside State-Inspected Establishments

RULE TEXT:

Except as provided in OAR 603-029-1435(2) of this subchapter, inedible fats from outside the premises of any state-inspected establishment shall not be received into a state-inspected establishment except into the tank room provided for inedible products, and then only when they have been denatured in accordance with OAR 603-029-0820 and are marked in accordance with OAR 603-029-0970, and when their receipt into the tank room produces no insanitary condition on the premises; nor shall such fats be received in such volume as interferes with prompt disposal of condemned or other inedible material produced at the state-inspected establishment. When received, they shall not enter any room or compartment used for edible products.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0830

RULE TITLE: Carcasses of Meat Animals Condemned on Ante-Mortem Inspection not to Pass Through Edible Meat Product Areas

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Carcasses of Meat Animals Condemned on Ante-Mortem Inspection not to Pass Through Edible Meat Product Areas

RULE TEXT:
Carcasses of meat animals which have been condemned on ante-mortem inspection shall not be taken through rooms or compartments in which an edible meat product is prepared, handled, or stored.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0835

RULE TITLE: Dead Meat Animal Carcasses

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Dead Meat Animal Carcasses

RULE TEXT:

(1) With the exception of dead meat animals which have died en-route and are received with meat animals for slaughter at a state-inspected establishment, no dead meat animal or part of the carcass of any meat animals that died otherwise than by slaughter may be brought on the premises of a state-inspected establishment unless advance permission therefore is obtained from the Supervisor.

(2) Under no circumstances shall the carcasses of any meat animal which has died otherwise than by slaughter, or any part thereof, be brought into any room or compartment in which any edible meat product is prepared, handled, or stored.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0840

RULE TITLE: Specimens for Educational, Research, and Other Nonfood Purposes; Permits for, Required

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Specimens for Educational, Research, and Other Nonfood Purposes; Permits for, Required

RULE TEXT:

(1) Specimens of condemned or other inedible materials, including embryos and specimens of animal parasites, may be released for educational, research, or other nonfood purposes under permit issued by the Veterinary Medical Officer: Provided, That the person desiring such specimens makes a written application to the inspector in charge for such permit on a form designated by the Department and arranges with and receives permission from the state-inspected establishment to obtain the specimens. Permits shall be issued for a period not longer than 1 year. The permit may be revoked by the Veterinary Medical Officer if the specimens are not used as stated in the application, or if the collection or handling of the specimens interferes with inspection or the maintenance of sanitary conditions in the state-inspected establishment.

(2) The specimens referred to in section (1) of this rule shall be collected and handled only at such time and place and in such manner as not to interfere with the inspection or to cause any objectionable condition and shall be identified as inedible when they leave the state-inspected establishment.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0845

RULE TITLE: Livers Condemned Because of Parasitic Infestation and for Other Causes; Conditions for Disposal for Purposes Other than Human Food

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Livers Condemned Because of Parasitic Infestation and for Other Causes; Conditions for Disposal for Purposes Other than Human Food

RULE TEXT:

(1) Livers condemned on account of hydatid cysts shall be disposed of by tanking pursuant to the provisions of OAR 603-029-0800 if condemned at state-inspected establishments having facilities for tanking; otherwise they shall be destroyed pursuant to the provisions of OAR 603-029-0810.

(2) Livers condemned because of parasites other than hydatid cysts; and livers condemned because of telangiectasis, angioma, “sawdust” condition, cirrhosis, carotenosis, or other nonmalignant change, benign abscesses, or contamination, when these conditions are not associated with infectious diseases in the carcasses, may be shipped from a state-inspected establishment only for purposes other than human food, and only if all tissue affected with abscesses is removed and destroyed within the state-inspected establishment, and all livers are processed and denatured, with any agent prescribed in OAR 603-029-1440(1) subsection (a) or (b) or (e), and in accordance with OAR 603-029-1455(1)(f). This provision for movement from a state-inspected establishment is made solely under Division 29 and is not intended to relieve or modify any other applicable requirements under any other law regarding the movement of such articles, for purposes other than use as human food.

(3) Livers condemned because of conditions described in section (2) of this rule shall be in containers plainly marked “inedible.”

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0850

RULE TITLE: Handling of Certain Condemned Products for Purposes Other than Human Food

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Handling of Certain Condemned Products for Purposes Other than Human Food

RULE TEXT:

Condemned carcasses of meat animals affected with one or more of the following conditions may be shipped from a state-inspected establishment only for purposes other than human food and only if permission therefor is obtained from the Veterinary Medical Officer: Anasarca, Ocular Squamous Cell Carcinoma (after removal of neoplastic tissue), emaciation, eosinophilic myositis, immaturity, nonseptic bruises and injuries, and sarcosporidiosis. This provision also applies to unborn calves and to products such as paunches and udders when they have not been handled as required under this subchapter for products for human food purposes; provided, such articles have not been condemned for other pathological reasons. Such permission will be granted only if all parts to be so used will be promptly handled, freely slashed and adequately identified as required by OAR 603-029-1455(1)(b). The slashing, identification and packing of the product shall be accomplished in an inedible product area under the supervision of an inspector. Facilities must be adequate so that the carcasses or parts saved under these provisions are not contaminated with pus, manure, septic, or toxic materials, or similar substances. The operation must not result in unsanitary conditions within the state-inspected establishment.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0880

RULE TITLE: Carcasses and Parts Passed for Cooking; Rendering into Lard or Tallow

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Carcasses and Parts Passed for Cooking; Rendering into Lard or Tallow

RULE TEXT:

Carcasses and parts passed for cooking may be rendered into lard in accordance with OAR 603-029-1291 or rendered into tallow, provided such rendering is done in the following manner:

(1) When closed rendering equipment is used, the lower opening, except when permanently connected with a blowline, shall first be sealed securely by a Department employee; then the carcasses or parts shall be placed in such equipment in the employee's presence, after which the upper opening shall be securely sealed by such employee. When the product passed for cooking in the tank does not consist of a carcass or whole primal part, the requirements for sealing shall be at the discretion of the Supervisor. Such carcasses and parts shall be cooked for a time sufficient to render them effectually into lard or tallow, provided all parts of the products are heated to a temperature not lower than 170°F. for a period of not less than 30 minutes.

(2) At establishments not equipped with closed rendering equipment for rendering carcasses and parts passed for cooking into lard and tallow, such carcasses or parts may be rendered in open kettles under the direct supervision of a Department employee. Such rendering shall be done during regular hours of work and in compliance with the requirements as to temperature and time specified in section (1) of this rule.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.055, ORS 619.026, ORS 619.036

ADOPT: 603-029-0885

RULE TITLE: Carcasses and Parts Passed for Cooking; Utilization for Food Purposes after Cooking

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Carcasses and Parts Passed for Cooking; Utilization for Food Purposes after Cooking

RULE TEXT:

Carcasses and parts passed for cooking may be used for the preparation of meat products, provided all such carcasses or parts are heated to a temperature not lower than 170°F. for a period of not less than 30 minutes either before being used in or during the preparation of the finished product.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.055, ORS 619.026, ORS 619.036

ADOPT: 603-029-0890

RULE TITLE: Disposal of Products Passed for Cooking if not Handled According to this Part

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Disposal of Products Passed for Cooking if not Handled According to this Part

RULE TEXT:

Products passed for cooking if not handled and processed in accordance with the provisions of OAR 603-029-0880 to 603-029-0890, shall be disposed of in accordance with OAR 603-029-0800 or OAR 603-029-0810.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.055, ORS 619.026, ORS 619.036

ADOPT: 603-029-0900

RULE TITLE: Authorization Required to Make Devices Bearing Oregon Marks

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Authorization Required to Make Devices Bearing Oregon Marks

RULE TEXT:

No brand manufacturer, printer or other person shall cast, print, lithograph, or otherwise make or cause to be made any device containing any Oregon mark or simulation thereof without prior written authority therefor from the Department as provided for in OAR 603-029-1000 to 603-029-1058.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 561.230, ORS 619.026, ORS 619.036

ADOPT: 603-029-0905

RULE TITLE: Approval Required for Oregon Marks

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Approval Required for Oregon Marks

RULE TEXT:

No device containing any Oregon mark shall be made or caused to be made for use on any product until it has been approved by the Department as provided for in OAR 603-029-1000 to 603-029-1058

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 561.230, ORS 619.026, ORS 619.036

ADOPT: 603-029-0910

RULE TITLE: Use of Oregon Marks Prohibited Except Under Supervision of a Department Employee; Removal of Oregon Marks, when Required

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Use of Oregon Marks Prohibited Except Under Supervision of a Department Employee; Removal of Oregon Marks, when Required

RULE TEXT:

(1) No person shall affix or place, or cause to be affixed or placed, the Oregon inspection legend or any other Oregon mark, or any abbreviation or simulation of any Oregon mark, to or on any product, or container thereof, except under the supervision of a Department employee, or as authorized by OAR 603-029-1000 to 603-029-1058 in connection with the manufacture of containers.

(2) No person shall fill, or cause to be filled, in whole or in part, with any product, any container bearing or intended to bear any Oregon mark, or any abbreviation or simulation of any Oregon mark, except under the supervision of a Department employee.

(3) Product bearing any Oregon mark shall not be canned, cooked, cured, smoked, salted, packed, rendered, or otherwise prepared by any person for commercial purposes unless:

(a) Such preparation is performed at a federally inspected establishment; or

(b) Such preparation is conducted under State or other governmental inspection and the prepared product is marked to show that fact; or

(c) The Oregon marks are removed, defaced, or otherwise destroyed before or during such preparation; or

(d) The preparation of the product consists solely of cutting up operations at any establishment exempted from inspection under OAR 603-029-0020(2) of this Division 29.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 561.230, ORS 619.026, ORS 619.036

ADOPT: 603-029-0915

RULE TITLE: Marking Devices; to be Furnished by State-Inspected Establishments; Control of

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Marking Devices; to be Furnished by State-Inspected Establishments; Control of

RULE TEXT:

(1) The operator of each state-inspected establishment shall furnish such ink brands, burning brands, and any other device for marking products with Oregon marks as the Department may determine is necessary for marking products at such state-inspected establishment. The Oregon inspection legend on such a device shall be as prescribed in OAR 603-029-0600 to 603-029-0625.

(2) All Oregon devices for marking products with the Oregon inspection legend, or other Oregon inspection marks, including self-locking seals, shall be used only under supervision of a Department employee, and, when not in use for marking shall be kept locked in properly equipped locks or compartments, the keys of which shall not leave the possession of a Department employee, or the locker or compartment shall be sealed with an Oregon seal of the Department as prescribed in OAR 603-029-0600 to 603-029-0625.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 561.230, ORS 619.026, ORS 619.036

ADOPT: 603-029-0920

RULE TITLE: Branding Ink; to be Furnished by State-Inspected Establishments; Approval by Department; Color

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Branding Ink; to be Furnished by State-Inspected Establishments; Approval by Department; Color

RULE TEXT:

(1) The operator of each state-inspected establishment shall furnish all ink for marking products with the Oregon marks at such establishment. Such ink must be made with harmless ingredients that are approved for the purpose by the Department. Samples of inks shall be submitted to the Department laboratory from time to time as may be deemed necessary by a supervisor.

(2) Only ink approved for the purpose shall be used to apply ink brands bearing Oregon marks to carcasses of cattle, sheep, swine, or goats and fresh meat cuts derived therefrom. Any ink containing F.D. & C. Violet No. 1 shall not be considered an approved ink within the meaning of this section.

(3) Green ink shall not be used to apply marks to carcasses of cattle, sheep, swine, or goats or fresh meat cuts derived therefrom.

(4) Except as provided in section (2) and (3) of this rule, branding ink of any color, approved for the purpose by the Department in specific cases, may be used to apply ink brands, bearing Oregon marks, to processed meat cuts derived from cattle, sheep, swine, or goats.

(5) No Oregon marks shall be applied to the carcasses or parts of carcasses or meat cuts derived from horses, mules, and other equines.

(6) Ink used must assure legibility and permanence of the markings and the color of ink shall provide acceptable contrast with the color of the product to which it is applied.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 561.230, ORS 619.026, ORS 619.036

ADOPT: 603-029-0925

RULE TITLE: Products not to be Removed from State-Inspected Establishments Unless Marked in Accordance with the Regulations

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Products not to be Removed from State-Inspected Establishments Unless Marked in Accordance with the Regulations

RULE TEXT:
No person shall remove or cause to be removed from a state-inspected establishment any products which the regulations in OAR 603-029-0900 to 603-029-0970 require to be marked in any way unless they are clearly and legibly marked in compliance with such regulations.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 561.230, ORS 619.026, ORS 619.036

ADOPT: 603-029-0930

RULE TITLE: Marking Devices not to be False or Misleading; Style and Size of Lettering; Approval Required

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Marking Devices not to be False or Misleading; Style and Size of Lettering; Approval Required

RULE TEXT:

No brand or other marking device shall be false or misleading. The letters and figures thereon shall be of such style and type as will make a clear and legible impression. All markings to be applied to products in a state-inspected establishment shall be approved prior to use by the Department as provided for in OAR 603-029-1006, except that official markings prescribed by the Federal meat grading regulations (7 CFR 53.19) need not be submitted to the Department for approval.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 561.230, ORS 619.026, ORS 619.036

ADOPT: 603-029-0935

RULE TITLE: Unmarked Inspected Products; Moved Between State-Inspected Establishments; Moved in Commerce

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Unmarked Inspected Products; Moved Between State-Inspected Establishments; Moved in Commerce

RULE TEXT:

(1) Unmarked products which have been inspected and passed but do not bear the Oregon inspection legend may be transported in compliance with OAR 603-029-1400 to 603-029-1475 from one state-inspected establishment to another state-inspected establishment, for further processing, in a railroad car, truck, or other closed container, if the railroad car, truck, or container is sealed with an official seal of the Department (as prescribed in OAR 603-029-0600 to 603-029-0625) bearing the Oregon inspection legend.

(2) Products which have been inspected and passed but do not bear the Oregon inspection legend may be removed from a state-inspected establishment in closed containers bearing the Oregon inspection legend and all other information required by OAR 603-029-0900 to 603-029-1058: Provided, That upon removal from such closed container the product may not be further transported in commerce unless such removal is made under the supervision of a Department employee and such product is re-inspected by a Department employee and packed under his supervision in containers bearing the Oregon inspection legend and all other information required by OAR 603-029-0900 to 603-029-1058: And provided further, That unmarked product shall not be brought into a state-inspected establishment in an open container.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-0940

RULE TITLE: Products to be Marked with Oregon Marks

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Products to be Marked with Oregon Marks

RULE TEXT:

(1) Each carcass that has been inspected and passed in a state-inspected establishment must be marked at the time of inspection with the Oregon inspection legend containing the number of the state-inspected establishment.

(2) Except as provided otherwise in OAR 603-029-0935, each primal part of a carcass and each liver, beef tongue, and beef heart which has been inspected and passed shall be marked with the Oregon inspection legend containing the number of the state-inspected establishment before it leaves the establishment in which it is first inspected and passed, and each such inspected and passed product shall be marked with the Oregon inspection legend containing the number of the state-inspected establishment where it was last prepared. Additional Oregon marks of inspection may be applied to products as desired to meet local conditions. Primal parts are the wholesale cuts of carcasses as customarily distributed to retailers. The round, flank, loin, rib, plate, brisket, chuck, and shank are primal parts of beef carcasses. Veal, mutton, and goat primal parts are the leg, flank, loin, rack, breast, and shoulder. The ham, belly, loin, shoulder, and jowl are pork primal parts.

(3) Beef livers shall be marked with the Oregon inspection legend containing the number of the state-inspected establishment, at which the cattle involved were slaughtered, on the convex surface of the thickest portion of the organ.

(4) Inspected and passed parts of carcasses which are not marked with the Oregon inspection legend under this rule shall not enter any state-inspected establishment or be sold, transported, or offered for sale or transportation, in commerce, except as provided in OAR 603-029-0935.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 561.230, ORS 619.026, ORS 619.036

ADOPT: 603-029-0945

RULE TITLE: Marking of Meat Products with Oregon Inspection Legend and Ingredient Statement

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Marking of Meat Products with Oregon Inspection Legend and Ingredient Statement

RULE TEXT:

(1) Inspected and passed sausages and other products in casings or in link form, of the ordinary “ring” variety or larger shall be marked with the Oregon inspection legend and list of ingredients in accordance with OAR 603-029-1000 to 603-029-1058. The Oregon marks required by this rule shall be branded near each end of the sausage or similar product prepared in casings when the product is of a size larger than that customarily sold at retail intact.

(2) Inspected and passed sausage and other products, in casings or in link form, of the smaller varieties, shall bear one or more Oregon inspection legends and one or more lists of ingredients in accordance with OAR 603-029-1000 to 603-029-1058 on each kilogram (2.205 lbs.) of product, except where such products leave the state-inspected establishment completely enclosed in properly labeled immediate containers having a capacity of 5 kilograms (11.025 lbs.) or less and containing a single kind of product: Provided, That such products in properly labeled closed containers exceeding 5 kilograms (11.025 lbs.) capacity, when shipped to another state-inspected establishment for further processing or to a governmental agency, need only have the Oregon inspection legend and list of ingredients shown twice throughout the contents of the container. When such products are shipped to another state-inspected establishment for further processing, a supervisor at the point of origin shall identify the shipment to a supervisor at destination by means of a Bill of Lading or other record that is maintained in accordance with 603-029-1300.

(3) The list of ingredients may be applied by stamping, printing, using paper bands, tags, or tissue strips, or other means approved by the Department in specific cases.

(4) All cured products shall be marked with the list of ingredients in accordance with OAR 603-029-1000 to 603-029-1058.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 561.230, ORS 619.026, ORS 619.036

ADOPT: 603-029-0950

RULE TITLE: Special Markings for Certain Meat Products

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Special Markings for Certain Meat Products

RULE TEXT:

(1) Meat products prepared in casing or link form (whether or not thereafter subdivided), other than sausage, which possess the characteristics of or resemble sausage, shall bear on each link or piece the word “imitation” prominently displayed: Provided, That the following need not be so marked if they bear on each link or piece the name of the product in accordance with OAR 603-029-1004: Such products as coppa, capocollo, lachschinken, bacon, pork loins, pork shoulder butts, and similar cuts of meat which are prepared without added substance other than curing materials or condiments; meat rolls, bockwurst, and similar products which do not contain cereal or vegetables; headcheese, souse, sulze, scrapple, blood pudding, and liver pudding; and other products such as loaves, chili con carne, and meat and cheese products when prepared with sufficient cheese to give definite characteristics to the finished products: And provided further, That imitation sausage packed in properly labeled containers having a capacity of 3 pounds or less and of a kind usually sold at retail intact, need not bear the word “imitation” on each link or piece if no other marking or labeling is applied directly to the product.

(2) When cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, isolated soy protein, dried milk, nonfat dry milk, or calcium reduced dried skim milk is added to sausage in casing or in link form within the limits prescribed in OAR 603-029-1200 to 603-029-1299, the products shall be marked with the name of each added ingredient, as for example “cereal added,” “potato flour added,” “cereal and potato flour added,” “soy flour added,” “isolated soy protein added,” “nonfat dry milk added,” “calcium reduced dried skim milk added,” or “cereal and nonfat dry milk added,” as the case may be.

(3)(a) When product is placed in a casing to which artificial coloring is thereafter applied, as permitted in OAR 603-029-1100 to 603-029-1190, the product shall be legibly and conspicuously marked by stamping or printing on the casing the words “artificially colored.”

(b) If a casing is removed from product at a state-inspected establishment and there is evidence of artificial coloring on the surface of the product, the product from which the casing has been removed shall be marked by stamping directly thereon the words “artificially colored.”

(c) The casing containing product need not be marked to show that it is colored if it is colored prior to its use as a covering for the product, and the coloring is of a kind and so applied as not to be transferable to the product and not to be misleading or deceptive in any respect.

(4) When an approved artificial smoke flavoring or an approved smoke flavoring is added to the formula of any meat product as permitted in OAR 603-029-1100 to 603-029-1190, the product shall be legibly and conspicuously marked with the words “Artificial Smoke Flavoring Added” or “Smoke Flavoring Added,” whichever may be applicable.

(5) Subject to the provisions in section (1) of this rule, in the case of sausage of the smaller varieties, the markings prescribed in this rule may be limited to links bearing the Oregon inspection legend, and such markings shall not be required if the sausages are packed in properly labeled containers having a capacity of 3 pounds or less and of a kind usually sold at retail intact. Further, all markings otherwise required by this rule (except those required by section (1) of this rule) may be omitted from the casings of sausage and other meat products when these products are to be processed in sealed metal containers properly labeled in accordance with the requirements in OAR 603-029-1000 to 603-029-1058.

(6) When an approved antioxidant is added to any meat product as permitted in OAR 603-029-1100 to 603-029-1299, the products shall be legibly and conspicuously marked in an approved manner identifying the specific antioxidant used by its common name or approved abbreviation and the purpose for which it is added, such as, “BHA, BHT, and Propylgallate added to help protect flavor.”

(7) Sausage of the dry varieties treated with potassium sorbate or propylparaben (propyl p-hydroxybenzoate) as

permitted by OAR 603-029-1100 to 603-029-1190 shall be marked as prescribed in OAR 603-029-1010(2)(bb).

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 561.230, ORS 619.026, ORS 619.036

ADOPT: 603-029-0955

RULE TITLE: Marking of Outside Containers

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Marking of Outside Containers

RULE TEXT:

(1) Except as otherwise provided in OAR 603-029-1400 to 603-029-1475, when any inspected and passed product for commerce is moved from a state-inspected establishment, the outside container shall bear an Oregon inspection legend as prescribed in OAR 603-029-0600 to 603-029-0625.

(2) When any product prepared in a state-inspected establishment for commerce has been inspected and passed and is enclosed in a cloth or other wrapping, such wrapping shall bear the Oregon inspection legend and state-inspected establishment number applied by the approved 212 -inch rubber brand in the form prescribed in OAR 603-029-0600 to 603-029-0625: Provided, That the rubber brand may be omitted if the Oregon inspection legend and state-inspected establishment number on the product itself are clearly legible through the wrapping or the wrapping is labeled in accordance with OAR 603-029-1000 to 603-029-1058: Provided further, That plain unprinted wrappings, such as stockinettes, cheesecloth, paper, and crinkled paper bags, for properly marked products, which are used solely to protect the product against soiling or excessive drying during transportation or storage, need not bear the Oregon inspection legend.

(3) Slack barrels used as outside containers of products shall have a cloth or paper top covering bearing the Oregon inspection legend containing the state-inspected establishment number. At the time of removal of the covering, the Oregon inspection legend shall be destroyed.

(4) The outside containers of any product which has been inspected and passed for cooking, beef which has been inspected and passed for refrigeration shall bear the markings and tag prescribed in OAR 603-029-1420(2).

(5) The outside containers of glands and organs which are not used for human food purposes, such as those described in OAR 603-029-1470, shall be plainly marked with the phrase “For pharmaceutical purposes,” “For organotherapeutic purposes” or “For technical purposes,” as appropriate, with no reference to inspection, and need not bear other markings otherwise required under OAR 603-029-0900 to 603-029-0970.

(6) Stencils, box dies, labels, and brands may be used on shipping containers of properly labeled products and on such immediate containers, of properly marked products, as tierces, barrels, drums, boxes, crates, and large-size fiber-board containers, without approval as provided for in OAR 603-029-1006: Provided, That the stencils, box dies, labels, and brands are not false or misleading and are approved by a supervisor. The Oregon inspection legend for use with such markings shall be approved by the Department as provided for in OAR 603-029-1000 to 603-029-1058.

(7) The outside containers of livers prepared as described in OAR 603-029-0845(2), shall be marked as prescribed in OAR 603-029-0845(3).

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 561.230, ORS 619.026, ORS 619.036

ADOPT: 603-029-0960

RULE TITLE: Marking Tank Cars and Tank Trucks Used in Transportation of Edible Products

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Marking Tank Cars and Tank Trucks Used in Transportation of Edible Products

RULE TEXT:

Each tank car and each tank truck carrying inspected and passed product from a state-inspected establishment shall bear a label containing the name of the product in accordance with OAR 603-029-1004, the Oregon inspection legend containing the number of the state-inspected establishment and the words “date of loading,” followed by a suitable space in which the date the tank car or tank truck is loaded shall be inserted. The label shall be located conspicuously and shall be printed on material of such character and so affixed as to preclude detachment or effacement upon exposure to the weather. Before the car or truck is removed from the place where it is unloaded, the carrier shall remove or obliterate such label.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 561.230, ORS 619.026, ORS 619.036

ADOPT: 603-029-0965

RULE TITLE: Marking Outside Containers of Inedible Grease, etc.

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Marking Outside Containers of Inedible Grease, etc.

RULE TEXT:

(1) Outside containers of inedible grease, inedible tallow, or other inedible animal fat, or mixture of any such articles, resulting from operations at any state-inspected establishment shall be marked conspicuously with the word “inedible” prior to removal from the point of filling. Containers, such as tierces, barrels, and half barrels shall have both ends painted white with durable paint, if necessary, to provide a contrasting background, and the word “inedible” shall be marked thereon in letters not less than 2 inches high, while on tank cars and tank trucks the letters shall be not less than 4 inches high.

(2) Inspected rendered animal fat which is intended not to be used for human food may also be marked “inedible” if handled as provided in section (1) of this rule and OAR 603-029-0800 to 603-029-0850.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 561.230, ORS 619.026, ORS 619.036

ADOPT: 603-029-0970

RULE TITLE: Custom Prepared Products to be Marked

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Custom Prepared Products to be Marked

RULE TEXT:

If a state-inspected establishment also conducts custom slaughter or custom processing under OAR chapter 603, division 28, any carcasses and parts therefrom that are prepared on a custom basis shall be labeled in accordance with OAR 603-028-0700.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 561.230, ORS 619.026, ORS 619.036, ORS 619.061

ADOPT: 603-029-1002

RULE TITLE: Labels Required; Supervision by Department Employee

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Labels Required; Supervision by Department Employee

RULE TEXT:

(1) When, in a state-inspected establishment, any inspected and passed product is placed in any receptacle or covering constituting an immediate container, there shall be affixed to such container a label as described in OAR 603-029-1004 except that the following do not have to bear such a label:

(a) Wrappings of dressed carcasses and primal parts in an unprocessed state, bearing the Oregon inspection legend, if such wrappings are intended solely to protect the product against soiling or excessive drying during transportation or storage, and the wrappings bear no information except company brand names, trade marks, or code numbers which do not include any information required by OAR 603-029-1004;

(b) Uncolored transparent coverings, such as cellophane, which bear no written, printed, or graphic matter and which enclose any unpackaged or packaged product bearing all markings required by OAR 603-029-0900 to 603-029-0970 which are clearly legible through such coverings;

(c) Animal and transparent artificial casings bearing only the markings required by OAR 603-029-0900 to 603-029-0970;

(d) Stockinettes used as “operative devices”, such as those applied to cured meats in preparation for smoking, whether or not such stockinettes are removed following completion of the operations for which they were applied;

(e) Containers such as boil-in bags, trays of frozen dinners, and pie pans which bear no information except company brand names, trademarks, code numbers, directions for preparation and serving suggestions, and which are enclosed in a consumer size container that bears a label as described in OAR 603-029-1004;

(f) Containers of products passed for cooking or refrigeration and moved from a state-inspected establishment under OAR 603-029-0500.

(2) Folders and similar coverings made of paper or similar materials, whether or not they completely enclose the product and which bear any written, printed, or graphic matter, shall bear all features required on a label for an immediate container.

(3) No covering or other container which bears or is to bear a label shall be filled, in whole or in part, except with product which has been inspected and passed in compliance with these Division 29 rules, which is not adulterated and which is strictly in accordance with the statements on the label. No such container shall be filled, in whole or in part, and no label shall be affixed thereto, except under supervision of a Department employee.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-1004

RULE TITLE: Labels: Definition; Required Features

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Labels: Definition; Required Features

RULE TEXT:

(1) A label within the meaning of OAR 603-029-1000 to 603-029-1058 shall mean a display of any printing, lithographing, embossing, stickers, seals, or other written, printed, or graphic matter upon the immediate container (not including package liners) of any product.

(2) Any word, statement, or other information required by OAR 603-029-0900 to 603-029-0970 to appear on the label must be prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use. In order to meet this requirement, such information must appear on the principal display panel except as otherwise permitted in OAR 603-029-1000 to 603-029-1058. All words, statements, and other information required to appear on the label or labeling shall appear thereon in the English language.

(3) Labels of all products shall show the following information on the principal display panel (except as otherwise permitted in OAR 603-029-0900 to 603-029-0970), in accordance with the requirements of OAR 603-029-0900 to 603-029-0970 or, if applicable, OAR 603-029-1200 to 603-029-1299:

(a) The name of the product, which in the case of a product which purports to be or is represented as a product for which a definition and standard of identity or composition is prescribed in OAR 603-029-1200 to 603-029-1299, shall be the name of the food specified in the standard, and in the case of any other product shall be the common or usual name of the food, if any there be, and if there is none, a truthful descriptive designation, as prescribed in section (5) of this rule;

(b) If the product is fabricated from two or more ingredients, the word “ingredients” followed by a list of the ingredients as prescribed in section (6) of this rule;

(c) The name and place of business of the manufacturer, packer, or distributor for whom the product is prepared, as prescribed in section (7) of this rule;

(d) An accurate statement of the net quantity of contents, as prescribed in section (8) of this rule;

(e) An Oregon inspection legend and, except as otherwise provided in section (9) of this rule, the number of the state-inspected establishment, in the form required by OAR 603-029-0600 to 603-029-0625;

(f) Any other information required by these Division 29 rules.

(4) The principal display panel shall be the part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for sale. Where packages bear alternate principal display panels, information required to be placed on the principal display panel shall be duplicated on each principal display panel. The principal display panel shall be large enough to accommodate all the mandatory label information required to be placed thereon by OAR 603-029-1000 to 603-029-1058 and OAR 603-029-1200 to 603-029-1299 with clarity and conspicuousness and without obscuring of such information by designs or vignettes or crowding. In determining the area of the principal display panel, exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars. The principal display panel shall be:

(a) In the case of a rectangular package, one entire side, the area of which is at least the product of the height times the width of that side.

(b) In the case of a cylindrical or nearly cylindrical container:

(A) An area that is 40 percent of the product of the height of the container times the circumference of the container, or

(B) A panel, the width of which is one-third of the circumference and the height of which is as high as the container: Provided, however, That if there is immediately to the right or left of such principal display panel, a panel which has a width not greater than 20 percent of the circumference and a height as high as the container, and which is reserved for information prescribed in subsections (3) (b), (c), and (e), such panel shall be known as the “20 percent panel” and such

information may be shown on that panel in lieu of showing it on the principal display panel.
(c) In the case of a container of any other shape, 40 percent of the total surface of the container.
(5)(a) Any descriptive designation used as a product name for a product which has no common or usual name shall clearly and completely identify the product. Product which has been prepared by salting, smoking, drying, cooking, chopping, or otherwise shall be so described on the label unless the name of the product implies, or the manner of packaging shows that the product was subjected to such preparation. The unqualified terms “meat,” “meat byproduct,” “meat product,” and terms common to the meat industry but not common to consumers such as “picnic,” “butt,” “cala,” “square,” “loaf,” “spread,” “delight,” “roll,” “plate,” “luncheon,” and “daisy” shall not be used as names of a product unless accompanied with terms descriptive of the product or with a list of ingredients, as deemed necessary in any specific case by the Department in order to assure that the label will not be false or misleading.
(b) The product name for a raw meat product that contains added solution and does not meet a standard of identity in OAR 603-029-1200 to 603-029-1299 must contain a descriptive designation that includes:
(A) The percentage of added solution (total weight of the solution ingredients divided by the weight of the raw meat without solution or any other added ingredients multiplied by 100). The percentage of added solution must appear as a number (such as, 15, 20, 30) and the percent symbol (%). The percentage of added solution may be declared by the words “containing” or “contains” (such as, “contains 15% added solution of water and salt,” or “containing 15% added solution of water and teriyaki sauce”).
(B) The common or usual name of all individual ingredients or multi-ingredient components in the solution listed in descending order of predominance by weight.
(C) When the descriptive designation includes all ingredients in the solution, a separate ingredients statement is not required on the label. When the descriptive designation includes multi-ingredient components and the ingredients of the component are not declared in the descriptive designation, all ingredients in the product must be declared in a separate ingredients statement on the label as required in OAR 603-029-1004(3)(b) and (6).
(D) The product name and the descriptive designation must be printed in a single easy-to-read type style and color and must appear on a single-color contrasting background. The print may appear in upper and lower case letters, with the lower case letters not smaller than one-third ( 13 ) the size of the largest letter.
(E) The word “enhanced” cannot be used in the product name.
(c) Product name and required validated cooking instructions for needle- or blade-tenderized beef products.
(A) Unless the product is destined to be fully cooked or to receive another full lethality treatment at an state-inspected establishment, the product name for a raw or partially cooked beef product that has been mechanically tenderized, whether by needle or by blade, must contain the term “mechanically tenderized,” “needle tenderized,” or “blade tenderized,” as a descriptive designation and an accurate description of the beef component.
(B) The product name must appear in a single easy-to-read type style and color and on a single-color contrasting background. The print may appear in upper and lower case letters, with the lower case letters not smaller than 13 the size of the largest letter.
(C) The labels on raw or partially cooked needle- or blade-tenderized beef products destined for household consumers, hotels, restaurants, or similar institutions must contain validated cooking instructions, including the cooking method, that inform consumers that these products need to be cooked to a specified minimum internal temperature, whether the product needs to be held for a specified time at that temperature or higher before consumption to ensure that potential pathogens are destroyed throughout the product, and a statement that the internal temperature should be measured by a thermometer. These validated cooking instructions may appear anywhere on the label.
(6)(a) The list of ingredients shall show the common or usual names of the ingredients arranged in the descending order of predominance, except as otherwise provided in this subsection.
(A) The terms spice, natural flavor, natural flavoring, flavor and flavoring may be used in the following manner:
(i) The term “spice” means any aromatic vegetable substance in the whole, broken, or ground form, with the exceptions of onions, garlic and celery, whose primary function in food is seasoning rather than nutritional and from which no portion of any volatile oil or other flavoring principle has been removed. Spices include the spices listed in 21 CFR

182.10, and 184.
(ii) The term “natural flavor,” “natural flavoring,” “flavor” or “flavoring” means the essential oil, oleoresin, essence or extractive, protein hydrolysate, distillate, or any product or roasting, heating or enzymolysis, which contains the flavoring constituents derived from a spice, fruit or fruit juice, vegetable or vegetable juice, edible yeast, herb, bark, bud, root, leaf or any other edible portion of a plant, meat, seafood, poultry, eggs, dairy products, or fermentation products thereof, whose primary function in food is flavoring rather than nutritional. Natural flavors include the natural essence or extractives obtained from plants listed in 21 CFR 182.10, 182.20, 182.40, 182.50 and 184, and the substances listed in 21 CFR 172.510. The term natural flavor, natural flavoring, flavor or flavoring may also be used to designate spices, powered onion, powdered garlic, and powdered celery.
(B) The term “corn syrup” may be used to designate either corn syrup or corn syrup solids.
(C) The term “animal and vegetable fats” or “vegetable and animal fats” may be used to designate the ingredients of mixtures of such edible fats in product designated “compound” or “shortening.” “Animal fats” as used herein means fat derived from inspected and passed cattle, sheep, swine, or goats.
(D) When a product is coated with pork fat, gelatin, or other approved substance and a specific declaration of such coating appears contiguous to the name of the product, the ingredient statement need not make reference to the ingredients of such coating.
(E) When two meat ingredients comprise at least 70 percent of the meat and meat byproduct ingredients of a formula and when neither of the two meat ingredients is less than 30 percent by weight of the total meat and meat byproducts used, such meat ingredients may be interchanged in the formula without a change being made in the ingredients statement on labeling materials: Provided, That the word “and” in lieu of a comma shall be shown between the declaration of such meat ingredients in the statement of ingredients.
(F)(i) Product ingredients which are present in individual amounts of 2 percent or less by weight may be listed in the ingredients statement in other than descending order of predominance: Provided, That such ingredients are listed by their common or usual names at the end of the ingredients statement and preceded by a quantifying statement, such as “Contains ____ percent of ____ ,” “Less than ____percent of ____ .” The percentage of the ingredient(s) shall be filled in with a threshold level of 2 percent, 1.5 percent, 1.0 percent, or 0.5 percent, as appropriate. No ingredient to which the quantifying statement applies may be present in an amount greater than the stated threshold. Such a quantifying statement may also be utilized when an ingredients statement contains a listing of ingredients by individual components. Each component listing may utilize the required quantifying statement at the end of each component ingredients listing.
(ii) Such ingredients may be adjusted in the product formulation without a change being made in the ingredients statement on the labeling, provided that the adjusted amount complies with OAR 603-029-1200 to 603-029-1299 and with OAR 603-029-2405, and does not exceed the amount shown in the quantifying statement. Any such adjustments to the formulation shall be provided to the Supervisor.
(b) On containers of frozen dinners, entrees, pizzas, and similar consumer packaged products in cartons the ingredient statement may be placed on the front riser panel: Provided, That the words “see ingredients” followed immediately by an arrow is placed on the principal display panel immediately above the location of such statement without intervening print or designs.
(c) The ingredient statement may be placed on the 20 percent panel adjacent to the principal display panel and reserved for required information, in the case of a cylindrical or nearly cylindrical container.
(d) The ingredients statement may be placed on the information panel, except as otherwise permitted in this Division 29.
(7)(a) The name or trade name of the person that prepared the product may appear as the name of the manufacturer or packer without qualification on the label. Otherwise the name of the distributor of the product shall be shown with a phrase such as “Prepared for * * *”. The place of business of the manufacturer, packer, or distributor shall be shown on the label by city, State, and postal ZIP code when such business is listed in a telephone or city directory, and if not listed in such directory, then the place of business shall be shown by street address, city, State, and postal ZIP code.

(b) The name and place of business of the manufacturer, packer, or distributor may be shown:
(A) On the principal display panel, or
(B) On the 20 percent panel adjacent to the principal display panel and reserved for required information, in the case of a cylindrical or nearly cylindrical container, or
(C) On the front riser panel of frozen food cartons, or
(D) On the information panel.
(8)(a) The statement of net quantity of contents shall appear on the principal display panel of all containers to be sold at retail intact, in conspicuous and easily legible boldface print or type in distinct contrast to other matter on the container, and shall be declared in accordance with the provisions of this subsection.
(b) The statement as it is shown on a label shall not be false or misleading and shall express an accurate statement of the quantity of contents of the container. Reasonable variations caused by loss or gain of moisture during the course of good distribution practices or by unavoidable deviations in good manufacturing practices will be recognized. The statement shall not include any term qualifying a unit of weight, measure, or count such as “jumbo quart,” “full gallon,” “giant quart,” “when packed,” “minimum,” or words of similar importance.
(c) The statement shall be placed on the principal display panel within the bottom 30 percent of the area of the panel in lines generally parallel to the base: Provided, That on packages having a principal display panel of 5 square inches or less, the requirement for placement within the bottom 30 percent of the area of the label panel shall not apply when the statement meets the other requirements of this section (8). In any case, the statement may appear in more than one line. The terms “net weight” or “net wt.” shall be used when stating the net quantity of contents in terms of weight, and the term “net contents” or “content” when stating the net quantity of contents in terms of fluid measure.
(d) The statement shall be expressed in terms of avoirdupois weight or liquid measure. Where no general consumer usage to the contrary exists, the statement shall be in terms of liquid measure, if the product is liquid, or in terms of weight if the product is solid, semisolid viscous or a mixture of solid and liquid. For example, a declaration of 34 -pound avoirdupois weight shall be expressed as “Net Wt. 12 oz.” except as provided for in section (8)(e) of this rule for random weight packages; a declaration of 112 pounds avoirdupois weight shall be expressed as “Net Wt. 24 oz. (1 lb. 8 oz.),” “Net Wt. 24 oz. (112 lb.),” or “Net Wt. 24 oz. (1.5 lbs.).”
(e) On packages containing 1 pound or 1 pint and less than 4 pounds or 1 gallon, the statement shall be expressed as a dual declaration both in ounces and (immediately thereafter in parentheses) in pounds, with any remainder in terms of ounces or common or decimal fraction of the pound, or in the case of liquid measure, in the largest whole units with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart, except that on random weight packages the statement shall be expressed in terms of pounds and decimal fractions of the pound, for packages over 1 pound, and for packages which do not exceed 1 pound the statement may be in decimal fractions of the pound in lieu of ounces. Subsection (8)(i) of this rule permits certain exceptions from the provisions of this section for margarine packages, random weight consumer size packages, and packages of less than 12 ounce net weight. Subsection (8)(l) of this rule permits certain exceptions from the provision of this section for multi-unit packages.
(f) The statement shall be in letters and numerals in type size established in relationship to the area of the principal display panel of the package and shall be uniform of all packages of substantially the same size by complying with the following type specifications:
(A) Not less than one-sixteenth inch in height on packages, the principal display panel of which has an area of 5 square inches or less;
(B) Not less than one-eighth inch in height on packages, the principal display panel of which has an area of more than 5 but not more than 25 square inches;
(C) Not less than three-sixteenths inch in height on packages, the principal display panel of which has an area of more than 25 but not more than 100 square inches;
(D) Not less than one-quarter inch in height on packages, the principal display panel of which has an area of more than 100 but not more than 400 square inches.
(E) Not less than one-half inch in height on packages, the principal display panel of which has an area of more than 400

square inches.
(g) The ratio of height to width of letters and numerals shall not exceed a differential of 3 units to 1 unit (no more than 3 times as high as it is wide). Heights pertain to upper case or capital letters. When upper and lower case or all lower case letters are used, it is the lower case letter “o” or its equivalent that shall meet the minimum standards. When fractions are used, each component numeral shall meet one-half the height standards.
(h) The statement shall appear as a distinct item on the principal display panel and shall be separated by a space at least equal to the height of the lettering used in the statement from other printed label information appearing above or below the statement and by a space at least equal to twice the width of the letter “N” of the style of type used in the quantity of contents statement from other printed label information appearing to the left or right of the statement. It shall not include any term qualifying a unit of weight, measure, or count such as, “jumbo quart,” “full gallon,” “giant quart,” “when packed,” “Minimum” or words of similar import.
(i) The following exemptions from the requirements contained in this section (8) are hereby established:
(A) Individually wrapped, random weight consumer size packages shipped in bulk containers (as specified in subsection (8)(k) of this rule) and meat products that are subject to shrinkage through moisture loss during good distribution practices need not bear a net weight statement when shipped from a state-inspected establishment, provided that a net weight shipping statement which meets the requirements of subsection (8)(b) of this rule is applied to their shipping container prior to shipping it from the state-inspected establishment. Net weight statements so applied to the shipping container are exempt from the type size, dual declaration, and placement requirements of this section, if an accurate statement of net weight is shown conspicuously on the principal display panel of the shipping container. The net weight also shall be applied directly to random weight consumer size packages prior to retail display and sale. The net weight statement on random weight consumer size packages for retail sale shall be exempt from the type size, dual declaration, and placement requirements of this section, if an accurate statement of net weight is shown conspicuously on the principal display panel of the package.
(B) Individually wrapped and labeled packages of less than 12 ounce net weight and random weight consumer size packages shall be exempt from the requirements of this section if they are in a shipping container and the statement of net quantity of contents on the shipping container meets the requirements of subsection (8)(b) of this rule;
(C) Individually wrapped and labeled packages of less than 12 ounce net weight bearing labels declaring net weight, price per pound, and total price, shall be exempt from the type size, dual declaration, and placement requirements of this section, if an accurate statement of net weight is shown conspicuously on the principal display panel of the package.
(D) Margarine in 1 pound rectangular packages (except packages containing whipped or soft margarine or packages that contain more than four sticks) is exempt from the requirements of subsections (8)(c) and (e) of this rule regarding the placement of the statement of the net quantity of contents within the bottom 30 percent of the principal display panel and that the statement be expressed both in ounces and in pounds, if the statement appears as “1 pound” or “one pound” in a conspicuous manner on the principal display panel.
(E) Sliced shingle packed bacon in rectangular packages is exempt from the requirements of subsections (8)(c) and (8)(e) of this rule regarding the placement of the statement of the net quantity of contents within the bottom 30 percent of the principal display panel, and that the statement be expressed both in ounces and in pounds, if the statement appears in a conspicuous manner on the principal display panel.
(j) Labels for containers which bear any representation as to the number of servings contained therein shall bear, contiguous to such representation, and in the same size type as is used for such representation, a statement of the net quantity of each such serving.
(k) As used in this rule, a “random weight consumer size package” is one which is one of a lot, shipment or delivery of packages of the same product with varying weights and with no fixed weight pattern.
(l) On a multiunit retail package, a statement of the net quantity of contents shall appear on the outside of the package and shall include the number of individual units, the quantity of each individual unit, and in parentheses, the total net quantity of contents of the multiunit package in terms of avoirdupois or fluid ounces, except that such declaration of total quantity need not be followed by an additional parenthetical declaration in terms of the largest whole units and

subdivisions thereof, as required by subsection (8)(e) of this rule. For the purposes of this rule, “multiunit retail package” means a package containing two or more individually packaged units of the identical commodity and in the same quantity, with the individual packages intended to be sold as part of the multiunit retail package but capable of being individually sold in full compliance with all requirements of these Division 29 rules. Open multiunit retail packages that do not obscure the number of units and the labeling thereon are not subject to this section if the labeling of each individual unit complies with the requirements of subsections (8) (b), (c), (f), and (h) of this rule.

(9) The State-inspected establishment number of the state-inspected establishment in which the product was processed under inspection shall be placed as follows:

(a) Within the Oregon inspection legend in the form required by OAR 603-029-0600 to 603-029-0625; or

(b) Outside the Oregon inspection legend elsewhere on the exterior of the container or its labeling, e.g., the lid of a can, if shown in a prominent and legible manner in a size sufficient to insure easy visibility and recognition and accompanied by the prefix “EST”; or

(c) Off the exterior of the container, e.g., on a metal clip used to close casings or bags, or on the back of a paper label of a canned product, or on other packaging or labeling material in the container, e.g., on aluminum pans and trays placed within containers, when a statement of its location is printed contiguous to the Oregon inspection legend, such as “EST. No. on Metal Clip” or “Est. No. on Pan”, if shown in a prominent and legible manner in a size sufficient to insure easy visibility and recognition; or

(d) On an insert label placed under a transparent covering if clearly visible and legible and accompanied by the prefix “EST”.

(10) Labels of any product within any of the following subsections shall show the information required by such subsection for such product:

(a) A label for product which is an imitation of another food shall bear the word “imitation” immediately preceding the name of the food imitated and in the same size and style of lettering as in that name and immediately thereafter the word “ingredients:” and the names of the ingredients arranged in the order of their predominance.

(b) If a product purports to be or is represented for any special dietary use by humans, its label shall bear a statement concerning its vitamin, mineral, and other dietary properties upon which the claim for such use is based in whole or in part and shall be in conformity with regulations (21 CFR part 125) established pursuant to sections 403, and 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343, 371).

(c) When an artificial smoke flavoring or a smoke flavoring is added as an ingredient in the formula of a meat product, as permitted in OAR 603-029-1100 to 603-029-1190, there shall appear on the label, in prominent letters and contiguous to the name of the product, a statement such as “Artificial Smoke Flavoring Added” or “Smoke Flavoring Added,” as may be applicable, and the ingredient statement shall identify any artificial smoke flavoring or smoke flavoring so added as an ingredient in the formula of the meat product.

(d) When any other artificial flavoring is permitted under OAR 603-029-1100 to 603-029-1190 to be added to a product, the ingredient statement shall identify it as “Artificial Flavoring.”

(e) When artificial coloring is added to edible fats as permitted under OAR 603-029-1100 to 603-029-1190 such substance shall be declared on the label in a prominent manner and contiguous to the name of the product by the words “Artificially colored” or “Artificial coloring added” or “With added artificial coloring.” When natural coloring such as annatto is added to edible fats as permitted under OAR 603-029-1100 to 603-029-1190, such substance shall be declared on the label in the same manner by a phrase such as “Colored with annatto.”

(f) When product is placed in a casing to which artificial coloring is applied as permitted under OAR 603-029-1100 to 603-029-1190, there shall appear on the label, in a prominent manner and contiguous to the name of the product, the words, “Artificially colored.”

(g) If a casing is removed from product at an state-inspected establishment and there is evidence of artificial coloring on the surface of the product, there shall appear on the label, in a prominent manner and contiguous to the name of product, the words “Artificially colored.”

(h) When a casing is colored prior to its use as a covering for product and the color is not transferred to the product

enclosed in the casing, no reference to color need appear on the label but no such casing may be used if it is misleading or deceptive with respect to color, quality, or kind of product, or otherwise.
(i) Product which bears or contains any other artificial coloring, as permitted under OAR 603-029-1100 to 603-029-1190, shall bear a label stating that fact on the immediate container or if there is none, on the product.
(j) When an antioxidant is added to product as permitted under OAR 603-029-1100 to 603-029-1190, there shall appear on the label in prominent letters and contiguous to the name of the product, a statement identifying the officially approved specific antioxidant by its common name or abbreviation thereof and the purpose for which it is added, such as, “BHA, BHT, and Propylgallate added to help protect flavor.”
(k) Containers of meat packed in borax or other preservative for export to a foreign country which permits the use of such preservative shall, at the time of packing, be marked “for export,” followed on the next line by the words “packed in preservative,” or such equivalent statement as may be approved for this purpose by the Administrator and directly beneath this there shall appear the word “establishment” or abbreviation thereof, followed by the number of the establishment at which the product is packed. The complete statement shall be applied in a conspicuous location and in letters not less than 1 inch in height.
(l) Containers of other product packed in, bearing, or containing any chemical preservative shall bear a label stating that fact.
(m)(A) On the label of any “Mechanically Separated (Species)” described in OAR 603-029-1204(1), the name of such product shall be followed immediately by the phrase “for processing” unless such product has a protein content of not less than 14 percent and a fat content of not more than 30 percent.
(B) When any “Mechanically Separated (Species)” described in OAR 603-029-1204 is used as an ingredient in the preparation of a meat product and such “Mechanically Separated (Species)” contributes 20 mg or more of calcium to a serving of such meat product, the label of such meat product shall state the calcium content of such meat product, determined and expressed as the percentage of the U.S. Recommended Daily Allowance (U.S. RDA) in a serving in accordance with 21 CFR 101.9(b)(1), (c)(7) (i) and (iv), and (e), as part of any nutrition information included on such label, or if such meat product does not bear nutrition labeling information, as part of a prominent statement in immediate conjunction with the list of ingredients, as follows: “A ___ serving contains __% of the U.S. RDA of calcium”, with the blanks to be filled in, respectively, with the quantity of such product that constitutes a serving and the amount of calcium provided by such serving: Provided, That, calcium content need not be stated where (a) the percent of the U.S. RDA of calcium to be declared would not differ from the percent of the U.S. RDA that would be declared if the meat product contained only hand deboned ingredients or (b) the calcium content of a serving of the meat product would be 20 percent of the U.S. RDA or more if the meat product contained only hand deboned ingredients.
(11) Packaged products which require special handling to maintain their wholesome condition shall have prominently displayed on the principal display panel of the label the statement: “Keep Refrigerated,” “Keep Frozen,” “Perishable Keep Under Refrigeration,” or such similar statement as the Administrator may approve in specific cases. Products that are distributed frozen during distribution and thawed prior to or during display for sale at retail shall bear the statement on the shipping container: “Keep Frozen.” The consumer-size containers for such products shall bear the statement “Previously Handled Frozen for Your Protection, Refreeze or Keep Refrigerated.” For all perishable canned products the statement shall be shown in upper case letters one-fourth inch in height for containers having a net weight of 3 pounds or less, and for containers having a net weight over 3 pounds, the statement shall be in upper case letters at least one-half inch in height.
(12) Safe handling instructions shall be provided for: All meat and meat products of cattle, swine, sheep, or goat that do not meet the requirements contained in OAR 603-029-1160, or that have not undergone other processing that would render them ready-to-eat; and all comminuted meat patties not heat processed in a manner that conforms to the time and temperature combinations in the Table for Permitted Heat-Processing Temperature/Time Combinations For Fully-Cooked Patties in OAR 603-029-1185, except as exempted under subsection (12)(d) of this rule.
(a)(A) Safe handling instructions shall accompany every meat or meat product, specified in this section (12) destined for household consumers, hotels, restaurants, or similar institutions and shall appear on the label. The information shall be

in lettering no smaller than one-sixteenth of an inch in size and shall be prominently placed with such conspicuousness (as compared with other words, statements, designs or devices in the labeling) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.
(B) The safe handling information shall be presented on the label under the heading “Safe Handling Instructions” which shall be set in type size larger than the print size of the rationale statement and handling statements as discussed in subsections (12)(b) and (c) of this rule. The safe handling information shall be set off by a border and shall be one color type printed on a single color contrasting background whenever practical.
(b) The labels of the meat and meat products specified in this section (12) shall include the following rationale statement as part of the safe handling instructions, “This product was prepared from inspected and passed meat and/or poultry. Some food products may contain bacteria that could cause illness if the product is mishandled or cooked improperly. For your protection, follow these safe handling instructions.” This statement shall be placed immediately after the heading and before the safe handling statements.
(c) Meat and meat products, specified in this section (12), shall bear the labeling statements:
(A) Keep refrigerated or frozen. Thaw in refrigerator or microwave. (Any portion of this statement that is in conflict with the product's specific handling instructions, may be omitted, e.g., instructions to cook without thawing.) (A graphic illustration of a refrigerator shall be displayed next to the statement.);
(B) Keep raw meat and poultry separate from other foods. Wash working surfaces (including cutting boards), utensils, and hands after touching raw meat or poultry. (A graphic illustration of soapy hands under a faucet shall be displayed next to the statement.);
(C) Cook thoroughly. (A graphic illustration of a skillet shall be displayed next to the statement.); and
(D) Keep hot foods hot. Refrigerate leftovers immediately or discard. (A graphic illustration of a thermometer shall be displayed next to the statement.)
(d) Meat or meat products intended for further processing at another state-inspected establishment are exempt from the requirements prescribed in subsections (12)(a) through (12)(c) of this rule.
(13)(a) The information panel is that part of a label that is the first surface to the right of the principal display panel as observed by an individual facing the principal display panel, with the following exceptions:
(A) If the first surface to the right of the principal display panel is too small to accommodate the required information or is otherwise unusable label space, e.g., folded flaps, tear strips, opening flaps, heat-sealed flaps, the next panel to the right of this part of the label may be used.
(B) If the package has one or more alternate principal display panels, the information panel is to the right of any principal display panel.
(C) If the top of the container is the principal display panel and the package has no alternate principal display panel, the information panel is any panel adjacent to the principal display panel.
(b)(A) Except as otherwise permitted in OAR 603-029-1000 to 603-029-1058, all information required to appear on the principal display panel or permitted to appear on the information panel shall appear on the same panel unless there is insufficient space. In determining the sufficiency of the available space, except as otherwise prescribed in this part, any vignettes, designs, and any other nonmandatory information shall not be considered. If there is insufficient space for all required information to appear on a single panel, it may be divided between the principal display panel and the information panel, provided that the information required by any given provision of this part, such as the ingredients statement, is not divided and appears on the same panel.
(B) All information appearing on the information panel pursuant to this rule shall appear in one place without intervening material, such as designs or vignettes.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 616.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 616.046, ORS 561.230

ADOPT: 603-029-1006

RULE TITLE: Approval of Abbreviations of Marks of Inspection; Preparation of Marking Devices Bearing Inspection Legend Without Advance Approval Prohibited; Exception

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Approval of Abbreviations of Marks of Inspection; Preparation of Marking Devices Bearing Inspection Legend Without Advance Approval Prohibited; Exception

RULE TEXT:
(1) The Department may approve and authorize the use of abbreviations of marks of inspection under these Division 29 rules. Such abbreviations shall have the same force and effect as the respective marks for which they are authorized abbreviations.
(2) Except for the purposes of preparing and submitting a sample or samples of the same to the Department for approval, no brand manufacturer, printer, or other person shall cast, print, lithograph, or otherwise make any marking device containing any Oregon mark or simulation thereof, or any label bearing any such mark or simulation, without the written authority therefor of the Department. However, when any such sample label, or other marking device, is approved by the Department, additional supplies of the approved label, or marking device, may be made for use in accordance with these Division 29 rules, without further approval by the Department. The provisions of this section apply only to labels, or other marking devices, bearing or containing an Oregon inspection legend shown in OAR 603-029-0610(2) or any abbreviations, copy or representation thereof.
(3) No brand manufacturer or other person shall cast or otherwise make, without an Oregon certificate issued in quadruplicate by a Department employee, a brand or other marking device containing an Oregon inspection legend, or simulation thereof, shown in OAR 603-029-0610(1).
(a) The certificate is a department form for signature by a Department employee and the state-inspected establishment ordering the brand or other marking device, bearing a certificate serial number and a letterhead and the seal of the Oregon 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.
(b) After signing the certificate, the Department employee and the state-inspected establishment shall each keep a copy, and the remaining two copies shall be given to the brand or other marking device manufacturer.
(c) The manufacturer of the brands or other marking devices shall engrave or otherwise mark each brand or other marking device with a permanent identifying serial number unique to it. The manufacturer shall list on each of the two copies of the certificate given to the manufacturer the number of each brand or other marking device authorized by the certificate. The manufacturer shall retain one copy of the certificate for the manufacturer's records and return the remaining copy with the brands or other marking devices to the Department employee whose name and address are given on the certificate as the recipient.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046, ORS 561.230

ADOPT: 603-029-1008

RULE TITLE: Approved Labels to be Used Only on Products to Which they are Applicable

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Approved Labels to be Used Only on Products to Which they are Applicable

RULE TEXT:

Labels shall be used only on products for which they are approved, and only if they have been approved for such products in accordance with OAR 603-029-1006.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-1010

RULE TITLE: False or Misleading Labeling or Practices Generally; Specific Prohibitions and Requirements for Labels and Containers

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: False or Misleading Labeling or Practices Generally; Specific Prohibitions and Requirements for Labels and Containers

RULE TEXT:

(1) No product or any of its wrappers, packaging, or other containers shall bear any false or misleading marking, label, or other labeling and no statement, word, picture, design, or device which conveys any false impression or gives any false indication of origin or quality or is otherwise false or misleading shall appear in any marking or other labeling. No product shall be wholly or partly enclosed in any wrapper, packaging, or other container that is so made, formed, or filled as to be misleading.

(2) The labels and containers of product shall comply with the following provisions, as applicable:

(a) Terms having geographical significance with reference to a locality other than that in which the product is prepared may appear on the label only when qualified by the word “style,” “type,” or “brand,” as the case may be, in the same size and style of lettering as in the geographical term, and accompanied with a prominent qualifying statement identifying the country, State, Territory, or locality in which the product is prepared, using terms appropriate to effect the qualification. When the word “style” or “type” is used, there must be a recognized style or type of product identified with and peculiar to the area represented by the geographical term and the product must possess the characteristics of such style or type, and the word “brand” shall not be used in such a way as to be false or misleading: Provided, That a geographical term which has come into general usage as a trade name and which has been approved by the Department as being a generic term may be used without the qualifications provided for in this section. The terms “frankfurter,” “vienna,” “bologna,” “lebanon bologna,” “braunschweiger,” “thuringer,” “genoa,” “leona,” “berliner,” “holstein,” “goteborg,” “milan,” “polish,” “italian,” and their modifications, as applied to sausages, the terms “brunswick” and “irish” as applied to stews and the term “boston” as applied to pork shoulder butts need not be accompanied with the word “style,” “type,” or “brand,” or a statement identifying the locality in which the product is prepared.

(b) Such terms as “farm” or “country” shall not be used on labels in connection with products unless such products are actually prepared on the farm or in the country: Provided, That if the product is prepared in the same way as on the farm or in the country these terms, if qualified by the word “style” in the same size and style of lettering, may be used: Provided further, That the term “farm” may be used as part of a brand designation when qualified by the word “brand” in the same size and style of lettering, and followed with a statement identifying the locality in which the product is prepared: And Provided further, That the provisions of this section shall not apply to products prepared in accordance with OAR 603-029-1230. Sausage containing cereal shall not be labeled “farm style” or “country style,” and lard not rendered in an open kettle shall not be designated as “farm style” or “country style.”

(c) The requirement that the label shall contain the name and place of business of the manufacturer, packer, or distributor shall not relieve any establishment from the requirement that its label shall not be misleading in any particular.

(d) The term “spring lamb” or “genuine spring lamb” is applicable only to carcasses of new-crop lambs slaughtered during the period beginning in March and terminating not beyond the close of the week containing the first Monday in October.

(e)(A) Coverings shall not be of such color, design, or kind as to be misleading with respect to color, quality, or kind of product to which they are applied. For example, transparent or semitransparent coverings for such articles as sliced bacon or fresh (uncooked) meat and meat products shall not bear lines or other designs of red or other color which give a false impression of leanness of the product. Transparent or semitransparent wrappers, casings, or coverings for use in packaging cured, cured and smoked, or cured and cooked sausage products, and sliced ready-to-eat meat products may be color tinted or bear red designs on 50 percent of such wrapper or covering: Provided, That the transparent or

semitransparent portion of the principal display panel is free of color tinting and red designs: And provided further, That the principal display panel provides at least 20 percent unobstructed clear space, consolidated in one area so that the true nature and color of the product is visible to the consumer.

(B) Packages for sliced bacon that have a transparent opening shall be designed to expose, for viewing, the cut surface of a representative slice. Packages for sliced bacon which meet the following specifications will be accepted as meeting the requirements of this subsection provided the enclosed bacon is positioned so that the cut surface of the representative slice can be visually examined:

(i) For shingle-packed sliced bacon, the transparent window shall be designed to reveal at least 70 percent of the length (longest dimension) of the representative slice, and this window shall be at least 112 inches wide. The transparent window shall be located not more than five-eighths inch from the top or bottom edge of a 1-pound or smaller package and not more than three-fourths inch from either the top or bottom edge of a package larger than 1 pound.

(ii) For stack-packed sliced bacon, the transparent window shall be designed to reveal at least 70 percent of the length (longest dimension) of the representative slice and be at least 112 inches wide.

(f) The word “fresh” shall not be used on labels to designate product which contains any sodium nitrate, sodium nitrite, potassium nitrate, or potassium nitrite, or which has been salted for preservation.

(g)(A) No ingredient shall be designated on the label as a spice, flavoring, or coloring unless it is a spice, flavoring, or coloring, as the case may be. An ingredient that is both a spice and a coloring, or both a flavoring and a coloring, shall be designated as “spice and coloring”, or “flavoring and coloring”, as the case may be, unless such ingredient is designated by its common or usual name.

(B) Any ingredient not designated in 603-029-1004(6)(a)(A) of this part whose function is flavoring, either in whole or in part, must be designated by its common or usual name. Those ingredients which are of livestock and poultry origin must be designated by names that include the species and livestock and poultry tissues from which the ingredients are derived.

(h) As used on labels of product, the term “gelatin” shall mean (i) the jelly prepared in state-inspected establishments by cooking pork skins, tendons, or connective tissue from inspected and passed product, and (ii) dry commercial gelatin or the jelly resulting from its use.

(i) Product (other than canned product) labeled with the term “loaf” as part of its name:

(A) If distributed from the state-inspected establishment in consumer size containers may be in any shape;

(B) If distributed in a container of a size larger than that sold intact at retail the product shall be prepared in rectangular form, or as in paragraph (2)(i)(C) of this rule;

(C) If labeled as an “Old Fashioned Loaf” shall be prepared in a traditional form, such as rectangular with rounded top or circular with flat bottom and rounded top.

(j) The term “baked” shall apply only to product which has been cooked by the direct action of dry heat and for a sufficient time to permit the product to assume the characteristics of a baked article, such as the formation of a brown crust on the surface, rendering out of surface fat, and the caramelization of the sugar if applied. Baked loaves shall be heated to a temperature of at least 160 °F. and baked pork cuts shall be heated to an internal temperature of at least 170 °F.

(k) When products such as loaves are browned by dipping in hot edible oil or by a flame, the label shall state such fact, e.g., by the words “Browned in Hot Cottonseed Oil” or “Browned by a Flame,” as the case may be, appearing as part of the product name.

(l) The term “meat” and the names of particular kinds of meat, such as beef, veal, mutton, lamb, and pork, shall not be used in such manner as to be false or misleading.

(m) The word “ham,” without any prefix indicating the species of animal from which derived, shall be used in labeling only in connection with the hind legs of swine. Ham shanks as such or ham shank meat as such or the trimmings accruing in the trimming and shaping of hams shall not be labeled “ham” or “ham meat” without qualification. When used in connection with a chopped product the term “ham” or “ham meat” shall not include the skin.

(n) The terms “shankless” and “hockless” shall apply only to hams and pork shoulders from which the shank or hock has

been completely removed, thus eliminating the entire tibia and fibula, or radius and ulna, respectively, together with the overlying muscle, skin, and other tissue.
(o) Such terms as “meat extract” or “extract of beef” without qualification shall not be used on labels in connection with products prepared from organs or other parts of the carcass, other than fresh meat. Extracts prepared from any parts of the carcass other than fresh meat may be properly labeled as extracts with the true name of the parts from which prepared. In the case of extract in fluid form, the word “fluid” shall also appear on the label, as, for example, “fluid extract of beef.”
(p) When any product is enclosed in a container along with a packing substance such as brine, vinegar, or agar jelly, a declaration of the packing substance shall be printed prominently on the label as part of the name of the product, as for example, “frankfurts packed in brine,” “lamb tongue packed in vinegar,” or “beef tongue packed in agar jelly,” as the case may be. The packing substance shall not be used in such a manner as will result in the container being so filled as to be misleading.
(q) “Leaf lard” is lard prepared from fresh leaf fat.
(r) When lard or hardened lard is mixed with rendered pork fat or hardened rendered pork fat, the mixture shall be designated as “rendered pork fat” or “hardened rendered pork fat,” as the case may be.
(s) Oil, stearin, or stock obtained from beef or mutton fats rendered at a temperature above 170 °F. shall not be designated as “oleo oil,” “oleo stearin,” or “oleo stock,” respectively.
(t) When not more than 20 percent of beef fat, mutton fat, oleo stearin, vegetable stearin, or hardened vegetable fat is mixed with lard or with rendered pork fat, there shall appear on the label, contiguous to and in the same size and style of lettering as the name of the product, the words “beef fat added,” “mutton fat added,” “oleo stearin added,” “vegetable stearin added,” or “hardened vegetable fat added,” as the case may be. If more than 20 percent is added, the product name shall refer to the particular animal fat or fats used, such as, “Lard and Beef Fat.” The designation “vegetable fat” is applicable to vegetable oil, vegetable stearin, or a combination of such oil and stearin, whereas the designations “vegetable oil” and “vegetable stearin” shall be applicable only to the oil and the stearin respectively, when used in meat products.
(u) Cooked, cured, or pickled pigs feet, pigs knuckles, and similar products, shall be labeled to show that the bones remain in the product, if such is the case. The designation “semi-boneless” shall not be used if less than 50 percent of the total weight of bones has been removed.
(v) When monoglycerides, diglycerides, and/or polyglycerol esters of fatty acids are added to rendered animal fat or a combination of such fat and vegetable fat, there shall appear on the label in a prominent manner and contiguous to the name of the product a statement such as “With Monoglycerides and Diglycerides Added,” or “With Diglycerides and Monoglycerides,” or “With Polyglycerol Esters of Fatty Acids” as the case may be.
(w) Section 407 of the Federal Food, Drug, and Cosmetic Act contains provisions with respect to colored margarine or colored oleomargarine (21 U.S.C. 347) which are set forth herein as footnote.1
(x) When approved proteolytic enzymes as permitted in OAR 603-029-1100 to 603-029-1190 are used on steaks or other raw meat cuts, there shall appear on the label, in a prominent manner, contiguous to the product name, the statement, “Tenderized with [approved enzyme],” to indicate the use of such enzymes. Any other approved substance which may be used in the solution shall also be included in the statement.
When approved inorganic chlorides as permitted in OAR 603-029-1100 to 603-029-1190 are used on steaks or other raw meat cuts there shall appear on the label in a prominent manner, contiguous to the product name, the statement, “Tenderized with (names of approved inorganic chloride(s))” to indicate the use of such inorganic chlorides. Any other approved substance which may be in the solution shall also be included in the statement.
(y) When dimethylpolysiloxan is added as an antifoaming agent to rendered fats, its presence shall be declared on the label contiguous to the name of the product. Such declaration shall read “Dimethylpolysiloxan Added.”
(z) When pizzas are formulated with crust containing calcium propionate or sodium propionate, there shall appear on the label contiguous to the name of the product the statement “___ added to retard spoilage of crust” preceded by the name of the preservative.

(aa) Sausage of the dry varieties treated with potassium sorbate or propylparaben (propyl p-hydroxybenzoate) as permitted by OAR 603-029-1100 to 603-029-1190, shall be marked or labeled with a statement disclosing such treatment and the purpose thereof, such as "dipped in a potassium sorbate solution to retard mold growth."
(bb) Meat of goats shall be identified as goat meat or chevon.
(cc) The term "Chitterlings" shall apply to the large intestines of swine, or young bovine animals when preceded with the word "Calf" or "Veal." Meat products that contain chitterlings or calf or veal chitterlings, in accordance with OAR 603-029-1125(2)(h) shall be identified with product names that refer to such ingredients, as for instance, "Chitterling Loaf," "Chitterling Pie," or "Calf Chitterlings and Gravy," and shall be packed in containers having a capacity of 3 pounds or less and of a kind usually sold at retail intact and bearing such other information as is required by this part.
(dd) Products that contain blood from livestock as permitted by OAR 603-029-1100 to 603-029-1190 shall be labeled with a name that includes the term "blood," and the specific kind of blood shall be declared in the ingredient statement, e.g., "Swine blood," in the manner required by this part.
(ee) A calendar date may be shown on labeling when declared in accordance with the provisions of this subparagraph:
(A) The calendar date shall express the month of the year and the day of the month for all products and also the year in the case of products hermetically sealed in metal or glass containers, dried or frozen products, or any other products that the Department finds should be labeled with the year because the distribution and marketing practices with respect to such products may cause a label without a year identification to be misleading.
(B) Immediately adjacent to the calendar date there must be a phrase explaining the meaning of the date, in terms of "packing" date, "sell by" date, or "use before" date, with or without a further qualifying phrase, e.g., "For Maximum Freshness" or "For Best Quality."
(ff) The terms "All," "Pure," "100%," and terms of similar connotation shall not be used on labels for products to identify ingredient content, unless the product is prepared solely from a single ingredient.
(gg) When agar-agar is used in canned jellied meat products, as permitted in OAR 603-029-1100 to 603-029-1190, there shall appear on the label in a prominent manner, contiguous to the product name, a statement to indicate the use of agar-agar.
(hh) When sodium alginate, calcium carbonate, and lactic acid and calcium carbonate (or glucono delta-lactone) are used together in a dry binding matrix in restructured, formed meat products, as permitted in OAR 603-029-1100 to 603-029-1190, there shall appear on the label contiguous to the product name, a statement to indicate the use of sodium alginate, calcium carbonate and lactic acid and calcium carbonate (or glucono delta-lactone).
(ii) The labels of sausages encased in natural casings made from meat or poultry viscera shall identify the type of meat or poultry from which the casings were derived, if the casings are from a different type of meat or poultry than the encased meat or poultry. The identity of the casing, if required, may be placed on the principal display panel or in the ingredient statement. Establishments producing, manufacturing, or using natural sausage casings are to maintain records documenting the meat or poultry source in accordance with OAR 603-029-1300 to 603-029-1330.
(jj) The labels of sausages encased in regenerated collagen casings shall disclose this fact on the product label. The fact that the sausage is encased in collagen may be placed on the principal display panel or in the ingredient statement.
(kk) When transglutaminase enzyme is used to bind pieces of meat to form a cut of meat, or to reform a piece of meat from a multiple cuts, there shall appear on the label, as part of the product name, a statement that indicates that the product has been "formed" or "reformed," in addition to other preparation steps, e.g., "Formed Beef Tenderloin" or "Reformed and Shaped Beef Tenderloin."
(ll) A country of origin statement on the label of any meat "covered commodity" as defined in 7 CFR Part 65, Subpart A, that is to be sold by a "retailer," as defined in 7 CFR 65.240, must comply with the requirements in 7 CFR 65.300 and 65.400.
(1) Colored oleomargarine or colored margarine which is sold in the same State or Territory in which it is produced shall be subject in the same manner and to the same extent to the provisions of this Act as if it had been introduced in interstate commerce.
(2) No person shall sell, or offer for sale, colored oleomargarine or colored margarine unless—

(a) Such oleomargarine or margarine is packaged,
(b) The net weight of the contents of any package sold in a retail establishment is one pound or less,
(c) There appears on the label of the package (A) The word 'oleomargarine' or 'margarine' in type or lettering at least as large as any other type or lettering on such label, and (B) A full and accurate statement of all the ingredients contained in such oleomargarine, or margarine, and
(d) Each part of the contents of the package is contained in a wrapper which bears the word 'oleomargarine' or 'margarine' in type or lettering not smaller than 20-point type.
(e) The requirements of this subsection shall be in addition to and not in lieu of any of the other requirements of this Act.
(3) No person shall possess in a form ready for serving colored oleomargarine or colored margarine at a public eating place unless a notice that oleomargarine or margarine is served is displayed prominently and conspicuously in such place and in such manner as to render it likely to be read and understood by the ordinary individual being served in such eating place or is printed or is otherwise set forth on the menu in type or lettering not smaller than that normally used to designate the serving of other food items. No person shall serve colored oleomargarine or colored margarine at a public eating place, whether or not any charge is made therefor, unless (1) each separate serving bears or is accompanied by labeling identifying it as oleomargarine or margarine, or (2) each separate serving thereof is triangular in shape.
(4) Colored oleomargarine or colored margarine when served with meals at a public eating place shall at the time of such service be exempt from the labeling requirements of section 343 of this Act (except subsection (a) and (f) of section 343 of this title) if it complies with the requirements of subsection (b) of this rule.
(5) For the purpose of this section, colored oleomargarine or colored margarine is oleomargarine or margarine having a tint or shade containing more than one and six tenths degrees of yellow or of yellow and red collectively, but with an excess of yellow over red, measured in terms of Lovibond tintometer scale or its equivalent" (21 U.S.C. 347).

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-1012

RULE TITLE: Reuse of Oregon Inspection Marks; Reuse of Containers Bearing Oregon Marks, Labels, etc.

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Reuse of Oregon Inspection Marks; Reuse of Containers Bearing Oregon Marks, Labels, etc.

RULE TEXT:

(1) No Oregon inspection legend or other Oregon mark which has been previously used shall be used again for the identification of any product, except as provided for in section (2) of this rule.

(2) All stencils, marks, labels, or other labeling on previously used containers, whether relating to any product or otherwise, shall be removed or obliterated before such containers are used for any product, unless such labeling correctly indicates the product to be packed therein and such containers are refilled under the supervision of a Department employee.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 561.220, ORS 561.230

ADOPT: 603-029-1014

RULE TITLE: Labeling, Filling of Containers, Handling of Labeled Products to be Only in Compliance with Regulations

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Labeling, Filling of Containers, Handling of Labeled Products to be Only in Compliance with Regulations

RULE TEXT:

(1) No person shall in any state-inspected establishment apply or affix, or cause to be applied or affixed, any label to any product prepared or received in such establishment, or to any container thereof, or fill any container at such an establishment, except in compliance with these Division 29 rules.

(2) No covering or other container shall be filled, in whole or in part, at any state-inspected establishment with any product unless it has been inspected and passed in compliance with the regulations in this subchapter, is not adulterated, and is strictly in accordance with the statements on the label, and such filling is done under the supervision of a Department employee.

(3) No person shall remove, or cause to be removed from an state-inspected establishment any product bearing a label unless such label is in compliance with these Division 29 rules, or any product not bearing a label required by such rules.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-1016

RULE TITLE: Relabeling Products; Requirements

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Relabeling Products; Requirements

RULE TEXT:

When it is claimed by a state-inspected establishment that any of its products which bore labels bearing Oregon marks has been transported to a location other than a state-inspected establishment, and it is desired to relabel the product because the labels have become mutilated or otherwise damaged, a request for relabeling the product shall be sent to the Department, accompanied with a statement of the reasons therefor. Labeling material intended for relabeling inspected and passed product shall not be transported from a state-inspected establishment until permission has been received from the Department. The relabeling of inspected and passed product with labels bearing any Oregon marks shall be done under the supervision of a Department Inspector. The state-inspected establishment shall reimburse the Department, in accordance with the regulations of the Department, for any cost involved in supervising the relabeling of such product.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-1018

RULE TITLE: Storage and Distribution of Labels and Containers Bearing Oregon Marks

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Storage and Distribution of Labels and Containers Bearing Oregon Marks

RULE TEXT:

Labels, wrappers, and containers bearing any official marks, with or without the establishment number, may be transported from one state-inspected establishment to any other state-inspected establishment provided such shipments are made with the prior authorization of the inspector in charge at point of origin, who will notify the inspector in charge at destination concerning the date of shipment, quantity, and type of labeling material involved. No such material shall be used at the establishment to which it is shipped unless such use conforms with the requirements of this subchapter.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-1020

RULE TITLE: Labeling and Containers of Custom Prepared Products

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Labeling and Containers of Custom Prepared Products

RULE TEXT:

Products that are custom prepared under OAR 603-029-0020(1)(b) must be packaged immediately after preparation and must be labeled as required in OAR 603-028-0700. Such exempted custom prepared products or their containers may bear additional labeling provided such labeling is not false or misleading.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-1022

RULE TITLE: Interpretation and Statement of Labeling Policy for Cured Products; Special Labeling Requirements Concerning Nitrate and Nitrite

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Interpretation and Statement of Labeling Policy for Cured Products; Special Labeling Requirements Concerning Nitrate and Nitrite

RULE TEXT:

(1) With respect to OAR 603-029-0020(35)(n) and OAR 603-029-1004, any substance mixed with another substance to cure a product must be identified in the ingredients statement on the label of such product. For example, curing mixtures composed of such ingredients as water, salt, sugar, sodium phosphate, sodium nitrate, and sodium nitrite or other permitted substances which are added to any product, must be identified on the label of the product by listing each such ingredient in accordance with the provisions of OAR 603-029-1004.

(2) Any product, such as bacon and pepperoni, which is required to be labeled by a common or usual name or descriptive name in accordance with 603-029-1004(3)(a) and to which nitrate or nitrite is permitted or required to be added may be prepared without nitrate or nitrite and labeled with such common or usual name or descriptive name when immediately preceded with the term “Uncured” as part of the product name in the same size and style of lettering as the product name, provided that the product is found by the Department to be similar in size, flavor, consistency, and general appearance to such product as commonly prepared with nitrate or nitrite, or both.

(3)(a) Products described in section (2) of this rule or OAR 603-029-1202, which contain no nitrate or nitrite shall bear the statement “No Nitrate or Nitrite Added.” This statement shall be adjacent to the product name in lettering of easily readable style and at least one-half the size of the product name.

(b) Products described in section (2) of this rule and OAR 603-029-1202shall bear, adjacent to the product name in lettering of easily readable style and at least one-half the size of the product name, the statement “Not Preserved—Keep Refrigerated Below 40 °F. At All Times” unless they have been thermally processed to F[sub 0] 3 or more; they have been fermented or pickled to pH of 4.6 or less; or they have been dried to a water activity of 0.92 or less.

(c) Products described in section (2) of this rule and OAR 603-029-1202 shall not be subject to the labeling requirements of sections (2) and (3) of this rule if they contain an amount of salt sufficient to achieve a brine concentration of 10 percent or more.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-1024

RULE TITLE: Packaging Materials

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Packaging Materials

RULE TEXT:

(1) Edible products may not be packaged in a container which is composed in whole or in part of any poisonous or deleterious substances which may render the contents adulterated or injurious to health. All packaging materials must be safe for their intended use within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act, as amended (FFDCA).

(2) Packaging materials entering the state-inspected establishment must be accompanied or covered by a guaranty, or statement of assurance, from the packaging supplier under whose brand name and firm name the material is marketed to the state-inspected establishment. The guaranty shall state that the materials intended use complies with the FFDCA and all applicable food additive regulations. The guaranty must identify the material, e.g., by the distinguishing brand name or code designation appearing on the packaging material shipping container; must specify the applicable conditions of use, including temperature limits and any other pertinent limits specified under the FFDCA and food additive regulations; and must be signed by an authorized official of the supplying firm. The guaranty may be limited to a specific shipment of an article, in which case it may be part of or attached to the invoice covering such shipment, or it may be general and continuing, in which case, in its application to any article or other shipment of an article, it shall be considered to have been given at the date such article was shipped by the person who gives the guaranty. Guaranties consistent with the Food and Drug Administration's regulations regarding such guaranties (21 CFR 7.12 and 7.13) will be acceptable. The management of the state-inspected establishment must maintain a file containing guaranties for all food contact packaging materials in the state-inspected establishment. The file shall be made available to Inspectors or other Department officials upon request. While in the state inspected establishment, the identity of all packaging materials must be traceable to the applicable guaranty.

(3) The guaranty by the packaging supplier will be accepted by Department inspectors to establish that the use of material complies with the FFDCA and all applicable food additive regulations.

(4) The Department will monitor the use of packaging material in state-inspected establishments to assure that the requirements of section (1) of this rule are met and may question the basis for any guaranty described under section (2) of this rule. state-inspected establishments and packaging suppliers providing written guaranties to those state-inspected establishments will be permitted an opportunity to provide information tm designated Department officials as needed to verify the basis for any such guaranty. The required information will include, but is not limited to, manufacturing firm’s name, trade name or code designation for the material, complete chemical composition, and use. Selection of a material for review does not in itself affect a material’s acceptability. Materials may continue to be used during the review period. However, if information requested from the supplier is not provided within the time indicated in the request—a minimum of 30 days—any applicable guaranty shall cease to be effective, and approval to continue using the specified packaging material in state-inspected establishments may be denied. The Department may extend this time where reasonable grounds for extension are shown, as, for example, where data must be obtained from suppliers.

(5) The Department may disapprove for use in state-inspected establishments packaging materials whose use cannot be confirmed as complying with FFDCA and applicable food additive regulations. Before approval to use a packaging material is finally denied by the Department, the affected state-inspected establishment and the supplier of the material shall be given notice and the opportunity to present their views to the Department. If the state-inspected establishment and the supplier do not accept the Department's determination, a hearing in accordance with applicable rules of practice will be held to resolve such dispute. Approval to use the materials pending the outcome of the presentation of views or hearing shall be denied if the Department determines that such use may present an imminent hazard to public health.

(6) Periodically, the Department will issue to Inspectors a listing, by distinguishing brand name or code designation, of packaging materials that have been reviewed and that fail to meet the requirements of section (1) of this rule. Listed materials will not be permitted for use in state-inspected establishments. If a subsequent review of any material indicates that it meets the requirements of section (1), the material will be deleted from the listing.
(7) Nothing in this rule shall affect the authority of Inspectors to refuse a specific material if he/she determines the material may render products adulterated or injurious to health.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-1026

RULE TITLE: Nutrition Labeling of Meat and Meat Products

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Nutrition Labeling of Meat and Meat Products

RULE TEXT:

(1) Nutrition labeling must be provided for all meat and meat products intended for human consumption and offered for sale, except single-ingredient, raw meat products that are not ground or chopped meat products described in OAR 603-029-1028 and are not major cuts of single-ingredient, raw meat products identified in OAR 603-029-1040, unless the product is exempted under OAR 603-029-1060. Nutrition labeling must be provided for the major cuts of single-ingredient, raw meat products identified in OAR 603-029-1040, either in accordance with the provisions of OAR 603-029-1034 for nutrition labels, or in accordance with the provisions of OAR 603-029-1042 for point-of-purchase materials, except as exempted under OAR 603-029-1060. For all other products for which nutrition labeling is required, including ground or chopped meat products described in OAR 603-029-1028, nutrition labeling must be provided in accordance with the provisions of OAR 603-029-1034, except as exempted under OAR 603-029-1060.

(2) Nutrition labeling may be provided for single-ingredient, raw meat products that are not ground or chopped meat products described in OAR 603-029-1028 and that are not major cuts of single-ingredient, raw meat products identified in OAR 603-029-1040, either in accordance with the provisions of OAR 603-029-1034 for nutrition labels, or in accordance with the provisions of OAR 603-029-1042 for point-of-purchase materials.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-1028

RULE TITLE: Required Nutrition Labeling of Ground or Chopped Meat Products

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Required Nutrition Labeling of Ground or Chopped Meat Products

RULE TEXT:

Nutrition labels must be provided for all ground or chopped products (livestock species) and hamburger with or without added seasonings (including, but not limited to, ground beef, ground beef patties, ground sirloin, ground pork, and ground lamb) that are intended for human consumption and offered for sale, in accordance with the provisions of OAR 603-029-1034, except as exempted under OAR 603-029-1060.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-1030

RULE TITLE: Location of Nutrition Information

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Location of Nutrition Information

RULE TEXT:

(1) Nutrition information on a label of a packaged meat or meat product shall appear on the la'el's principal display panel or on the information panel, except as provided in sections (2) and (3) of this rule.

(2) Nutrition information for gift packs may be shown at a location other than on the product label, provided that the labels for these products bear no nutrition claim. In lieu of on the product label, nutrition information may be provided by alternate means such as product label inserts.

(3) Meat or meat products in packages that have a total surface area available to bear labeling greater than 40 square inches but whose principal display panel and information panel do not provide sufficient space to accommodate all required information may use any alternate panel that can be readily seen by consumers for the nutrition information. In determining the sufficiency of available space for the nutrition information, the space needed for vignettes, designs, and other nonmandatory label information on the principal display panel may be considered.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-1032

RULE TITLE: Labeling of Meat or Meat Products with Number of Servings

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Labeling of Meat or Meat Products with Number of Servings

RULE TEXT:

The label of any package of a meat or meat product that bears a representation as to the number of servings contained in such package shall meet the requirements of 603-029-1004(8)(j).

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-1034

RULE TITLE: Nutrition Label Content

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Nutrition Label Content

RULE TEXT:

(1) All nutrient and food component quantities shall be declared in relation to a serving as defined in this rule.

(2)(a) The term “serving” or “serving size” means an amount of food customarily consumed per eating occasion by persons 4 years of age or older, which is expressed in a common household measure that is appropriate to the product. When the product is specially formulated or processed for use by infants or by toddlers, a serving or serving size means an amount of food customarily consumed per eating occasion by infants up to 12 months of age or by children 1 through 3 years of age, respectively.

(b) Except as provided in subsections (2)(h), (2)(l), and (2)(n) of this rule and for products that are intended for weight control and are available only through a weight-control or weight-maintenance program, serving size declared on a product label shall be determined from the “Reference Amounts Customarily Consumed Per Eating Occasion—General Food Supply” (Reference Amount(s)) that appear in 603-029-1036(a) using the procedures described in this section (2). For products that are both intended for weight control and available only through a weight-control program, a manufacturer may determine the serving size that is consistent with the meal plan of the program. Such products must bear a statement, “for sale only through the __ program” (fill in the blank with the name of the appropriate weight-control program, e.g., Smith’s Weight Control), on the principal display panel. However, the Reference Amounts in 603-029-1036(a) shall be used for purposes of evaluating whether weight-control products that are available only through a weight-control program qualify for nutrition claims.

(c) The declaration of nutrient and food component content shall be on the basis of the product “as packaged” for all products, except that single-ingredient, raw products that are not ground or chopped meat products described in OAR 603-029-1028may be declared on the basis of the product “as consumed.” For single-ingredient, raw products that are not ground or chopped meat products described in OAR 603-029-1028, if data are based on the product ‘as consumed,’ the data must be presented in accordance with 603-029-1042(4). In addition to the required declaration on the basis of “as packaged” for products other than single-ingredient, raw products that are not ground or chopped meat products described in OAR 603-029-1028, the declaration may also be made on the basis of “as consumed,” provided that preparation and cooking instructions are clearly stated.

(d) For products in discrete units (e.g., hot dogs, and individually packaged products within a multi-serving package), and for products which consist of two or more foods packaged and presented to be consumed together where the ingredient represented as the main ingredient is in discrete units (e.g., beef fritters and barbecue sauce), the serving size shall be declared as follows:

(A) If a unit weighs 50 percent or less of the Reference Amount, the serving size shall be the number of whole units that most closely approximates the Reference Amount for the product category.

(B) If a unit weighs more than 50 percent but less than 67 percent of the Reference Amount, the manufacturer may declare one unit or two units as the serving size.

(C) If a unit weighs 67 percent or more but less than 200 percent of the Reference Amount, the serving size shall be one unit.

(D) If a unit weighs 200 percent or more of the Reference Amount, the manufacturer may declare one unit as the serving size if the whole unit can reasonably be consumed at a single eating occasion.

(E) For products that have Reference Amounts of 100 grams (or milliliter) or larger and are individual units within a multi-serving package, if a unit contains more than 150 percent but less than 200 percent of the Reference Amount, the manufacturer may decide whether to declare the individual unit as 1 or 2 servings.

(F) For products which consist of two or more foods packaged and presented to be consumed together where the ingredient represented as the main ingredient is in discrete units (e.g., beef fritters and barbecue sauce), the serving size

may be the number of discrete units represented as the main ingredient plus proportioned minor ingredients used to make the Reference Amount for the combined product as determined in OAR 603-029-1036(3).
(G) For packages containing several individual single-serving containers, each of which is labeled with all required information including nutrition labeling as specified in this rule (i.e., are labeled appropriately for individual sale as single-serving containers), the serving size shall be 1 unit.
(e) For products in large discrete units that are usually divided for consumption (e.g., pizza), for unprepared products where the entire contents of the package is used to prepare large discrete units that are usually divided for consumption (e.g. pizza kit), and for products which consist of two or more foods packaged and presented to be consumed together where the ingredient represented as the main ingredient is a large discrete unit usually divided for consumption, the serving size shall be the fractional slice of the ready-to-eat product (e.g., 18 quiche, 14 pizza) that most closely approximates the Reference Amount for the product category. The serving size may be the fraction of the package used to make the Reference Amount for the unprepared product determined in OAR 603-029-1036(4) or the fraction of the large discrete unit represented as the main ingredient plus proportioned minor ingredients used to make the Reference Amount of the combined product determined in OAR 603-029-1036(3. In expressing the fractional slice, manufacturers shall use 12 , 13 , 14 , 15 , 16 , or smaller fractions that can be generated by further division by 2 or 3.
(f) For non-discrete bulk products (e.g., whole roast beef, marinated beef tenderloin, large can of chili), and for products which consist of two or more foods packaged and presented to be consumed together where the ingredient represented as the main ingredient is a bulk product (e.g., roast beef and gravy), the serving size shall be the amount in household measure that most closely approximates the Reference Amount for the product category and may be the amount of the bulk product represented as the main ingredient plus proportioned minor ingredients used to make the Reference Amount for the combined product determined in OAR 603-029-1036(3).
(g) For labeling purposes, the term “common household measure” or “common household unit” means cup, tablespoon, teaspoon, piece, slice, fraction (e.g., 14 pizza), ounce (oz), or other common household equipment used to package food products (e.g., jar or tray). In expressing serving size in household measures, except as specified in paragraphs (2)(g)(D), (E), and (F) of this rule, the following rules shall be used:
(A) Cups, tablespoons, or teaspoons shall be used wherever possible and appropriate. Cups shall be expressed in 1–4 - or 13 -cup increments, tablespoons in whole number of tablespoons for quantities less than 14 cup but greater than or equal to 2 tablespoons (tbsp), 1, 113 , 112 , or 1 23 tbsp for quantities less than 2 tbsp but greater than or equal to 1 tbsp, and teaspoons in whole number of teaspoons for quantities less than 1 tbsp but greater than or equal to 1 teaspoon (tsp), and in 14 -tsp increments for quantities less than 1 tsp.
(B) If cups, tablespoons or teaspoons are not applicable, units such as piece, slice, tray, jar, and fraction shall be used.
(C) If cups, tablespoons and teaspoons, or units such as piece, slice, tray, jar, or fraction are not applicable, ounces may be used. Ounce measurements shall be expressed in 0.5-ounce increments most closely approximating the Reference Amount with rounding indicated by the use of the term “about” (e.g., about 2.5 ounces).
(D) A description of the individual container or package shall be used for single-serving containers and for individually packaged products within multi-serving containers (e.g., can, box, package, meal, or dinner). A description of the individual unit shall be used for other products in discrete units (e.g., chop, slice, link, or patty).
(E) For unprepared products where the entire contents of the package is used to prepare large discrete units that are usually divided for consumption (e.g., pizza kit), the fraction or portion of the package may be used.
(F) For products that consist of two or more distinct ingredients or components packaged and presented to be consumed together (e.g., ham with a glaze packet), the nutrition information may be declared for each component or as a composite. The serving size may be provided in accordance with the provisions of subsections (2)(d), (2)(e), and (2)(f) of this rule.
(G) For nutrition labeling purposes, a teaspoon means 5 milliliters (mL), a tablespoon means 15 mL, a cup means 240 mL, and 1 oz in weight means 28 grams (g).
(H) When a serving size, determined from the Reference Amount in OAR 603-029-1036(2) and the procedures described in OAR 603-029-1000 to 603-029-1058, falls exactly half way between two serving sizes (e.g., 2.5 tbsp),

manufacturers shall round the serving size up to the next incremental size.
(h) A product that is packaged and sold individually and that contains less than 200 percent of the applicable Reference Amount shall be considered to be a single-serving container, and the entire content of the product shall be labeled as one serving, except for products that have Reference Amounts of 100 g (or mL) or larger, manufacturers may decide whether a package that contains more than 150 percent but less than 200 percent of the Reference Amount is 1 or 2 servings. Packages sold individually that contain 200 percent or more of the applicable Reference Amount may be labeled as a single-serving if the entire content of the package can reasonably be consumed at a single-eating occasion.
(i) A label statement regarding a serving shall be the serving size expressed in common household measures as set forth in subsections (2)(b) through (2)(h) of this rule and shall be followed by the equivalent metric quantity in parenthesis (fluids in milliliters and all other foods in grams), except for single-serving containers.
(A) For a single-serving container, the parenthetical metric quantity, which will be presented as part of the net weight statement on the principal display panel, is not required except where nutrition information is required on a drained weight basis according to subsection (2)(k) of this rule. However, if a manufacturer voluntarily provides the metric quantity on products that can be sold as single-servings, then the numerical value provided as part of the serving size declaration must be identical to the metric quantity declaration provided as part of the net quantity of contents statement.
(B) The gram or milliliter quantity equivalent to the household measure should be rounded to the nearest whole number except for quantities that are less than 5 g (mL). The gram (mL) quantity between 2 and 5 g (mL) should be rounded to the nearest 0.5 g (mL) and the g (mL) quantity less than 2 g (mL) should be expressed in 0.1-g (mL) increments.
(C) In addition, serving size may be declared in ounce, in parenthesis, following the metric measure separated by a slash where other common household measures are used as the primary unit for serving size, e.g., 1 slice (28 g/1 oz) for sliced bologna. The ounce quantity equivalent to the metric quantity should be expressed in 0.1-oz increments.
(D) If a manufacturer elects to use abbreviations for units, the following abbreviations shall be used: tbsp for tablespoon, tsp for teaspoon, g for gram, mL for milliliter, and oz for ounce.
(j) Determination of the number of servings per container shall be based on the serving size of the product determined by following the procedures described in this rule.
(A) The number of servings shall be rounded to the nearest whole number except for the number of servings between 2 and 5 servings and random weight products. The number of servings between 2 and 5 servings shall be rounded to the nearest 0.5 serving. Rounding should be indicated by the use of the term “about” (e.g., about 2 servings; about 3.5 servings).
(B) When the serving size is required to be expressed on a drained solids basis and the number of servings varies because of a natural variation in unit size (e.g., pickled pigs feet), the manufacturer may state the typical number of servings per container (e.g., usually 5 servings).
(C) For random weight products, a manufacturer may declare “varied” for the number of servings per container provided the nutrition information is based on the Reference Amount expressed in ounces. The manufacturer may provide the typical number of servings in parenthesis following the “varied” statement (e.g., varied (approximately 8 servings per pound)).
(D) For packages containing several individual single-serving containers, each of which is labeled with all required information including nutrition labeling as specified in this OAR 603-029-1000 to 603-029-1058 (i.e., are labeled appropriately for individual sale as single-serving containers), the number of servings shall be the number of individual packages within the total package.
(E) For packages containing several individually packaged multi-serving units, the number of servings shall be determined by multiplying the number of individual multi-serving units in the total package by the number of servings in each individual unit. The declaration of the number of servings per container need not be included in nutrition labeling of single-ingredient, raw meat products that are not ground or chopped meat products described in OAR 603-029-1028, including those that have been previously frozen.
(j) The declaration of nutrient and food component content shall be on the basis of product as packaged or purchased

with the exception of single-ingredient, raw products that are not ground or chopped meat products described in OAR 603-029-1028 and products that are packed or canned in water, brine, or oil but whose liquid packing medium is not customarily consumed. Declaration of the nutrient and food component content of products that are packed in liquid which is not customarily consumed shall be based on the drained solids.
(k) The serving size for meal-type products and main-dish products as defined in OAR 603-029-1038 (12) and (13) in single-serving containers will be the entire edible content of the package. Serving size for meal-type products and main-dish products in multi-serve containers will be based on the reference amount applicable to the product in OAR 603-029-1038(2) if the product is listed in OAR 603-029-1038(2). Serving size for meal-type products and main-dish products in multi-serve containers that are not listed in OAR 603-029-1038(2) will be based on the reference amount according to OAR 603-029-1038 (3), (4), and (5).
(l) Another column of figures may be used to declare the nutrient and food component information in the same format as required by OAR 603-029-1034(5),
(A) Per 100 grams, 100 milliliters, or 1 ounce of the product as packaged or purchased.
(B) Per one unit if the serving size of a product in discrete units in a multi-serving container is more than one unit.
(m) If a product consists of assortments of meat or meat products (e.g., variety packs) in the same package, nutrient content shall be expressed on the entire package contents or on each individual product.
(n) If a product is commonly combined with other ingredients or is cooked or otherwise prepared before eating, and directions for such combination or preparations are provided, another column of figures may be used to declare the nutrient contents on the basis of the product as consumed for the product alone (e.g., a cream soup mix may be labeled with one set of Daily Values for the dry mix (per serving), and another set for the serving of the final soup when prepared (e.g., per serving of cream soup mix and 1 cup of vitamin D fortified whole milk)): Provided, That the type and quantity of the other ingredients to be added to the product by the user and the specific method of cooking and other preparation shall be specified prominently on the label.
(3) The declaration of nutrition information on the label or in labeling of a meat or meat product shall contain information about the level of the following nutrients, except for those nutrients whose inclusion, and the declaration of amounts, is voluntary as set forth in this section. No nutrients or food components other than those listed in this section as either mandatory or voluntary may be included within the nutrition label. Except as provided for in section (6) or (7) of this rule, nutrient information shall be presented using the nutrient names specified and in the following order in the formats specified in section (4) or (5) of this rule.
(a) “Calories, total,” “Total calories,” or “Calories”: A statement of the caloric content per serving, expressed to the nearest 5-calorie increment up to and including 50 calories, and 10-calorie increment above 50 calories, except that amounts less than 5 calories may be expressed as zero. Energy content per serving may also be expressed in kilojoule units, added in parenthesis immediately following the statement of the caloric content.
(A) Caloric content may be calculated by the following methods. Where either specific or general food factors are used, the factors shall be applied to the actual amount (i.e., before rounding) of food components (e.g., fat, carbohydrate, protein, or ingredients with specific food factors) present per serving.
(i) Using specific Atwater factors (i.e., the Atwater method) given in Table 13, page 25, “Energy Value of Foods—Basis and Derivation,” by A. L. Merrill and B. K. Watt, United States Department of Agriculture (USDA), Agriculture Handbook No. 74 (Slightly revised February 1973), which is incorporated by reference;
(ii) Using the general factors of 4, 4, and 9 calories per gram for protein, total carbohydrate, and total fat, respectively, as describe’ in USDA's Agriculture Handbook No. 74 (Slightly revised February 1973), pages 9-11, which is incorporated by reference;
(iii) Using the general factors of 4, 4, and 9 calories per gram for protein, total carbohydrate less the amount of insoluble dietary fiber, and total fat, respectively, as describe’ in USDA's Agriculture Handbook No. 74 (Slightly revised February 1973), pages 9-11, which is incorporated by reference; or
(iv) Using data for specific food factors for particular foods or ingredients approved by the Food and Drug Administration (FDA) and provided in parts 172 or 184 of 21 CFR, or by other means, as appropriate.

(B) “Calories from fat”: A statement of the caloric content derived from total fat as defined in subsection (3)(b) of this rule per serving, expressed to the nearest 5-calorie increment, up to and including 50 calories, and the nearest 10-calorie increment above 50 calories, except that label declaration of “calories from fat” is not required on products that contain less than 0.5 gram of fat per serving and amounts less than 5 calories may be expressed as zero. This statement shall be declared as provided in subsection (4)(e) of this rule.
(C) “Calories from saturated fat” or “Calories from saturated” (VOLUNTARY): A statement of the caloric content derived from saturated fat as defined in paragraph (3)(b)(A) of this rule per serving may be declared voluntarily, expressed to the nearest 5-calorie increment, up to and including 50 calories, and the nearest 10-calorie increment above 50 calories, except that amounts less than 5 calories may be expressed as zero. This statement shall be indented under the statement of calories from fat as provided in subsection (4)(e) of this rule.
(b) “Fat, total” or “Total fat”: A statement of the number of grams of total fat per serving defined as total lipid fatty acids and expressed as triglycerides. Amounts shall be expressed to the nearest 0.5 ( 12 )-gram increment below 5 grams and to the nearest gram increment above 5 grams. If the serving contains less than 0.5 gram, the content shall be expressed as zero.
(A) “Saturated fat” or “Saturated”: A statement of the number of grams of saturated fat per serving defined as the sum of all fatty acids containing no double bonds, except that label declaration of saturated fat content information is not required for products that contain less than 0.5 gram of total fat per serving if no claims are made about fat or cholesterol content, and if “calories from saturated fat” is not declared. Saturated fat content shall be indented and expressed as grams per serving to the nearest 0.5 ( 12 )-gram increment below 5 grams and to the nearest gram increment above 5 grams. If the serving contains less than 0.5 gram, the content shall be expressed as zero.
(i) “Stearic Acid” (VOLUNTARY): A statement of the number of grams of stearic acid per serving may be declared voluntarily, except that when a claim is made about stearic acid, label declaration shall be required. Stearic acid content shall be indented under saturated fat and expressed to the nearest 0.5 ( 12 )-gram increment below 5 grams and the nearest gram increment above 5 grams. If the serving contains less than 0.5 gram, the content shall be expressed as zero.
(ii) [Reserved]
(B) “Polyunsaturated fat” or “Polyunsaturated” (VOLUNTARY): A statement of the number of grams of polyunsaturated fat per serving defined as cis,cis-methylene-interrupted polyunsaturated fatty acids may be declared voluntarily, except that when monounsaturated fat is declared, or when a claim about fatty acids or cholesterol is made on the label or in labeling of a product other than one that meets the criteria in OAR 603-029-1052(2)(a) for a claim for “fat free,” label declaration of polyunsaturated fat is required. Polyunsaturated fat content shall be indented and expressed as grams per serving to the nearest 0.5 ( 12 )-gram increment below 5 grams and to the nearest gram increment above 5 grams. If the serving contains less than 0.5 gram, the content shall be expressed as zero.
(C) “Monounsaturated fat” or “Monounsaturated” (VOLUNTARY): A statement of the number of grams of monounsaturated fat per serving defined as cis-monounsaturated fatty acids may be declared voluntarily, except that when polyunsaturated fat is declared, or when a claim about fatty acids or cholesterol is made on the label or in labeling of a product other than one that meets the criteria in OAR 603-029-1052(2)(a) for a claim for “fat free,” label declaration of monounsaturated fat is required. Monounsaturated fat content shall be indented and expressed as grams per serving to the nearest 0.5 ( 12 )-gram increment below 5 grams and to the nearest gram increment above 5 grams. If the serving contains less than 0.5 gram, the content shall be expressed as zero.
(c) “Cholesterol”: A statement of the cholesterol content per serving expressed in milligrams to the nearest 5-milligram increment, except that label declaration of cholesterol information is not required for products that contain less than 2 milligrams of cholesterol per serving and make no claim about fat, fatty acids, or cholesterol content, or such products may state the cholesterol content as zero. If the product contains 2 to 5 milligrams of cholesterol per serving, the content may be stated as “less than 5 milligrams.”
(d) “Sodium”: A statement of the number of milligrams of sodium per serving expressed as zero when the serving contains less than 5 milligrams of sodium, to the nearest 5-milligram increment when the serving contains 5 to 140

milligrams of sodium, and to the nearest 10-milligram increment when the serving contains greater than 140 milligrams.
(e) “Potassium” (VOLUNTARY): A statement of the number of milligrams of potassium per serving may be declared voluntarily, except that when a claim is made about potassium content, label declaration shall be required. Potassium content shall be expressed as zero when the serving contains less than 5 milligrams of potassium, to the nearest 5-milligram increment when the serving contains 5 to 140 milligrams of potassium, and to the nearest 10-milligram increment when the serving contains greater than 140 milligrams.
(f) “Carbohydrate, total” or “Total carbohydrate”: A statement of the number of grams of total carbohydrate per serving expressed to the nearest gram, except that if a serving contains less than 1 gram, the statement “Contains less than 1 gram” or “less than 1 gram” may be used as an alternative, or, if the serving contains less than 0.5 gram, the content may be expressed as zero. Total carbohydrate content shall be calculated by subtraction of the sum of the crude protein, total fat, moisture, and ash from the total weight of the product. This calculation method is described in USDA's Agriculture Handbook No. 74 (Slightly revised February 1973), pages 2 and 3, which is incorporated by reference.
(A) “Dietary fiber”: A statement of the number of grams of total dietary fiber per serving, indented and expressed to the nearest gram, except that if a serving contains less than 1 gram, declaration of dietary fiber is not required, or, alternatively, the statement “Contains less than 1 gram” or “less than 1 gram” may be used, and if the serving contains less than 0.5 gram, the content may be expressed as zero.
(i) “Soluble fiber” (VOLUNTARY): A statement of the number of grams of soluble dietary fiber per serving may be declared voluntarily except when a claim is made on the label or in labeling about soluble fiber, label declaration shall be required. Soluble fiber content shall be indented under dietary fiber and expressed to the nearest gram, except that if a serving contains less than 1 gram, the statement “Contains less than 1 gram” or “less than 1 gram” may be used as an alternative, and if the serving contains less than 0.5 gram, the content may be expressed as zero.
(ii) “Insoluble fiber” (VOLUNTARY): A statement of the number of grams of insoluble dietary fiber per serving may be declared voluntarily except when a claim is made on the label or in labeling about insoluble fiber, label declaration shall be required. Insoluble fiber content shall be indented under dietary fiber and expressed to the nearest gram, except that if a serving contains less than 1 gram, the statement “Contains less than 1 gram” or “less than 1 gram” may be used as an alternative, and if the serving contains less than 0.5 gram, the content may be expressed as zero.
(B) “Sugars”: A statement of the number of grams of sugars per serving, except that label declaration of sugars content is not required for products that contain less than 1 gram of sugars per serving if no claims are made about sweeteners, sugars, or sugar alcohol content. Sugars shall be defined as the sum of all free mono- and disaccharides (such as glucose, fructose, lactose, and sucrose). Sugars content shall be indented and expressed to the nearest gram, except that if a serving contains less than 1 gram, the statement “Contains less than 1 gram” or “less than 1 gram” may be used as an alternative, and if the serving contains less than 0.5 gram, the content may be expressed as zero.
(C) “Sugar alcohol” (VOLUNTARY): A statement of the number of grams of sugar alcohols per serving may be declared voluntarily on the label, except that when a claim is made on the label or in labeling about sugar alcohol or sugars when sugar alcohols are present in the product, sugar alcohol content shall be declared. For nutrition labeling purposes, sugar alcohols are defined as the sum of saccharide derivatives in which a hydroxyl group replaces a ketone or aldehyde group and whose use in the food is listed by FDA (e.g., mannitol or xylitol) or is generally recognized as safe (e.g., sorbitol). In lieu of the term “sugar alcohol,” the name of the specific sugar alcohol (e.g., “xylitol”) present in the product may be used in the nutrition label, provided that only one sugar alcohol is present in the product. Sugar alcohol content shall be indented and expressed to the nearest gram, except that if a serving contains less than 1 gram, the statement “Contains less then 1 gram” or “less than 1 gram” may be used as an alternative, and if the serving contains less than 0.5 gram, the content may be expressed as zero.
(D) “Other carbohydrate” (VOLUNTARY): A statement of the number of grams of other carbohydrate per serving may be declared voluntarily. Other carbohydrate shall be defined as the difference between total carbohydrate and the sum of dietary fiber, sugars, and sugar alcohol, except that if sugar alcohol is not declared (even if present), it shall be defined as the difference between total carbohydrate and the sum of dietary fiber and sugars. Other carbohydrate content shall be indented and expressed to the nearest gram, except that if a serving contains less than 1 gram, the statement

“Contains less than 1 gram” or “less than 1 gram” may be used as an alternative, and if the serving contains less than 0.5 gram, the content may be expressed as zero.
(g) “Protein”: A statement of the number of grams of protein per serving expressed to the nearest gram, except that if a serving contains less than 1 gram, the statement “Contains less than 1 gram” or “less than 1 gram” may be used as an alternative, and if the serving contains less than 0.5 gram, the content may be expressed as zero. When the protein in products represented or purported to be for adults and children 4 or more years of age has a protein quality value that is a protein digestibility-corrected amino acid score of less than 20 expressed as a percent, or when the protein in a product represented or purported to be for children greater than 1 but less than 4 years of age has a protein quality value that is a protein digestibility-corrected amino acid score of less than 40 expressed as a percent, either of the following shall be placed adjacent to the declaration of protein content by weight: The statement “not a significant source of protein,” or a listing aligned under the column headed “Percent Daily Value” of the corrected amount of protein per serving, as determined in paragraph (3)(g)(B) of this rule, calculated as a percentage of the Daily Reference Value (DRV) or Reference Daily Intake (RDI), as appropriate, for protein and expressed as percent of Daily Value. When the protein quality in a product as measured by the Protein Efficiency Ratio (PER) is less than 40 percent of the reference standard (casein) for a product represented or purported to be for infants, the statement “not a significant source of protein” shall be placed adjacent to the declaration of protein content. Protein content may be calculated on the basis of the factor of 6.25 times the nitrogen content of the food as determined by appropriate methods of analysis in accordance with OAR 603-029-1034(8), except when the procedure for a specific food requires another factor.
(A) A statement of the corrected amount of protein per serving, as determined in paragraph (3)(g)(B) of this rule, calculated as a percentage of the RDI or DRV for protein, as appropriate, and expressed as percent of Daily Value, may be placed on the label, except that such a statement shall be given if a protein claim is made for the product, or if the product is represented or purported to be for infants or children under 4 years of age. When such a declaration is provided, it shall be placed on the label adjacent to the statement of grams of protein and aligned under the column headed “Percent Daily Value,” and expressed to the nearest whole percent. However, the percentage of the RDI for protein shall not be declared if the product is represented or purported to be for infants and the protein quality value is less than 40 percent of the reference standard.
(B) The corrected amount of protein (grams) per serving for products represented or purported to be for adults and children 1 or more years of age is equal to the actual amount of protein (grams) per serving multiplied by the amino acid score corrected for protein digestibility. If the corrected score is above 1.00, then it shall be set at 1.00. The protein digestibility-corrected amino acid score shall be determined by methods given in sections 5.4.1, 7.2.1, and 8 in “Protein Quality Evaluation, Report of the Joint FAO/WHO Expert Consultation on Protein Quality Evaluation,” Rome, 1990, which is incorporated by reference. For products represented or purported to be for infants, the corrected amount of protein (grams) per serving is equal to the actual amount of protein (grams) per serving multiplied by the relative protein quality value. The relative protein quality value shall be determined by dividing the subject product's protein PER value by the PER value for casein. If the relative protein value is above 1.00, it shall be set at 1.00.
(C) For the purpose of labeling with a percent of the DRV or RDI, a value of 50 grams of protein shall be the DRV for adults and children 4 or more years of age, and the RDI for protein for children less than 4 years of age, infants, pregnant women, and lactating women shall be 16 grams, 14 grams, 60 grams, and 65 grams, respectively.
(h) Vitamins and minerals: A statement of the amount per serving of the vitamins and minerals as described in this section, calculated as a percent of the RDI and expressed as percent of Daily Value.
(A) For purposes of declaration of percent of Daily Value as provided for in sections (4) through (7) of this rule, products represented or purported to be for use by infants, children less than 4 years of age, pregnant women, or lactating women shall use the RDI's that are specified for the intended group. For products represented or purported to be for use by both infants and children under 4 years of age, the percent of Daily Value shall be presented by separate declarations according to section (5) of this rule based on the RDI values for infants from birth to 12 months of age and for children under 4 years of age. Similarly, the percent of Daily Value based on both the RDI values for pregnant women and for lactating women shall be declared separately on products represented or purported to be for use by both

pregnant and lactating women. When such dual declaration is used on any label, it shall be included in all labeling, and equal prominence shall be given to both values in all such labeling. All other products shall use the RDI for adults and children 4 or more years of age.
(B) The declaration of vitamins and minerals as a percent of the RDI shall include vitamin A, vitamin C, calcium, and iron, in that order, and shall include any of the other vitamins and minerals listed in paragraph (3)(h)(D) of this rule when they are added, or when a claim is made about them. Other vitamins and minerals need not be declared if neither the nutrient nor the component is otherwise referred to on the label or in labeling or advertising and the vitamins and minerals are:
(i) Required or permitted in a standardized food (e.g., thiamin, riboflavin, and niacin in enriched flour) and that standardized food is included as an ingredient (i.e., component) in another product; or
(ii) Included in a product solely for technological purposes and declared only in the ingredients statement. The declaration may also include any of the other vitamins and minerals listed in paragraph (3)(h)(D) of this rule when they are naturally occurring in the food. The additional vitamins and minerals shall be listed in the order established in paragraph (3)(h)(D) of this rule.
(C) The percentages for vitamins and minerals shall be expressed to the nearest 2-percent increment up to and including the 10-percent level, the nearest 5-percent increment above 10 percent and up to and including the 50-percent level, and the nearest 10-percent increment above the 50-percent level. Amounts of vitamins and minerals present at less than 2 percent of the RDI are not required to be declared in nutrition labeling but may be declared by a zero or by the use of an asterisk (or other symbol) that refers to another asterisk (or symbol) that is placed at the bottom of the table and that is followed by the statement “Contains less than 2 percent of the Daily Value of this (these) nutrient (nutrients).” Alternatively, if vitamin A, vitamin C, calcium, or iron is present in amounts less than 2 percent of the RDI, label declaration of the nutrient(s) is not required if the statement “Not a significant source of __ (listing the vitamins or minerals omitted)” is placed at the bottom of the table of nutrient values.’(D) The following RDI's and nomenclature are established for the following vitamins and minerals which are essential in human nutrition:

Vitamin A, 5,000 International Units
Vitamin C, 60 milligrams
Calcium, 1.0 gram
Iron, 18 milligrams
Vitamin D, 400 International Units
Vitamin E, 30 International Units
Thiamin, 1.5 milligrams
Riboflavin, 1.7 milligrams
Niacin, 20 milligrams
Vitamin B6, 2.0 milligrams
Folate, 0.4 milligram
Vitamin B12, 6 micrograms
Biotin, 0.3 milligram
Pantothenic acid, 10 milligrams
Phosphorus, 1.0 gram
Iodine, 150 micrograms
Magnesium, 400 milligrams
Zinc, 15 milligrams
Copper, 2.0 milligrams

(i) The following synonyms may be added in parenthesis immediately following the name of the nutrient or dietary component:

Vitamin C—Ascorbic acid
Thiamin—Vitamin B1
Riboflavin—Vitamin B2
Folate—Folacin
Calories—Energy

(E) A statement of the percent of vitamin A that is present as beta-carotene may be declared voluntarily. When the vitamins and minerals are listed in a single column, the statement shall be indented under the information on vitamin A. When vitamins and minerals are arrayed horizontally, the statement of percent shall be presented in parenthesis following the declaration of vitamin A and the percent of Daily Value of vitamin A in the product (e.g., "Percent Daily Value: Vitamin A 50 (90 percent as beta-carotene)"). When declared, the percentages shall be expressed in the same increments as are provided for vitamins and minerals in paragraph (3)(h)(C) of this rule.
(4)(a) Nutrient information specified in section (3) of this rule shall be presented on products in the following format, except on products on which dual columns of nutrition information are declared as provided for in section (5) of this rule, on those products on which the simplified format is permitted to be used as provided for in section (6) of this rule, on products for infants and children less than 4 years of age as provided for in OAR 603-029-1060(3), and on products in packages that have a total surface area available to bear labeling of 40 or less square inches as provided for in section (7) of this rule.
(A) The nutrition information shall be set off in a box by use of hairlines and shall be all black or one color type, printed on a white or other neutral contrasting background whenever practical.
(B) All information within the nutrition label shall utilize:
(i) A single easy-to-read type style,
(ii) Upper and lower case letters,
(iii) At least one point leading (i.e., space between two lines of text) except that at least four points leading shall be utilized for the information required by subsections (4)(g) and (4)(h) of this rule, and
(iv) Letters should never touch.
(C) Information required in subsections (4)(c), (4)(e), (4)(g), and (4)(h) of this rule shall be in type size no smaller than 8 point. Except for the heading "Nutrition Facts," the information required in subsections (4)(d), (4)(f), and (4)(h) of this rule and all other information contained within the nutrition label shall be in type size no smaller than 6 point. When provided, the information described in subsection (4)(j) of this rule shall also be in type no smaller than 6 point.
(D) The headings required by subsections (4)(b), (4)(d), and (4)(f) of this rule (i.e., "Nutrition Facts," "Amount per Serving," and "% Daily Value*"), the names of all nutrients that are not indented according to requirements of section (3) of this rule (i.e., Calories, Total fat, Cholesterol, Sodium, Potassium, Total carbohydrate, and Protein), and the percentage amounts required by paragraph (4)(g)(B) of this rule shall be highlighted by bold or extra bold type or other highlighting (reverse printing is not permitted as a form of highlighting) that prominently distinguishes it from other information. No other information shall be highlighted.
(E) A hairline rule that is centered between the lines of text shall separate "Amount Per Serving" from the calorie statements required in subsection (4)(e) of this rule and shall separate each nutrient and its corresponding percent of Daily Value required in paragraphs (4)(g)(A) and (4)(g)(B) of this rule from the nutrient and percent of Daily Value above and below it.
(b) The information shall be presented under the identifying heading of "Nutrition Facts" which shall be set in a type size larger than all other print size in the nutrition label and, except for labels presented according to the format provided for in subsection (4)(k) of this rule, unless impractical, shall be set the full width of the information provided under subsection (4)(g) of this rule.
(c) Information on serving size shall immediately follow the heading. Such information shall include:
(A) "Serving Size": A statement of the serving size as specified in subsection (2)(i) of this rule.
(B) "Servings Per Container": The number of servings per container, except that this statement is not required on single-

serving containers as defined in subsection (2)(h) of this rule or on single-ingredient, raw meat products that are not ground or chopped meat products described in OAR 603-029-1028.
(d) A subheading “Amount Per Serving” shall be separated from serving size information by a bar.
(e) Information on calories shall immediately follow the heading “Amount Per Serving” and shall be declared in one line, leaving sufficient space between the declaration of “Calories” and “Calories from fat” to allow clear differentiation, or, if “Calories from saturated fat” is declared, in a column with total “Calories” at the top, followed by “Calories from fat” (indented), and “Calories from saturated fat” (indented).
(f) The column heading “% Daily Value,” followed by an asterisk (e.g., “% Daily Value*”), shall be separated from information on calories by a bar. The position of this column heading shall allow for a list of nutrient names and amounts as described in subsection (4)(g) of this rule to be to the left of, and below, this column heading. The column headings “Percent Daily Value,” “Percent DV,” or “% DV” may be substituted for “% Daily Value.”
(g) Except as provided for in section (7) of this rule, and except as permitted by OAR 603-029-1060(4)(b), nutrient information for both mandatory and any voluntary nutrients listed in section (3) of this rule that are to be declared in the nutrition label, except vitamins and minerals, shall be declared as follows:
(A) The name of each nutrient, as specified in section (3) of this rule, shall be given in a column and followed immediately by the quantitative amount by weight for that nutrient appended with a “g” for grams or “mg” for milligrams.
(B) A listing of the percent of the DRV as established in paragraphs (3)(g)(C) and (3)(i) of this rule shall be given in a column aligned under the heading “% Daily Value” established in subsection (4)(f) of this rule with the percent expressed to the nearest whole percent for each nutrient declared in the column described in paragraph (4)(g)(A) of this rule for which a DRV has been established, except that the percent for protein may be omitted as provided in subsection (3)(g) of this rule. The percent shall be calculated by dividing either the amount declared on the label for each nutrient or the actual amount of each nutrient (i.e., before rounding) by the DRV for the nutrient, except that the percent for protein shall be calculated as specified in paragraph (3)(g)(B) of this rule. The numerical value shall be followed by the symbol for percent (i.e., %).
(h) Nutrient information for vitamins and minerals shall be separated from information on other nutrients by a bar and shall be arrayed horizontally (e.g., Vitamin A 4%, Vitamin C 2%, Calcium 15%, Iron 4%) or may be listed in two columns, except that when more than four vitamins and minerals are declared, they may be declared vertically with percentages listed under the column headed “% Daily Value.”
(i) A footnote, preceded by an asterisk, shall be placed beneath the list of vitamins and minerals and shall be separated from that list by a hairline.
(A) The footnote shall state: Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs.
(B) If the percent of Daily Value is given for protein in the Percent of Daily Value column as provided in paragraph (4)(g)(B) of this rule, protein shall be listed under dietary fiber, and a value of 50 g shall be inserted on the same line in the column headed “2,000” and value of 65 g in the column headed “2,500.”
(C) If potassium is declared in the column described in paragraph (4)(g)(A) of this rule, potassium shall be listed under sodium and the DRV established in subsection (3)(i) of this rule shall be inserted on the same line in the numeric columns.
(D) The abbreviations established in subsection (7)(b) of this rule may be used within the footnote.
(j) Caloric conversion information on a per-gram basis for fat, carbohydrate, and protein may be presented beneath the information required in subsection (4)(i), separated from that information by a hairline. This information may be presented horizontally (i.e., “Calories per gram: Fat 9, Carbohydrate 4, Protein 4”) or vertically in columns.
(k)(A) If the space beneath the information on vitamins and minerals is not adequate to accommodate the information required in subsection (4)(i) of this rule, the information required in subsection (4)(i) may be moved to the right of the column required in paragraph (4)(g)(B) of this rule and set off by a line that distinguishes it and sets it apart from the percent of Daily Value information. The caloric conversion information provided for in subsection (4)(j) of this rule may be presented beneath either side or along the full length of the nutrition label.

(B) If the space beneath the mandatory declaration of iron is not adequate to accommodate any remaining vitamins and minerals to be declared or the information required in subsection (4)(i) of this rule, the remaining information may be moved to the right and set off by a line that distinguishes it and sets it apart from the percent of Daily Value information given to the left. The caloric conversion information provided for in subsection (4)(j) of this rule may be presented beneath either side or along the full length of the nutrition label.
(C) If there is not sufficient continuous vertical space (i.e., approximately 3 inches) to accommodate the required components of the nutrition label up to and including the mandatory declaration of iron, the nutrition label may be presented in a tabular display in which the footnote required by subsection (4)(i) of the rule is given to the far right of the label, and additional vitamins and minerals beyond the four that are required (i.e., vitamin A, vitamin C, calcium, and iron) are arrayed horizontally following declarations of the required vitamins and minerals.
(l) The following sample label illustrates the provisions of section (4) of this rule:
(m)(A) Nutrition labeling on the outer label of packages of meat or meat products that contain two or more products in the same packages (e.g., variety packs) or of packages that are used interchangeably for the same type of food (e.g., meat salad containers) may use an aggregate display.
(B) Aggregate displays shall comply with format requirements of section (4) of this rule to the maximum extent possible, except that the identity of each food shall be specified to the right of the “Nutrition Facts” title, and both the quantitative amount by weight (i.e., g/mg amounts) and the percent Daily Value for each nutrient shall be listed in separate columns under the name of each food.
(n) When nutrition labeling appears in a second language, the nutrition information may be presented in a separate nutrition label for each language or in one nutrition label with the information in the second language following that in English. Numeric characters that are identical in both languages need not be repeated (e.g., “Protein/Proteinas 2 g”). All required information must be included in both languages.
(5) Nutrition information may be presented for two or more forms of the same product (e.g., both “raw” and “cooked”) or for common combinations of foods as provided for in section (2) of this rule, or for different units (e.g., per 100 grams) as provided for in section (2) of this rule, ’r for two or more groups for which RDI's are established (e.g., both infants and children less than 4 years of age) as provided for in paragraph (3)(h)(A) of this rule. When such dual labeling is provided, equal prominence shall be given to both sets of values. Information shall be presented in a format consistent with section (4) of this rule, except that:
(a) Following the subheading of “Amount Per Serving,” there shall be two or more column headings accurately describing the forms of the same product (e.g., “raw” and “roasted”), the combinations of foods, the units, or the RDI groups that are being declared. The column representing the product as packaged and according to the label serving size based on the Reference Amount in OAR 603-029-1036(2) shall be to the left of the numeric columns.
(b) When the dual labeling is presented for two or more forms of the same product, for combinations of foods, or for different units, total calories and calories from fat (and calories from saturated fat, when declared) shall be listed in a column and indented as specified in subsection (4)(e) of this rule with quantitative amounts declared in columns aligned under the column headings set forth in subsection (5)(a) of this rule.
(c) Quantitative information by weight required in paragraph (4)(g)(A) of this rule shall be specified for the form of the product as packaged, but may be on the basis of 'as consumed' for single-ingredient, raw meat products that are not ground or chopped meat products described in OAR 603-029-1028, and according to the label serving size based on the Reference Amount in OAR 603-029-1036(2).
(A) Quantitative information by weight may be included for other forms of the product represented by the additional column(s) either immediately adjacent to the required quantitative information by weight for the product as packaged, but may be on the basis of 'as consumed' for single-ingredient, raw meat products that are not ground or chopped meat products described in OAR 603-029-1028, and according to the label serving size based on the Reference Amount in OAR 603-029-1036(2) or as a footnote.
(i) If such additional quantitative information is given immediately adjacent to the required quantitative information, it shall be declared for all nutrients listed and placed immediately following and differentiated from the required

quantitative information (e.g., separated by a comma). Such information shall not be put in a separate column.
(ii) If such additional quantitative information is given in a footnote, it shall be declared in the same order as the nutrients are listed in the nutrition label. The additional quantitative information may state the total nutrient content of the product identified in the second column or the nutrient amounts added to the product as package, but may be on the basis of 'as consumed for single-ingredient, raw meat products that are not ground or chopped meat products described in OAR 603-029-1028, for only those nutrients that are present in different amounts than the amounts declared in the required quantitative information. The footnote shall clearly identify which amounts are declared. Any subcomponents declared shall be listed parenthetically after principal components (e.g., 12 cup skim milk contributes an additional 40 calories, 65 mg sodium, 6 g total carbohydrate (6 g sugars), and 4 g protein).
(B) Total fat and its quantitative amount by weight shall be followed by an asterisk (or other symbol) (e.g., “Total fat (2 g)*”) referring to another asterisk (or symbol) at the bottom of the nutrition label identifying the form(s) of the product for which quantitative information is presented.
(d) Information required in paragraphs (4)(g)(B) and (4)(h) of this rule shall be presented under the subheading “% DAILY VALUE” and in columns directly under the column headings set forth in subsection (5)(a) of this rule.
(e) The following sample label illustrates the provisions of section (5) of this rule:
(6)(a) Nutrition information may be presented in a simplified format as set forth herein when any required nutrients, other than the core nutrients (i.e., calories, total fat, sodium, total carbohydrate, and protein), are present in insignificant amounts. An insignificant amount shall be defined as that amount that may be rounded to zero in nutrition labeling, except that for total carbohydrate, dietary fiber, sugars and protein, it shall be an amount less than 1 gram.
(b) The simplified format shall include information on the following nutrients:
(A) Total calories, total fat, total carbohydrate, sodium, and protein;
(B) Any of the following that are present in more than insignificant amounts: Calories from fat, saturated fat, cholesterol, dietary fiber, sugars, vitamin A, vitamin C, calcium, and iron; and
(C)(iii) Any vitamins and minerals listed in paragraph (3)(h)(D) of this rule when they are added in fortified or fabricated foods.
(c) Other nutrients that are naturally present in the product in more than insignificant amounts may be voluntarily declared as part of the simplified format.
(d) Any required nutrient, other than a core nutrient, that is present in an insignificant amount may be omitted from the tabular listing, provided that the following statement is included at the bottom of the nutrition label, “Not a significant source of ___.” The blank shall be filled in with the appropriate nutrient or food component. Alternatively, amounts of vitamins and minerals present in insignificant amounts may be declared by the use of an asterisk (or symbol) that is placed at the bottom of the table of nutrient values and that is followed by the statement “Contains less than 2 percent of the Daily Value of this (these) nutrient (nutrients).”
(e) Except as provided for in section (7) of this rule and in OAR 603-029-1060(3) and (4), nutrient information declared in the simplified format shall be presented in theme manner as specified in sections (4) or (5) of this rule, except that the footnote required in subsection (4)(i) of this rule is not required. When the footnote is omitted, an asterisk shall be placed at the bottom of the label followed by the statement “Percent Daily Values are based on a 2,000 calorie diet” and, if the term “Daily Value” is not spelled out in the heading, a statement that “DV” represents “Daily Value.”
(7) Foods in packages that have a total surface area available to bear labeling of 40 or less square inches may modify the requirements of sections (3) through (6) of this rule and OAR 603-029-1030(1) by one or more of the following means:
(a)(A) Presenting the required nutrition information in a tabular or linear (i.e., string) fashion, rather than in vertical columns if the product has a total surface area available to bear labeling of less than 12 square inches, or if the product has a total surface area available to bear labeling of 40 or less square inches and the package shape or size cannot accommodate a standard vertical column or tabular display on any label panel. Nutrition information may be given in a linear fashion only if the package shape or size will not accommodate a tabular display.
(B) When nutrition information is given in a linear display, the nutrition information shall be set off in a box by the use of a hairline. The percent Daily Value is separated from the quantitative amount declaration by the use of parenthesis, and

all nutrients, both principal components and subcomponents, are treated similarly. Bolding is required only on the title "Nutrition Facts" and is allowed for nutrient names for "Calories," "Total fat," "Cholesterol," "Sodium," "Total carbohydrate," and "Protein."
(b) Using any of the following abbreviations:

Serving size—Serv size
Servings per container—Servings
Calories from fat—Fat cal
Calories from saturated fat—Sat fat cal
Saturated fat—Sat fat
Monounsaturated fat—Monounsat fat
Polyunsaturated fat—Polyunsat fat
Cholesterol—Cholest
Total carbohydrate—Total carb
Dietary fiber—Fiber
Soluble fiber—Sol fiber
Insoluble fiber—Insol fiber
Sugar alcohol—Sugar alc
Other carbohydrate—Other carb

(c) Omitting the footnote required in subsection (4)(i) of this rule and placing another asterisk at the bottom of the label followed by the statement "Percent Daily Values are based on a 2,000 calorie diet" and, if the term "Daily Value" is not spelled out in the heading, a statement that "DV" represents "Daily Value."
(d) Presenting the required nutrition information on any other label panel.
(8) Compliance with this rule shall be determined as follows:
(a) A production lot is a set of food production consumer units that are from one production shift. Alternatively, a collection of consumer units of the same size, type, and style produced under conditions as nearly uniform as possible, designated by a common container code or marking, constitutes a production lot.
(b) The sample for nutrient analysis shall consist of a composite of a minimum of six consumer units, each from a production lot. Alternatively, the sample for nutrient analysis shall consist of a composite of a minimum of six consumer units, each randomly chosen to be representative of a production lot. In each case, the units may be individually analyzed and the results of the analyses averaged, or the units would be composited and the composite analyzed. In both cases, the results, whether an average or a single result from a composite, will be considered by the Agency to be the nutrient content of a composite. All analyses shall be performed in accordance with the methods and procedures used by FSIS under 9 CFR § 317.309(h)(2).
(c) Two classes of nutrients are defined for purposes of compliance:
(A) Class I. Added nutrients in fortified or fabricated foods; and
(B) Class II. Naturally occurring (indigenous) nutrients. If any ingredient which contains a naturally occurring (indigenous) nutrient is added to a food, the total amount of such nutrient in the final food product is subject to Class II requirements unless the same nutrient is also added, which would make the total amount of such nutrient subject to Class I requirements.
(d) A product with a label declaration of a vitamin, mineral, protein, total carbohydrate, dietary fiber, other carbohydrate, polyunsaturated or monounsaturated fat, or potassium shall be deemed to be misbranded under section 1(n) of the Federal Meat Inspection Act (21 U.S.C. 601(n)(1)) unless it meets the following requirements:
(A) Class I vitamin, mineral, protein, dietary fiber, or potassium. The nutrient content of the composite is at least equal to the value for that nutrient declared on the label.
(B) Class II vitamin, mineral, protein, total carbohydrate, dietary fiber, other carbohydrate, polyunsaturated or

monounsaturated fat, or potassium. The nutrient content of the composite is at least equal to 80 percent of the value for that nutrient declared on the label; Provided, That no regulatory action will be based on a determination of a nutrient value which falls below this level by an amount less than the variability generally recognized for the analytical method used in that product at the level involved, and inherent nutrient variation in a product.

(e) A product with a label declaration of calories, sugars, total fat, saturated fat, cholesterol, or sodium shall be deemed to be misbranded under section 1(n) of the Federal Meat Inspection Act (21 U.S.C. 601(n)(1)) if the nutrient content of the composite is greater than 20 percent in excess of the value for that nutrient declared on the label; Provided, That no regulatory action will be based on a determination of a nutrient value which falls above this level by an amount less than the variability generally recognized for the analytical method used in that product at the level involved, and inherent nutrient variation in a product.

(f) The amount of a vitamin, mineral, protein, total carbohydrate, dietary fiber, other carbohydrate, polyunsaturated or monounsaturated fat, or potassium may vary over labeled amounts within good manufacturing practice. The amount of calories, sugars, total fat, saturated fat, cholesterol, or sodium may vary under labeled amounts within good manufacturing practice.

(g) Compliance will be based on the metric measure specified in the label statement of serving size.

(h) The management of the establishment must maintain records to support the validity of nutrient declarations contained on product labels. Such records shall be made available to the inspector or any duly authorized representative of the Agency upon request.

(i) The compliance provisions set forth in subsection (8) (a) through (h) of this rule shall not apply to single-ingredient, raw meat products that are not ground or chopped meat products described in OAR 603-029-1028, including those that have been previously frozen, when nutrition labeling is based on the most current representative data base values contained in USDA's National Nutrient Data Bank or its released form, the USDA National Nutrient Database for Standard Reference as provided in OAR 603-029-1042(5) and (6).

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-1036

RULE TITLE: Reference Amounts Customarily Consumed per Eating Occasion

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Reference Amounts Customarily Consumed per Eating Occasion

RULE TEXT:

(1) The general principles followed in arriving at the reference amounts customarily consumed per eating occasion (Reference Amount(s)), as set forth in paragraph 2 of this section, are:

(a) The Reference Amounts are calculated for persons 4 years of age or older to reflect the amount of food customarily consumed per eating occasion by persons in this population group. These Reference Amounts are based on data set forth in appropriate national food consumption surveys.

(b) The Reference Amounts are calculated for an infant or child under 4 years of age to reflect the amount of food customarily consumed per eating occasion by infants up to 12 months of age or by children 1 through 3 years of age, respectively. These Reference Amounts are based on data set forth in appropriate national food consumption surveys. Such Reference Amounts are to be used only when the product is specially formulated or processed for use by an infant or by a child under 4 years of age.

(c) An appropriate national food consumption survey includes a large sample size representative of the demographic and socioeconomic characteristics of the relevant population group and must be based on consumption data under actual conditions of use.

(d) To determine the amount of food customarily consumed per eating occasion, the mean, median, and mode of the consumed amount per eating occasion were considered.

(e) When survey data were insufficient, FSIS took various other sources of information on serving sizes of food into consideration. These other sources of information included:

(A) Serving sizes used in dietary guidance recommendations or recommended by other authoritative systems or organizations;

(B) Serving sizes recommended in comments;

(C) Serving sizes used by manufacturers and grocers; and

(D) Serving sizes used by other countries.

(f) Because they reflect the amount customarily consumed, the Reference Amount and, in turn, the serving size declared on the product label are based on only the edible portion of food, and not bone, seed, shell, or other inedible components.

(g) The Reference Amount is based on the major intended use of the product (e.g., a mixed dish measurable with a cup as a main dish and not as a side dish).

(h) The Reference Amounts for products that are consumed as an ingredient of other products, but that may also be consumed in the form in which they are purchased (e.g., ground beef), are based on use in the form purchased.

(i) The Department sought to ensure that foods that have similar dietary usage, product characteristics, and customarily consumed amounts have a uniform Reference Amount. The following Product Categories and Reference Amounts shall be used as the basis for determining serving sizes for specific products: See Table 1 and Table 2 —603-029-1036.pdf

(2) For products that have no Reference Amount listed in section (1) of this rule for the unprepared or the prepared form of the product and that consist of two or more foods packaged and presented to be consumed together (e.g., lunch meat with cheese and crackers), the Reference Amount for the combined product shall be determined using the following rules:

(a) For bulk products, the Reference Amount for the combined product shall be the Reference Amount, as established in section (1) of this rule, for the ingredient that is represented as the main ingredient plus proportioned amounts of all minor ingredients.

(b) For products where the ingredient represented as the main ingredient is one or more discrete units, the Reference Amount for the combined product shall be either the number of small discrete units or the fraction of the large discrete

unit that is represented as the main ingredient that is closest to the Reference Amount for that ingredient as established in section (1) of this rule plus proportioned amounts of all minor ingredients.
(c) If the Reference Amounts are in compatible units, they shall be summed (e.g., ingredients in equal volumes such as tablespoons). If the Reference Amounts are in incompatible units, the weights of the appropriate volumes should be used (e.g., grams of one ingredient plus gram weight of tablespoons of a second ingredient).
(3) If a product requires further preparation, e.g., cooking or the addition of water or other ingredients, and if section (1) of this rule provides a Reference Amount for the product in the prepared form, then the Reference Amount for the unprepared product shall be determined using the following rules:
(a) Except as provided for in subsection (3)(b) of this rule, the Reference Amount for the unprepared product shall be the amount of the unprepared product required to make the Reference Amount for the prepared product as established in section (1) of this rule.
(b) For products where the entire contents of the package is used to prepare one large discrete unit usually divided for consumption, the Reference Amount for the unprepared product shall be the amount of the unprepared product required to make the fraction of the large discrete unit closest to the Reference Amount for the prepared product as established in section (1) of this rule.
(4) The Reference Amount for an imitation or substitute product or altered product as defined in OAR 603-029-1038(4), such as a “low calorie” version, shall be the same as for the product for which it is offered as a substitute.
(5) The Reference Amounts set forth in sections (1) through (4) of this rule shall be used in determining whether a product meets the criteria for nutritional claims. If the serving size declared on the product label differs from the Reference Amount, and the product meets the criteria for the claim only on the basis of the Reference Amount, the claim shall be followed by a statement that sets forth the basis on which the claim is made. That statement shall include the Reference Amount as it appears in section (1) of this rule followed, in parentheses, by the amount in common household measure if the Reference Amount is expressed in measures other than common household measures.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-1038

RULE TITLE: Nutrient Content Claims; General Principles

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Nutrient Content Claims; General Principles

RULE TEXT:

(1) This rule applies to meat or meat products that are intended for human consumption and that are offered for sale.

(2) A claim which, expressly or by implication, characterizes the level of a nutrient (nutrient content claim) of the type required in nutrition labeling pursuant to OAR 603-029-1034, may not be made on a label or in labeling of that product unless the claim is made in accordance with the applicable provisions in this OAR 603-029-1038.

(a) An expressed nutrient content claim is any direct statement about the level (or range) of a nutrient in the product, e.g., “low sodium” or “contains 100 calories.”

(b) An implied nutrient content claim is any claim that:

(A) Describes the product or an ingredient therein in a manner that suggests that a nutrient is absent or present in a certain amount (e.g., “high in oat bran”); or

(B) Suggests that the product, because of its nutrient content, may be useful in maintaining healthy dietary practices and is made in association with an explicit claim or statement about a nutrient (e.g., “healthy, contains 3 grams (g) of fat”).

(c) Except for claims regarding vitamins and minerals described in subsection (16)(c) of this rule, no nutrient content claims may be made on products intended specifically for use by infants and children less than 2 years of age unless the claim is specifically provided for in OAR 603-029-1026 to 603-029-1060.

(d) Reasonable variations in the spelling of the terms defined in applicable provisions in this OAR 603-029-1038 and their synonyms are permitted provided these variations are not misleading (e.g., “hi” or “lo”).

(3) Information that is required or permitted by OAR 603-029-1034 to be declared in nutrition labeling, and that appears as part of the nutrition label, is not a nutrient content claim and is not subject to the requirements of this rule. If such information is declared elsewhere on the label or in labeling, it is a nutrient content claim and is subject to the requirements for nutrient content claims.

(4) A “substitute” product is one that may be used interchangeably with another product that it resembles, i.e., that it is organoleptically, physically, and functionally (including shelf life) similar to, and that it is not nutritionally inferior to unless it is labeled as an “imitation.”

(a) If there is a difference in performance characteristics that materially limits the use of the product, the product may still be considered a substitute if the label includes a disclaimer adjacent to the most prominent claim as defined in paragraph (9)(b)(C) of this rule, informing the consumer of such difference (e.g., “not recommended for frying”).

(b) This disclaimer shall be in easily legible print or type and in a size no less than that required by OAR 603-029-1004(8) for the net quantity of contents statement, except where the size of the claim is less than two times the required size of the net quantity of contents statement, in which case the disclaimer statement shall be no less than one-half the size of the claim but no smaller than 116 -inch minimum height, except as permitted by OAR 603-029-1060(4)(b).

(5)(a) Because the use of a “free” or “low” claim before the name of a product implies that the product differs from other products of the same type by virtue of its having a lower amount of the nutrient, only products that have been specially processed, altered, formulated, or reformulated so as to lower the amount of the nutrient in the product, remove the nutrient from the product, or not include the nutrient in the product, may bear such a claim (e.g., “low sodium beef noodle soup”).

(b) Any claim for the absence of a nutrient in a product, or that a product is low in a nutrient when the product has not been specially processed, altered, formulated, or reformulated to qualify for that claim shall indicate that the product inherently meets the criteria and shall clearly refer to all products of that type and not merely to the particular brand to which the labeling attaches (e.g., “lard, a sodium free food”).

(6) A nutrient content claim shall be in type size and style no larger than two times that of the statement of identity and shall not be unduly prominent in type style compared to the statement of identity.

(7) Labeling information required in OAR 603-029-1038, 603-029-1044, 603-029-1046, 603-029-1048, 603-029-1050 to 603-029-1052, and 603-029-1058, whose type size is not otherwise specified, is required to be in letters and/or numbers no less than 116 inch in height, except as permitted by OAR 603-029-1060(4)(b).
(8) Except as provided in OAR 603-029-1034 or in subsection (16)(c) of this rule, the label or labeling of a product may contain a statement about the amount or percentage of a nutrient if:
(a) The use of the statement on the product implicitly characterizes the level of the nutrient in the product and is consistent with a definition for a claim, as provided in subpart B of this part, for the nutrient that the label addresses. Such a claim might be, “less than 10 g of fat per serving;”
(b) The use of the statement on the product implicitly characterizes the level of the nutrient in the product and is not consistent with such a definition, but the label carries a disclaimer adjacent to the statement that the product is not “low” in or a “good source” of the nutrient, such as “only 200 milligrams (mg) sodium per serving, not a low sodium product.” The disclaimer must be in easily legible print or type and in a size no less than required by OAR 603-029-1004(8) for the net quantity of contents, except where the size of the claim is less than two times the required size of the net quantity of contents statement, in which case the disclaimer statement shall be no less than one-half the size of the claim but no smaller than 116 -inch minimum height, except as permitted by OAR 603-029-1060(4)(b);
(c) The statement does not in any way implicitly characterize the level of the nutrient in the product and it is not false or misleading in any respect (e.g., “100 calories” or “5 grams of fat”), in which case no disclaimer is required.
(d) “Percent fat free” claims are not authorized by this section. Such claims shall comply with OAR 603-029-1052(2)(f).
(9) A product may bear a statement that compares the level of a nutrient in the product with the level of a nutrient in a reference product. These statements shall be known as “relative claims” and include “light,” “reduced,” “less” (or “fewer”), and “more” claims.
(a) To bear a relative claim about the level of a nutrient, the amount of that nutrient in the product must be compared to an amount of nutrient in an appropriate reference product as specified in this section (9).
(A)(i) For “less” (or “fewer”) and “more” claims, the reference product may be a dissimilar product within a product category that can generally be substituted for one another in the diet or a similar product.
(ii) For “light,” “reduced,” and “added” claims, the reference product shall be a similar product, and
(B)(i) For “light” claims, the reference product shall be representative of the type of product that includes the product that bears the claim. The nutrient value for the reference product shall be representative of a broad base of products of that type; e.g., a value in a representative, valid data base; an average value determined from the top three national (or regional) brands, a market basket norm; or, where its nutrient value is representative of the product type, a market leader. Firms using such a reference nutrient value as a basis for a claim, are required to provide specific information upon which the nutrient value was derived, on request, to consumers and appropriate regulatory officials.
(ii) For relative claims other than “light,” including “less” and “more” claims, the reference product may be the same as that provided for “light” in subparagraph (9)(a)(C)(i) of this rule or it may be the manufacturer's regular product, or that of another manufacturer, that has been offered for sale to the public on a regular basis for a substantial period of time in the same geographic area by the same business entity or by one entitled to use its trade name, provided the name of the competitor is not used on the labeling of the product. The nutrient values used to determine the claim when comparing a single manufacturer's product to the labeled product shall be either the values declared in nutrition labeling or the actual nutrient values, provided that the resulting labeling is internally consistent (i.e., that the values stated in the nutrition information, the nutrient values in the accompanying information, and the declaration of the percentage of nutrient by which the product has been modified are consistent and will not cause consumer confusion when compared), and that the actual modification is at least equal to the percentage specified in the definition of the claim.
(b) For products bearing relative claims:
(A) The label or labeling must state the identity of the reference product and the percent (or fraction) of the amount of the nutrient in the reference product by which the nutrient has been modified, (e.g., “50 percent less fat than ‘reference product’” or “ 13 fewer calories than ‘reference product’”); and
(B) This information shall be immediately adjacent to the most prominent claim in easily legible boldface print or type, in

distinct contrast to other printed or graphic matter, that is no less than that required by OAR 603-029-1004(8) for net quantity of contents, except where the size of the claim is less than two times the required size of the net quantity of contents statement, in which case the referral statement shall be no less than one-half the size of the claim, but no smaller than 116 -inch minimum height, except as permitted by OAR 603-029-1060(4)(b).
(C) The determination of which use of the claim is in the most prominent location on the label or labeling will be made based on the following factors, considered in order:
(i) A claim on the principal display panel adjacent to the statement of identity;
(ii) A claim elsewhere on the principal display panel;
(iii) A claim on the information panel; or
(iv) A claim elsewhere on the label or labeling.
(D) The label or labeling must also bear:
(i) Clear and concise quantitative information comparing the amount of the subject nutrient in the product per labeled serving size with that in the reference product; and
(ii) This statement shall appear adjacent to the most prominent claim or to the nutrition information.
(c) A relative claim for decreased levels of a nutrient may not be made on the label or in labeling of a product if the nutrient content of the reference product meets the requirement for a “low” claim for that nutrient.
(10) The term “modified” may be used in the statement of identity of a product that bears a relative claim that complies with the requirements of this part, followed immediately by the name of the nutrient whose content has been altered (e.g., “modified fat ‘product’”). This statement of identity must be immediately followed by the comparative statement such as “contains 35 percent less fat than ‘reference product’” The label or labeling must also bear the information required by subsection (9)(b) of this rule in the manner prescribed.
(11) For purposes of making a claim, a “meal-type” product will be defined as a product that:
(a) Makes a major contribution to the diet by:
(A) Weighing at least 10 ounces per labeled serving; and
(B) Containing not less than three 40 gram portions of food, or combinations of foods, from two or more of the following four food groups, except as noted in subparagraph (11)(a)(B)(v) of this rule:
(i) Bread, cereal, rice, and pasta;
(ii) Fruits and vegetables;
(iii) Milk, yogurt, and cheese;
(iv) Meat, poultry, fish, dry beans, eggs, and nuts; except that:
(v) These foods will not be sauces (except for foods in the four food groups in subparagraph (11)(a)(C)(i) through (iv) of this rule, that are in the sauces), gravies, condiments, relishes, pickles, olives, jams, jellies, syrups, breadings, or garnishes; and
(b) Is represented as, or is in the form commonly understood to be, a breakfast, lunch, dinner, meal, or entre. Such representations may be made by statements, photographs, or vignettes.
(12) For purposes of making a claim, a main-dish product will be defined as a food that:
(a) Makes a major contribution to the meal by:
(A) Weighing at least 6 ounces per labeled serving; and
(B) Containing not less than 40 grams of food, or combinations of foods, from two or more of the following four food groups, except as noted in subparagraph (12)(a)(B)(v) of this rule.
(i) Bread, cereal, rice, and pasta;
(ii) Fruits and vegetables;
(iii) Milk, yogurt, and cheese;
(iv) Meat, poultry, fish, dry beans, eggs, and nuts; except that:
(v) These foods will not be sauces (except for foods in the four food groups in subparagraph (12)(a)(B)(i) through (iv) of this rule, that are in the sauces), gravies, condiments, relishes, pickles, olives, jams, jellies, syrups, breadings, or garnishes; and

(b) Is represented as, or is in a form commonly understood to be, a main dish (e.g., not a beverage or dessert). Such representations may be made by statements, photographs, or vignettes.
(13) Nutrition labeling in accordance with OAR 603-029-1034, shall be provided for any food for which a nutrient content claim is made.
(14) Compliance with requirements for nutrient content claims shall be in accordance with OAR 603-029-1034(8).
(15)(a) Unless otherwise specified, the reference amount customarily consumed set forth in OAR 603-029-1036(2) through (5) shall be used in determining whether a product meets the criteria for a nutrient content claim. If the serving size declared on the product label differs from the reference amount customarily consumed, and the amount of the nutrient contained in the labeled serving does not meet the maximum or minimum amount criterion in the definition for the descriptor for that nutrient, the claim shall be followed by the criteria for the claim as required by OAR 603-029-1036(6) (e.g., “very low sodium, 35 mg or less per 55 grams”).
(b) The criteria for the claim shall be immediately adjacent to the most prominent claim in easily legible print or type and in a size that is no less than that required by OAR 603-029-1004(8) for net quantity of contents, except where the size of the claim is less than two times the required size of the net quantity of contents statement, in which case the criteria statement shall be no less than one-half the size of the claim but no smaller than 116 -inch minimum height, except as permitted by OAR 603-029-1060(4)(b).
(16) The following exemptions apply:
(a) Nutrient content claims that have not been defined by regulation and that appear as part of a brand name that was in use prior to November 27, 1991, may continue to be used as part of that brand name, provided they are not false or misleading under section 1(n) of the Act (21 U.S.C. 601(n)(1)).
(b) A statement that describes the percentage of a vitamin or mineral in the food, including foods intended specifically for use by infants and children less than 2 years of age, in relation to a Reference Daily Intake (RDI) as defined in OAR 603-029-1034 may be made on the label or in the labeling of a food without a regulation authorizing such a claim for a specific vitamin or mineral.
(c) The requirements of this rule do not apply to infant formulas and medical foods, as described in 21 CFR 101.13(q)(4).
(d) Nutrient content claims that were part of the name of a product that was subject to a standard of identity as of November 27, 1991, are not subject to the requirements of section (2) of this rule whether or not they meet the definition of the descriptive term.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-1040

RULE TITLE: Identification of Major Cuts of Meat Products

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Identification of Major Cuts of Meat Products

RULE TEXT:

The major cuts of single-ingredient, raw meat products are: Beef chuck blade roast, beef loin top loin steak, beef rib roast large end, beef round eye round steak, beef round top round steak, beef round tip roast, beef chuck arm pot roast, beef loin sirloin steak, beef round bottom round steak, beef brisket (whole, flat half, or point half), beef rib steak small end, beef loin tenderloin steak, pork loin chop, pork loin country style ribs, pork loin top loin chop boneless, pork loin rib chop, pork spareribs, pork loin tenderloin, pork loin sirloin roast, pork shoulder blade steak, pork loin top roast boneless, lamb shank, lamb shoulder arm chop, lamb shoulder blade chop, lamb rib roast, lamb loin chop, lamb leg (whole, sirloin half, or shank half), veal shoulder arm steak, veal shoulder blade steak, veal rib roast, veal loin chop, and veal cutlets.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-1042

RULE TITLE: Nutrition Labeling of Single-Ingredient, Raw Meat Products that are not Ground or Chopped Products Described in OAR 603-029-1028

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Nutrition Labeling of Single-Ingredient, Raw Meat Products that are not Ground or Chopped Products Described in OAR 603-029-1028

RULE TEXT:

(1)(a) Nutrition information on the major cuts of single-ingredient, raw meat products identified in OAR 603-029-1040, including those that have been previously frozen, is required, either on their label or at their point-of-purchase, unless exempted under OAR 603-029-1060. If nutrition information is presented on the label, it must be provided in accordance with OAR 603-029-1034. If nutrition information is presented at the point-of-purchase, it must be provided in accordance with the provisions of this rule.

(b) Nutrition information on single-ingredient, raw meat products that are not ground or chopped meat products described in OAR 603-029-1028 and are not major cuts of single-ingredient, raw meat products identified in OAR 603-029-1040, including those that have been previously frozen, may be provided at their point-of-purchase in accordance with the provisions of OAR 603-029-1042 or on their label, in accordance with the provisions of OAR 603-029-1034.

(c) A retailer may provide nutrition information at the point-of-purchase by various methods, such as by posting a sign or by making the information readily available in brochures, notebooks, or leaflet form in close proximity to the food. The nutrition labeling information may also be supplemented by a video, live demonstration, or other media. If a nutrition claim is made on point-of-purchase materials, all of the format and content requirements of OAR 603-029-1034 apply. However, if only nutrition information—and not a nutrition claim—is supplied on point-of-purchase materials, the requirements of OAR 603-029-1034 apply, provided, however:

(A) The listing of percent of Daily Value for the nutrients (except vitamins and minerals specified in OAR 603-029-1034(3)(h)) and footnote required by OAR 603-029-1034(4)(i) may be omitted; and

(B) The point-of-purchase materials are not subject to any of the format requirements.

(2) For the point-of-purchase materials, the declaration of nutrition information may be presented in a simplified format as specified in OAR 603-029-1034(6).

(3) The nutrition label data for products covered in subsections (1)(a) and (1)(b) must be based on either the raw or cooked edible portions of meat cuts with external cover fat at trim levels reflecting current marketing practices. If data are based on cooked portions, the methods used to cook the products must be specified and for products covered in subsections (1)(a) and (1)(b) must be those which do not add nutrients from other ingredients such as flour, breading, and salt. Additional nutritional data may be presented on an optional basis for the raw or cooked edible portions of the separable lean of meat cuts.

(4) Nutrient data that are the most current representative data base values contained in USDA's National Nutrient Data Bank or its released form, the USDA National Nutrient Database for Standard Reference, may be used for nutrition labeling of single-ingredient, raw meat products, including those that have been previously frozen. These data may be composite data that reflect different quality grades of beef or other variables affecting nutrient content. Alternatively, data that reflect specific grades or other variables may be used, except that if data are used on labels attached to a product which is labeled as to grade of meat or other variables, the data must represent the product in the package when such data are contained in the representative data base. When data are used on labels attached to a product, the data must represent the edible meat tissues present in the package.

(5) If the nutrition information is provided in accordance with section (5) of this rule, a nutrition label or labeling will not be subject to the Department compliance review under OAR 603-029-1034(8), unless a nutrition claim is made on the basis of the representative data base values.

(6) Retailers may use data bases that they believe reflect the nutrient content of single-ingredient, raw meat products, including those that have been previously frozen; however, such labeling shall be subject to the compliance procedures

of section (5) of this rule and the requirements specified in this subpart for the mandatory nutrition labeling program.

STATUTORY/OTHER AUTHORITY: OAR 603.085, OAR 619.042, OAR 619.046

STATUTES/OTHER IMPLEMENTED: OAR 603.085, OAR 619.042, OAR 619.046

ADOPT: 603-029-1044

RULE TITLE: Nutrient Content Claims for “Good Source,” “High,” and “More”

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Nutrient Content Claims for “Good Source,” “High,” and “More”

RULE TEXT:

(1) General requirements. Except as provided in section (5) of this rule, a claim about the level of a nutrient in a product in relation to the Reference Daily Intake (RDI) or Daily Reference Value (DRV) established for that nutrient (excluding total carbohydrate) in OAR 603-029-1034, may only be made on the label or in labeling of the product if:

(a) The claim uses one of the terms defined in this rule in accordance with the definition for that term;

(b) The claim is made in accordance with the general requirements for nutrient content claims in OAR 603-029-1038; and

(c) The product for which the claim is made is labeled in accordance with OAR 603-029-1034.

(2) “High” claims.

(a) The terms “high,” “rich in,” or “excellent source of” may be used on the label or in labeling of products, except meal-type products as defined in OAR 603-029-1038(11), and main-dish products as defined in OAR 603-029-1038(12) provided that the product contains 20 percent or more of the RDI or the DRV per reference amount customarily consumed.

(b) The terms defined in subsection (2)(a) of this rule may be used on the label or in labeling of a meal-type product as defined in OAR 603-029-1038(11), and main-dish product as defined in OAR 603-029-1038(12) provided that:

(A) The product contains a food that meets the definition of “high” in subsection (2)(a) of this rule; and

(B) The label or labeling clearly identifies the food that is the subject of the claim (e.g., “the serving of broccoli in this meal is high in vitamin C”).

(3) “Good Source” claims.

(a) The terms “good source,” “contains,” or “provides” may be used on the label or in labeling of products, except meal-type products as described in OAR 603-029-1038(11), and main-dish products as defined in OAR 603-029-1038(12) provided that the product contains 10 to 19 percent of the RDI or the DRV per reference amount customarily consumed.

(b) The terms defined in subsection (3)(a) of this rule may be used on the label or in labeling of a meal-type product as defined in § OAR 603-029-1038(11), and main-dish product as defined in OAR 603-029-1038(12) provided that:

(A) The product contains a food that meets the definition of “good source” in subsection (3)(a) of this rule; and

(B) The label or labeling clearly identifies the food that is the subject of the claim (e.g., “the serving of sweet potatoes in this meal is a good source of fiber”).

(4) Fiber claims.

(a) If a nutrient content claim is made with respect to the level of dietary fiber, i.e., that the product is high in fiber, a good source of fiber, or that the product contains “more” fiber, and the product is not “low” in total fat as defined in OAR 603-029-1052(2)(b) or, in the case of a meal-type product or a main-dish product, is not “low” in total fat as defined in OAR 603-029-1052(2)(c), then the labeling shall disclose the level of total fat per labeled serving size (e.g., “contains 12 grams (g) of fat per serving”); and

(b) The disclosure shall appear in immediate proximity to such claim and be in a type size no less than one-half the size of the claim.

(5) “More” claims. A relative claim using the terms “more” and “added” may be used on the label or in labeling to describe the level of protein, vitamins, minerals, dietary fiber, or potassium in a product, except meal-type products as defined in OAR 603-029-1038(11), and main-dish products as defined in OAR 603-029-1038(12) provided that:

(a) The product contains at least 10 percent more of the RDI or the DRV for protein, vitamins, minerals, dietary fiber, or potassium (expressed as a percent of the Daily Value) per reference amount customarily consumed than an appropriate reference product as described in OAR 603-029-1038(9)(a); and

(b) As required in OAR 603-029-1038(9)(b) for relative claims:
(A) The identity of the reference product and the percent (or fraction) that the nutrient is greater relative to the RDI or DRV are declared in immediate proximity to the most prominent such claim (e.g., "contains 10 percent more of the Daily Value for fiber than 'reference product'"); and
(B) Quantitative information comparing the level of the nutrient in the product per labeled serving size with that of the reference product that it replaces is declared adjacent to the most prominent claim or to the nutrition information (e.g., "fiber content of 'reference product' is 1 g per serving; 'this product' contains 4 g per serving").
(6) A relative claim using the terms "more" and "added" may be used on the label or in labeling to describe the level of protein, vitamins, minerals, dietary fiber, or potassium in meal-type products as defined in OAR 603-029-1038(11), and main-dish products as defined in OAR 603-029-1038(12) provided that:
(a) The product contains at least 10 percent more of the RDI or the DRV for protein, vitamins, minerals, dietary fiber, or potassium (expressed as a percent of the Daily Value) per 100 g of product than an appropriate reference product as described in OAR 603-029-1038(9)(a); and
(b) As required in OAR 603-029-1038(9)(b) for relative claims:
(A) The identity of the reference product and the percent (or fraction) that the nutrient is greater relative to the RDI or DRV are declared in immediate proximity to the most prominent such claim (e.g., "contains 10 percent more of the Daily Value for fiber per 3 ounces (oz) than does 'reference product'"), and
(B) Quantitative information comparing the level of the nutrient in the meal-type product or a main-dish product per specified weight with that of the reference product that it replaces is declared adjacent to the most prominent claim or to the nutrition information (e.g., "fiber content of 'reference product' is 2 g per 3 oz; 'this product' contains 5 g per 3 oz").

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-1046

RULE TITLE: Nutrient Content Claims for “Light” or “Lite”

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Nutrient Content Claims for “Light” or “Lite”

RULE TEXT:

(1) General requirements. A claim using the terms “light” or “lite” to describe a product may only be made on the label or in labeling of the product if:

(a) The claim uses one of the terms defined in this rule in accordance with the definition for that term;

(b) The claim is made in accordance with the general requirements for nutrient content claims in OAR 603-029-1038; and

(c) The product for which the claim is made is labeled in accordance with OAR 603-029-1034.

(2) “Light” claims. The terms “light” or “lite” may be used on the label or in labeling of products, except meal-type products as defined in OAR 603-029-1038(11) and main-dish products as defined in OAR 603-029-1038(12), without further qualification, provided that:

(a) If the product derives 50 percent or more of its calories from fat, its fat content is reduced by 50 percent or more per reference amount customarily consumed compared to an appropriate reference product as described in OAR 603-029-1038(9)(a); or

(b) If the product derives less than 50 percent of its calories from fat:

(A) The number of calories is reduced by at least one-third (3313 percent) per reference amount customarily consumed compared to an appropriate reference product as described in OAR 603-029-1038(9)(a); or

(B) Its fat content is reduced by 50 percent or more per reference amount customarily consumed compared to the appropriate reference product as described in OAR 603-029-1038(9)(a); and

(c) As required in OAR 603-029-1038(9)(b) for relative claims:

(A) The identity of the reference product and the percent (or fraction) that the calories and the fat were reduced are declared in immediate proximity to the most prominent such claim (e.g., “ 13 fewer calories and 50 percent less fat than the market leader”); and

(B) Quantitative information comparing the level of calories and fat content in the product per labeled serving size with that of the reference product that it replaces is declared adjacent to the most prominent claim or to the nutrition information (e.g., “lite ‘this product’—200 calories, 4 grams (g) fat; regular ‘reference product’—300 calories, 8 g fat per serving”); and

(C) If the labeled product contains less than 40 calories or less than 3 g fat per reference amount customarily consumed, the percentage reduction for that nutrient need not be declared.

(d) A “light” claim may not be made on a product for which the reference product meets the definition of “low fat” and “low calorie.”

(3)(a)(A) A product for which the reference product contains 40 calories or less and 3 g fat or less per reference amount customarily consumed may use the terms “light” or “lite” without further qualification if it is reduced by 50 percent or more in sodium content compared to the reference product; and

(B) As required in OAR 603-029-1038(9)(b) for relative claims:

(i) The identity of the reference product and the percent (or fraction) that the sodium was reduced are declared in immediate proximity to the most prominent such claim (e.g., “50 percent less sodium than the market leader”); and

(ii) Quantitative information comparing the level of sodium per labeled serving size with that of the reference product it replaces is declared adjacent to the most prominent claim or to the nutrition information (e.g., “lite ‘this product’—500 milligrams (mg) sodium per serving; regular ‘reference product’—1,000 mg sodium per serving”).

(b)(A) A product for which the reference product contains more than 40 calories or more than 3 g fat per reference amount customarily consumed may use the terms “light in sodium” or “lite in sodium” if it is reduced by 50 percent or more in sodium content compared to the reference product, provided that “light” or “lite” is presented in immediate

proximity with “in sodium” and the entire term is presented in uniform type size, style, color, and prominence; and
(B) As required in OAR 603-029-1038(9)(b) for relative claims:
(i) The identity of the reference product and the percent (or fraction) that the sodium was reduced are declared in immediate proximity to the most prominent such claim (e.g., “50 percent less sodium than the market leader”); and
(ii) Quantitative information comparing the level of sodium per labeled serving size with that of the reference product it replaces is declared adjacent to the most prominent claim or to the nutrition information (e.g., or “lite ‘this product’—170 mg sodium per serving; regular ‘reference product’—350 mg per serving”).
(C) Except for meal-type products as defined in OAR 603-029-1038(11) and main-dish products as defined in OAR 603-029-1038(12), a “light in sodium” claim may not be made on a product for which the reference product meets the definition of “low in sodium.”
(4)(a) The terms “light” or “lite” may be used on the label or in labeling of a meal-type product as defined in OAR 603-029-1038(11) and main-dish product as defined in OAR 603-029-1038(12), provided that:
(A) The product meets the definition of:
(i) “Low in calories” as defined in OAR 603-029-1048(2)(c); or
(ii) “Low in fat” as defined in OAR 603-029-1052(2)(c); and
(B)(i) A statement appears on the principal display panel that explains whether “light” is used to mean “low fat,” “low calories,” or both (e.g., “Light Delight, a low fat meal”); and the accompanying statement is no less than one-half the type size of the “light” or “lite” claim.
(b)(A) The terms “light in sodium” or “lite in sodium” may be used on the label or in labeling of a meal-type product as defined in OAR 603-029-1038(11) and main-dish product as defined in OAR 603-029-1038(12), provided that the product meets the definition of “low in sodium” as defined in OAR 603-029-1050(2)(e)(A); and
(B) “Light” or “lite” and “in sodium” are presented in uniform type size, style, color, and prominence.
(c) The term “light” or “lite” may be used in the brand name of a product to describe the sodium content, provided that:
(A) The product is reduced by 50 percent or more in sodium content compared to the reference product;
(B) A statement specifically stating that the product is “light in sodium” or “lite in sodium” appears:
(i) Contiguous to the brand name; and
(ii) In uniform type size, style, color, and prominence as the product name; and
(C) As required in OAR 603-029-1038(9)(b) for relative claims:
(i) The identity of the reference product and the percent (or fraction) that the sodium was reduced are declared in immediate proximity to the most prominent such claim; and
(ii) Quantitative information comparing the level of sodium per labeled serving size with that of the reference product it replaces is declared adjacent to the most prominent claim or to the nutrition information.
(5) Except as provided in sections (2) through (4) of this rule, the terms “light” or “lite” may not be used to refer to a product that is not reduced in fat by 50 percent, or, if applicable, in calories by 13 or, when properly qualified, in sodium by 50 percent unless:
(a) It describes some physical or organoleptic attribute of the product such as texture or color and the information (e.g., “light in color” or “light in texture”) so stated, clearly conveys the nature of the product; and;
(b) The attribute (e.g., “color” or “texture”) is in the same style, color, and at least one-half the type size as the word “light” and in immediate proximity thereto.
(6) If a manufacturer can demonstrate that the word “light” has been associated, through common use, with a particular product to reflect a physical or organoleptic attribute to the point where it has become part of the statement of identity, such use of the term “light” shall not be considered a nutrient content claim subject to the requirements in this part.
(7) The term “lightly salted” may be used on a product to which has been added 50 percent less sodium than is normally added to the reference product as described in OAR 603-029-1038(9)(a)(A)(ii) and (9)(a)(B)(ii), provided that if the product is not “low in sodium” as defined in OAR 603-029-1050(2)(d)), the statement “not a low sodium food,” shall appear adjacent to the nutrition information and the information required to accompany a relative claim shall appear on the label or labeling as specified in OAR 603-029-1038(9)(b).

STATUTORY/OTHER AUTHORITY: OAR 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: OAR 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-1048

RULE TITLE: Nutrient Content Claims for Calorie Content

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Nutrient Content Claims for Calorie Content

RULE TEXT:

(1) General requirements. A claim about the calorie or sugar content of a product may only be made on the label or in labeling of the product if:

(a) The claim uses one of the terms defined in this rule in accordance with the definition for that term;

(b) The claim is made in accordance with the general requirements for nutrient content claims in OAR 603-029-1038; and

(c) The product for which the claim is made is labeled in accordance with OAR 603-029-1034.

(2) Calorie content claims. (a) The terms “calorie free,” “free of calories,” “no calories,” “zero calories,” “without calories,” “trivial source of calories,” “negligible source of calories,” or “dietarily insignificant source of calories” may be used on the label or in labeling of products, provided that:

(a) The product contains less than 5 calories per reference amount customarily consumed and per labeled serving size; and

(b) If the product meets this condition without the benefit of special processing, alteration, formulation, or reformulation to lower the caloric content, it is labeled to clearly refer to all products of its type and not merely to the particular brand to which the label attaches.

(3) The terms “low calorie,” “few calories,” “contains a small amount of calories,” “low source of calories,” or “low in calories” may be used on the label or in labeling of products, except meal-type products as defined in OAR 603-029-10(11) and main-dish products as defined in OAR 603-029-1038(12), provided that:

(a)(A) The product has a reference amount customarily consumed greater than 30 grams (g) or greater than 2 tablespoons (tbsp) and does not provide more than 40 calories per reference amount customarily consumed; or

(B) The product has a reference amount customarily consumed of 30 g or less or 2 tbsp or less and does not provide more than 40 calories per reference amount customarily consumed and per 50 g (for dehydrated products that must be reconstituted before typical consumption with water or a diluent containing an insignificant amount, as defined in OAR 603-029-1034(6)(a), of all nutrients per reference amount customarily consumed, the per-50-g criterion refers to the “as prepared” form).

(b) If the product meets these conditions without the benefit of special processing, alteration, formulation, or reformulation to lower the caloric content, it is labeled to clearly refer to all products of its type and not merely to the particular brand to which the label attaches.

(c) The terms defined in subsection (2)(b) of this rule may be used on the label or in labeling of a meal-type product as defined in OAR 603-029-1038(11) and main-dish product as defined in OAR 603-029-1038(12), provided that:

(A) The product contains 120 calories or less per 100 g of product; and

(B) If the product meets this condition without the benefit of special processing, alteration, formulation, or reformulation to lower the calorie content, it is labeled to clearly refer to all products of its type and not merely to the particular brand to which it attaches.

(4) The terms “reduced calorie,” “reduced in calories,” “calorie reduced,” “fewer calories,” “lower calorie,” or “lower in calories” may be used on the label or in labeling of products, except meal-type products as defined in OAR 603-029-1038(11) and main-dish products as defined in OAR 603-029-1038(12), provided that:

(a) The product contains at least 25 percent fewer calories per reference amount customarily consumed than an appropriate reference product as described in OAR 603-029-1038(9)(a); and

(b) As required in OAR 603-029-1038(9)(b) for relative claims:

(A) The identity of the reference product and the percent (or fraction) that the calories differ between the two products are declared in immediate proximity to the most prominent such claim (e.g., lower calorie ‘product’—“3313 percent

fewer calories than our regular 'product'"); and
(B) Quantitative information comparing the level of calories in the product per labeled serving size with that of the reference product that it replaces is declared adjacent to the most prominent claim or to the nutrition information (e.g., "calorie content has been reduced from 150 to 100 calories per serving").
(C) Claims described in subsection (2)(d) of this rule may not be made on the label or in labeling of products if the reference product meets the definition for "low calorie."
(c) The terms defined in subsection (2)(d) of this rule may be used on the label or in labeling of a meal-type product as defined in OAR 603-029-1038(11) and main-dish product as defined in OAR 603-029-1038(12), provided that:
(A) The product contains at least 25 percent fewer calories per 100 g of product than an appropriate reference product as described in OAR 603-029-1038(9)(a); and
(B) As required in OAR 603-029-1038(9)(b) for relative claims:
(i) The identity of the reference product and the percent (or fraction) that the calories differ between the two products are declared in immediate proximity to the most prominent such claim (e.g., "calorie reduced 'product', 25% less calories per ounce (oz) (or 3 oz) than our regular 'product'"); and
(ii) Quantitative information comparing the level of calories in the product per specified weight with that of the reference product that it replaces is declared adjacent to the most prominent claim or to the nutrition information (e.g., "calorie content has been reduced from 110 calories per 3 oz to 80 calories per 3 oz").
(C) Claims described in subsection (2)(e) of this rule may not be made on the label or in labeling of products if the reference product meets the definition for "low calorie."
(5) Sugar content claims.
(a) Terms such as "sugar free," "free of sugar," "no sugar," "zero sugar," "without sugar," "sugarless," "trivial source of sugar," "negligible source of sugar," or "dietarily insignificant source of sugar" may reasonably be expected to be regarded by consumers as terms that represent that the product contains no sugars or sweeteners, e.g., "sugar free," or "no sugar," as indicating a product which is low in calories or significantly reduced in calories. Consequently, except as provided in paragraph (3)(b) of this rule, a product may not be labeled with such terms unless:
(A) The product contains less than 0.5 g of sugars, as defined in OAR 603-029-1034(3)(f)(B), per reference amount customarily consumed and per labeled serving size or, in the case of a meal-type product or a main-dish product, less than 0.5 g of sugars per labeled serving size;
(B) The product contains no ingredient that is a sugar or that is generally understood by consumers to contain sugars unless the listing of the ingredient in the ingredients statement is followed by an asterisk that refers to the statement below the list of ingredients, which states: "Adds a trivial amount of sugar," "adds a negligible amount of sugar," or "adds a dietarily insignificant amount of sugar;" and
(C)(i) It is labeled "low calorie" or "reduced calorie" or bears a relative claim of special dietary usefulness labeled in compliance with subsections (2)(b), (2)(c), (2)(d), or (2)(e) of this rule; or
(ii) Such term is immediately accompanied, each time it is used, by either the statement "not a reduced calorie product," "not a low calorie product," or "not for weight control."
(b) The terms "no added sugar," "without added sugar," or "no sugar added" may be used only if:
(A) No amount of sugars, as defined in OAR 603-029-1034(3)(f)(B), or any other ingredient that contains sugars that functionally substitute for added sugars is added during processing or packaging;
(B) The product does not contain an ingredient containing added sugars such as jam, jelly, or concentrated fruit juice;
(C) The sugars content has not been increased above the amount present in the ingredients by some means such as the use of enzymes, except where the intended functional effect of the process is not to increase the sugars content of a product, and a functionally insignificant increase in sugars results;
(D) The product that it resembles and for which it substitutes normally contains added sugars; and
(E) The product bears a statement that the product is not "low calorie" or "calorie reduced" (unless the product meets the requirements for a "low" or "reduced calorie" product) and that directs consumers' attention to the nutrition panel for further information on sugar and calorie content.

(c) Subsection (3)(a) of this rule shall not apply to a factual statement that a product, including products intended specifically for infants and children less than 2 years of age, is unsweetened or contains no added sweeteners in the case of a product that contains apparent substantial inherent sugar content, e.g., juices.
(d) The terms “reduced sugar,” “reduced in sugar,” “sugar reduced,” “less sugar,” “lower sugar,” or “lower in sugar” may be used on the label or in labeling of products, except meal-type products as defined in OAR 603-029-1038(11) and main-dish products as defined in OAR 603-029-1038(12), provided that:
(A) The product contains at least 25 percent less sugars per reference amount customarily consumed than an appropriate reference product as described in OAR 603-029-1038(9)(a); and
(B) As required in OAR 603-029-1038(9)(b) for relative claims:
(i) The identity of the reference product and the percent (or fraction) that the sugars differ between the two products are declared in immediate proximity to the most prominent such claim (e.g., “this product contains 25 percent less sugar than our regular product”); and
(ii) Quantitative information comparing the level of the sugar in the product per labeled serving size with that of the reference product that it replaces is declared adjacent to the most prominent claim or to the nutrition information (e.g., “sugar content has been lowered from 8 g to 6 g per serving”).
(e) The terms defined in subsection (3)(d) of this rule may be used on the label or in labeling of a meal-type product as defined in OAR 603-029-1038(11) and main-dish product as defined in OAR 603-029-1038(12), provided that:
(A) The product contains at least 25 percent less sugars per 100 g of product than an appropriate reference product as described in OAR 603-029-1038(9)(a); and
(B) As required in OAR 603-029-1038(9)(b) for relative claims:
(i) The identity of the reference product and the percent (or fraction) that the sugars differ between the two products are declared in immediate proximity to the most prominent such claim (e.g., “reduced sugar ‘product’—25% less sugar than our regular ‘product’”); and
(ii) Quantitative information comparing the level of the nutrient in the product per specified weight with that of the reference product that it replaces is declared adjacent to the most prominent claim or to the nutrition information (e.g., “sugar content has been reduced from 17 g per 3 oz to 13 g per 3 oz”).

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-1050

RULE TITLE: Nutrient Content Claims for the Sodium Content

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Nutrient Content Claims for the Sodium Content

RULE TEXT:

(1) General requirements. A claim about the level of sodium in a product may only be made on the label or in labeling of the product if:

(a) The claim uses one of the terms defined in this rule in accordance with the definition for that term;

(b) The claim is made in accordance with the general requirements for nutrient content claims in OAR 603-029-1038; and

(c) The product for which the claim is made is labeled in accordance with OAR 603-029-1034.

(2) Sodium content claims.

(a) The terms “sodium free,” “free of sodium,” “no sodium,” “zero sodium,” “without sodium,” “trivial source of sodium,” “negligible source of sodium,” or “dietarily insignificant source of sodium” may be used on the label or in labeling of products, provided that:

(A) The product contains less than 5 milligrams (mg) of sodium per reference amount customarily consumed and per labeled serving size or, in the case of a meal-type product or a main-dish product, less than 5 mg of sodium per labeled serving size;

(B) The product contains no ingredient that is sodium chloride or is generally understood by consumers to contain sodium unless the listing of the ingredient in the ingredients statement is followed by an asterisk that refers to the statement below the list of ingredients, which states: “Adds a trivial amount of sodium,” “adds a negligible amount of sodium” or “adds a dietarily insignificant amount of sodium”; and

(C) If the product meets these conditions without the benefit of special processing, alteration, formulation, or reformulation to lower the sodium content, it is labeled to clearly refer to all products of its type and not merely to the particular brand to which the label attaches.

(b) The terms “very low sodium” or “very low in sodium” may be used on the label or in labeling of products, except meal-type products as defined in OAR 603-029-1038(11) and main-dish products as defined in OAR 603-029-1038(12), provided that:

(A)(i) The product has a reference amount customarily consumed greater than 30 grams (g) or greater than 2 tablespoons (tbsp) and contains 35 mg or less sodium per reference amount customarily consumed; or

(ii) The product has a reference amount customarily consumed of 30 g or less or 2 tbsp or less and contains 35 mg or less sodium per reference amount customarily consumed and per 50 g (for dehydrated products that must be reconstituted before typical consumption with water or a diluent containing an insignificant amount, as defined in OAR 603-029-1034(6)(a), of all nutrients per reference amount customarily consumed, the per-50-g criterion refers to the “as prepared” form); and

(B) If the product meets these conditions without the benefit of special processing, alteration, formulation, or reformulation to lower the sodium content, it is labeled to clearly refer to all products of its type and not merely to the particular brand to which the label attaches.

(c) The terms defined in subsection (2)(b) of this rule may be used on the label or in labeling of a meal-type product as defined in OAR 603-029-1038(11) and main-dish product as defined in OAR 603-029-1038(12), provided that:

(A) The product contains 35 mg or less of sodium per 100 g of product; and

(B) If the product meets this condition without the benefit of special processing, alteration, formulation, or reformulation to lower the sodium content, it is labeled to clearly refer to all products of its type and not merely to the particular brand to which the label attaches.

(d) The terms “low sodium,” “low in sodium,” “little sodium,” “contains a small amount of sodium,” or “low source of sodium” may be used on the label and in labeling of products, except meal-type products as defined in OAR 603-029-

1038(11) and main-dish products as defined in OAR 603-029-1038(12), provided that:
(A)(i) The product has a reference amount customarily consumed greater than 30 g or greater than 2 tbsp and contains 140 mg or less sodium per reference amount customarily consumed; or
(ii) The product has a reference amount customarily consumed of 30 g or less or 2 tbsp or less and contains 140 mg or less sodium per reference amount customarily consumed and per 50 g (for dehydrated products that must be reconstituted before typical consumption with water or a diluent containing an insignificant amount, as defined in OAR 603-029-1034(6)(a), of all nutrients per reference amount customarily consumed, the per-50-g criterion refers to the "as prepared" form); and
(B) If the product meets these conditions without the benefit of special processing, alteration, formulation, or reformulation to lower the sodium content, it is labeled to clearly refer to all products of its type and not merely to the particular brand to which the label attaches.
(e) The terms defined in subsection (2)(d) of this rule may be used on the label or in labeling of a meal-type product as defined in OAR 603-029-1038(11) and main-dish product as defined in OAR 603-029-1038(12), provided that:
(A) The product contains 140 mg or less sodium per 100 g of product; and
(B) If the product meets these conditions without the benefit of special processing, alteration, formulation, or reformulation to lower the sodium content, it is labeled to clearly refer to all products of its type and not merely to the particular brand to which the label attaches.
(f) The terms "reduced sodium," "reduced in sodium," "sodium reduced," "less sodium," "lower sodium," or "lower in sodium" may be used on the label or in labeling of products, except meal-type products as defined in OAR 603-029-1038(11) and main-dish products as defined in OAR 603-029-1038(12), provided that:
(A) The product contains at least 25 percent less sodium per reference amount customarily consumed than an appropriate reference product as described in OAR 603-029-1038(9)(a); and
(B) As required in OAR 603-029-1038(9)(b) for relative claims:
(i) The identity of the reference product and the percent (or fraction) that the sodium differs between the two products are declared in immediate proximity to the most prominent such claim (e.g., "reduced sodium 'product', 50 percent less sodium than regular 'product'"); and
(ii) Quantitative information comparing the level of sodium in the product per labeled serving size with that of the reference product that it replaces is declared adjacent to the most prominent claim or to the nutrition information (e.g., "sodium content has been lowered from 300 to 150 mg per serving").
(C) Claims described in subsection (2)(f) of this rule may not be made on the label or in labeling of a product if the nutrient content of the reference product meets the definition for "low sodium."
(g) The terms defined in subsection (2)(f) of this rule may be used on the label or in labeling of a meal-type product as defined in OAR 603-029-1038(11) and main-dish product as defined in OAR 603-029-1038(12), provided that:
(A) The product contains at least 25 percent less sodium per 100 g of product than an appropriate reference product as described in OAR 603-029-1038(9)(a); and
(B) As required in OAR 603-029-1038(9)(b) for relative claims:
(h) The identity of the reference product and the percent (or fraction) that the sodium differs between the two products are declared in immediate proximity to the most prominent such claim (e.g., "reduced sodium 'product'—30% less sodium per 3 oz than our 'regular product'"); and
(ii) Quantitative information comparing the level of sodium in the product per specified weight with that of the reference product that it replaces is declared adjacent to the most prominent claim or to the nutrition information (e.g., "sodium content has been reduced from 220 mg per 3 oz to 150 mg per 3 oz").
(C) Claims described in subsection (2)(g) of this rule may not be made on the label or in labeling of products if the nutrient content of the reference product meets the definition for "low sodium."
(3) The term "salt" is not synonymous with "sodium." Salt refers to sodium chloride. However, references to salt content such as "unsalted," "no salt," "no salt added" are potentially misleading.
(a) The term "salt free" may be used on the label or in labeling of products only if the product is "sodium free" as defined

in subsection (2)(a) of this rule.

(b) The terms “unsalted,” “without added salt,” and “no salt added” may be used on the label or in labeling of products only if:

(A) No salt is added during processing;

(B) The product that it resembles and for which it substitutes is normally processed with salt; and

(C) If the product is not sodium free, the statement, “not a sodium free product” or “not for control of sodium in the diet” appears adjacent to the nutrition information of the product bearing the claim.

(c) Subsection (3)(b) of this rule shall not apply to a factual statement that a product intended specifically for infants and children less than 2 years of age is unsalted, provided such statement refers to the taste of the product and is not false or otherwise misleading.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-1052

RULE TITLE: Nutrient Content Claims for Fat, Fatty Acids, and Cholesterol Content

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Nutrient Content Claims for Fat, Fatty Acids, and Cholesterol Content

RULE TEXT:

(1) General requirements. A claim about the level of fat, fatty acid, and cholesterol in a product may only be made on the label or in labeling of products if:

(a) The claim uses one of the terms defined in this rule in accordance with the definition for that term;

(b) The claim is made in accordance with the general requirements for nutrient content claims in OAR 603-029-1038; and

(c) The product for which the claim is made is labeled in accordance with OAR 603-029-1034.

(2) Fat content claims. (a) The terms “fat free,” “free of fat,” “no fat,” “zero fat,” “without fat,” “nonfat,” “trivial source of fat,” “negligible source of fat,” or “dietarily insignificant source of fat” may be used on the label or in labeling of products, provided that:

(a) The product contains less than 0.5 gram (g) of fat per reference amount customarily consumed and per labeled serving size or, in the case of a meal-type product or a main-dish product, less than 0.5 g of fat per labeled serving size;

(b) The product contains no added ingredient that is a fat or is generally understood by consumers to contain fat unless the listing of the ingredient in the ingredients statement is followed by an asterisk that refers to the statement below the list of ingredients, which states: “Adds a trivial amount of fat,” “adds a negligible amount of fat,” or “adds a dietarily insignificant amount of fat”; and

(c) If the product meets these conditions without the benefit of special processing, alteration, formulation, or reformulation to lower the fat content, it is labeled to clearly refer to all products of its type and not merely to the particular brand to which the label attaches.

(3) The terms “low fat,” “low in fat,” “contains a small amount of fat,” “low source of fat,” or “little fat” may be used on the label and in labeling of products, except meal-type products as defined in OAR 603-029-1038(11) and main-dish products as defined in OAR 603-029-1038(12), provided that:

(a) The product has a reference amount customarily consumed greater than 30 g or greater than 2 tablespoons (tbsp) and contains 3 g or less of fat per reference amount customarily consumed; or

(b) The product has a reference amount customarily consumed of 30 g or less or 2 tbsp or less and contains 3 g or less of fat per reference amount customarily consumed and per 50 g (for dehydrated products that must be reconstituted before typical consumption with water or a diluent containing an insignificant amount, as defined in OAR 603-029-1034(6)(a), of all nutrients per reference amount customarily consumed, the per-50-g criterion refers to the “as prepared” form). If the product meets these conditions without the benefit of special processing, alteration, formulation, or reformulation to lower the fat content, it is labeled to clearly refer to all products of its type and not merely to the particular brand to which the label attaches.

(4) The terms defined in subsection (2)(b) of this rule may be used on the label or in labeling of a meal-type product as defined in OAR 603-029-1038(11) and main-dish product as defined in OAR 603-029-1038(12), provided that:

(a) The product contains 3 g or less of total fat per 100 g of product and not more than 30 percent of calories from fat; and

(b) If the product meets these conditions without the benefit of special processing, alteration, formulation, or reformulation to lower the fat content, it is labeled to clearly refer to all products of its type and not merely to the particular brand to which the label attaches.

(5) The terms “reduced fat,” “reduced in fat,” “fat reduced,” “less fat,” “lower fat,” or “lower in fat” may be used on the label or in labeling of products, except meal-type products as defined in OAR 603-029-1038(11) and main-dish products as defined in OAR 603-029-1038(12), provided that:

(a) The product contains at least 25 percent less fat per reference amount customarily consumed than an appropriate

reference product as described in OAR 603-029-1038(9)(a); and
(b) As required in OAR 603-029-1038(9)(b) for relative claims:
(A) The identity of the reference product and the percent (or fraction) that the fat differs between the two products are declared in immediate proximity to the most prominent such claim (e.g., "reduced fat—50 percent less fat than our regular 'product'"); and
(B) Quantitative information comparing the level of fat in the product per labeled serving size with that of the reference product that it replaces is declared adjacent to the most prominent claim or to the nutrition information (e.g., "fat content has been reduced from 8 g to 4 g per serving").
(c) Claims described in subsection (2)(d) of this rule may not be made on the label or in labeling of a product if the nutrient content of the reference product meets the definition for "low fat."
(6) The terms defined in subsection (2)(d) of this rule may be used on the label or in labeling of a meal-type product as defined in OAR 603-029-1038(11) and main-dish product as defined in OAR 603-029-1038(12), provided that:
(a) The product contains at least 25 percent less fat per 100 g of product than an appropriate reference product as described in OAR 603-029-1038(9)(a); and
(b) As required in OAR 603-029-1038(9)(b) for relative claims:
(A) The identity of the reference product and the percent (or fraction) that the fat differs between the two products are declared in immediate proximity to the most prominent such claim (e.g., "reduced fat 'product', 33 percent less fat per 3 oz than our regular 'product'"); and
(B) Quantitative information comparing the level of fat in the product per specified weight with that of the reference product that it replaces is declared adjacent to the most prominent such claim or to the nutrition information (e.g., "fat content has been reduced from 8 g per 3 oz to 5 g per 3 oz").
(c) Claims described in subsection (2)(e) of this rule may not be made on the label or in labeling of a product if the nutrient content of the reference product meets the definition for "low fat."
(7) The term "__ percent fat free" may be used on the label or in labeling of products, provided that:
(a) The product meets the criteria for "low fat" in subsection (2)(b) or (2)(c) of this rule;
(b) The percent declared and the words "fat free" are in uniform type size; and
(c) A "100 percent fat free" claim may be made only on products that meet the criteria for "fat free" in subsection (2)(a) of this rule, that contain less than 0.5 g of fat per 100 g, and that contain no added fat.
(d) A synonym for "__ percent fat free" is "__ percent lean."
(8) Fatty acid content claims. (1) The terms "saturated fat free," "free of saturated fat," "no saturated fat," "zero saturated fat," "without saturated fat," "trivial source of saturated fat," "negligible source of saturated fat," or "dietarily insignificant source of saturated fat" may be used on the label or in labeling of products, provided that:
(a) The product contains less than 0.5 g of saturated fat and less than 0.5 g trans fatty acids per reference amount customarily consumed and per labeled serving size or, in the case of a meal-type product or a main-dish product, less than 0.5 g of saturated fat and less than 0.5 g trans fatty acids per labeled serving size;
(b) The product contains no ingredient that is generally understood by consumers to contain saturated fat unless the listing of the ingredient in the ingredients statement is followed by an asterisk that refers to the statement below the list of ingredients, which states: "Adds a trivial amount of saturated fat," "adds a negligible amount of saturated fat," or "adds a dietarily insignificant amount of saturated fat;" and
(c) If the product meets these conditions without the benefit of special processing, alteration, formulation, or reformulation to lower saturated fat content, it is labeled to clearly refer to all products of its type and not merely to the particular brand to which the label attaches.
(9) The terms "low in saturated fat," "low saturated fat," "contains a small amount of saturated fat," "low source of saturated fat," or "a little saturated fat" may be used on the label or in labeling of products, except meal-type products as defined in OAR 603-029-1038(11) and main-dish products as defined in OAR 603-029-1038(12), provided that:
(a) The product contains 1 g or less of saturated fat per reference amount customarily consumed and not more than 15 percent of calories from saturated fat; and

(b) If the product meets these conditions without benefit of special processing, alteration, formulation, or reformulation to lower saturated fat content, it is labeled to clearly refer to all products of its type and not merely to the particular brand to which the label attaches.
(10) The terms defined in subsection (3)(b) of this rule may be used on the label or in labeling of a meal-type product as defined in OAR 603-029-1038(11) and main-dish product as defined in OAR 603-029-1038(12), provided that:
(a) The product contains 1 g or less of saturated fat per 100 g and less than 10 percent calories from saturated fat; and
(b) If the product meets these conditions without the benefit of special processing, alteration, formulation, or reformulation to lower saturated fat content, it is labeled to clearly refer to all products of its type and not merely to the particular brand to which the label attaches.
(11) The terms "reduced saturated fat," "reduced in saturated fat," "saturated fat reduced," "less saturated fat," "lower saturated fat," or "lower in saturated fat" may be used on the label or in labeling of products, except meal-type products as defined in OAR 603-029-1038(11) and main-dish products as defined in OAR 603-029-1038(12), provided that:
(a) The product contains at least 25 percent less saturated fat per reference amount customarily consumed than an appropriate reference product as described in OAR 603-029-1038(9)(a); and
(b) As required in OAR 603-029-1038(9)(b) for relative claims:
(A) The identity of the reference product and the percent (or fraction) that the saturated fat differs between the two products are declared in immediate proximity to the most prominent such claim (e.g., "reduced saturated fat 'product', contains 50 percent less saturated fat than the national average for 'product'"); and
(B) Quantitative information comparing the level of saturated fat in the product per labeled serving size with that of the reference product that it replaces is declared adjacent to the most prominent claim or to the nutrition information (e.g., "saturated fat reduced from 3 g to 1.5 g per serving").
(c) Claims described in subsection (3)(d) of this rule may not be made on the label or in labeling of a product if the nutrient content of the reference product meets the definition for "low saturated fat."
(12) The terms defined in subsection (3)(d) of this rule may be used on the label or in labeling of a meal-type product as defined in OAR 603-029-1038(11) and main-dish product as defined in OAR 603-029-1038(12), provided that:
(a) The product contains at least 25 percent less saturated fat per 100 g of product than an appropriate reference product as described in OAR 603-029-1038(9)(a); and
(b) As required in OAR 603-029-1038(9)(b) for relative claims:
(A) The identity of the reference product and the percent (or fraction) that the saturated fat differs between the two products are declared in immediate proximity to the most prominent such claim (e.g., "reduced saturated fat 'product'," "50 percent less saturated fat than our regular 'product'"); and
(B) Quantitative information comparing the level of saturated fat in the product per specified weight with that of the reference product that it replaces is declared adjacent to the most prominent claim or to the nutrition information (e.g., "saturated fat content has been reduced from 2.5 g per 3 oz to 1.5 g per 3 oz").
(c) Claims described in subsection (3)(e) of this rule may not be made on the label or in labeling of a product if the nutrient content of the reference product meets the definition for "low saturated fat."
(13) Cholesterol content claims. (1) The terms "cholesterol free," "free of cholesterol," "zero cholesterol," "without cholesterol," "no cholesterol," "trivial source of cholesterol," "negligible source of cholesterol," or "dietarily insignificant source of cholesterol" may be used on the label or in labeling of products, provided that:
(a) The product contains less than 2 milligrams (mg) of cholesterol per reference amount customarily consumed and per labeled serving size or, in the case of a meal-type product as defined in OAR 603-029-1038(11) and main-dish product as defined in OAR 603-029-1038(12), less than 2 mg of cholesterol per labeled serving size;
(b) The product contains no ingredient that is generally understood by consumers to contain cholesterol, unless the listing of the ingredient in the ingredients statement is followed by an asterisk that refers to the statement below the list of ingredients, which states: "Adds a trivial amount of cholesterol," "adds a negligible amount of cholesterol," or "adds a dietarily insignificant amount of cholesterol";
(c) The product contains 2 g or less of saturated fat per reference amount customarily consumed or, in the case of a

meal-type product as defined in OAR 603-029-1038(11) and main-dish product as defined in OAR 603-029-1038(12), 2 g or less of saturated fat per labeled serving size; and
(d) If the product meets these conditions without the benefit of special processing, alteration, formulation, or reformulation to lower cholesterol content, it is labeled to clearly refer to all products of its type and not merely to the particular brand to which it attaches; or
(e) If the product meets these conditions only as a result of special processing, alteration, formulation, or reformulation, the amount of cholesterol is reduced by 25 percent or more from the reference product it replaces as described in OAR 603-029-1038(9)(a) and for which it substitutes as described in OAR 603-029-1038(4) that has a significant (e.g., 5 percent or more of a national or regional market) market share. As required in OAR 603-029-1038(9)(b) for relative claims:
(A) The identity of the reference product and the percent (or fraction) that the cholesterol was reduced are declared in immediate proximity to the most prominent such claim (e.g., "cholesterol free 'product', contains 100 percent less cholesterol than 'reference product'"); and
(B) Quantitative information comparing the level of cholesterol in the product per labeled serving size with that of the reference product that it replaces is declared adjacent to the most prominent claim or to the nutrition information (e.g., "contains no cholesterol compared with 30 mg in one serving of 'reference product'").
(14) The terms "low in cholesterol," "low cholesterol," "contains a small amount of cholesterol," "low source of cholesterol," or "little cholesterol" may be used on the label or in labeling of products, except meal-type products as defined in OAR 603-029-1038(11) and main-dish products as defined in OAR 603-029-1038(12), provided that:
(a)(A) If the product has a reference amount customarily consumed greater than 30 g or greater than 2 tbsp:
(i) The product contains 20 mg or less of cholesterol per reference amount customarily consumed; and
(ii) The product contains 2 g or less of saturated fat per reference amount customarily consumed; or
(B) If the product has a reference amount customarily consumed of 30 g or less or 2 tbsp or less:
(i) The product contains 20 mg or less of cholesterol per reference amount customarily consumed and per 50 g (for dehydrated products that must be reconstituted before typical consumption with water or a diluent containing an insignificant amount, as defined in OAR 603-029-1034(6)(a), of all nutrients per reference amount customarily consumed, the per-50-g criterion refers to the "as prepared" form); and
(ii) The product contains 2 g or less of saturated fat per reference amount customarily consumed.
(b) If the product meets these conditions without the benefit of special processing, alteration, formulation, or reformulation to lower cholesterol content, it is labeled to clearly refer to all products of its type and not merely to the particular brand to which the label attaches; or
(c) If the product contains 20 mg or less of cholesterol only as a result of special processing, alteration, formulation, or reformulation, the amount of cholesterol is reduced by 25 percent or more from the reference product it replaces as described in OAR 603-029-1038(9)(a) and for which it substitutes as described in OAR 603-029-1038(4) that has a significant (e.g., 5 percent or more of a national or regional market) market share. As required in OAR 603-029-1038(9)(b) for relative claims:
(A) The identity of the reference product and the percent (or fraction) that the cholesterol has been reduced are declared in immediate proximity to the most prominent such claim (e.g., "low cholesterol 'product', contains 85 percent less cholesterol than our regular 'product'"); and
(B) Quantitative information comparing the level of cholesterol in the product per labeled serving size with that of the reference product that it replaces is declared adjacent to the most prominent claim or to the nutrition information (e.g., "cholesterol lowered from 30 mg to 5 mg per serving").
(15) The terms defined in subsection (4)(b) of this rule may be used on the label or in labeling of a meal-type product as defined in OAR 603-029-1038(11) and main-dish product as defined in OAR 603-029-1038(12), provided that:
(a) The product contains 20 mg or less of cholesterol per 100 g of product;
(b) The product contains 2 g or less of saturated fat per 100 g of product; and
(c) If the product meets these conditions without the benefit of special processing, alteration, formulation, or

reformulation to lower cholesterol content, it is labeled to clearly refer to all products of its type and not merely to the particular brand to which the label attaches.
(16) The terms “reduced cholesterol,” “reduced in cholesterol,” “cholesterol reduced,” “less cholesterol,” “lower cholesterol,” or “lower in cholesterol” may be used on the label or in labeling of products or products that substitute for those products as specified in OAR 603-029-1038(4), excluding meal-type products as defined in OAR 603-029-1038(11) and main-dish products as defined in OAR 603-029-1038(12), provided that:
(a) The product has been specifically formulated, altered, or processed to reduce its cholesterol by 25 percent or more from the reference product it replaces as described in OAR 603-029-1038(9)(a) and for which it substitutes as described in OAR 603-029-1038(4) that has a significant (e.g., 5 percent or more of a national or regional market) market share;
(b) The product contains 2 g or less of saturated fat per reference amount customarily consumed; and
(c) As required in OAR 603-029-1038(9)(b) for relative claims:
(A) The identity of the reference product and the percent (or fraction) that the cholesterol has been reduced are declared in immediate proximity to the most prominent such claim (e.g., “25 percent less cholesterol than ‘reference product’”); and
(B) Quantitative information comparing the level of cholesterol in the product per labeled serving size with that of the reference product that it replaces is declared adjacent to the most prominent claim or to the nutrition information (e.g., “cholesterol lowered from 55 mg to 30 mg per serving”).
(d) Claims described in subsection (4)(d) of this rule may not be made on the label or in labeling of a product if the nutrient content of the reference product meets the definition for “low cholesterol.”
(17) The terms defined in subsection (4)(d) of this rule may be used on the label or in labeling of a meal-type product as defined in OAR 603-029-1038(11) and main-dish product as defined in OAR 603-029-1038(12), provided that:
(a) The product has been specifically formulated, altered, or processed to reduce its cholesterol by 25 percent or more from the reference product it replaces as described in OAR 603-029-1038(9)(a) and for which it substitutes as described in OAR 603-029-1038(4) that has a significant (e.g., 5 percent or more of a national or regional market) market share;
(b) The product contains 2 g or less of saturated fat per 100 g of product; and
(c) As required in OAR 603-029-1038(9)(b) for relative claims:
(A) The identity of the reference product and the percent (or fraction) that the cholesterol has been reduced are declared in immediate proximity to the most prominent such claim (e.g., “25% less cholesterol than ‘reference product’”); and
(B) Quantitative information comparing the level of cholesterol in the product per specified weight with that of the reference product that it replaces is declared adjacent to the most prominent claim or to the nutrition information (e.g., “cholesterol content has been reduced from 35 mg per 3 oz to 25 mg per 3 oz).
(d) Claims described in subsection (4)(e) of this rule may not be made on the label or in labeling of a product if the nutrient content of the reference product meets the definition for “low cholesterol.”
(18) “Lean” and “Extra Lean” claims.
(a) The term “lean” may be used on the label or in labeling of a product, provided that the product contains less than 10 g of fat, 4.5 g or less of saturated fat, and less than 95 mg of cholesterol per 100 g of product and per reference amount customarily consumed for individual foods, and per 100 g of product and per labeled serving size for meal-type products as defined in OAR 603-029-1038(11) and main-dish products as defined in OAR 603-029-1038(12).
(b) The term “extra lean” may be used on the label or in labeling of a product, provided that the product contains less than 5 g of fat, less than 2 g of saturated fat, and less than 95 mg of cholesterol per 100 g of product and per reference amount customarily consumed for individual foods, and per 100 g of product and per labeled serving size for meal-type products as defined in OAR 603-029-1038(11) and main-dish products as defined in OAR 603-029-1038(12).
(c) A statement of the lean percentage may be used on the label or in labeling of ground or chopped meat products described in OAR 603-029-1028 when the product does not meet the criteria for “low fat,” defined in OAR 603-029-

1052(2)(b), provided that a statement of the fat percentage is contiguous to and in lettering of the same color, size, type, and on the same color background, as the statement of the lean percentage.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-1054

RULE TITLE: Nutrient Content Claims for “Healthy”

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Nutrient Content Claims for “Healthy”

RULE TEXT:

(1) (a) The term “healthy,” or any other derivative of the term “health,” may be used on the labeling of any meat or meat product, provided that the product is labeled in accordance with OAR 603-029-1034 and OAR 603-029-1038.

(b) The product shall meet the requirements for “low fat” and “low saturated fat,” as defined in OAR 603-029-1052, except that single-ingredient, raw products may meet the total fat and saturated fat criteria for “extra lean” in OAR 603-029-1052.

(c) The product shall not contain more than 60 milligrams (mg) of cholesterol per reference amount customarily consumed, per labeled serving size, and, only for foods with reference amounts customarily consumed of 30 grams (g) or less or 2 tablespoons (tbsp) or less, per 50 g, and, for dehydrated products that must be reconstituted with water or a diluent containing an insignificant amount, as defined in OAR 603-029-1034(6)(a), of all nutrients, the per-50-g criterion refers to the prepared form, except that:

(A) A main-dish product, as defined in OAR 603-029-1038(12), and a meal-type product, as defined in OAR 603-029-1038(11), and including meal-type products that weigh more than 12 ounces (oz) per serving (container), shall not contain more than 90 mg of cholesterol per labeled serving size; and

(B) Single-ingredient, raw products may meet the cholesterol criterion for “extra lean” in OAR 603-029-1052.

(2) The product shall not contain more than 480 mg of sodium per reference amount customarily consumed, per labeled serving size, and, only for foods with reference amounts customarily consumed of 30 g or less or 2 tbsp or less, per 50 g, and, for dehydrated products that must be reconstituted with water or a diluent containing an insignificant amount, as defined in OAR 603-029-1034(6)(a), of all nutrients, the per-50-g criterion refers to the prepared form, except that:

(a) A main-dish product, as defined in OAR 603-029-1038(12), and a meal-type product, as defined in OAR 603-029-1038(11), and including meal-type products that weigh more than 12 oz per serving (container), shall not contain more than 600 mg of sodium per labeled serving size; and

(b) The requirements of this subsection (2)(c) do not apply to single-ingredient, raw products.

(3) The product shall contain 10 percent or more of the Reference Daily Intake or Daily Reference Value as defined in OAR 603-029-1034 for vitamin A, vitamin C, iron, calcium, protein, or fiber per reference amount customarily consumed prior to any nutrient addition, except that:

(a) A main-dish product, as defined in OAR 603-029-1038(12), and including main-dish products that weigh less than 10 oz per serving (container), shall meet the level for two of the nutrients per labeled serving size; and

(b) A meal-type product, as defined in OAR 603-029-1038(11), shall meet the level for three of the nutrients per labeled serving size.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-1056

RULE TITLE: Labeling Applications for Nutrient Content Claims

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Labeling Applications for Nutrient Content Claims

RULE TEXT:

If a state-inspected establishment wishes to file a labeling application for a new nutrient content claim, the establishment must follow the process set forth in 9 CFR § 317.369 for seeking USDA approval of a new nutrient content claim.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-1058

RULE TITLE: Label Statements Relating to Usefulness in Reducing or Maintaining Body Weight

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Label Statements Relating to Usefulness in Reducing or Maintaining Body Weight

RULE TEXT:

(1) General requirements. Any product that purports to be or is represented for special dietary use because of usefulness in reducing body weight shall bear:

(a) Nutrition labeling in conformity with OAR 603-029-1034, unless exempt under that rule, and

(b) A conspicuous statement of the basis upon which the product claims to be of special dietary usefulness.

(2) Nonnutritive ingredients.

(a) Any product subject to section (1) of this rule that achieves its special dietary usefulness by use of a nonnutritive ingredient (i.e., one not utilized in normal metabolism) shall bear on its label a statement that it contains a nonnutritive ingredient and the percentage by weight of the nonnutritive ingredient.

(b) A special dietary product may contain a nonnutritive sweetener or other ingredient only if the ingredient is safe for use in the product under the applicable law and regulations of this chapter. Any product that achieves its special dietary usefulness in reducing or maintaining body weight through the use of a nonnutritive sweetener shall bear on its label the statement required by subsection (2)(a) of this rule, but need not state the percentage by weight of the nonnutritive sweetener. If a nutritive sweetener(s) as well as nonnutritive sweetener(s) is added, the statement shall indicate the presence of both types of sweetener; e.g., “Sweetened with nutritive sweetener(s) and nonnutritive sweetener(s).”

(3) “Low calorie” foods. A product purporting to be “low calorie” must comply with the criteria set forth for such foods in OAR 603-029-1048.

(4) “Reduced calorie” foods and other comparative claims. A product purporting to be “reduced calorie” or otherwise containing fewer calories than a reference food must comply with the criteria set forth for such foods in OAR 603-029-1048(2)(d) and (e).

(5) “Label terms suggesting usefulness as low calorie or reduced calorie foods”.

(a) Except as provided in subsections (5)(b) and (5)(c) of this rule, a product may be labeled with terms such as “diet,” “dietetic,” “artificially sweetened,” or “sweetened with nonnutritive sweetener” only if the claim is not false or misleading, and the product is labeled “low calorie” or “reduced calorie” or bears another comparative calorie claim in compliance with the applicable provisions in this subpart.

(b) Subsection (5)(a) of this rule shall not apply to any use of such terms that is specifically authorized by regulation governing a particular food, or, unless otherwise restricted by regulation, to any use of the term “diet” that clearly shows that the product is offered solely for a dietary use other than regulating body weight, e.g., “for low sodium diets.”

(c) Subsection (5)(a) of this rule shall not apply to any use of such terms on a formulated meal replacement or other product that is represented to be of special dietary use as a whole meal, pending the issuance of a regulation governing the use of such terms on foods.

(6) “Sugar free” and “no added sugar”. Criteria for the use of the terms “sugar free” and “no added sugar” are provided for in OAR 603-029-1048(3).

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-1060

RULE TITLE: Exemption from Nutrition Labeling

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Exemption from Nutrition Labeling

RULE TEXT:

(1) The following meat or meat products are exempt from nutrition labeling:

(a) Food products produced by small businesses, other than the major cuts of single-ingredient, raw meat products identified in OAR 603-029-1040 produced by small businesses, provided that the labels for these products bear no nutrition claims or nutrition information, and ground or chopped products described in OAR 603-029-1028 produced by small businesses that bear a statement of the lean percentage and fat percentage on the label or in labeling in accordance with OAR 603-029-1052(6), provided that labels or labeling for these products bear no other nutrition claims or nutrition information,

(A) A food product, for the purposes of the small business exemption, is defined as a formulation, not including distinct flavors which do not significantly alter the nutritional profile, sold in any size package in commerce.

(B) For purposes of this paragraph, a small business is any single-plant facility, including a single retail store, or multi-plant company/firm, including a multi-retail store operation, that employs 500 or fewer people and produces no more than 100,000 pounds per year of the product qualifying the firm for exemption from this rule.

(C) For purposes of this paragraph, calculation of the amount of pounds shall be based on the most recent 2-year average of business activity. Where firms have been in business less than 2 years or where products have been produced for less than 2 years, reasonable estimates must indicate that the annual pounds produced will not exceed 100,000 pounds per year of the product qualifying the firm for exemption from this rule.

(b) Products intended for further processing, provided that the labels for these products bear no nutrition claim or nutrition information,

(c) Products that are not for sale to consumers, provided that the labels for these products bear no nutrition claims or nutrition information,

(d) Products in small packages that are individually wrapped packages of less than 12 ounce net weight, provided that the labels for these products bear no nutrition claims or nutrition information,

(e) Products custom slaughtered or prepared,

(f) Products intended for export, and

(g) The following products prepared and served or sold at retail provided that the labels or the labeling of these products bear no nutrition claims or nutrition information:

(A) Ready-to-eat products that are packaged or portioned at a retail store or similar retail-type establishment, provided, however, that this exemption does not apply to ready-to-eat ground or chopped meat products described in OAR 603-029-1028 that are packaged or portioned at a retail establishment, unless the establishment qualifies for an exemption under (1)(a);

(B) Multi-ingredient products (e.g., sausage) processed at a retail store or similar retail-type establishment, provided, however, that this exemption does not apply to multi-ingredient ground or chopped meat products described in OAR 603-029-1028 that are processed at a retail establishment, unless the establishment qualifies for an exemption under (1)(a); and

(C) Products that are ground or chopped at an individual customer's request.

(2) Restaurant menus generally do not constitute labeling or fall within the scope of these regulations.

(3)(a) Foods represented to be specifically for infants and children less than 2 years of age shall bear nutrition labeling as provided in subsection (3)(b) of this rule, except such labeling shall not include calories from fat, calories from saturated fat, saturated fat, stearic acid, polyunsaturated fat, monounsaturated fat, and cholesterol.

(b) Foods represented or purported to be specifically for infants and children less than 4 years of age shall bear nutrition labeling except that:

(A) Such labeling shall not include declarations of percent of Daily Value for total fat, saturated fat, cholesterol, sodium, potassium, total carbohydrate, and dietary fiber;
(B) Nutrient names and quantitative amounts by weight shall be presented in two separate columns;
(C) The heading “Percent Daily Value” required in OAR 603-029-1034(4)(f) shall be placed immediately below the quantitative information by weight for protein;
(D) The percent of the Daily Value for protein, vitamins, and minerals shall be listed immediately below the heading “Percent Daily Value”; and
(E) Such labeling shall not include the footnote specified in OAR 603-029-1034(4)(i).
(4)(a) Products in packages that have a total surface area available to bear labeling of less than 12 square inches are exempt from nutrition labeling, provided that the labeling for these products bear no nutrition claims or other nutrition information, except that this exemption does not apply to the major cuts of single-ingredient, raw meat products identified in OAR 603-029-1040. The manufacturer, packer, or distributor shall provide, on the label of packages that qualify for and use this exemption, an address or telephone number that a consumer can use to obtain the required nutrition information (e.g., “For nutrition information call 1-800-123-4567”).
(b) When such products bear nutrition labeling, either voluntarily or because nutrition claims or other nutrition information is provided, all required information shall be in a type size no smaller than 6 point or all upper case type of 116 -inch minimum height, except that individual serving-size packages of meat products that have a total area available to bear labeling of 3 square inches or less may provide all required information in a type size no smaller than 132 -inch minimum height.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 603.085, ORS 619.042, ORS 619.046

ADOPT: 603-029-1100

RULE TITLE: Products and Other Articles Entering State-Inspected Establishments

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Products and Other Articles Entering State-Inspected Establishments

RULE TEXT:

(1) Except as otherwise provided in sections (7) and (8) of this rule or OAR 603-029-1135, no product shall be brought into a state-inspected establishment unless:

(a) It has been slaughtered or prepared only in a state-inspected establishment and previously inspected and passed by a Department employee, and is identified by an Oregon inspection legend as so inspected and passed

(b) It has been slaughtered or prepared only in an official federal establishment and previously inspected and passed by an FSIS employee, and is identified by an official federal inspection legend as so inspected and passed; or

(c) It has been slaughtered or prepared only in a CIS establishment and previously inspected and passed by an employee of that state, and is identified by an official federal inspection legend as so inspected and passed.

(d) Notwithstanding the foregoing provisions of this section, product imported in accordance with 9 CFR part 327 and not slaughtered or prepared in the United States outside a state-inspected establishment, official federal establishment, or CIS establishment may enter any state-inspected establishment, subject in other respects to the same restrictions as apply to domestic product. Products received in a state-inspected establishment during the Department employee's absence shall be identified and maintained in a manner acceptable to such employee. Product entering any state-inspected establishment shall not be used or prepared thereat until it has been reinspected in accordance with OAR 603-029-1105. Any product originally slaughtered or prepared at any state-inspected establishment may not be returned into any part of such establishment, except the receiving area approved under OAR 603-029-1110, until it has been re-inspected by the inspector.

(2) No slaughtered poultry or poultry product shall be brought into a state-inspected establishment unless it has been:

(a) previously inspected and passed and is identified as such in accordance with the requirements of the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) and the regulations thereunder, and has not been prepared other than in an establishment inspected under said Act, or

(b) has been inspected and passed and is identified as such in accordance with the requirements of a State law.

(3) Every article for use as an ingredient in the preparation of meat products, when entering any state-inspected establishment and at all times while it is in such establishment, shall bear a label showing the name of the article, the amount or percentage therein of any substances restricted by this rule or OAR 603-029-1026 to 603-029-1060, and a list of ingredients in the article if composed of two or more ingredients: Provided, That in the case of articles received in tank car lots, only one such label shall be used to identify each lot. In addition, the label must show the name and address of the shipper.

(4) To ensure the safe use of preparations used in hog scalding water or in the denuding of tripe, the label or labeling on containers of such preparations shall bear adequate directions to ensure use in compliance with any limitations prescribed in 21 CFR Chapter I, Subchapter A or Subchapter B, or this Division 29.

(5) Dyes, chemicals, or other substances the use of which is restricted to certain products may be brought into or kept in a state-inspected establishment only if such products are prepared thereat. No prohibited dye, chemical, preservative, or other substance shall be brought into or kept in a state-inspected establishment.

(6) Glands and organs, such as cotyledons, ovaries, prostate glands, tonsils, spinal cords, and detached lymphatic, pineal, pituitary, parathyroid, suprarenal, pancreatic and thyroid glands, used in preparing pharmaceutical, organotherapeutic, or technical products and which are not used as human food (whether or not prepared at state-inspected establishments) may be brought into and stored in edible product parts of state-inspected establishments if packaged in suitable containers so that the presence of such glands and organs will in no way interfere with the maintenance of sanitary conditions or constitute an interference with inspection. Glands or organs which are regarded as human food products, such as livers, testicles, and thymus glands, may be brought into state-inspected establishments for

pharmaceutical, organotherapeutic or technical purposes, only if Oregon inspected and passed or U.S. inspected and passed, and so identified. Lungs and lung lobes derived from meat animals slaughtered in any official federal establishment or state-inspected establishment may not be brought into any state-inspected establishment except as provided in OAR 603-029-1135(1).

(7)(a) Carcasses of game animals, and carcasses derived from the slaughter by any person of meat animals of his own raising in accordance with the exemption provisions of paragraph 23(a) of the Act, and parts of such carcasses, may be brought into a state-inspected establishment for preparation, packaging, and storing in accordance with the provisions of OAR 603-029-0020(1)(b).

(b) Meat and meat products bearing official marks showing that they were inspected and passed under State inspection in any State not designated in 9 CFR 331.2 may be received by state-inspected establishments. The presence of such a product must not create any unsanitary condition or otherwise result in adulteration of any products at the state-inspected establishment or interfere with the conduct of inspection under this Division. In addition, such products must be stored separately and apart from the state-inspected products in the state-inspected establishment.

(8) The operator of the state-inspected establishment shall furnish such information as is necessary to determine the origin of any product or other article entering the state-inspected establishment. Such information shall include, but is not limited to, the name and address of the seller or supplier, transportation company, agent, or broker involved in the sale or delivery of the product or article in question.

(9) Any product or any poultry or poultry product or other article that is brought into a state-inspected establishment contrary to any provision of this rule may be required by the Department to be removed immediately from such establishment by the operator thereof, and failure to comply with such requirement shall be deemed a violation of this Division 29. If any slaughtered poultry or poultry products or other articles are received at a state-inspected establishment and are suspected of being adulterated or misbranded under the Poultry Products Inspection Act or the Federal Food, Drug, and Cosmetic Act, or applicable State laws, the appropriate governmental authorities will be notified.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1105

RULE TITLE: Reinspection, Retention, and Disposal of Meat and Poultry Products at State-Inspected Establishments

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Reinspection, Retention, and Disposal of Meat and Poultry Products at State-Inspected Establishments

RULE TEXT:

(1) All products and all slaughtered poultry and poultry products brought into any state-inspected establishment shall be identified by the operator of the state-inspected establishment at the time of receipt at the state-inspected establishment and shall be subject to reinspection by a Department employee at the state-inspected establishment in such manner and at such times as may be deemed necessary to assure compliance with the Federal Meat Inspection Act and Poultry Products Inspection Act or these Division 29 rules.

(2) All products, whether fresh, cured, or otherwise prepared, even though previously inspected and passed, shall be reinspected by Department employees as often as they may deem necessary in order to ascertain that they are not adulterated or misbranded at the time they enter or leave state-inspected establishments and that the requirements of the rules in this Division are complied with.

(3) Reinspection may be accomplished through use of statistically sound sampling plans that assure a high level of confidence. The supervisor shall designate the type of plan and the Department employee shall select the specific plan to be used in accordance with instructions issued by the Department.1

Further information concerning sampling plans which have been adopted for specific products may be obtained from a supervisor. These sampling plans are developed for individual products by the Department and will be distributed for field use as they are developed. The type of plan applicable depends on factors such as whether the product is in containers, stage of preparation, and procedures followed by the establishment operator. The specific plan applicable depends on the kind of product involved, such as liver, oxtails, etc.

(4) An Oregon Retained tag shall be placed by a Department employee at the time of reinspection at any state-inspected establishment on all products which are suspected on such reinspection of being adulterated or misbranded, and such products shall be held for further inspection. Such tags shall be removed only by authorized Department employees. When further inspection is made, if the product is found to be adulterated, all official inspection legends or other official marks for which the product is found to be ineligible under the rules in this Division, shall be removed or defaced and the product will be subject to condemnation and disposal in accordance with OAR 603-029-0800 to 603-029-0850, except that a determination regarding adulteration may be deferred if a product has become soiled or unclean by falling on the floor or in any other accidental way or if the product is affected with any other condition which the inspector deems capable of correction, in which case the product shall be cleaned (including trimming if necessary) or otherwise handled in a manner approved by the inspector to assure that it will not be adulterated or misbranded and shall then be presented for reinspection and disposal in accordance with this rule. If upon final inspection, the product is found to be neither adulterated nor misbranded, the inspector shall remove the Oregon Retained tag. If a product is found upon reinspection to be misbranded, it shall be held under a Oregon Retained tag, or an Oregon Detained tag as provided in OAR 603-029-1500 to 603-029-1520, pending correction of the misbranding, a withholding action, a regulatory control action, or other appropriate action. The inspector shall make a complete record of each transaction under this section and shall report that action to the Supervisor.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1110

RULE TITLE: Designation of Places of Receipt of Products and Other Articles for Reinspection

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Designation of Places of Receipt of Products and Other Articles for Reinspection

RULE TEXT:

Every state-inspected establishment shall designate, with the approval of the supervisor, a dock or place at which products and other articles subject to reinspection under OAR 603-029-1105 shall be received, and such products and articles shall be received only at such dock or place.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.026, ORS 619.036

ADOPT: 603-029-1115

RULE TITLE: Preparation of Products to be Officially Supervised; Responsibilities of State-Inspected Establishments ; Plant Operated Quality Control

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Preparation of Products to be Officially Supervised; Responsibilities of State-Inspected Establishments ; Plant Operated Quality Control

RULE TEXT:

(1) All processes used in curing, pickling, rendering, canning, or otherwise preparing any product in state-inspected establishments shall be supervised by Department employees unless such preparation is conducted as a custom operation exempted from inspection under OAR 603-029-0020(1)(b) in any state-inspected establishment or consists of operations that are exempted from inspection under OAR 603-029-0020(4). No fixtures or appliances, such as tables, trucks, trays, tanks, vats, machines, implements, cans, or containers of any kind, shall be used unless they are of such materials and construction as will not contaminate or otherwise adulterate the product and are clean and sanitary. All steps in the preparation of edible products shall be conducted carefully and with strict cleanliness in rooms or compartments separate from those used for inedible products.

(2) It shall be the responsibility of the operator of every state-inspected establishment to comply with the rules in this Division 29. In order to carry out this responsibility effectively, the operator of the establishment shall institute appropriate measures to assure the maintenance of the establishment and the preparation, marking, labeling, packaging and other handling of its products strictly in accordance with the sanitary and other requirements of this Division 29. The effectiveness of such measures will be subject to review by the Department.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1120

RULE TITLE: Requirements Concerning Procedures

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Requirements Concerning Procedures

RULE TEXT:

(1)(a) Care shall be taken to assure that product is not adulterated when placed in freezers. If there is doubt as to the soundness of any frozen product, the inspector will require the defrosting and reinspection of a sufficient quantity thereof to determine its actual condition.

(b) Frozen product may be defrosted in water or pickle in a manner and with the use of facilities which are acceptable to the inspector. Before such product is defrosted, a careful examination shall be made to determine its condition. If necessary, this examination shall include defrosting of representative samples by means other than in water or pickle.

(2) Product, such as pork tenderloins, brains, sweetbreads, stew, or chop suey, shall not be packed in hermetically sealed metal or glass containers, unless subsequently heat processed or otherwise treated to preserve the product in a manner approved by the Department in specific cases.

(3) Care shall be taken to remove bones and parts of bones from product which is intended for chopping.

(4) Heads for use in the preparation of meat products shall be split and the bodies of the teeth, the turbinated and ethmoid bones, ear tubes, and horn butts removed, and the heads then thoroughly cleaned.

(5) Kidneys for use in the preparation of meat products shall first be freely sectioned and then thoroughly soaked and washed. All detached kidneys, including beef kidneys with detached kidney fat, shall be inspected before being used in or shipped from the state-inspected establishment.

(6) Cattle paunches and hog stomachs for use in the preparation of meat products shall be thoroughly cleaned on all surfaces and parts immediately after being emptied of their contents, which shall follow promptly their removal from the carcasses.

(7) Clotted blood shall be removed from hog hearts before they are shipped from the state-inspected establishment or used in the preparation of meat products.

(8) Beef rounds, beef bungs, beef middles, beef bladders, calf rounds, hog bungs, hog middles, and hog stomachs which are to be used as containers of any meat product shall be presented for inspection, turned with the fat surface exposed.

(9) Portions of casings which show infection with Oesophagostomum or other nodule-producing parasite, and weasands infected with the larvae of Hypoderma lineatum, shall be rejected, except that when the infestation is slight and the nodules and larvae are removed, the casing or weasand may be passed.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.026

ADOPT: 603-029-1125

RULE TITLE: Requirements Concerning Ingredients and Other Articles Used in Preparation of Products

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Requirements Concerning Ingredients and Other Articles Used in Preparation of Products

RULE TEXT:

(1) All ingredients and other articles used in the preparation of any product shall be clean, sound, healthful, wholesome, and otherwise such as will not result in the product being adulterated. State-inspected establishments shall furnish inspectors accurate information on all procedures involved in product preparation including product composition and any changes in such procedures essential for inspectional control of the product.

(2)(a) The only animal casings that may be used as containers of product are those from sheep, swine, or goats. Casings from cattle may be used as containers of products. However, if casings from cattle are derived from the small intestine, the small intestine must comply with the requirements in OAR 603-029- 0494(4). Establishments that use casings derived from the small intestine of cattle as containers for products must demonstrate, through documentation, that the small intestine from which the casing was derived complies with the requirements in OAR 603-029-0494(4).

(b) Casings for products shall be carefully inspected by Department employees. Only those casings which have been carefully washed and thoroughly flushed with clean water immediately before stuffing and are suitable for containers, are clean, and are passed on such inspection shall be used, except that pre-flushed animal casings packed in salt or salt and glycerine solution or other approved medium may be used without additional flushing provided they are found to be clean and otherwise acceptable and are thoroughly rinsed before use.

(c) Hog and sheep casings intended for use as containers of product may be treated by soaking in or applying thereto sound, fresh pineapple juice or papain or bromelin or pancreatic extract to permit the enzymes contained in these substances to act on the casings to make them less resistant. The casings shall be handled in a clean and sanitary manner throughout and the treatment shall be followed by washing and flushing the casings with water sufficiently to effectively remove the substance used and terminate the enzymatic action.

(d) On account of the invariable presence of bone splinters, detached spinal cords shall not be used in the preparation of edible product other than for rendering where they constitute a suitable raw material. Detached spinal cords from cattle 30 months of age and older shall not be used as raw materials for edible rendering.

(e) Testicles if handled as an edible product may be shipped from the state-inspected establishment as such, but they shall not be used as an ingredient of a meat product.

(f) Tonsils shall be removed and shall not be used as ingredients of meat products.

(g) Blood from meat animals prepared in accordance with OAR 603-029-0490 may be used as an ingredient of a meat product for which a standard is prescribed in OAR 603-029-1200 to 603-029-1299, if permitted by such standard, and may be used in any meat product for which no such standard is prescribed in OAR 603-029-1200 to 603-029-1299 if it is a common and usual ingredient of such product.

(h) Intestines shall not be used as ingredients in any meat product for which a standard is prescribed in OAR 603-029-1200 to 603-029-1299 and shall not be used in other products unless the products are labeled in accordance with OAR 603-029-1010(2)(c). When small intestine from cattle is used in a meat product or for edible rendering, it must comply with the requirements in OAR 603-029-0494(4).

(i) Poultry products and egg products (other than shell eggs) which are intended for use as ingredients of meat products shall be considered acceptable for such use only when identified as having been inspected and passed for wholesomeness by FSIS or state authorities in CIS establishments under the regulations in 7 CFR part 59 or 9 CFR part 362 or 381; or by the Department under the rules in Division 22; and when found to be sound and otherwise acceptable when presented for use. Poultry products and egg products (other than shell eggs) which have not been so inspected and passed for wholesomeness shall not be used in the preparation of such meat products.

(j) Dry milk products which are intended for use as ingredients of meat products shall be considered acceptable for such use only when produced in a plant approved by the Department under ORS chapter 621 and OAR chapter 603, division

24 and when found to be sound and otherwise acceptable when presented for use. Dry milk products prepared in a plant not so approved shall not be used in the preparation of such meat products.
(k) Ingredients for use in any product may not bear or contain any pesticide chemical or other residues in excess of level permitted in OAR 603-029-1155.
(l) Use of "Mechanically Separated (Kind of Poultry)," as defined in 9 CFR 381.173, in the preparation of meat products shall accord with 9 CFR 381.174.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1130

RULE TITLE: Samples of Products, Water, Dyes, Chemicals, etc., to be Taken for Examination

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Samples of Products, Water, Dyes, Chemicals, etc., to be Taken for Examination

RULE TEXT:

Samples of products, water, dyes, chemicals, preservatives, spices, or other articles in any state-inspected establishment shall be taken, without cost to the Department, for examination, as often as may be deemed necessary for the efficient conduct of the inspection.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1135

RULE TITLE: Manufacture of Uninspected, Inedible Products at State-Inspected Establishments

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Manufacture of Uninspected, Inedible Products at State-Inspected Establishments

RULE TEXT:

(1) State-inspected establishments may manufacture pet food or similar uninspected, inedible products in areas where edible products also are produced, provided that the manufacture of uninspected, inedible products does not:

(a) Adulterate edible products;

(b) Create insanitary conditions in the state-inspected establishment whereby edible products may be adulterated; or

(c) Prevent or interfere with inspection or other program tasks performed by Department personnel in the state-inspected establishment.

(2) Pet food and similar uninspected, inedible products must be distinguished from edible products so as to avoid their distribution as human food. Pet food or similar uninspected, inedible products must be labeled or otherwise identified in accordance with OAR 603-029-1435(4).

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1140

RULE TITLE: Mixtures Containing Product but not Amendable to the Act

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Mixtures Containing Product but not Amendable to the Act

RULE TEXT:

Mixtures containing product but not classed as a meat product under the regulations found in Division 29 shall not bear the inspection legend or any abbreviation or representation thereof unless manufactured under state inspection. When such mixtures are manufactured in any part of a state-inspected establishment, the sanitation of that part of the establishment shall be supervised by Department employees, and the manufacture of such mixtures shall not cause any deviation from the requirements of OAR 603-029-1100.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1145

RULE TITLE: Adulteration of Product by Polluted Water; Procedure for Handling

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Adulteration of Product by Polluted Water; Procedure for Handling

RULE TEXT:

(1) In the event there is polluted water (including but not limited to flood water) in a state-inspected establishment, all products and ingredients for use in the preparation of such products that have been rendered adulterated by the water shall be condemned.

(2) After the polluted water has receded from a state-inspected establishment, all walls, ceilings, posts, and floors of the rooms and compartments involved, including the equipment therein, shall, under the supervision of an inspector, be cleaned thoroughly by the state-inspected establishment personnel. An adequate supply of hot water under pressure is essential to make such cleaning effective. After cleaning, a solution of sodium hypochlorite containing approximately one-half of 1 percent available chlorine (5,000 p/m) or other equivalent disinfectant approved by the Department shall be applied to the surface of the rooms and equipment and rinsed with potable water before use.

(3) Hermetically sealed containers of product which have been contaminated by polluted water shall be examined promptly by the state-inspected establishment under supervision of an inspector and re-handled as follows:

(a) Separate and condemn all product in damaged or extensively rusted containers.

(b) Remove paper labels and wash the remaining containers in warm soapy water, using a brush where necessary to remove rust or other foreign material. Disinfect these containers by either of the following methods:

(A) Immerse in a solution of sodium hypochlorite containing not less than 100 p/m of available chlorine or other equivalent disinfectant approved by the Department,1 rinse in potable water, and dry thoroughly; or list of approved disinfectants is available upon request to Scientific Services, Meat and Poultry Inspection Program, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

(B) Immerse in 212 °F. water, bring temperature of the water back to 212 °F. and maintain the temperature at 212 °F. for 5 minutes, then remove containers from water and cool them to 95 °F. and dry thoroughly.

(c) After handling as described in subsection (3)(b) of this rule, the containers may be re-lacquered, if necessary, and then relabeled with approved labels applicable to the product therein.

(d) The identity of the canned product shall be maintained throughout all stages of the re-handling operations to insure correct labeling of the containers.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1150

RULE TITLE: Tagging Chemicals, Preservatives, Cereals, Spices, etc., “Oregon Retained”

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Tagging Chemicals, Preservatives, Cereals, Spices, etc., “Oregon Retained”

RULE TEXT:

When any chemical, preservative, cereal, spice, or other substance is intended for use in a state-inspected establishment, it shall be examined by a Department employee and if found to be unfit or otherwise unacceptable for the use intended, or if final decision regarding acceptance is deferred pending laboratory or other examination, the employee shall attach a “Oregon Retained” tag to the substance or container thereof. The substance so tagged shall be kept separate from other substances as the supervisor may require and shall not be used until the tag is removed, and such removal shall be made only by a Department employee after a finding that the substance can be accepted, or, in the case of an unacceptable substance, when it is removed from the establishment.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1155

RULE TITLE: Pesticide Chemicals and Other Residues in Products

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Pesticide Chemicals and Other Residues in Products

RULE TEXT:

(1) Nonmeat ingredients. Residues of pesticide chemicals, food additives and color additives or other substances in or on ingredients (other than meat, meat byproducts, and meat products) used in the formulation of products shall not exceed the levels permitted under the Federal Food, Drug, and Cosmetic Act, 21 CFR Parts 70-80, 21 CFR Parts 170-180, and 40 CFR Part 180, and such nonmeat ingredients must otherwise be in compliance with the requirements under that Act.

(2) Products, and meat, meat byproduct, or other meat product ingredients. Products, and products used as ingredients of products, shall not bear or contain any pesticide chemical, food additives, or color additive residue in excess of the levels permitted under the Federal Food, Drug, and Cosmetic Act, 21 CFR Parts 70-80, 21 CFR Parts 170-180, 40 CFR Part 180, OAR 603-057-0216, and the rules in this Division 29, or any other substance that is prohibited by such rules or that otherwise makes the products adulterated.

(3) Standards and procedures. Instructions specifying the standards and procedures for determining when ingredients of finished products are in compliance with this rule shall be issued to the inspectors by the Department. Copies of such instructions will be made available to interested persons upon request made to the Department.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 616.341, ORS 619.026, ORS 619.036

ADOPT: 603-029-1160

RULE TITLE: Requirements for the Production of Cooked Beef, Roast Beef, and Cooked Corned Beef Products

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Requirements for the Production of Cooked Beef, Roast Beef, and Cooked Corned Beef Products

RULE TEXT:

(1) Cooked beef, roast beef, and cooked corned beef products must be produced using processes ensuring that the products meet the following performance standards:

(a) Lethality. A 6.5-log10 reduction of Salmonella or an alternative lethality that achieves an equivalent probability that no viable Salmonella organisms remain in the finished product, as well as the reduction of other pathogens and their toxins or toxic metabolites necessary to prevent adulteration, must be demonstrated to be achieved throughout the product. The lethality process must include a cooking step. Controlled intermediate step(s) applied to raw product may form part of the basis for the equivalency.

(b) Stabilization. There can be no multiplication of toxigenic microorganisms such as Clostridium botulinum, and no more than 1-log10 multiplication of Clostridium perfringens within the product.

(2) For each product produced using a process other than one conducted in accordance with the Hazard Analysis and Critical Control Point (HACCP) system requirements in OAR 603-029-2200 to 603-029-2235, a state-inspected establishment must develop and have on file and available to the Department, a process schedule, as defined in OAR 603-029-0010. Each process schedule must be approved in writing by a process authority for safety and efficacy in meeting the critical controls established for the product in question. A process authority must have access to the state-inspected establishment in order to evaluate and approve the safety and efficacy of each process schedule.

(3) Under the auspices of a processing authority, an establishment must validate new or altered process schedules by scientifically supportable means, such as information gleaned from the literature or by challenge studies conducted outside the plant.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1165

RULE TITLE: Handling of Certain Material for Mechanical Processing

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Handling of Certain Material for Mechanical Processing

RULE TEXT:

Material to be processed into "Mechanically Separated (Species)" shall be so processed within 1 hour from the time it is cut or separated from carcasses or parts of carcasses, except that such product may be held for no more than 72 hours at 40 °F. (4 °C.) or less, or held indefinitely at 0 °F. (18 °C.) or less. "Mechanically Separated (Species)" shall, directly after being processed, be used as an ingredient in a meat product except that it may be held prior to such use for no more than 72 hours at 40 °F. (4 °C.) or less or indefinitely at 0 °F. (18 °C.) or less.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1170

RULE TITLE: Compliance Procedure for Cured Pork Products

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Compliance Procedure for Cured Pork Products

RULE TEXT:

(1) Definitions. For the purposes of this rule:

(a) A product is that cured pork article which is contained within one Group as defined in subsection (1)(b) of this rule and which purports to meet the criteria for a single product designated under the heading "Product Name and Qualifying Statements" in the chart in OAR 603-029-1226 or the chart in OAR 603-029-1228.

(b) A Product Group or a Group means one of the following:

(A) Group I, consisting of cured pork products which have been cooked while imperviously encased. Any product which fits into the Group will be placed in this Group regardless of any other considerations.

(B) Group II, consisting of cured pork products which have been water cooked. Any product which does not fit into Group I but does fit into Group II will be placed into Group II regardless of any other considerations.

(C) Group III, consisting of boneless smokehouse heated cured pork products. Any boneless product that does not fit into Group I or Group II shall be placed in Group III.

(D) Group IV, consisting of bone-in or semi-boneless smokehouse heated cured pork products. Any product that is not completely boneless or still contains all the bone which is traditional for bone-in product, and does not fit into Group I, Group II, or Group III shall be placed in this Group.

(c) A lot is that product from one production shift.

(d) A production rate is frequency of production, expressed in days per week.

(e) Protein fat free percentage, protein fat free content, PFF percentage, PFF content or PFF of a product means the meat protein (indigenous to the raw, unprocessed pork cut) content expressed as a percent of the non-fat portion of the finished product.

(2) Normal Compliance Procedures. The Department shall collect samples of cured pork products and analyze them for their PFF content. Analyses shall be conducted in accordance with the "Official Methods of Analysis of the Association of Official Analytical Chemists §§950.46, and 928.08 (Chapter 39). See Subsection 2(a) . The "Official Methods of Analysis of the Association of Official Analytical Chemists," 15th edition, 1990, is incorporated by reference with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Each analytical result shall be recorded and evaluated to determine whether future sampling of product Groups within a state-inspected establishment shall be periodic or daily under the provisions of subsection (2)(a) of this rule, and if the affected lot and subsequent production of like product shall be Oregon Retained, or administratively seized, embargoed, or detained, as appropriate, as provided in subparagraph (2)(b) of this rule.

(a) A copy of the "Official Methods of Analysis of the Association of Official Analytical Chemists," 15th edition, 1990, is on file with the Director, Office of the Federal Register, and may be purchased from the Association of Official Analytical Chemists, Inc., 2200 Wilson Boulevard, Suite 400, Arlington, Virginia 22201.

(b) Rules for Rounding:

(A) Laboratory results for percent meat protein and fat will be reported to the second decimal place (hundredths).

(B) PFF and Sample Values for charting purposes will be calculated from the reported laboratory results to the second decimal place. Rounding of calculations to reach two decimal places will be done by the following rule:

(i) All values of five-thousandths (0.005) or more will be rounded up to the next highest hundredth.

(ii) All values of less than five-thousandths (0.005) will be dropped.

(c) For compliance with the Absolute Minimum PFF requirements, the PFF will be rounded to the first decimal place (tenths). Rounding of calculations to reach one decimal place will be done by the following rule:

(A) All PFF values of five-hundredths (0.05) or more will be rounded up to the next highest tenth.

(B) All PFF values of less than five-hundredths (0.05) will be dropped.

(d) For product disposition (pass-fail of a minimum PFF standard for retained product) the average PFF calculation will be rounded to the first decimal place. Individual PFF Values will be calculated to the nearest hundredth as in above. The average, however, will be rounded to the nearest tenth as in above.
(e) Criteria to determine sampling frequency of Product Groups. For each state-inspected establishment preparing cured pork products, Product Groups shall be sampled periodically or daily. Analytical results shall be evaluated, and the sampling frequency determined as follows:
(A) Determine the difference between the individual PFF analysis and the applicable minimum PFF percentage requirement of OAR 603-029-1226 or OAR 603-029-1228. The resulting figure shall be negative when the individual sample result is less than the applicable minimum PFF percentage requirement and shall be positive when the individual sample result is greater than the applicable minimum PFF percentage requirement.
(B) Divide the resulting number by the standard deviation assigned to the Product Group represented by the sample to find the Standardized Difference. The standard deviation assigned to Groups I and II is 0.75 and to Groups III and IV is 0.91.
(C) Add 0.25 to the Standardized Difference to find the Adjusted Standardized Difference.
(D) Use the lesser of 1.90 and the Adjusted Standardized Difference as the Sample Value.
(E) Cumulatively total Sample Values to determine the Group Value. The first Sample Value in a Group shall be the Group Value, and each succeeding Group Value shall be determined by adding the most recent Sample Value to the existing Group Value; provided, however, that in no event shall the Group Value exceed 1.00. When calculation of a Group Value results in a figure greater than 1.00, the Group Value shall be 1.00 and all previous Sample Values shall be ignored in determining future Group Values.
(F) The frequency of sampling of a Group shall be periodic when the Group Value is greater than 1.40 (e.g., 1.39, 1.14, 0, 0.50, etc.) and shall be daily when the Group Value is 1.40 or less (e.g., 1.40, 1.45, 1.50, etc.); provided, however, that once daily sampling has been initiated, it shall continue until the Group Value is 0.00 or greater, and each of the last seven Sample Values is 1.65 or greater (e.g., 1.63, 1.50, etc.), and there is no other product within the affected Group being Oregon Retained as produced, under provisions of subsection (2)(b) or (3).
(f) Criteria for Oregon retention or embargo of cured pork products for further analysis. Cured pork products shall be Oregon Retained or embargoed when prescribed by paragraphs (2)(c) (A) or (B) of this rule as follows:
(A) Absolute Minimum PFF Requirement. In the event that an analysis of an individual sample indicates a PFF content below the applicable minimum requirement of OAR 603-029-1226 or OAR 603-029-1228 by 2.3 or more percentage points for a Group I or II product, or 2.7 or more percentage points for a Group III or IV product, the lot from which the sample was collected shall be Oregon Retained if in a state-inspected establishment and shall be subject to embargo if not in a State-inspected establishment unless returned to a state-inspected establishment and there Oregon Retained. Any subsequently produced lots of like product and any lots of like products for which production dates cannot be established shall be Oregon Retained or subject to embargo. Such embargoed product shall be handled in accordance with OAR 603-029-1500 to 603-029-1520 or shall be returned to a state-inspected establishment and subjected to the provisions of paragraph (3)(a) (A) or (B) of this rule or shall be relabeled in compliance with the applicable standard, under the supervision of a Department employee, at the expense of the product owner. Disposition of such Oregon Retained product shall be in accordance with section (3) of this rule.
(B) Product Value requirement. The Department shall maintain, for each product prepared in a state-inspected establishment, a Product Value. Except as provided in subsection (3)(b) of this rule, calculation of the Product Value and its use to determine if a product shall be Oregon Retained shall be as follows:
(i) Determine the difference between the individual PFF analysis and applicable minimum PFF percentage requirement of OAR 603-029-1226 and OAR 603-029-1228. The resulting figure shall be negative when the individual sample result is less than the applicable minimum PFF percentage requirement and shall be positive when the individual sample result is greater than the applicable minimum PFF percentage requirement.
(ii) Divide the difference determined in subparagraph (2)(b)(B)(i) of this rule by the standard deviation assigned to the product's Group in paragraph (2)(a)(B) of this rule to find the standardized difference.

(iii) Use the lesser of 1.65 and the standardized difference as the Sample Value.
(iv) Cumulatively total Sample Values to determine the Product Value. The first Sample Value of a product shall be the Product Value, and each succeeding Product Value shall be determined by adding the most recent Sample Value to the existing Product Value; provided, however, that in no event shall the Product Value exceed 1.15. When calculation of a Product Value results in a figure greater than 1.15, the Product Value shall be 1.15, and all previous Sample Values shall be ignored in determining future Product Values.
(v) Provided daily group sampling is in effect pursuant to the provisions of subsection (2)(a) of this rule and provided further the Product Value is 1.65 or less (e.g., 1.66), the affected lot (if within the state-inspected establishment) and all subsequent lots of like product prepared by and still within the state-inspected establishment shall be Oregon Retained and further evaluated under section (4) of this rule. Except for release of individual lot pursuant to subsection (4)(a), subsequently produced lots of like product shall continue to be Oregon Retained until discontinued pursuant to subsection (4)(b) of this rule.
(3) Compliance procedure during product retention. When a product lot is Oregon Retained under the provisions of subsection (3)(b) of this rule, the Department shall collect three randomly selected samples from each such lot and analyze them individually for PFF content. The PFF content of the three samples shall be evaluated to determine disposition of the lot as provided in subsection (4)(a) of this rule and the action to be taken on subsequently produced lots of like product as provided in subsection (4)(b) of this rule. If the processor does not wish to have the product evaluated in this manner, alternate sampling plans may be used provided such plans have been formulated by the processor and approved by the Department prior to evaluation by the three-sample criteria, and provided the analyses specified in such plans are performed at the expense of the processor.
(a) A product lot which is Oregon Retained under the provisions of subsection (3)(b) of this rule may be released for entry into commerce provided one of the following conditions is met:
(A) The average PFF content of the three samples randomly selected from the lot is equal to or greater than the applicable minimum PFF percentage required by OAR 603-029-1226 or OAR 603-029-1228. Further processing to remove moisture for the purpose of meeting this provision is permissible. In lieu of further analysis to determine the effects of such processing, each 0.37 percent weight reduction due to moisture loss resulting from the processing may be considered the equivalent of a 0.1 percent PFF gain.
(B) The lot of the product is relabeled to conform to the provisions of OAR 603-029-1226 or OAR 603-029-1228, under the supervision of a Department employee.
(C) The lot is one that has been prepared subsequent to preparation of the lot which, under the provisions of subsection (4)(b) of this rule, resulted in discontinuance of Oregon retention of new lots of like product. Such lot may be released for entry into commerce prior to receipt of analytical results for which sampling has been conducted. Upon receipt of such results, they shall be subjected to the provisions of paragraphs (3)(b)(A) and (4)(b) of this rule.
(b) The PFF content of three randomly selected samples from each Oregon Retained lot shall be used to maintain the Product Value described in paragraph (4)(b)(B). The manner and effect of such maintenance shall be as follows:
(A) Find the average PFF content of the three samples.
(B) Determine the difference between that average and the applicable minimum PFF percentage requirement of OAR 603-029-1226 or OAR 603-029-1228. The resulting figure shall be negative when the average of the sample results is less than the applicable minimum PFF percentage requirement and shall be positive when the average of the sample results is greater than the applicable minimum PFF requirements.
(C) Divide the resulting figure by the standard deviation assigned to the product's Group in paragraph (3)(a)(B) of this rule, to find the standardized difference.
(D) Use the lesser of 1.30 and the standardized difference as the Sample Value.
(E) Add the first Sample Value thus calculated to the latest Product Value calculated under the provisions of paragraph (4)(b)(B) of this rule to find the new Product Value. To find each succeeding Product Value, add the most recent Sample Value to the existing Product Value; provided, however, that in no event shall the Product Value exceed 1.15. When the addition of a Sample Value to an existing Product Value results in a figure greater than 1.15, the Product Value shall be

1.15 and all previous Sample Values shall be ignored in determining future Product Values.
(F) New lots of like product shall continue to be retained pending disposition in accordance with subsection (3)(a) of this rule until, after 5 days of production, the Product Value is 0.00 or greater, and the PFF content of no individual sample from a Oregon Retained lot is less than the Absolute Minimum PFF requirement specified in paragraph (3)(b)(A) of this rule. Should an individual sample fail to meet its Absolute Minimum PFF requirement, the 5-day count shall begin anew.
(G) When Oregon Retention of new lots is discontinued under the above provisions, maintenance of the Product Value shall revert to the provisions of paragraph (3)(b)(B) of this rule.
(c) For purposes of this rule, the plant owner or operator shall have the option of temporarily removing a product from its Product Group, provided product lots are being Oregon Retained, as produced, and provided further that the average production rate of the product, over the 8-week period preceding the week in which the first Oregon Retained lot was prepared, is not greater than 20 percent of the production rate of its Group. When a product is thus removed from its Group, analytical results of product samples shall not cause daily sampling of the Group. When pursuant to paragraph (4)(b)(F) of this rule, new lots of the product are no longer being Oregon Retained, the product shall again be considered with its Group.
(4) Adulterated and misbranded products. Products not meeting specified PFF requirements, determined according to procedures set forth in this rule, may be deemed adulterated and misbranded.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1175

RULE TITLE: Use of Animal Drugs

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Use of Animal Drugs

RULE TEXT:

Animal drug residues are permitted in meat and meat products if such residues are from drugs which have been approved by the Food and Drug Administration and any such drug residues are within tolerance levels approved by the Food and Drug Administration under 21 CFR Part 556, unless otherwise determined by the Department and listed herein.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1180

RULE TITLE: Determination of Added Water in Cooked Sausages

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Determination of Added Water in Cooked Sausages

RULE TEXT:

(1) For purposes of this rule, the following definitions apply.

(a) Cooked sausage. Cooked sausage is any product described in OAR 603-029-1234 and OAR 603-029-1248 to 603-029-1252.

(b) Group 1 Protein-Contributing Ingredients. Ingredients of meat animal or poultry origin from muscle tissue which is skeletal or which is found in the edible organs, 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 which are not separated from it in the process of dressing; meat byproducts; mechanically separated (species); and poultry products; except those ingredients processed by hydrolysis, extraction, concentrating or drying.

(c) Group 2 Protein-Contributing Ingredients. Ingredients from Group 1 protein-contributing ingredients processed by hydrolysis, extraction, concentrating, or drying, or any other ingredient which contributes protein.

(2) The amount of added water in cooked sausage is calculated by:

(a) Determining by laboratory analysis the total percentage of water contained in the cooked sausage; and

(b) Determining by laboratory analysis the total percentage of protein contained in the cooked sausage; and

(c) Calculating the percentage of protein in the cooked sausage contributed by the Group 2 protein-contributing ingredients; and

(d) Subtracting one percent from the total percentage of protein calculated in (2)(c)); and

(e) Subtracting the remaining percentage of protein calculated in (2)(c) from the total protein content determined in (2)(b); and

(f) Calculating the percentage of indigenous water in the cooked sausage by multiplying the percentage of protein determined in (2)(e) by 4, (This amount is the percentage of water attributable to Group 1 protein-contributing ingredients and one percent of Group 2 protein-contributing ingredients in a cooked sausage.); and

(g) Subtracting the percentage of water calculated in (2)(f) from the total percentage of water determined in (2)(a). (This amount is the percentage of added water in a cooked sausage.)

The equation for the narrative description of the calculation for added water is as follows: AW = TW-(TP-(P-1.0))4, Where AW = Added Water, TW-Total Water Determined by Laboratory Analysis, TP = Total Protein Determined by Laboratory Analysis, P = Protein Contributed by Group 2 Protein-Contributing Ingredients, 1.0 = Percent Allowance for Group 2 Protein-Contributing Ingredients, 4 = Moisture-Protein Ratio for Cooked Sausage.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1185

RULE TITLE: Heat-Processing and Stabilization Requirements for Uncured Meat Patties

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Heat-Processing and Stabilization Requirements for Uncured Meat Patties

RULE TEXT:

(1) Definitions. For purposes of this rule, the following definitions shall apply:

(a) Patty. A shaped and formed, comminuted, flattened cake of meat product.

(b) Comminuted. A processing term describing the reduction in size of pieces of meat, including chopping, flaking, grinding, or mincing, but not including chunking or sectioning.

(c) Partially-cooked patties. Meat patties that have been heat processed for less time or using lower internal temperatures than are prescribed by subsection (2)(a) of this rule.

(d) Char-marked patties. Meat patties that have been marked by a heat source and that have been heat processed for less time or using lower internal temperatures than are prescribed by subsection (2)(a) of this rule.

(2) Heat-processing procedures for fully-cooked patties.

(a) State-inspected establishments which manufacture fully-cooked patties shall use one of the following heat-processing procedures: [Table 1, 603-029-1185]

(b) The state-inspected establishment shall measure the holding time and temperature of at least one fully-cooked patty from each production line each hour of production to assure control of the heat process. The temperature measuring device shall be accurate within 1 degree F.

(c) Requirements for handling heating deviations.

(A) If for any reason a heating deviation has occurred, the state-inspected establishment shall investigate and identify the cause; take steps to assure that the deviation will not recur; and place on file in the state-inspected establishment, available to any duly authorized Department employee, a report of the investigation, the cause of the deviation, and the steps taken to prevent recurrence.

(B) In addition, in the case of a heating deviation, the state-inspected establishment may reprocess the affected product, using one of the methods in subsection (2)(a) in this rule; use the affected product as an ingredient in another product processed to one of the temperature and time combinations in subsection (2)(a) in this rule, provided this does not violate the final product's standard of composition, upset the order of predominance of ingredients, or perceptibly affect the normal product characteristics; or relabel the affected product as a partially-cooked patty product, if it meets the stabilization requirements in section (3) of this rule.

(3) Stabilization. (1) Fully cooked, partially cooked, and char-marked meat patties must be produced using processes ensuring no multiplication of toxigenic microorganisms such as Clostridium botulinum, and no more than a 1 log10 multiplication of Clostridium perfringens, within the product.

(b) For each meat patty product produced using a stabilization process other than one conducted in accordance with the Hazard Analysis and Critical Control Point (HACCP) system requirements in OAR 603-029-2200 to 603-029-2235, a state-inspected establishment must develop and have on file, available to the Department, a process schedule, as defined in OAR 603-029-0010. Each process schedule must be approved in writing by a process authority for safety and efficacy in meeting the performance standards established for the product in question. A process authority must have access to a state-inspected establishment in order to evaluate and approve the safety and efficacy of each process schedule.

(c) Under the auspices of a processing authority, a state-inspected establishment must validate new or altered process schedules by scientifically supportable means, such as information gleaned from the literature or by challenge studies conducted outside the plant.

(d) Partially cooked patties must bear the labeling statement "Partially cooked: For Safety Cook Until Well Done (Internal Meat Temperature 160 degrees F.)." The labeling statement must be adjacent to the product name, and prominently placed with such conspicuousness (as compared with other words, statements, designs or devices in the

labeling) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.
(e) Char-marked patties must bear the labeling statement “Uncooked, Char-marked: For Safety, Cook Until Well Done (Internal Meat Temperature 160 degrees F.).” The labeling statement shall be adjacent to the product name, at least one-half the size of the largest letter in the product name, and prominently placed with such conspicuousness (as compared with other words, statements, designs or devices in the labeling) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1190

RULE TITLE: Product Prepared Using Advanced Meat/Bone Separation Machinery; Process Control

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Product Prepared Using Advanced Meat/Bone Separation Machinery; Process Control

RULE TEXT:

(1) General. Meat may be derived by mechanically separating skeletal muscle tissue from the bones of meat animals, other than skulls or vertebral column bones of cattle 30 months of age and older as provided in OAR 603-029-0540, using advances in mechanical meat/bone separation machinery (i.e., AMR systems) that, in accordance with this rule, recover meat—

(a) Without significant incorporation of bone solids or bone marrow as measured by the presence of calcium and iron in excess of the requirements in this rule, and

(b) Without the presence of any brain, trigeminal ganglia, spinal cord, or dorsal root ganglia (DRG).

(2) Process control. As a prerequisite to labeling or using product as meat derived by the mechanical separation of skeletal muscle tissue from meat animal bones, the operator of a state-inspected establishment must develop, implement, and maintain procedures that ensure that the state-inspected establishment's production process is in control.

(a) The production process is not in control if the skulls entering the AMR system contain any brain or trigeminal ganglia tissue, if the vertebral column bones entering the AMR system contain any spinal cord, if the recovered product fails otherwise under any provision of subsection (3)(a), if the product is not properly labeled under the provisions of subsection (3)(b), or if the spent bone materials are not properly handled under the provisions of subsection (3)(c) of this rule.

(b) The state-inspected establishment must document its production process controls in writing. The program must be designed to ensure the on-going effectiveness of the process controls. If the state-inspected establishment processes cattle, the program must be in its HACCP plan, its Sanitation SOP, or other prerequisite program. The program shall describe the on-going verification activities that will be performed, including the observation of the bones entering the AMR system for brain, trigeminal ganglia, and spinal cord; the testing of the product exiting the AMR system for bone solids, bone marrow, spinal cord, and DRG as prescribed in subsection (3)(a) of this rule; the use of the product and spent bone materials exiting the AMR system; and the frequency with which these activities will be performed.

(c) The state-inspected establishment shall maintain records on a daily basis sufficient to document the implementation and verification of its production process.

(d) The state-inspected establishment shall make available to Department personnel the documentation described in subsections (2)(b) and (2)(c) of this rule and any other data generated using these procedures.

(3) Noncomplying product.

(a) Notwithstanding any other provision of this rule, product that is recovered using advanced meat/bone separation machinery is not meat under any one or more of the following circumstances:

(A) Bone solids. The product's calcium content, measured by individual samples and rounded to the nearest 10th, is more than 130.0 mg per 100 g.

(B) Bone marrow. The product's added iron content, measured by duplicate analyses on individual samples and rounded to the nearest 10th, is more than 3.5 mg per 100 g.

The excessive iron (ExcFe) measurement for an analyzed sample is equal to the obtained iron (Fe) result expressed in mg/100 g measured and rounded to the nearest 100th or more for that sample, minus the product of three factors: (1) The iron to protein ratio (IPR) factor associated with corresponding hand-deboned product; (2) the obtained protein (P) result (%) for that sample; and (3) a constant factor of 1.10. In formula, this can be written as: ExcFe = mFe  IPR × Protein × 1.10, where ExcFe represents the excess iron, expressed in units of mg/100 g; mFe represents the measured level of iron (Fe, mg/100 g), IPR is the iron to protein ratio for the appropriate hand-deboned product, and “Protein” is the

measured level of protein rounded to the nearest 100th and expressed as a percentage of the total weight of the sample. In lieu of data demonstrating otherwise, the values of IPR to be used in the above formula are as follows: For beef products the value of IPR is equal to 0.104, except for any combination of bones that include any beef neckbone product, for which the value of 0.138 is to be used; for pork product, the IPR value is 0.052. Other IPR values can be used provided that the operator of a state-inspected establishment has verified and documented the ratio of iron content to protein content in the skeletal muscle tissue attached to bones prior to their entering the AMR system, based on analyses of hand-deboned samples, and the documented value is to be substituted for the IPR value (as applicable) in the above formula with respect to product that the state-inspected establishment mechanically separates from those bones.

(C) Brain or trigeminal ganglia. Skulls that enter the AMR system have tissues of brain or trigeminal ganglia.
(D) Spinal cord. Vertebral column bones that enter the AMR system have tissues of spinal cord, or the product that exits the AMR system contains spinal cord.
(E) DRG. The product that exits the AMR system contains DRG.
(b) If product that may not be labeled or used as “meat” under this rule meets the requirements of OAR 603-029-1204, it may bear the name “Mechanically Separated (Species)” except as follows:
(A) If skulls or vertebral column bones of cattle younger than 30 months of age that enter the AMR system have tissues of brain, trigeminal ganglia, or spinal cord, the product that exits the AMR system shall not be used as an ingredient of a meat product.
(B) If product that exits the AMR system contains spinal cord or DRG from bones of cattle younger than 30 months of age, it shall not be used as an ingredient of a meat product.
(C) If product derived from any bones of cattle of any age does not comply with (3)(a)(A) or (B), it may bear a common or usual name that is not false or misleading, except that the product may not bear the name “Mechanically Separated (Beef).”
(c) Spent skulls or vertebral column bone materials from cattle younger than 30 months of age that exit the AMR system shall not be used as an ingredient of a meat product.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1200

RULE TITLE: Labeling and Preparation of Standardized Products

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Labeling and Preparation of Standardized Products

RULE TEXT:

(1) Labels for products for which standards of identity or composition are prescribed in OAR 603-029-1200 to 603-029-1299 shall show the appropriate product name, an ingredient statement, and other label information in accordance with the special provisions, if any, in OAR 603-029-1200 to 603-029-1299, and otherwise in accordance with the general labeling provisions in OAR 603-029-1026 to 603-029-1060, and such products shall be prepared in accordance with the special provisions, if any, in this OAR 603-029-1200 to 603-029-1299 and otherwise in accordance with the general provisions in this Division 29. Any product for which there is a common or usual name must consist of ingredients and be prepared by the use of procedures common or usual to such products insofar as specific ingredients or procedures are not prescribed or prohibited by the provisions of this Division 29.

(2) Any binder or antimicrobial agent that has been found to be safe and suitable by the Food and Drug Administration and the Food Safety and Inspection Service may be used in the production of meat products with standards of identity in this OAR 603-029-1200 to 603-029-1299, where the product standards and applicable rules already permit the use of these types of ingredients.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1202

RULE TITLE: Products and Nitrates and Nitrites

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Products and Nitrates and Nitrites

RULE TEXT:

Any product, such as frankfurters and corned beef, for which there is a standard in OAR 603-029-1200 to 603-029-1299 and to which nitrate or nitrite is permitted or required to be added, may be prepared without nitrate or nitrite and labeled with such standard name when immediately preceded with the term “Uncured” in the same size and style of lettering as the rest of such standard name: Provided, That the product is found by the Department to be similar in size, flavor, consistency, and general appearance to such product as commonly prepared with nitrate and nitrite: And provided further, That labeling for such product complies with the provisions of OAR 603-029-1022(3).

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1204

RULE TITLE: Mechanically Separated (Species)

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Mechanically Separated (Species)

RULE TEXT:

(1) Mechanically Separated (Species) is any finely comminuted product resulting from the mechanical separation and removal of most of the bone from attached skeletal muscle of meat animal carcasses and parts of carcasses and meeting the other provisions of this section. Examples of such product are “Mechanically Separated Beef”, “Mechanically Separated Veal”, “Mechanically Separated Pork”, and “Mechanically Separated Lamb”. At least 98 percent of the bone particles present in such product shall have a maximum size no greater than 0.5 millimeter in their greatest dimension and there shall be no bone particles larger than 0.85 millimeter in their greatest dimension. The product resulting from the separating process shall not have a calcium content exceeding 0.75 percent, as a measure of a bone solids content of not more than 3 percent, and shall have a minimum PER of 2.5 (except as modified in section (5)(a) of this rule). Such product also shall have a protein content of not less than 14 percent and a fat content of not more than 30 percent, or it shall be deemed to be product for processing. Such product failing to meet the bone particle size, calcium, or PER requirements of this section shall only be used in producing animal fats. Where such product meets the bone particle size, calcium, and PER requirements of this section, it may also be used in the formulation of meat products in accordance with OAR 603-029-1206.

(2) Mechanically Separated (Beef) is inedible and prohibited for use as human food.

(3)(a) An essential amino acid content of at least 33 percent of the total amino acids presents in “Mechanically Separated (Species)” shall be accepted as evidence of compliance with the protein quality requirement set forth in section (1) of this rule. For purposes of this section, essential amino acid content includes isoleucine, leucine, lysine, methionine, phenylalanine, threonine, and valine content, and the total amino acids present include isoleucine, leucine, lysine, methionine, phenylalanine, threonine, valine, tyrosine, arginine, histidine, alanine, aspartic acid, glutamic acid, glycine, proline, serine, and hydroxyproline content.

(b) Analytical methods used by establishments in verifying the fat, protein, and calcium content of product consisting of or containing Mechanically Separated (Species) shall be among those listed in “Official Methods of Analysis of the Association of Official Analytical Chemists (AOAC),” 16th edition, 1995, §§960.39, 976.21, 928.08 (Chapter 39), and 940.33 (Chapter 45), which is incorporated by reference, or, if no AOAC method is available, in the “Chemistry Laboratory Guidebook,” U.S. Department of Agriculture, Washington, D.C., March 1986 edition, sections 6.011-6.013, Revised June 1987 (pages 6-35 through 6-65), or by appropriate methods validated by scientific bodies in collaborative trials. The “Official Methods of Analysis of the Association of Official Analytical Chemists,” Chapter 39 and Chapter 45, subsection 45.2.06 (AOAC Official Method 940.33), 16th edition, 1995, are incorporated by reference with the approval of the Department.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1206

RULE TITLE: Limitations with Respect to use of Mechanically Separated (Species)

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Limitations with Respect to use of Mechanically Separated (Species)

RULE TEXT:

(1) Meat products required to be prepared from one species shall not contain Mechanically Separated (Species) of any other species.

(2) Mechanically Separated (Species) described in OAR 603-029-1204 that has a protein content of not less than 14 percent and a fat content of not more than 30 percent may constitute up to 20 percent of the meat animal and poultry product portion of any meat product except those listed in section (4) of this rule.

(3) Mechanically Separated (Species) for processing described in OAR 603-029-1204 may constitute up to 20 percent of the meat animal and poultry product portion of any meat product that is subject to a definition and standard of identity or composition in OAR 603-029-1200 to 603-029-1299 which establishes a maximum limit on the fat content of such meat product except those listed in section (4) of this rule.

(4) Mechanically Separated (Species) and Mechanically Separated (Species) for processing described in OAR 603-029-1204 shall not be used in baby, junior, or toddler foods, ground beef, hamburger, fabricated steaks (OAR 603-029-1210(1), (2), and (4)), barbecued meats (OAR 603-029-1214), roast beef-parboiled and steam roasted (OAR 603-029-1216), corned (cured) beef cuts (OAR 603-029-1218 to 603-029-1224), certain cured pork products (OAR 603-029-1226 (1) to (5) and 603-029-1230), tripe with milk (OAR 603-029-1278), lima beans with ham and similar products (OAR 603-029-1282), beef with gravy and gravy with beef (OAR 603-029-1287), and meat pies (OAR 603-029-1288).

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1208

RULE TITLE: Requirements for Substitute Standardized Meat Products Named by use of an Expressed Nutrient Content Claim and a Standardized Term

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Requirements for Substitute Standardized Meat Products Named by use of an Expressed Nutrient Content Claim and a Standardized Term

RULE TEXT:

(1) Description. The meat products prescribed by this general definition and standard of identity are those products that substitute, in accordance with OAR 603-029-1038(4), for a standardized product defined in OAR 603-029-1200 to 603-029-1299 and use the name of that standardized product in their statements of identity, but that do not comply with the established standard because of a compositional deviation that results from reduction of a constituent that is described by an expressed nutrient content claim that has been defined by rule in OAR 603-029-1026 to 603-029-1060. The expressed nutrient content claim shall comply with the requirements of OAR 603-029-1038 and with the requirements of OAR 603-029-1026 to 603-029-1060 which define the particular nutrient content claim that is used. The meat product shall comply with the relevant standard in OAR 603-029-1200 to 603-029-1299 in all other respects, except as provided in sections (2) and (3) of this rule.

(2) Performance characteristics. The performance characteristics, such as physical properties, functional properties, and shelf-life, of the meat product shall be similar to those of the standardized meat product produced under OAR 603-029-1200 to 603-029-1299. If there is a significant difference in a performance characteristic that materially limits the use of the product compared to the use of the standardized product defined in OAR 603-029-1200 to 603-029-1299, the label shall include a statement in accordance with OAR 603-029-1038(4)(a) and (b) that informs the consumer of such differences (e.g., if appropriate, “not recommended for frozen storage” or “not suitable for roller grilling”). Deviations from the ingredient provisions of the standard must be the minimum necessary to qualify for the nutrient content claim, while maintaining similar performance characteristics.

(3) Ingredients used in substitute products.

(a) Ingredients used in the product shall be those ingredients provided for in the standard as defined in OAR 603-029-1200 to 603-029-1299, except that safe and suitable ingredients permitted for use in meat products as provided in a rule permitting that use in this Division 29, or in 21 CFR Chapter I, Subchapter A or Subchapter B, may be used at the minimum level necessary to improve texture and prevent syneresis, so that the substitute product is not inferior in performance characteristics from the standardized product defined in OAR 603-029-1200 to 603-029-1299 for which it is a substitute.

(b) An ingredient that is specifically required by the standard prescribed in OAR 603-029-1200 to 603-029-1299 shall not be replaced or exchanged with a similar ingredient from another source, for example, turnip chunks shall not replace potatoes in corned beef hash.

(c) An ingredient that is specifically prohibited from use in any meat product by OAR 603-029-1200 to 603-029-1299 shall not be added to the substitute meat product under this rule.

(d) Unless otherwise specified in OAR 603-029-1200 to 603-029-1299, a substitute meat product must meet all other requirements of the applicable standards of identity or composition.

(e) Water and fat-replacers (e.g., binders), in combination, may be added to replace fat in accordance with section (3) of this rule.

(f) Textured vegetable protein may be used by itself or in combination with other binders and water as a fat replacer in accordance with section (3) of this rule.

(4) Nomenclature. The name of a substitute meat product that complies with all sections of this rule is the appropriate expressed nutrient content claim and the applicable standardized term.

(5) Label declaration.

(a) Each of the ingredients used in the substitute meat product shall be declared on the label as required by this rule and

OAR 603-029-1026 to 603-029-1060.

(b) Ingredients not provided for, and ingredients used in excess of those levels provided for, by the standard as defined in OAR 603-029-1200 to 603-029-1299, shall be identified as such with an asterisk in the ingredients statement. The statement "*Ingredients not in regular ___" (the blank shall be filled in with the name of the traditional standardized product) or "**Ingredients in excess of amounts permitted in regular ___" (the blank shall be filled in with the name of the traditional standardized product), or both, as appropriate, shall immediately follow the ingredients statement in the same type and size.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1210

RULE TITLE: Miscellaneous Beef Products

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Miscellaneous Beef Products

RULE TEXT:

(1) Chopped beef, ground beef. “Chopped Beef” or “Ground Beef” shall consist of chopped fresh and/or frozen beef with or without seasoning and without the addition of beef fat as such, shall not contain more than 30 percent fat, and shall not contain added water, phosphates, binders, or extenders. When beef cheek meat (trimmed beef cheeks) is used in the preparation of chopped or ground beef, the amount of such cheek meat shall be limited to 25 percent; and if in excess of natural proportions, its presence shall be declared on the label, in the ingredient statement required by OAR 603-029-1004, if any, and otherwise contiguous to the name of the product.

(2) Hamburger. “Hamburger” shall consist of chopped fresh and/or frozen beef with or without the addition of beef fat as such and/or seasoning, shall not contain more than 30 percent fat, and shall not contain added water, phosphates, binders, or extenders. Beef cheek meat (trimmed beef cheeks) may be used in the preparation of hamburger only in accordance with the conditions prescribed in section (1) of this rule.

(3) Beef patties. “Beef Patties” shall consist of chopped fresh and/or frozen beef with or without the addition of beef fat as such and/or seasonings. Binders or extenders, Mechanically Separated (Species) used in accordance with OAR 603-029-1206, and/or partially defatted beef fatty tissue may be used without added water or with added water only in amounts such that the product characteristics are essentially that of a meat pattie.

(4) Fabricated steak. Fabricated beef steaks, veal steaks, beef and veal steaks, or veal and beef steaks, and similar products, such as those labeled “Beef Steak, Chopped, Shaped, Frozen,” “Minute Steak, Formed, Wafer Sliced, Frozen,” “Veal Steaks, Beef Added, Chopped—Molded—Cubed—Frozen, Hydrolyzed Plant Protein, and Flavoring” shall be prepared by comminuting and forming the product from fresh and/or frozen meat, with or without added fat, of the species indicated on the label. Such products shall not contain more than 30 percent fat and shall not contain added water or extenders. Transglutaminase enzyme at levels of up to 65 ppm may be used as a binder. Beef cheek meat (trimmed beef cheeks) may be used in the preparation of fabricated beef steaks only in accordance with the conditions prescribed in section (1) of this rule.

(5) Partially defatted beef fatty tissue. “Partially Defatted Beef Fatty Tissue” is a beef byproduct derived from the low temperature rendering (not exceeding 120°F.) of fresh beef fatty tissue. Such product shall have a pinkish color and a fresh odor and appearance.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1212

RULE TITLE: Miscellaneous Pork Products

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Miscellaneous Pork Products

RULE TEXT:

Partially defatted pork fatty tissue. “Partially Defatted Pork Fatty Tissue” is a pork byproduct derived from the low temperature rendering (not exceeding 120°F.) of fresh pork fatty tissue, exclusive of skin. Such product shall have a pinkish color and a fresh odor and appearance.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1214

RULE TITLE: Barbecued Meats

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Barbecued Meats

RULE TEXT:

Barbecued meats, such as product labeled “Beef Barbecue” or “Barbecued Pork,” shall be cooked by the direct action of dry heat resulting from the burning of hard wood or the hot coals therefrom for a sufficient period to assume the usual characteristics of a barbecued article, which include the formation of a brown crust on the surface and the rendering of surface fat. The product may be basted with a sauce during the cooking process. The weight of barbecued meat shall not exceed 70 percent of the weight of the fresh uncooked meat.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1216

RULE TITLE: Roast Beef Parboiled and Steam Roasted

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Roast Beef Parboiled and Steam Roasted

RULE TEXT:

“Roast Beef Parboiled and Steam Roasted” shall be prepared so that the weight of the finished product, excluding salt and flavoring material, shall not exceed 70 percent of the fresh beef weight. Transglutaminase enzyme at levels of up to 65 ppm may be used as a binder in such product. Beef cheek meat and beef head meat from which the overlying glandular and connective tissues have been removed, and beef heart meat, exclusive of the heart cap may be used individually or collectively to the extent of 5 percent of the meat ingredients in the preparation of canned product labeled “Roast Beef Parboiled and Steam Roasted.” When beef cheek meat, beef head meat, or beef heart meat is used in the preparation of this product, its presence shall be reflected in the statement of ingredients required by OAR 603-029-1026 to 603-029-1060.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1218

RULE TITLE: Corned Beef

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Corned Beef

RULE TEXT:

“Corned Beef” shall be prepared from beef briskets, navels, clods, middle ribs, rounds, rumps, or similar cuts using one or a combination of the curing ingredients specified in a rule permitting that use in this Division 29, or in 21 CFR chapter I, subchapter A or subchapter B. Canned product labeled “Corned Beef” shall be prepared so that the weight of the finished product, excluding cure, salt, and flavoring material, shall not exceed 70 percent of the fresh beef weight. Corned beef other than canned shall be cured in pieces weighing not less than 1 pound, and if cooked, its weight shall not exceed the weight of the fresh uncured beef. Beef cheek meat, beef head meat and beef heart meat may be used to the extent of 5 percent of the meat ingredient in preparation of this product when trimmed as specified in OAR 603-029-1216. When beef cheek meat, beef head meat, or beef heart meat is used in preparation of this product, its presence shall be reflected in the statement of ingredients required by OAR 603-029-1026 to 603-029-1060. The application of curing solution to beef cuts, other than briskets, which are intended for bulk corned beef shall not result in an increase in the weight of the finished cured product of more than 10 percent over the weight of the fresh uncured meat.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1220

RULE TITLE: Corned Beef Brisket

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Corned Beef Brisket

RULE TEXT:

In preparing “Corned Beef Brisket,” the application of curing solution to the beef brisket shall not result in an increase in the weight of the finished cured product of more than 20 percent over the weight of the fresh uncured brisket. If the product is cooked, the weight of the finished product shall not exceed the weight of the fresh uncured brisket.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1222

RULE TITLE: Corned Beef Round and Other Corned Beef Cuts

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Corned Beef Round and Other Corned Beef Cuts

RULE TEXT:

In preparing “Corned Beef Round” and other corned beef cuts, except “Corned Beef Briskets,” the curing solution shall be applied to pieces of beef weighing not less than one pound and such application shall not result in an increased weight of the cured beef product of more than 10 percent over the weight of the fresh uncured beef cut. If the product is cooked, the weight of the finished product shall not exceed the weight of the fresh uncured beef cut.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1224

RULE TITLE: Cured Beef Tongue

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Cured Beef Tongue

RULE TEXT:

In preparing “Cured Beef Tongue,” the application of curing solution to the fresh beef tongue shall not result in an increase in the weight of the cured beef tongue of more than 10 percent over the weight of the fresh uncured beef tongue.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1226

RULE TITLE: Cured Pork Products

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Cured Pork Products

RULE TEXT:

(1) Cured pork products, including hams, shoulders, picnics, butts and loins, shall comply with the minimum meat Protein Fat Free (PFF) percentage requirements set forth in the following chart: [Table 1, 603-029-1226]

(2) Cured pork products for which there is a qualifying statement required in section (1) of this rule shall bear that statement as part of the product name in lettering not less than 38 inch in height, or in lettering not less than one-third the size of the largest letter in the product name if it is in the same color and style of print and on the same color background as the product name. However, the Department may approve smaller lettering for labeling of packages of 1 pound or less, provided such lettering is at least one-third the size and of the same color and style as the product name.

(3) Cured pork product prepared pursuant to this rule shall be subject to the compliance procedures in OAR 603-029-1170.

(4) The binders provided for use in cured pork products in a rule in this Division 29, or in 21 CFR chapter I, subchapter A or subchapter B, may be used singly in those cured pork products labeled as “Ham Water Added,” “Ham and Water Product-X% of Weight is Added Ingredients,” and “Ham with Natural Juices.” In addition to the binders referred to in the preceding sentence, the following substances are permitted for use as binders and may be used singly in those cured pork products labeled as “Ham Water Added,” “Ham and Water Product-X% of Weight is Added Ingredients,” and “Ham with Natural Juices”: pork collagen at up to 3.5% of the product formulation. Unless their use is provided for in a rule in this Division 29, or in 21 CFR chapter I, subchapter A or subchapter B, or in this section, these binders are not permitted to be used in combination with another such binder listed for use in cured pork products. When any such substance is added to these products, the substance shall be declared in the ingredients statement by its common or usual name in order of predominance.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1228

RULE TITLE: “Ham Patties,” “Chopped Ham,” “Pressed Ham,” “Spiced Ham,” and Similar Products

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: “Ham Patties,” “Chopped Ham,” “Pressed Ham,” “Spiced Ham,” and Similar Products

RULE TEXT:

(1) Finely divided (chopped, ground, flaked, chipped) cured ham products such as “Ham patties,” “Chopped ham,” “Pressed ham,” and “Spiced ham” shall comply with minimum meat Protein Fat Free (PFF) percentage requirements set forth in the following chart: [Table 1, 603-029-1228]

(2) Cured pork products prepared under this rule except “Ham patties” may contain finely chopped ham shank meat to the extent of 25 percent over that normally present in boneless ham. Mechanically Separated (Species) Product may be used in accordance with OAR 603-029-1206.

(3) Cured pork product prepared pursuant to this rule shall be subject to the compliance procedures in OAR 603-029-1170, and those cured pork products prepared under this rule for which there is a qualifying statement required shall comply with the requirements of OAR 603-029-1226(2).

(4) In addition to the other requirements of this rule, “Ham Patties” may not contain more than 35 percent fat, by analysis.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1230

RULE TITLE: “Country Ham,” “Country Style Ham,” “Dry Cured Ham,” “Country Pork Shoulder,” “Country Style Pork Shoulder,” and “Dry Cured Pork Shoulder”

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: “Country Ham,” “Country Style Ham,” “Dry Cured Ham,” “Country Pork Shoulder,” “Country Style Pork Shoulder,” and “Dry Cured Pork Shoulder”

RULE TEXT:

(1) “Country Ham,” “Country Style Ham,” or “Dry Cured Ham,” and “Country Pork Shoulder,” “Country Style Pork Shoulder,” or “Dry Cured Pork Shoulder.” are the uncooked, cured, dried, smoked or unsmoked meat products made respectively from a single piece of meat conforming to the definition of “ham,” as specified in OAR 603-029-1010(2)(o), or from a single piece of meat from a pork shoulder. They are prepared in accordance with section (3) of this rule by the dry application of salt (NaCl), or by the dry application of salt (NaCl) and one or more of the optional ingredients as specified in section (4) of this rule. They may not be injected with curing solutions nor placed in curing solutions.

(2)(a) The entire exterior of the ham or pork shoulder shall be coated by the dry application of salt or by the dry application of salt combined with other ingredients as permitted in section (4) of this rule.

(b) Additional salt, or salt mixed with other permitted ingredients, may be reapplied to the product as necessary to insure complete penetration.

(c) When sodium or potassium nitrate, or sodium or potassium nitrite, or a combination thereof, is used, the application of salt shall be in sufficient quantity to ensure that the finished product has an internal salt content of at least 4 percent.

(d) When no sodium nitrate, potassium nitrate, sodium nitrite, potassium nitrite or a combination thereof is used, the application of salt shall be in sufficient quantity to ensure that the finished product has a brine concentration of not less than 10 percent or a water activity of not more than 0.92.

(e) [Reserved]

(f) [Reserved]

(g) The weight of the finished hams and pork shoulders covered in this rule shall be at least 18 percent less than the fresh uncured weight of the article.

(3) The optional ingredients for products covered in this rule are:

(a) Nutritive sweeteners, spices, seasonings and flavorings.

(b) Sodium or potassium nitrate and sodium or potassium nitrite if used as prescribed in this rule and in accordance with a rule permitting that use in this Division 29, or in 21 CFR Chapter I, Subchapter A or Subchapter B.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1232

RULE TITLE: Bacon

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Bacon

RULE TEXT:

The weight of cured pork bellies ready for slicing and labeling as “Bacon” shall not exceed the weight of the fresh uncured pork bellies.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1234

RULE TITLE: Sausage

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Sausage

RULE TEXT:

Except as otherwise provided in this rule, or under the Poultry Products Inspection Act with respect to products consisting partly of poultry, sausage is the coarse or finely comminuted meat product prepared from one or more kinds of meat or meat and meat byproducts, containing various amounts of water as provided for elsewhere in OAR 603-029-1200 to 603-029-1299, and usually seasoned with condimented proportions of condimental substances, and frequently cured. Certain sausage as provided for elsewhere in OAR 603-029-1200 to 603-029-1299 may contain binders and extenders as provided in a rule permitting that use in this Division 29 , or in 21 CFR chapter I, subchapter A or subchapter B. In addition to the binders and extenders referred to in the preceding sentence, the following two substances may also be used as binders in those sausages in which the use of such class of substances is permitted: pork collagen at up to 3.5% of the product formulation and transglutaminase enzyme at up to 65 ppm of the product formulation. Sausage may not contain phosphates except that phosphates listed in a rule permitting that use in this Division 29, or in 21 CFR chapter I, subchapter A or subchapter B may be used in cooked sausage. To facilitate chopping or mixing or to dissolve the usual curing ingredients, water or ice may be used in the preparation of sausage which is not cooked in an amount not to exceed 3 percent of the total ingredients in the formula. Cooked sausages such as Polish sausage, cotto salami, braunschweiger, liver sausage, and similar cooked sausage products may contain no more than 10 percent of added water in the finished product. Sausage may contain Mechanically Separated (Species) used in accordance with OAR 603-029-1206.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1236

RULE TITLE: Fresh Pork Sausage

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Fresh Pork Sausage

RULE TEXT:

“Fresh Pork Sausage” is sausage prepared with fresh pork or frozen pork or both, but not including pork byproducts, and may contain Mechanically Separated (Species) in accordance with OAR 603-029-1206, and may be seasoned with condimental substances as permitted under OAR 603-029-1100 to 603-029-1190. The finished product shall not contain more than 50 percent fat. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3 percent of the total ingredients used.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1238

RULE TITLE: Fresh Beef Sausage

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Fresh Beef Sausage

RULE TEXT:

“Fresh Beef Sausage” is sausage prepared with fresh beef or frozen beef, or both, but not including beef byproducts, and may contain Mechanically Separated (Species) used in accordance with OAR 603-029-1206 and may be seasoned with condimental substances as permitted under OAR 603-029-1100 to 603-029-1190. The finished product shall not contain more than 30 percent fat. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3 percent of the total ingredients used.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1240

RULE TITLE: Breakfast Sausage

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Breakfast Sausage

RULE TEXT:

“Breakfast sausage” is sausage prepared with fresh and/or frozen meat; or fresh and/or frozen meat and meat byproducts and may contain Mechanically Separated (Species) in accordance with OAR 603-029-1206 and may be seasoned with condimental substances as permitted in OAR 603-029-1100 to 603-029-1190. The finished product shall not contain more than 50 percent fat. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3 percent of the total ingredients used. Binders or extenders may be added as provided in OAR 603-029-1234.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.026, ORS 619.036

ADOPT: 603-029-1242

RULE TITLE: Whole Hog Sausage

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Whole Hog Sausage

RULE TEXT:

“Whole Hog Sausage” is sausage prepared with fresh and/or frozen meat from swine in such proportions as are normal to a single animal and may include any Mechanically Separated (Species) produced from the animal and used in accordance with OAR 603-029-1206 and may be seasoned with condimental substances as permitted under OAR 603-029-1100 to 603-029-1190. The finished product shall not contain more than 50 percent fat. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3 percent of the total ingredients used.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1244

RULE TITLE: Italian Sausage Products

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Italian Sausage Products

RULE TEXT:

(1) Italian sausage products are cured or uncured sausages containing at least 85 percent meat, or combination of meat and fat, with the total fat content constituting not more than 35 percent of the finished product. Such products shall be prepared in accordance with the provisions of section (1) (a), (b) or (c) of this section, and shall contain salt, pepper, and either fennel or anise, or a combination of fennel and anise. Such products may contain any or all of the optional ingredients listed in section (2) of this rule.

(a) "Italian Sausage" shall be prepared with fresh or frozen pork, or pork and pork fat, and may contain Mechanically Separated (Species) in accordance with OAR 603-029-1206.

(b) "Italian Sausage with Beef," "Italian Sausage with Veal," or "Italian Sausage with Beef and Veal," shall be prepared so that fresh or frozen pork constitutes the major portion of the meat content requirement of this section. Mechanically Separated (Species) may be used in accordance with OAR 603-029-1206.

(c) "Italian Beef Sausage" or "Kosher Italian Beef Sausage" shall be prepared with fresh or frozen beef or beef and beef fat. "Italian Veal Sausage" or "Kosher Italian Veal Sausage" shall be prepared with fresh or frozen veal or veal and veal fat. Mechanically Separated (Species) may be used in accordance with OAR 603-029-1206.

(d) Italian sausage products made in conformance with the provisions of sections (1) (a), (b), and (c) of this rule, and with sections (2) and (3) of this rule, may contain sodium nitrite or potassium nitrite in amounts not to exceed those allowed in a rule permitting that use in this Division 29, or in 21 CFR chapter I, subchapter A or subchapter B, provided that such products are labeled with the word "cured" in the product name, such as "Cured Italian Sausage." The word "cured" shall be displayed on the product label in the same size and style of lettering as other words in the product name.

(2) Optional ingredients permitted in Italian sausage products include:

(a) Spices (including paprika) and flavorings.

(b) Water or ice to facilitate chopping or mixing, but not to exceed 3 percent of the total weight of all ingredients including the water.

(c) Red or green peppers, or both.

(d) Dehydrated or fresh onions, garlic, and parsley.

(e) Sugar, dextrose, corn syrup, corn syrup solids, and glucose syrup.

(f) Monosodium glutamate and antioxidants in accordance with the chart of substances a rule permitting that use in this Division 29, or in 21 CFR chapter I, subchapter A or subchapter B.

(3) If Italian sausage products are cooked or smoked, determination of compliance with the provisions of sections (1) and (2) of this rule shall be based on the uncooked or unsmoked product. The product before cooking or smoking shall contain no more than 3 percent water as specified in section (2)(b) of this rule. Product which is cooked shall be labeled with the word "cooked" in the product name, such as "Cooked Italian Sausage" or "Cooked Cured Italian Sausage." Product which is smoked shall be labeled with the word "smoked" in the product name, such as "Smoked Italian Sausage" or "Smoked Cured Italian Sausage." The words "cooked" and "smoked" shall be displayed on the product label in the same size and style of lettering as other words in the product name.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1246

RULE TITLE: Smoked Pork Sausage

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Smoked Pork Sausage

RULE TEXT:

“Smoked Pork Sausage” is pork sausage that is smoked with hardwood or other approved nonresinous materials. It may be seasoned with condimental substances as permitted in OAR 603-029-1100 to 603-029-1190. The finished product shall not contain more than 50 percent fat. To facilitate chopping or mixing, water, or ice may be used in an amount not to exceed 3 percent of the total ingredients used.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1248

RULE TITLE: Frankfurter, Frank, Furter, Hotdog, Weiner, Vienna, Bologna, Garlic Bologna, Knockwurst, and Similar Products

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Frankfurter, Frank, Furter, Hotdog, Weiner, Vienna, Bologna, Garlic Bologna, Knockwurst, and Similar Products

RULE TEXT:

(1) Frankfurter, frank, furter, hot-dog, wiener, vienna, bologna, garlic bologna, knockwurst and similar cooked sausages are comminuted, semisolid sausages prepared from one or more kinds of raw skeletal muscle meat or raw skeletal muscle meat and raw or cooked poultry meat, and seasoned and cured, using one or more of the curing agents in accordance with a rule permitting that use in this Division 29, or in 21 CFR chapter I, subchapter A or subchapter B. They may or may not be smoked. The finished products shall not contain more than 30 percent fat. Water or ice, or both, may be used to facilitate chopping or mixing or to dissolve the curing ingredients but the sausage shall contain no more than 40 percent of a combination of fat and added water. These sausage products may contain only phosphates approved under OAR 603-029-1100 to 603-029-1190. Such products may contain raw or cooked poultry meat and/or Mechanically Separated (Kind of Poultry) without skin and without kidneys and sex glands used in accordance with 9 CFR 381.174, not in excess of 15 percent of the total ingredients, excluding water, in the sausage, and Mechanically Separated (Species) used in accordance with OAR 603-029-1206. Such poultry meat ingredients shall be designated in the ingredient statement on the label of such sausage in accordance with the provisions of 9 CFR 381.118.

(2) Frankfurter, frank, furter, hot-dog, wiener, vienna, bologna, garlic bologna, knockwurst and similar cooked sausages that are labeled with the phrase “with byproducts” or “with variety meats” in the product name are comminuted, semisolid sausages consisting of not less than 15 percent of one or more kinds of raw skeletal muscle meat with raw meat byproducts, or not less than 15 percent of one or more kinds of raw skeletal muscle meat with raw meat byproducts and raw or cooked poultry products; and seasoned and cured, using one or more of the curing ingredients in accordance with a rule permitting that use in this Division 29, or in 21 CFR chapter I, subchapter A or subchapter B. They may or may not be smoked. Partially defatted pork fatty tissue or partially defatted beef fatty tissue, or a combination of both, may be used in an amount not exceeding 15 percent of the meat and meat byproducts or meat, meat byproducts, and poultry products ingredients. The finished products shall not contain more than 30 percent fat. Water or ice, or both, may be used to facilitate chopping or mixing to dissolve the curing and seasoning ingredients, but the sausage shall contain no more than 40 percent of a combination of fat and added water. These sausage products may contain only phosphates approved under OAR 603-029-1100 to 603-029-1190. These sausage products may contain poultry products and/or Mechanically Separated (Kind of Poultry) used in accordance with 9 CFR 381.174, individually or in combination, not in excess of 15 percent of the total ingredients, excluding water, in the sausage, and may contain Mechanically Separated (Species) used in accordance with OAR 603-029-1206. Such poultry products shall not contain kidneys or sex glands. The amount of poultry skin present in the sausage must not exceed the natural proportion of skin present on the whole carcass of the kind of poultry used in the sausage, as specified in 9 CFR 381.117(d). The poultry products used in the sausage shall be designated in the ingredient statement on the label of such sausage in accordance with the provisions of 9 CFR 381.118. Meat byproducts used in the sausage shall be designated individually in the ingredient statement on the label for such sausage in accordance with OAR 603-029-1004.

(3) A cooked sausage as defined in section (1) of this rule shall be labeled by its generic name, e.g., frankfurter, frank, furter, hotdog, wiener, vienna, bologna, garlic bologna, or knockwurst. When such sausage products are prepared with meat from a single species of cattle, sheep, swine, or goats they shall be labeled with the term designating the particular species in conjunction with the generic name, e.g., “Beef Frankfurter,” and when such sausage products are prepared in part with Mechanically Separated (Species) in accordance with OAR 603-029-1206, they shall be labeled in accordance with OAR 603-029-1004(10)(m).

(4) A cooked sausage as defined in section (2) of this rule shall be labeled by its generic name, e.g., frankfurter, frank, furter, hotdog, wiener, vienna, bologna, garlic bologna, or knockwurst, in conjunction with the phrase “with byproducts” or “with variety meats” with such supplemental phrase shown in a prominent manner directly contiguous to the generic name and in the same color on an identical background.
(5) Binders and extenders as provided in OAR 603-029-1234 may be used in cooked sausage that otherwise comply with section (1) or (2) of this rule. When any such substance is added to these products, the substance shall be declared in the ingredients statement by its common or usual name in order of predominance.
(6) Cooked sausages shall not be labeled with terms such as “All Meat” or “All (Species),” or otherwise to indicate they do not contain nonmeat ingredients or are prepared only from meat.
(7) For the purposes of this rule: Poultry meat means deboned chicken meat or turkey meat, or both, without skin or added fat; poultry products mean chicken or turkey, or chicken meat or turkey meat as defined in 9 CFR 381.118, or poultry byproducts as defined in 9 CFR 381.1; and meat byproducts (or variety meats), mean pork stomachs or snouts; beef, veal, lamb, or goat tripe; beef, veal, lamb, goat, or pork hearts, tongues, fat, lips, weasands, and spleens; and partially defatted pork fatty tissue, or partially defatted beef fatty tissue.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1250

RULE TITLE: Cheesefurters and Similar Products

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Cheesefurters and Similar Products

RULE TEXT:

“Cheesefurters” and similar products are products in casings which resemble frankfurters except that they contain sufficient cheese to give definite characteristics to the finished article. They may contain binders and extenders as provided in OAR 603-029-2405(3). Limits on use as provided in OAR 603-029-2405 are intended to be exclusive of the cheese constituent. When any such substance is added to these products, the substance shall be designated in the ingredients statement by its common or usual name in order of predominance. These products shall contain no more than 40 percent of a combination of fat and added water, and no more than 30 percent fat and shall comply with the other provisions for cooked sausages that are in this Division 29.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1252

RULE TITLE: Braunschweiger and Liver Sausage or Liverwurst

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Braunschweiger and Liver Sausage or Liverwurst

RULE TEXT:

(1) “Braunschweiger” is a cooked sausage made from fresh, cured, and/or frozen pork, beef, and/or veal and at least 30 percent pork, beef, and/or veal livers computed on the weight of the fresh livers. It may also contain pork and/or beef fat. Mechanically Separated (Species) may be used in accordance with OAR 603-029-1206. Binders and extenders may be used as permitted in OAR 603-029-1234. The product may have a smoked taste characteristic, which may be imparted by use of smoked meats, smoke flavoring or smoking. If prepared from components of a single species, the product name may reflect the species, e.g., “Beef Braunschweiger.” Braunschweiger may also be labeled as any of the following: “Braunschweiger—A Liver Sausage,” “Braunschweiger—A Liverwurst,” or “Braunschweiger (Liver Sausage)” or “Braunschweiger (Liverwurst).”

(2) “Liver Sausage” or “Liverwurst” is a cooked sausage made from fresh, cured, and/or frozen pork, beef, and/or veal and at least 30 percent pork, beef, veal, sheep, and/or goat livers computed on the weight of the fresh livers. It may also contain pork and/or beef byproducts. Mechanically Separated (Species) may be used in accordance with OAR 603-029-1206. Binders and extenders may be used as permitted in OAR 603-029-1234. If prepared from components of a single species, the product name may reflect that species, e.g., “Pork Liver Sausage.”

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1254

RULE TITLE: Luncheon Meat

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Luncheon Meat

RULE TEXT:

“Luncheon Meat” is a cured, cooked meat product made from comminuted meat. Mechanically Separated (Species) may be used in accordance with OAR 603-029-1206. To facilitate chopping or mixing or to dissolve the usual curing ingredients, water or ice may be used in the preparation of luncheon meat in an amount not to exceed 3 percent of the total ingredients.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1256

RULE TITLE: Meat Loaf

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Meat Loaf

RULE TEXT:

“Meat Loaf” is a cooked meat product in loaf form made from comminuted meat. Mechanically Separated (Species) may be used in accordance with OAR 603-029-1206. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3 percent of the total ingredients used.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1258

RULE TITLE: Scrapple

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Scrapple

RULE TEXT:

“Scrapple” shall contain not less than 40 percent meat and/or meat byproducts computed on the basis of the fresh weight, exclusive of bone. Mechanically Separated (Species) may be used in accordance with OAR 603-029-1206. The meal or flour used may be derived from grain and/or soybeans.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1260

RULE TITLE: Bockwurst

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Bockwurst

RULE TEXT:

(1) Bockwurst is an uncured, comminuted meat product which may or may not be cooked. It contains meat, milk or water or a combination thereof, eggs, vegetables, and any of the optional ingredients listed in section (2) of this rule; and is prepared in accordance with the provisions of sections (1)(a), (b), (c), and (d) of this rule.

(a) Meat shall constitute not less than 70 percent of the total weight of the product and shall consist of pork or a mixture of pork and veal, pork and beef, or pork, veal, and beef. Such meat shall be fresh or fresh frozen meat. Pork may be omitted when the specie or species of meat used in the product is identified in the product name (e.g., Veal Bockwurst, Beef Bockwurst, or Beef and Veal Bockwurst). Mechanically Separated (Species) may be used in accordance with OAR 603-029-1206.

(b) The “milk” may be fresh whole milk, dried milk, nonfat dry milk, calcium reduced dried skim milk, enzyme (rennet) treated calcium reduced dried skim milk and calcium lactate, or any combination thereof.

(c) “Eggs” refer to whole eggs that are fresh, frozen, or dried.

(d) “Vegetables” refer to onions, chives, parsley, and leeks, alone or in any combination.

(2) Bockwurst may contain one or more of the following optional ingredients:

(a) Pork fat.

(b) Celery, fresh or dehydrated.

(c) Spices, flavorings.

(d) Salt.

(e) Egg whites, fresh, frozen, or dried.

(f) Corn syrup solids, corn syrup, or glucose syrup with a maximum limit of 2 percent individually or collectively, calculated on a dry basis. The maximum quantities of such ingredients shall be computed on the basis of the total weight of the ingredients.

(g) Autolyzed yeast extract, hydrolyzed plant protein, milk protein hydrolysate, and monosodium glutamate.

(h) Sugars (sucrose and dextrose).

(i) Binders and extenders may be added as provided in OAR 603-029-2405(3). When any such substance is added to bockwurst, the substance shall be designated in the ingredients statement by its common or usual name in order of predominance.

(3) If bockwurst is cooked or partially cooked, the composition of the raw mix from which it is prepared shall be used in determining whether it meets the requirements of this rule.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1262

RULE TITLE: Chili Con Carne

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Chili Con Carne

RULE TEXT:

“Chili con carne” shall contain not less than 40 percent of meat computed on the weight of the fresh meat. Mechanically Separated (Species) may be used in accordance with OAR 603-029-1206. Head meat, cheek meat, and heart meat exclusive of the heart cap may be used to the extent of 25 percent of the meat ingredients under specific declaration on the label. The mixture may contain binders and extenders as provided in OAR 603-029-2405(3).

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.026, ORS 619.036

ADOPT: 603-029-1264

RULE TITLE: Chili Con Carne with Beans

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Chili Con Carne with Beans

RULE TEXT:

Chili con carne with beans shall contain not less than 25 percent of meat computed on the weight of the fresh meat. Mechanically Separated (Species) may be used in accordance with OAR 603-029-1206. Head meat, cheek meat, or heart meat exclusive of the heart cap may be used to the extent of 25 percent of the meat ingredients, and its presence shall be reflected in the statement of ingredients required by OAR 603-029-1026 to 603-029-1060. The mixture may contain binders and extenders as provided in OAR 603-029-2405(3).

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1266

RULE TITLE: Hash

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Hash

RULE TEXT:

“Hash” shall contain not less than 35 percent of meat computed on the weight of the cooked and trimmed meat. The weight of the cooked meat used in this calculation shall not exceed 70 percent of the weight of the uncooked fresh meat. Mechanically Separated (Species) may be used in accordance with OAR 603-029-1206.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1268

RULE TITLE: Corned Beef Hash

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Corned Beef Hash

RULE TEXT:

(1) “Corned Beef Hash” is the semi-solid food product in the form of a compact mass which is prepared with beef, potatoes, curing agents, seasonings, and any of the optional ingredients listed in section (2) of this rule, in accordance with the provisions of subsections (1) (a), (b), (c) and (d) of this rule and the provisions of section (3) of this rule.

(a) Either fresh beef, cured beef, or canned corned beef or a mixture of two or more of these ingredients, may be used, and the finished product shall contain not less than 35 percent of beef computed on the weight of the cooked and trimmed beef. The weight of the cooked meat used in this calculation shall not exceed 70 percent of the weight of the uncooked fresh meat.

(b) “Potatoes” refers to fresh potatoes, dehydrated potatoes, cooked dehydrated potatoes, or a mixture of two or more of these ingredients.

(c) The curing agents that may be used are salt, sodium nitrate, sodium nitrite, potassium nitrate, or potassium nitrite, or a combination of two or more of these ingredients. When sodium nitrate, or sodium nitrite, potassium nitrate, or potassium nitrite is used it shall be used in amounts not exceeding those specified in a rule permitting that use in this Division 29, or in 21 CFR Chapter I, Subchapter A or Subchapter B.

(d) The seasonings that may be used, singly or in combination, are salt, sugar (sucrose or dextrose), spice, and flavoring, including essential oils, oleoresins, and other spice extractives.

(2) Corned beef hash may contain one or more of the following optional ingredients:

(a) Beef cheek meat and beef head meat from which the overlying glandular and connective tissues have been removed, and beef heart meat, exclusive of the heart cap, may be used individually or collectively to the extent of 5 percent of the meat ingredients;

(b) Onions, including fresh onions, dehydrated onions, or onion powder;

(c) Garlic, including fresh garlic, dehydrated garlic, or garlic powder;

(d) Water;

(e) Beef broth or beef stock;

(f) Monosodium glutamate;

(g) Hydrolyzed plant protein;

(h) Beef fat;

(i) Mechanically Separated (Species) when derived from carcasses of cattle may be used in accordance with OAR 603-029-1206.

(3) The finished product shall not contain more than 15 percent fat nor more than 72 percent moisture.

(4)(a) When any ingredient specified in subsection (2)(a) of this rule is used, the label shall bear the following applicable statement: “Beef cheek meat constitutes 5 percent of the meat ingredient,” or “Beef head meat constitutes 5 percent of the meat ingredient,” or “Beef heart meat constitutes 5 percent of the meat ingredient.” When two or more of the ingredients are used, the words “Constitutes 5 percent of meat ingredient” need only appear once.

(b) Whenever the words “corned beef hash” are featured on the label so conspicuously as to identify the contents, the statements prescribed in subsection (4)(a) of this rule shall immediately and conspicuously precede or follow such name without intervening written, printed, or other graphic matter.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1270

RULE TITLE: Meat Stews

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Meat Stews

RULE TEXT:

Meat stews such as “Beef Stew” or “Lamb Stew” shall contain not less than 25 percent of meat of the species named on the label, computed on the weight of the fresh meat. Mechanically Separated (Species) may be used in accordance with OAR 603-029-1206.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.026, ORS 619.036

ADOPT: 603-029-1272

RULE TITLE: Tamales

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Tamales

RULE TEXT:

“Tamales” shall be prepared with at least 25 percent meat computed on the weight of the uncooked fresh meat in relation to all ingredients of the tamales. When tamales are packed in sauce or gravy, the name of the product shall include a prominent reference to the sauce or gravy; for example, “Tamales with Sauce” or “Tamales with Gravy.” Product labeled “Tamales with Sauce” or “Tamales With Gravy” shall contain not less than 20 percent meat, computed on the weight of the uncooked fresh meat in relation to the total ingredients making up the tamales and sauce or the tamales and gravy. Mechanically Separated (Species) may be used in accordance with OAR 603-029-1206.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1274

RULE TITLE: Spaghetti with Meatballs and Sauce, Spaghetti with Meat and Sauce, and Similar Products

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Spaghetti with Meatballs and Sauce, Spaghetti with Meat and Sauce, and Similar Products

RULE TEXT:

“Spaghetti with Meatballs and Sauce” and “Spaghetti with Meat and Sauce,” and similar products shall contain not less than 12 percent of meat computed on the weight of the fresh meat. Mechanically Separated (Species) may be used in accordance with OAR 603-029-1206. The presence of the sauce or gravy constituent shall be declared prominently on the label as part of the name of the product. Meatballs may be prepared with farinaceous material and with other binders and extenders as provided in OAR 603-029-2405(3).

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.026, ORS 619.036

ADOPT: 603-029-1276

RULE TITLE: Spaghetti Sauce with Meat

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Spaghetti Sauce with Meat

RULE TEXT:

“Spaghetti Sauce with Meat” shall contain not less than 6 percent of meat computed on the weight of the fresh meat. Mechanically Separated (Species) may be used in accordance with OAR 603-029-1206.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1278

RULE TITLE: Tripe with Milk

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Tripe with Milk

RULE TEXT:

“Tripe with Milk” shall be prepared so that the finished canned article, exclusive of the cooked-out juices and milk, will contain at least 65 percent tripe. The product shall be prepared with not less than 10 percent milk.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1280

RULE TITLE: Beans with Frankfurters in Sauce, Sauerkraut with Wieners and Juice, and Similar Products

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Beans with Frankfurters in Sauce, Sauerkraut with Wieners and Juice, and Similar Products

RULE TEXT:

“Beans with Frankfurters in Sauce,” “Sauerkraut with Wieners and Juice,” and similar products shall contain not less than 20 percent frankfurters or wieners computed on the weight of the smoked and cooked sausage prior to its inclusion with the beans or sauerkraut.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1282

RULE TITLE: Lima Beans with Ham in Sauce, Beans with Ham in Sauce, Beans with Bacon in Sauce, and Similar Products

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Lima Beans with Ham in Sauce, Beans with Ham in Sauce, Beans with Bacon in Sauce, and Similar Products

RULE TEXT:
“Lima Beans with Ham in Sauce,” “Beans with Ham in Sauce,” “Beans with Bacon in Sauce,” and similar products shall contain not less than 12 percent ham or bacon computed on the weight of the smoked ham or bacon prior to its inclusion with the beans and sauce.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1284

RULE TITLE: Chow Mein Vegetables with Meat, and Chop Suey Vegetables with Meat

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Chow Mein Vegetables with Meat, and Chop Suey Vegetables with Meat

RULE TEXT:

“Chow Mein Vegetables with Meat” and “Chop Suey Vegetables with Meat” shall contain not less than 12 percent meat computed on the weight of the uncooked fresh meat prior to its inclusion with the other ingredients. Mechanically Separated (Species) may be used in accordance with OAR 603-029-1206.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1286

RULE TITLE: Pork with Barbecue Sauce and Beef with Barbecue Sauce

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Pork with Barbecue Sauce and Beef with Barbecue Sauce

RULE TEXT:

“Pork with Barbecue Sauce” and “Beef with Barbecue Sauce” shall consist of not less than 50 percent cooked meat of the species specified on the label. Mechanically Separated (Pork) may be used in accordance with OAR 603-029-1206.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1287

RULE TITLE: Beef with Gravy and Gravy with Beef

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Beef with Gravy and Gravy with Beef

RULE TEXT:

“Beef with Gravy” and “Gravy with Beef” shall not be made with beef which, in the aggregate for each lot contains more than 30 percent trimmable fat, that is, fat which can be removed by thorough, practicable trimming and sorting.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1288

RULE TITLE: Meat Pies

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Meat Pies

RULE TEXT:

Meat pies such as “Beef Pie,” “Veal Pie,” and “Pork Pie” shall contain meat of the species specified on the label, in an amount not less than 25 percent of all ingredients including crust and shall be computed on the basis of the fresh uncooked meat.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1289

RULE TITLE: Margarine or Oleomargarine

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Margarine or Oleomargarine

RULE TEXT:

(1) Margarine or oleomargarine is the food in plastic form or liquid emulsion, containing not less than 80 percent fat determined by the method prescribed under §938.06 (Chapter 33) of the "Indirect Methods" in "Official Methods of Analysis of the Association of Official Analytical Chemists", 15th edition, 1990. The "Official Methods of Analysis of the Association of Official Analytical Chemists," 15th edition, 1990, is incorporated by reference with the approval of the Department. It is produced from one or more of the ingredients designated in subsection (1)(a) of this rule, and one or more of the ingredients designated in subsection (1)(b) of this rule, to which may be added one or more of the optional ingredients designated in section (2) of this rule. Margarine or oleomargarine contains Vitamin A as provided for in subsection (1)(c) of this rule. A copy of the "Official Methods of Analysis of the Association of Official Analytical Chemists," 15th edition, 1990, is on file with the Director, Office of the Federal Register, and may be purchased from the Association of Official Analytical Chemists, Inc., 2200 Wilson Boulevard, Suite 400, Arlington, Virginia 22201.

(a) Edible fats and oils or mixtures of these, whose origin is vegetable or rendered animal fats from cattle, sheep, swine or goats.

(b)(A) Water; milk; milk products including, but not limited to, the liquid, condensed, or dry form of whey, reduced lactose whey, reduced minerals whey, or whey protein concentrate, non-lactose-containing whey components, casein, or caseinate; or other suitable edible protein, including albumin, vegetable proteins, or soy protein isolate; or any mixture of two or more of the articles designated in this subsection, in amounts not greater than reasonably required to accomplish the desired effect.

(B) The articles designated in this subsection shall be pasteurized and then may be subjected to the action of harmless bacterial starters. One or more of the articles designated in this subsection is intimately mixed with the edible fat or oil ingredients, or both, to form a solidified or liquid emulsion.

(c) Vitamin A in such quantity that the finished margarine or oleomargarine contains not less than 15,000 International Units (IU) of Vitamin A per pound or 33,000 IU per kilogram.

(2)(a) Vitamin D in such quantity that the finished margarine or oleomargarine contains not less than 1,500 IU of Vitamin D per pound or 3,300 IU per kilogram.

(b) Salt (sodium chloride); or potassium chloride for dietary margarine or oleomargarine.

(c) Nutritive carbohydrate sweeteners.

(d) Emulsifiers identified in a rule permitting that use in this Division 29, or in 21 CFR Chapter I, Subchapter A or Subchapter B, within these maximum amounts in percent by weight of the finished food: Mono- and diglycerides of fatty acids esterified with any or all of the following acids: acetic, acetyltartaric, citric, lactic, tartaric, and their sodium and calcium salts, 0.5 percent; such mono- and diglycerides in combination with the sodium sulfoacetate derivatives thereof, 0.5 percent; polyglycerol esters of fatty acids, 0.5 percent; 1,2-propylene glycol esters of fatty acids, 2 percent; lecithin, 0.5 percent.

(e) Preservatives identified in a rule permitting that use in this Division 29, or in 21 CFR Chapter I, Subchapter A or Subchapter B, within these maximum amounts in percent by weight of the finished food: Sorbic acid, benzoic acid and their sodium, potassium, and calcium salts, individually, 0.1 percent, or in combination, 0.2 percent, expressed as the acids; calcium disodium EDTA, 0.0075 percent; stearyl citrate, 0.15 percent; isopropyl citrate mixture, 0.02 percent.

(f) Antioxidants identified in a rule permitting that use in this Division 29, or in 21 CFR Chapter I, Subchapter A or Subchapter B, within these maximum amounts in percent by weight of the finished food: propyl, octyl and dodecyl gallates, BHT (butylated hydroxytoluene), BHA (butylated hydroxyanisole), ascorbyl palmitate, ascorbyl stearate, all individually or in combination, 0.02 percent. Instead of these antioxidants, TBHQ (tertiary butylhydroquinone), alone or in combination only with BHT and/or BHA, with a maximum 0.02 percent by weight of the fat and oil content.

(g) Coloring agents identified in a rule permitting that use in this Division 29, or in 21 CFR Parts 73, 74, 81, or 82, in amounts sufficient for purpose.3 For the purpose of this subsection, provitamine A (beta-carotene) shall also be deemed to be a coloring agent. Colored margarine or oleomargarine is also subject to the provisions of section 407 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 347), as reflected in OAR 603-029-1010(8)(x).
(h) Flavoring substances in amounts sufficient for purpose.
(i) Acidulants identified in a rule permitting that use in this Division 29, or in 21 CFR Chapter I, Subchapter A or Subchapter B, in amounts sufficient for purpose: adipic acid; citric and lactic acids and their potassium and sodium salts; phosphoric acid; L-tartaric acid and its sodium and sodium-potassium salts; and hydrochloric acid.
(j) Alkalizers identified in a rule permitting that use in this Division 29, or in 21 CFR Chapter I, Subchapter A or Subchapter B, in amounts sufficient for purpose: potassium bicarbonate, potassium carbonate, sodium bicarbonate, sodium carbonate, and sodium hydroxide.
(k) For the purposes of this rule, the term “milk” unqualified means milk from cows. If any milk other than cow's milk is used in whole or in part, the animal source shall be identified in conjunction with the word “milk” in the ingredient statement.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1290

RULE TITLE: Mixed Fat Shortening

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Mixed Fat Shortening

RULE TEXT:

Shortening prepared with a mixture of meat fats and vegetable oils may be identified either as “Shortening Prepared with Meat Fats and Vegetable Oils” or “Shortening Prepared with Vegetable Oils and Meat Fats” depending on the predominance of the fat and oils used, or the product may be labeled “Shortening” when accompanied by an ingredient statement with ingredients listed in descending order of predominance.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1291

RULE TITLE: Lard, Leaf Lard

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Lard, Leaf Lard

RULE TEXT:

(1) Lard is the fat rendered from clean and sound edible tissues from swine. The tissues may be fresh, frozen, cooked, or prepared by other processes approved by the Department in specific cases, upon its determination that the use of such processes will not result in the adulteration or misbranding of the lard. The tissues shall be reasonably free from blood, and shall not include stomachs, livers, spleens, kidneys, and brains, or settlings and skimmings. “Leaf Lard” is lard prepared from fresh leaf (abdominal) fat.

(2) Lard (when properly labeled) may be hardened by the use of lard stearin or hydrogenated lard or both and may contain refined lard and deodorized lard, but the labels of such lard shall state such facts, as applicable.

(3) Products labeled “Lard” or “Leaf Lard” must have the following identity and quality characteristics to insure good color, odor, and taste of finished product: [Table 1, 603-029-1291]

(4) Product found upon inspection not to have the characteristics specified in section (3) of this rule but found to be otherwise sound and in compliance with section (1) of this rule may be further processed for the purpose of achieving such characteristics.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1292

RULE TITLE: Rendered Animal Fat or Mixture Thereof

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Rendered Animal Fat or Mixture Thereof

RULE TEXT:

“Rendered Animal Fat,” or any mixture of fats containing edible rendered animal fat, shall contain no added water, except that “Puff Pastry Shortening” may contain not more than 10 percent of water.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1293

RULE TITLE: Meat Extract

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Meat Extract

RULE TEXT:

Meat extract (e.g., “Beef Extract”) shall contain not more than 25 percent of moisture.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1294

RULE TITLE: Fluid Extract of Meat

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Fluid Extract of Meat

RULE TEXT:

Fluid extract of meat (e.g., “Fluid Extract of Beef”) shall contain not more than 50 percent of moisture.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1295

RULE TITLE: Deviled Ham, Deviled Tongue, and Similar Products

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Deviled Ham, Deviled Tongue, and Similar Products

RULE TEXT:

(1) “Deviled Ham” is a semiplastic cured meat product made from finely comminuted ham and containing condiments. Mechanically Separated (Species) may be used in accordance with OAR 603-029-1206. Deviled ham may contain added ham fat: Provided, That the total fat content shall not exceed 35 percent of the finished product. The moisture content of deviled ham shall not exceed that of the fresh unprocessed meat.

(2) The moisture content of “Deviled Tongue” and similar products shall not exceed that of the fresh, unprocessed meat.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1296

RULE TITLE: Potted Meat Product and Deviled Meat Product

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Potted Meat Product and Deviled Meat Product

RULE TEXT:

“Potted Meat Product” and “Deviled Meat Product” shall not contain cereal, vegetable flour, nonfat dry milk, or similar substances. The amount of water added to potted meat product and deviled meat product shall be limited to that necessary to replace moisture lost during processing.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1297

RULE TITLE: Ham Spread, Tongue Spread, and Similar Products

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Ham Spread, Tongue Spread, and Similar Products

RULE TEXT:

“Ham Spread,” “Tongue Spread,” and similar products shall contain not less than 50 percent of the meat ingredient named, computed on the weight of the fresh meat. Other meat and fat may be used to give the desired spreading consistency provided it does not detract from the character of the spreads named. Mechanically Separated (Species) may be used in accordance with OAR 603-029-1206.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1298

RULE TITLE: Breaded Products

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Breaded Products

RULE TEXT:

The amount of batter and breading used as a coating for breaded product shall not exceed 30 percent of the weight of the finished breaded product.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1299

RULE TITLE: Liver Meat Products

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Liver Meat Products

RULE TEXT:

Meat products characterized and labeled as liver products such as liver loaf, liver cheese, liver spread, liver mush, liver paste, and liver pudding shall contain not less than 30 percent of pork, beef, sheep, or goat livers computed on the fresh weight of the livers.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.026, ORS 619.036

ADOPT: 603-029-1300

RULE TITLE: Records Required to be Kept

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Records Required to be Kept

RULE TEXT:

(1) Every person (including every firm or corporation) within any of the classes specified in subsection (1) (a), (b), or (c) of this rule is required by Division 29 to keep records which will fully and correctly disclose all transactions involved in their or its business subject to Division 29:

(a) Any person that engages, for commerce, in the business of slaughtering any cattle, sheep, swine, goats, or preparing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any such animals, for use as human food or animal food;

(b) Any person that engages in the business of buying or selling (as a meat broker, wholesaler, or otherwise), or transporting in commerce, or storing in or for commerce, or importing, any carcasses, or parts or products of carcasses, of any such animals;

(c) Any person that engages in business, in or for commerce, as a renderer, or engages in the business of buying, selling, or transporting in commerce, or importing, any dead, dying, disabled, or diseased cattle, sheep, swine, goats, or parts of the carcasses of any such animals that died otherwise than by slaughter.

(2) The required records are:

(a) Records, such as bills of sale, invoices, bills of lading, and receiving and shipping papers, giving the following information with respect to each transaction in which any meat animal or carcass, part thereof, meat or meat product is purchased, sold, shipped, received, transported, or otherwise handled by said person in connection with any business subject to Division 29:

(A) The name or description of the meat animal or article;

(B) The net weight of the meat animal or article;

(C) The number of outside containers (if any);

(D) The name and address of the buyer of the meat animal or article sold by such person, and the name and address of the seller of the meat animals or articles purchased by such person;

(E) The name and address of the consignee or receiver (if other than the buyer);

(F) The method of shipment;

(G) The date of shipment; and

(H) The name and address of the carrier.

(I) In the case of a person belonging to the class specified in subsection (1)(a), and engaged, for commerce, in the business of slaughtering any swine for use as human or animal food, the name and address (including the city and state, or the township, county, and state) of each person from whom the person belonging to the class so specified purchased or otherwise obtained each swine, and the telephone number, if available, of the person from whom the swine were purchased or otherwise obtained, and all serial numbers and other approved means of identification appearing on all test swine selected at antemortem inspection by Department inspectors for residue testing.

(b) Shipper's certificates and permits required to be kept by shippers and carriers of articles under OAR 603-029-1400 to 603-029-1475 of this Division 29.

(c) A record of seal numbers required to be kept by consignees of inedible products shipped under unofficial seals under OAR 603-029-1435(2) or (5), and a record of new consignees of inedible products diverted under OAR 603-029-1435(5).

(d)(A) In the case of raw ground beef products, state-inspected establishments are required to keep records that fully disclose:

(i) The establishment numbers of the establishments supplying the materials used to prepare each lot of raw ground beef product;

(ii) All supplier lot numbers and production dates;
(iii) The names of the supplied materials, including beef components and any materials carried over from one production lot to the next;
(iv) The date and time each lot of raw ground beef product is produced; and
(v) The date and time when grinding equipment and other related food-contact surfaces are cleaned and sanitized.
(B) For the purposes of this rule, a lot is the amount of ground raw beef produced during particular dates and times, following clean up and until the next clean up, during which the same source materials are used.
(e) Guaranties provided by suppliers of packaging materials under OAR 603-029-1024.
(f) Records of canning as required by OAR 603-029-2600 to 603-029-2655.
(g) Records of nutrition labeling as required by OAR 603-029-1026 to 603-029-1060.
(h) Records as required in OAR 603-029-1185(2) and (3).
(i) Records documenting the development, implementation, and maintenance of procedures for the control of the production process using advanced meat/bone separation machinery and meat recovery systems as required by OAR 603-029-1190.
(j) Records of labeling, product formulas, processing procedures, and any additional documentation needed to show that the labels are consistent with the Federal meat and poultry regulations and policies on labeling, as prescribed in OAR 603-029-2000.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1305

RULE TITLE: Place of Maintenance of Records

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Place of Maintenance of Records

RULE TEXT:

(1) Except as provided in section (2) of this rule, any person engaged in any business described in OAR 603-029-1300 and required by this rule to keep records must maintain such records at the place where such business is conducted, except that if such person conducts such business at multiple locations, he may maintain such records at his headquarters' office. When not in actual use, all such records must be kept in a safe place at the prescribed location in accordance with good commercial practices.

(2) Records required to kept under OAR 603-029-1300(2)(d) must be kept at the location where the raw beef was ground.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1310

RULE TITLE: Record Retention Period

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Record Retention Period

RULE TEXT:

(1) Except as provided in sections (2) and (3) of this rule, every record required to be maintained under this rule must be retained for a period of 2 years after December 31 of the year in which the transaction to which the record relates has occurred and for such further period as the Department may require for purposes of any investigation or litigation under Division 29, by written notice to the person required to keep such records under this rule.

(2) Records required to be maintained under OAR 603-029-1300(2)(d) must be retained for one year.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1315

RULE TITLE: Access to and Inspection of Records, Facilities and Inventory; Copying and Sampling

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Access to and Inspection of Records, Facilities and Inventory; Copying and Sampling

RULE TEXT:

Representatives of the Department afforded access to a business specified in OAR 603-029-1300 also must be afforded any necessary facilities (other than reproduction equipment) for the examination and copying of records and for the examination and sampling of inventory.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1320

RULE TITLE: Registration

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Registration

RULE TEXT:

(1) Except as provided in section (3) of this rule, every person that engages in business in or for commerce, as a meat broker, renderer, or animal food manufacturer, or engages in business in commerce as a wholesaler of any carcasses, or parts or products of the carcasses, or any meat animal, whether intended for human food or other purposes, or engages in business as a public warehouseman storing any such articles in or for commerce, or engages in the business of buying, selling, or transporting in commerce, or importing, any dead, dying, disabled, or diseased meat animal, or parts of the carcasses of any such meat animal that died otherwise than by slaughter, shall register with the Department, giving such information as is required, including the name, and the address of each place of business at which, and all trade names under which he conducts such business, by filing with the Department, a form containing such information within 90 days after the effective date hereof or after such later date as he begins to engage in such business if not engaged therein upon said effective date. All information submitted shall be current and correct. The registration form shall be obtained by calling the Department.

(2) Whenever any change is made in the name of, or address of any place of business at which, or any trade name under which a registrant conducts his business, he shall report such change in writing to the Department within 15 days after making the change.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1325

RULE TITLE: Information and Reports Required from State-Inspected Establishment Operators

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Information and Reports Required from State-Inspected Establishment Operators

RULE TEXT:

(1) The operator of each state-inspected establishment shall furnish to Department employees accurate information as to all matters needed by them for making their daily reports of the amount of products prepared or handled in the departments of the establishment to which they are assigned and such reports concerning sanitation, mandatory microbiological testing, and other aspects of the operations of the establishment and the conduct of inspection, as may be required by the Department in special cases.

(2) The operator of each state-inspected establishment shall report quarterly the number of pounds of meat and meat products produced at that establishment. The report shall be made on a form furnished by the Department and shall be submitted to an inspector at the establishment. Each report shall cover a calendar quarter and shall be filed within 15 days after the end of each quarter.

(3) The operator of each state-inspected establishment shall also make such other reports as the Department may from time to time require under Division 29.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1330

RULE TITLE: Reports by Consignees of Allegedly Adulterated or Misbranded Products; Sale or Transportation as Violations

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Reports by Consignees of Allegedly Adulterated or Misbranded Products; Sale or Transportation as Violations

RULE TEXT:
Whenever the consignee of any product which bears an Oregon inspection legend refuses to accept delivery of such product on the grounds that it is adulterated or misbranded, the consignee shall notify the Department of the kind, quantity, source, and present location of the product and the respects in which it is alleged to be adulterated or misbranded, and it will be a violation of Division 29 for any person to sell or transport, or offer for sale or transportation, or receive for transportation, in commerce, any such product which is capable of use as human food and is adulterated or misbranded at the time of such sale, transportation, offer, or receipt: Provided, however, that any such allegedly adulterated or misbranded product may be transported to the official establishment from which it had been transported, in accordance with OAR 603-029-1430.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1400

RULE TITLE: Transactions in Commerce Prohibited Without Official Inspection Legend or Certificate When Required; Exceptions; and Vehicle Sanitation Requirements

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Transactions in Commerce Prohibited Without Official Inspection Legend or Certificate When Required; Exceptions; and Vehicle Sanitation Requirements

RULE TEXT:

(1) No person shall sell, transport, offer for sale or transportation, or receive for transportation, in commerce, any meat or meat product which is capable of use as human food unless the product and its container, if any, bear an official inspection legend as required under OAR 603-029-0900 to 603-029-1060 or such product is exempted from the requirement of inspection under OAR 603-029-0020.

(2) No carrier shall transport or receive for transportation in commerce (including transportation in the course of importation) and no person shall offer for transportation any carcass, or part thereof, meat or meat product until a certificate, if required for such transportation by this rule, is made and furnished to the carrier in one of the forms prescribed in this rule.

(3) No person, engaged in the business of buying, selling, freezing, storing, or transporting, in or for commerce, meat or meat products capable of use as human food shall transport, offer for transportation, or receive for transportation in commerce any such meat or meat product which is capable of use as human food and is not wrapped, packaged, or otherwise enclosed to prevent adulteration by airborne contaminants, unless the railroad car, truck, or other means of conveyance in which the product is contained or transported is completely enclosed with tight fitting doors or other covers for all openings. In all cases, the means of conveyance shall be reasonably free of foreign matter (such as dust, dirt, rust, or other articles or residues), and free of chemical residues, so that product placed therein will not become adulterated. Any cleaning compound, lye, soda solution, or other chemical used in cleaning the means of conveyance must be thoroughly removed from the means of conveyance prior to its use. Such means of conveyance onto which product is loaded, being loaded, or intended to be loaded, shall be subject to inspection by an inspector at any state-inspected establishment. The decision whether or not to inspect a means of conveyance in a specific case, and the type and extent of such inspection shall be at the Department's discretion and shall be adequate to determine if product in such conveyance is, or when moved could become, adulterated. Circumstances of transport that can be reasonably anticipated shall be considered in making said determination. These include, but are not limited to, weather conditions, duration and distance of trip, nature of product covering, and effect of restowage at stops en-route. Any means of conveyance found upon such inspection to be in such condition that product placed therein could become adulterated shall not be used until such condition which could cause adulteration is corrected. Product placed in any means of conveyance that is found by the inspector to be in such condition that the product may have become adulterated shall be removed from the means of conveyance and handled in accordance with OAR 603-029-1105(4).

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1405

RULE TITLE: Parcel Post and Ferries Deemed Carriers

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Parcel Post and Ferries Deemed Carriers

RULE TEXT:

(1) For the purposes of this Division 29, the United States parcel post shall be deemed a carrier, and the provisions of this Division 29 relating to transportation by carrier shall apply, so far as they may be applicable, to transportation by parcel post.

(2) For the purposes of this Division 29, the operator of every ferry shall be deemed a carrier, and the provisions of this Division 29 relating to transportation by carrier shall apply to transportation by ferry of any products loaded on a truck or other vehicle, or otherwise moved by such ferry.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1410

RULE TITLE: Unmarked Inspected Product Transported Under Official Seal Between State-Inspected Establishments for Further Processing; Certificate

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Unmarked Inspected Product Transported Under Official Seal Between State-Inspected Establishments for Further Processing; Certificate

RULE TEXT:

(1) Any product which has been inspected and passed may be transported from one state-inspected establishment to another for further processing without each article being marked with the Oregon inspection legend, if it is so transported in a railroad car, motortruck, or other means of conveyance which is sealed by a Department employee with an official seal of the Department prescribed in OAR 603-029-0625. Unless 25 percent or more of the contents of each car or other means of conveyance consists of product not marked with the inspection legend, transportation will not be permitted under this section.

(2)(a) When articles are offered for transportation under section (1) of this rule, the initial carrier shall require, and the shipper shall make in duplicate and deliver to the carrier, one copy of a certificate in the following form: [Form 603-029-1410]

(b) When paunches are offered for transportation under this section, the initial carrier shall require, and the shipper shall make in duplicate and deliver to the carrier, one copy of a certificate in duplicate in the form set out in OAR 603-029-1410(2), appropriately modified. Certificates in this form or copies thereof need not be forwarded to the Department, but the original of the certificate shall be retained by the carrier and a copy shall be retained by the shipper in accordance with OAR 603-029-1300 to 603-029-1330. If the shipper is also the carrier, he shall nevertheless execute and retain the certificate in accordance with OAR 603-029-1300 to 603-029-1330.

(3) The signature of the shipper or his agent shall be written in full. This certificate may be stamped upon or incorporated in any form ordinarily used in the transportation of product. Certificates in this form or copies thereof need not be forwarded to the Department. The original of the certificate required by this rule shall be retained by the carrier and a copy shall be retained by the shipper in accordance with OAR 603-029-1300 to 603-029-1330. If the shipper is also the carrier, he shall nevertheless execute and retain the certificate in accordance with OAR 603-029-1300 to 603-029-1330.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1415

RULE TITLE: Shipment of Paunches Between State-Inspected Establishments Under Official Seal; Certificate

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Shipment of Paunches Between State-Inspected Establishments Under Official Seal; Certificate

RULE TEXT:

Cattle and sheep paunches which have been made clean and from which the mucous membrane has not been removed may be transported from one state-inspected establishment to another state-inspected establishment for further processing, only under an official seal of the Department as prescribed in OAR 603-029-0625(1).

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1420

RULE TITLE: Shipment of Products Requiring Special Supervision Between State-Inspected Establishments Under Official Seal; Certificate

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Shipment of Products Requiring Special Supervision Between State-Inspected Establishments Under Official Seal; Certificate

RULE TEXT:

(1) Products passed for cooking, and beef that is to be refrigerated to destroy cysticerci, may be shipped loose from one state-inspected establishment to any other state-inspected establishment, for further handling in accordance with OAR 603-029-1100 to 603-029-1190, in railroad cars, trucks, or other means of conveyance sealed with the official seal of the Department as prescribed in OAR 603-029-1455: Provided, That in the case of railroad cars, the receiving establishment has railroad facilities for unloading the products directly into the establishment.

(2) When such restricted product is shipped from one state-inspected establishment to another state-inspected establishment in the same railroad car or other means of conveyance with other product, such restricted product shall be packed in individual closed containers as hereinafter provided. Containers shall be sealed by firmly applying a pressure sensitive tape around each container in two directions and stamping the intersection of the tape with the marking device described in OAR 603-029-0610(1) for use on burlap, muslin, etc. (2 12 inch rubber brand). Such tape must possess the adhesive property to actually remove a portion of the container surface when the tape is removed. Alternatively, an inelastic, nonmetallic strap which will retain a legible imprint of the marking device (2 12 -inch rubber brand) may be used. The imprint of the marking device shall be placed partially on the strap and partially on the container. Such restricted product shall be marked “Oregon passed for cooking” or “pork product __ °F. __days refrigeration” or “beef passed for refrigeration,” as the case may be. In addition, an “Oregon retained” tag shall be securely affixed to each container of product passed for cooking and of beef passed for refrigeration. The means of conveyance shall not be sealed unless at least 25 percent of the other product in the vehicle is unmarked. For each consignment there shall be promptly issued and forwarded by the inspector to the supervisor at destination, a report on the form entitled “Notice of Unmarked Meats Shipped in Sealed Cars,” appropriately modified to show the character of the containers, and that the contents are restricted. A duplicate copy shall be retained in the Department files.

(3) When products are offered for transportation under this rule, the initial carrier shall require and the shipper shall make in duplicate and deliver to the carrier one copy of a certificate in the form set out in OAR 603-029-1410(2). Certificates in this form or copies thereof need not be forwarded to the Department, but the original of the certificate shall be retained by the carrier and a copy shall be retained by the shipper in accordance with OAR 603-029-1300 to 603-029-1330. If the shipper is also the carrier, he shall nevertheless execute and retain the certificate in accordance with OAR 603-029-1300 to 603-029-1330.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1425

RULE TITLE: Transportation and Other Transactions Concerning Certain Undenatured Lungs or Lung Lobes From State-Inspected Establishments or in Commerce; Provisions and Restrictions

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Transportation and Other Transactions Concerning Certain Undenatured Lungs or Lung Lobes From State-Inspected Establishments or in Commerce; Provisions and Restrictions

RULE TEXT:

(1) Lungs or lung lobes, other than those condemned under OAR 603-029-0470(2), that are prepared at any state-inspected establishment, may be sold, transported, offered for sale or transportation, or received for transportation from the establishment, in commerce or otherwise, without denaturing as prescribed in OAR 603-029-0800 or OAR 603-029-0810: Provided:

(a) The lungs or lung lobes are sold, transported, or offered for sale or transportation to, or received for transportation by: An animal food processing establishment for use in manufacturing animal food; a zoo, mink farm, or other establishment for use as animal food without further processing; a warehouse in the United States for storage and subsequent movement to such a manufacturer or establishment in the United States, or from one warehouse to another for the account of and subsequent movement to such a manufacturer or establishment, or for export, for nonhuman food purposes.

(b) The boxes or other containers used for shipping the undenatured lungs or lung lobes are closed with nylon filament tape, metallic on nonmetallic straps, round wire, or other similar materials that securely effect closure of such containers, and the containers are permanently identified in at least 2-inch (5 cm) high lettering with the statement "(Species) Lungs—Not Intended for Human Food." In lieu of securely closing the immediate container with any of the above materials, a 1-inch (2.5 cm) wide bright orange band, imprinted around the length and width of the container may be used.

(c) The name and place of business of the packer or distributor shall be shown on the immediate container of the product. In addition, the country of origin shall be shown on the immediate container of imported lungs or lung lobes.

(2) Lungs or lung lobes, other than those condemned under a State law or rule at least equal to OAR 603-029-0470(2), that are prepared at any state-inspected establishment may be sold, transported, offered for sale, or transportation or received for transportation from that establishment, in commerce, without denaturing as prescribed under 21 USC 641, provided the State law or rules permit such disposition and provided there is compliance with the provisions of section (a) of this rule.

(3) All such lungs or lung lobes, if intended for animal food, are subject to the Federal Food, Drug, and Cosmetic Act.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1430

RULE TITLE: Handling of Products Which may Have Become Adulterated or Misbranded; Authorization and Other Requirements

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Handling of Products Which may Have Become Adulterated or Misbranded; Authorization and Other Requirements

RULE TEXT:

(1) When it is claimed that any inspected and passed product, marked with an Oregon inspection legend, has become adulterated or misbranded after it has been transported from a state-inspected establishment, such product may be transported in commerce to a state-inspected establishment after oral permission is obtained from a Department supervisor. The transportation of the product may be to the state-inspected establishment from which it had been transported or to another state-inspected establishment designated by the person desiring to handle the product. The transportation shall be authorized only for the purpose of officially determining if the product has become adulterated or misbranded and making the appropriate disposition. The supervisor shall make a record of the authorization and such other information which will effectively identify the shipment and shall provide a copy of the record to the inspector at the establishment receiving the product. The shipper shall be furnished a copy of the authorization record upon request.

(2) Upon the arrival of the shipment at the state-inspected establishment, a careful inspection shall be made of the product by a Department inspector, and if it is found that the article is not adulterated, the same may be received into the establishment; but if the article is found to be adulterated, it shall at once be stamped “Oregon inspected and condemned” and disposed of in accordance with OAR 603-029-0800 to 603-029-0850, and if it is found to be misbranded, it shall be handled in accordance with OAR 603-029-1105(4): Provided, That when a product is found to be affected with one of the correctable conditions specified in OAR 603-029-1105(4), in respect to which rehandling is permitted, it may be transported from the state-inspected establishment to another state-inspected establishment for such rehandling as is necessary to assure that the product is not adulterated or misbranded when finally released. The transportation of such a product from a state-inspected establishment shall be done in a manner prescribed in each specific case by the Department.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1435

RULE TITLE: Inedible Articles: Denaturing and Other Means of Identification; Exceptions

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Inedible Articles: Denaturing and Other Means of Identification; Exceptions

RULE TEXT:

(1) Except as provided in OAR 603-029-1425 and OAR 603-029-1430, no carcass, part of a carcass, rendered grease, tallow, or other fat derived from the carcasses of meat animals, or other meat product, that has not been inspected and passed at a state-inspected establishment under the provisions of this part and is not exempted from such inspection, and no carcass, part of a carcass, fat or other meat product that is adulterated or misbranded, shall be offered for transportation in commerce by any person unless it is handled in accordance with section (2), (3), (4), or (5) of this rule or is denatured or otherwise identified as prescribed in OAR 603-029-1440, OAR 603-029-0800, OAR 603-029-0810, OAR 603-029-0840 to 603-029-0850.

(2) Inedible rendered animal fats from state-inspected or other establishments in the United States having the physical characteristics of a meat product fit for human food may be transported in commerce without denaturing, if the following conditions are met:

(a) Such inedible rendered fat shall not be bought, sold, transported, or offered for sale or offered for transportation in commerce in Oregon, or imported, except by rendering companies, dealers, brokers, or others who obtain a license for such activities from the Department.

(b) Such inedible rendered animal fat may be so distributed only if consigned to a domestic manufacturer of technical articles other than for human food or to an export terminal for exportation or storage for exportation as an inedible article, and provided, in the case of such fat consigned to a domestic manufacturer, the product is for use solely by the consignee for manufacturing purposes of nonhuman food articles and may not be further sold or shipped without first receiving approval of the Department: And provided further, That such fat intended for export and stored at a terminal point prior to export will be subject to review by FSIS to assure that it is exported as inedible.

(c) When transported in commerce in Oregon, or imported, such inedible rendered fat shall be marked conspicuously with the words “technical animal fat not intended for human food” on the ends of the shipping containers, in letters not less than 2 inches high; in the case of shipping containers such as drums, tierces, barrels, and half barrels, and not less than 4 inches high in the case of tank cars and trucks. All shipping containers shall have both ends painted with a durable paint, if necessary, to provide a contrasting background for the required marking.

(d) Such inedible rendered fat shall be transported only in sealed shipping containers bearing unofficial seals applied by the shipper, which shall include the identification number assigned by said Director for the permit holder. The number shall appear on the bill of lading or other transportation documents for the shipment. The consignees in the United States must retain the seals in their records as prescribed in OAR 603-029-1300 to 603-029-1330.

(e) Any diversion or effort to divert inedible rendered fat contrary to the provisions of this section (b) or other violation of the provisions of this rule may result in the revocation of the permit for shipment of technical animal fat at the discretion of the Department.

(3) Inedible rendered animal fat derived from condemned or other inedible materials at state-inspected or other establishments in the United States may be transported in commerce in Oregon if mixed with low grade offal or other materials which render the fat readily distinguishable from an article of human food, and if the outside container bears the word “inedible.”

(4)(a) Except as provided in subsections (4)(b), (c), and (d) of this rule, or in OAR 603-029-0845 and 603-029-0850, no animal food prepared, in whole or in part, from materials derived from the carcasses of meat animals in a state-inspected establishment or elsewhere, shall be bought, sold, transported, offered for sale or transportation, or received for transportation, in commerce in Oregon, or imported, unless:

(A) It is properly identified as animal food;

(B) It is not represented as being a human food; and

(C) It has been denatured as prescribed in OAR 603-029-1440(1)(b) so as to be readily distinguishable from an article of human food.
(b) Notwithstanding the provisions of subsection (4)(a) of this rule, an animal food that consists of less than 5 percent of parts or products of the carcasses of meat animals and that is not represented by labeling or appearance or otherwise as being a human food or as a product of the meat industry need not be denatured in accordance with OAR 603-029-1440(1)(b).
(c) Notwithstanding the provisions of subsection (4)(a) of this rule, animal food packed in hermetically sealed, retort processed, conventional retail-size containers, and retail-size packages of semi-moist animal food need not be denatured in accordance with OAR 603-029-1440(1)(b) if the name of the article clearly conveys the article's intended use for animal food and appears on the label in a conspicuous manner.
(A) Except as provided in paragraph (4)(c)(C), the name of the article must be stated on the label as “Animal Food,” “Pet Food,” or “(name of species) Food” (e.g., “Dog Food” or “Cat Food”). To be considered conspicuous, the name of the article, wherever it appears on the label, must be in letters at least twice as high, wide, and thick as the letters indicating the presence in the article of any ingredients derived from the carcasses of meat animals.
(B) Notwithstanding the provisions of paragraph (4)(c)(A), the article's name may be stated on the label to show that it is or contains meat animal-source material and that the article is for animals; e.g., “(species)meat for Pets” or “Beef Stew for Dogs”: Provided, That the entire name of the article is stated, wherever it appears on the label, as an individual, contiguous unit, whether stated on a single line or more than one line, and the letters denoting the article's intended use for animal food are at least as high, wide, and thick as the letters indicating the presence of material derived from any meat animal carcass. However, when the label bears on its principal display panel a vignette which pictures, in clearly recognizable form and size, one or more animals of the species for which the article's name indicates the article is intended, the letters used to state the article's intended use shall be at least one-half as high, wide, and thick as the letters used in the article's name or other letters indicating the presence of material derived from any meat animal carcass, but shall not be less than 18 inches high. The letters used to state the article's intended use may be separated from the article's name by the vignette.
(C) Letters used to denote the intended use of the article must contrast as markedly with their background as the letters indicating the presence in the article of meat animal carcass-source material contrast with their background.
(d) The requirements of this rule do not apply to meat animals or poultry feeds manufactured from processed meat animal byproducts (such as meat meal tankage, meat and bone meal, blood meal, and feed grade animal fat), or to processed dry animal food.
(5) Except for inedible rendered animal fats and lungs or lung lobes, inedible products (including condemned products only if condemned for causes specified in OAR 603-029-0850) which were prepared at any state-inspected establishment, CIS establishment, or official federal establishment, and which have the physical characteristics of a product fit for human food, may be transported from a state-inspected establishment or in commerce, without denaturing as required by this part, if the following conditions are met:
(a) The shipper must have obtained a numbered permit for such activity from the Department. Such permit may be obtained upon written application to the Department and the determination that the proposed transportation would be authorized under this section (5). The application shall state the name and address of the applicant, a description of the type of his business operations, and the purpose of making such application.
(b) Such inedible products may be transported under this section (5) only if consigned to a manufacturer in the United States of articles other than for human food and if the product is for use solely by the consignee for manufacturing articles not for human food. Such products may not be transported in commerce to any consignee other than the one to which they were originally shipped unless prior notice of the diversion is given to the appropriate Regional Director and a record identifying the new consignee is maintained by the shipper as required by OAR 603-029-1300.
(c) When transported from a state-inspected establishment or in commerce under this section (5), the outside container of such inedible products shall be marked conspicuously with the words “Inedible—Not Intended for Human Food” in letters not less than 2 inches high, in the case of containers, such as cartons, drums, tierces, barrels, and half barrels, and

not less than 4 inches high in the case of tank cars and trucks used to transport such products not in other containers.
(d) Such inedible products shall be transported from an state-inspected establishment or in commerce under this section (5) only in railroad cars, trucks, or containers which bear unofficial seals applied by the shipper, which shall include the identification number assigned to the permit holder and an individual seal serial number assigned by the shipper; and the product so transported shall be accompanied by an invoice or bill of lading specifying the permit holder's identification number. The consignee in the United States must retain a record of the identification and serial numbers shown on the seals in his records as prescribed in OAR 603-029-1300 to 603-029-1330.
(e) Any diversion, or effort to divert, undenatured, inedible product contrary to the provisions of this section (5) or other violation of the provisions of this rule may result in the revocation of the permit for shipment of inedible products under this section (5), at the discretion of the Department.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1440

RULE TITLE: Denaturing Procedures

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Denaturing Procedures

RULE TEXT:

Carcasses, parts thereof, meat and meat products (other than rendered animal fats) that have been treated in accordance with the provisions of this section shall be considered denatured for the purposes of the rules in this rule, except as otherwise provided in OAR 603-029-0800 to 603-029-0850 for articles condemned at state-inspected establishments.

(1) The following agents are prescribed for denaturing carcasses, parts thereof, meat or meat products which are affected with any condition that would result in their condemnation and disposal under OAR 603-029-0800 to 603-029-0850 if they were at a state-inspected establishment: Crude carbolic acid; cresylic disinfectant; a formula consisting of 1 part FD&C green No. 3 coloring, 40 parts water, 40 parts liquid detergent, and 40 parts oil of citronella, or other proprietary substance approved by the Department in specific cases.

Information as to approval of any proprietary denaturing substance may be obtained from the Technical Services, Meat and Poultry Inspection, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

(2) Except as provided in subsections (1)(c), (d), and (e) of this rule, the following agents are prescribed for denaturing other carcasses, parts thereof, meat and meat products, for which denaturing is required by this rule: FD&C green No. 3 coloring; FD&C blue No. 1 coloring; FD&C blue No. 2 coloring; finely powdered charcoal; or other proprietary substance approved by the Department in specific cases.

(3) Tripe may be denatured by dipping it in a 6 percent solution of tannic acid for 1 minute followed by immersion in a water bath, then immersing it for 1 minute in a solution of 0.022 percent FD&C yellow No. 5 coloring;

(4) Meat may be denatured by dipping it in a solution of 0.0625 percent tannic acid, followed by immersion in a water bath, then dipping it in a solution of 0.0625 percent ferric acid; and

(5) When meat, meat byproducts, or meat products are in ground form, 4 percent by weight of coarsely ground hard bone, which shall be in pieces no smaller than the opening size specified for No. 5 mesh in the standards issued by the U.S. Bureau of Standards or 6 percent by weight of coarsely ground hard bone, which shall be in pieces no smaller than the opening size specified for No. 8 mesh in said Standards, uniformly incorporated with the product may be used in lieu of the agents prescribed in subsection (1)(b) of this rule.

(6) Before the denaturing agents are applied to articles in pieces more than 4 inches in diameter, the pieces shall be freely slashed or sectioned. (If the articles are in pieces not more than 4 inches in diameter, slashing or sectioning will not be necessary.) The application of any of the denaturing agents listed in subsection (1)(a) or (b) of this rule to the outer surface of molds or blocks of boneless meat, meat byproducts, or meat products shall not be adequate. The denaturing agent must be mixed intimately with all of the material to be denatured, and must be applied in such quantity and manner that it cannot easily and readily be removed by washing or soaking. A sufficient amount of the appropriate agent shall be used to give the material a distinctive color, odor, or taste so that such material cannot be confused with an article of human food.

(7) Carcasses (other than viscera), parts thereof, cuts of meat, and unground pieces of meat darkened by charcoal or other black dyes shall be deemed to be denatured pursuant to this rule only if they contain at least that degree of darkness depicted by diagram 1 of the Meat Denaturing Guide (MP Form 91).1

1.Copies of MP Form 91 may be obtained, without charge, by writing to the Administrative Operations Branch, Food Safety and Inspection Service, U.S. Department of Agriculture, 123 East Grant Street, Minneapolis, Minnesota 55403. Diagrams 2 and 3 of the Meat Denaturing Guide are for comparison purposes only. The Meat Denaturing Guide has

been approved for incorporation by reference by the Director, Office of the Federal Register, and is on file at the Federal Register library.

(8) Inedible rendered animal fats shall be denatured by thoroughly mixing therein denaturing oil, No. 2 fuel oil, brucine dissolved in a mixture of alcohol and pine oil or oil of rosemary, finely powdered charcoal, or any proprietary denaturing agent approved for the purpose by the Department in specific cases. The charcoal shall be used in no less quantity than 100 parts per million and shall be of such character that it will remain suspended indefinitely in the liquid fat. Sufficient of the chosen identifying agents shall be used to give the rendered fat so distinctive a color, odor, or taste that it cannot be confused with an article of human food.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1445

RULE TITLE: Certificates, Retention by Carrier

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Certificates, Retention by Carrier

RULE TEXT:

All original certificates delivered to a carrier in accordance with this rule shall be filed separate and apart from all its other papers and records or identified in such a manner as to be readily checked by Department employees. Every certificate required to be maintained under this rule shall be retained for a period of 2 years after December 31 of the year in which the transaction has occurred.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1450

RULE TITLE: Evidence of Proper Certification Required on Waybills; Transfer Bills, etc., for Shipment by Connecting Carrier; Forms of Statement

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Evidence of Proper Certification Required on Waybills; Transfer Bills, etc., for Shipment by Connecting Carrier; Forms of Statement

RULE TEXT:
All waybills, transfer bills, running slips, conductor's cards, or other papers accompanying a shipment in commerce of any product shall have embodied therein, stamped thereon, or attached thereto a signed statement which shall be evidence to connecting carriers that the proper shipper's certificate, as required by OAR 603-029-1410, OAR 603-029-1415, or OAR 603-029-1420, is on file with the initial carrier. No connecting carrier shall receive for transportation or transport in commerce any product unless the waybill, transfer bill, running slip, conductor's card, or other papers accompanying the same includes the signed statement in the following form: [Form 603-029-1450]

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1455

RULE TITLE: Official Seals; Forms, Use, and Breaking

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Official Seals; Forms, Use, and Breaking

RULE TEXT:

(1) The official seals required by this rule shall be those prescribed in OAR 603-029-0625.

(2) Except as provided in OAR 603-029-1465(2), official seal affixed under this rule shall be affixed or broken only by Department employees, and no person other than a Department employee shall affix, detach, break, change, or tamper with any such seal in any way whatever. Commission of any such acts contrary to this rule is a criminal offense.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1460

RULE TITLE: Loading or Unloading Products in Sealed Railroad Cars, Trucks, etc., En Route Prohibited; Exception

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Loading or Unloading Products in Sealed Railroad Cars, Trucks, etc., En Route Prohibited; Exception

RULE TEXT:

Unloading any product from an officially sealed railroad car, truck, or other means of conveyance containing any unmarked product or loading any product or any other commodity in the means of conveyance while en-route from one state-inspected establishment to another state-inspected establishment is not permitted, except that product transported under OAR 603-029-1410 from one state-inspected establishment to another for further processing may be unloaded and stored in transit at an approved warehouse provided that the product is transported to and from such warehouse, and under official seal as provided in OAR 603-029-1410 and stored in such rooms at such warehouse.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1465

RULE TITLE: Diverting of Shipments, Breaking of Seals, and Reloading by Carrier in Emergency; Reporting to the Department

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Diverting of Shipments, Breaking of Seals, and Reloading by Carrier in Emergency; Reporting to the Department

RULE TEXT:

(1) Shipments of inspected and passed product that bear the Oregon inspection legend may be diverted from the original destination without a reinspection of the articles, provided the waybills, transfer bills, running slips, conductor's card, or other papers accompanying the shipments are marked, stamped, or have attached thereto signed statements in accordance with OAR 603-029-1450.

(2) In case of wreck or similar extraordinary emergency, the Department seals on a railroad car or other means of conveyance containing any inspected and passed product may be broken by the carrier, and if necessary, the articles may be reloaded into another means of conveyance, or the shipment may be diverted from the original destination, without another shipper's certificate; but in all such cases the carrier shall immediately report the facts by telephone or email to the Department . Such report shall include the following information:

(a) Nature of the emergency.

(b) Place where seals were broken.

(c) Original points of shipment and destination.

(d) Number and initial of the original car or truck.

(e) Number and initials of the car or truck into which the articles are reloaded.

(f) New destination of the shipment.

(g) Kind and amount of articles.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1470

RULE TITLE: Provisions Inapplicable to Specimens for Laboratory Examination, etc., or to Naturally Inedible Articles

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Provisions Inapplicable to Specimens for Laboratory Examination, etc., or to Naturally Inedible Articles

RULE TEXT:

The provisions of this rule do not apply:

(1) To specimens of product sent to or by the Department of Agriculture or divisions thereof in Washington, DC, or elsewhere, for laboratory examination, exhibition purposes, or other official use;

(2) To material released for educational, research and other nonfood purposes, as prescribed in OAR 603-029-0840;

(3) To glands and organs for use in preparing pharmaceutical, organotherapeutic, or technical products and not used for human food, as described in OAR 603-029-1100(7);

(4) To material or specimens of product for laboratory examination, research, or other nonhuman food purposes, when authorized by the Department, and under conditions prescribed by it in specific cases; and

(5) To articles that are naturally inedible by humans, such as hoofs, horns, and hides in their natural state.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1475

RULE TITLE: Transportation and Other Transactions Concerning Dead, Dying, Disabled, or Diseased Meat Animals, and Parts of Carcasses of Meat Animals that Died Otherwise than by Slaughter

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Transportation and Other Transactions Concerning Dead, Dying, Disabled, or Diseased Meat Animals, and Parts of Carcasses of Meat Animals that Died Otherwise than by Slaughter

RULE TEXT:

No person engaged in the business of buying, selling, or transporting in commerce in Oregon any dead, dying, disabled or diseased animals or parts of the carcasses of any animals that died otherwise than by slaughter shall:

(1) Buy, sell, transport, or offer for sale or transportation, in commerce in Oregon any dead meat animal if its hide or skin has been removed;

(2) Sell, transport, offer for sale or transportation, or receive for transportation, in commerce in Oregon, any dead, dying, disabled, or diseased meat animal, or parts of the carcasses of any meat animal that died otherwise than by slaughter, unless such meat animal and parts are consigned and delivered, without avoidable delay, to animal food processing establishments, renderers, or collection stations that are registered as required by OAR 603-029-1300 to 603-029-1330, or to state-inspected establishments that operate under Federal inspection, or to establishments that operate under a State or Territorial inspection system approved by the Secretary as one that imposes requirements at least equal to the Federal requirements for purposes of paragraph 301(c) of the Act;4

A list of such registrants, States, and amendments thereof, will be published in the Federal Register, and information concerning the registration status of particular animal food processing establishments, renderers, or collection stations, or the status of particular States or Territories may also be obtained from the Director, Administrative Management Staff, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

(3) Buy any dead, dying, disabled, or diseased meat animal or parts of the carcasses of any meat animal that died otherwise than by slaughter, unless the person is an animal food processing establishment or renderer and is registered as required by OAR 603-029-1300 to 603-029-1330, or is the operator of an establishment inspected as required by section (2) of this rule and such meat animal or parts of carcasses are to be delivered to establishments eligible to receive them under section (2) of this rule;

(4) Unload en route to any establishment eligible to receive them under section (2) of this rule, any dead, dying, disabled, or diseased meat animal or parts of the carcasses of any meat animal that died otherwise than by slaughter, which are transported in commerce in Oregon by any such person: Provided, That any such dead, dying, disabled, or diseased meat animal, or parts of carcasses may be unloaded from a means of conveyance en route where necessary in case of a wreck or otherwise extraordinary emergency, and may be reloaded into another means of conveyance; but in all such cases, the carrier shall immediately report the facts by telephone to the Department.

(5) Load into any means of conveyance containing any dead, dying, disabled, or diseased meat animal, or parts of the carcasses of any meat animal that died otherwise than by slaughter, while in the course of transportation in commerce in Oregon of any meat animal or parts of carcasses not within the foregoing description or any other products or other commodities.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1480

RULE TITLE: Means of Conveyance in Which Dead, Dying, Disabled, or Diseased Meat Animal and Parts of Carcasses Thereof Shall be Transported

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Means of Conveyance in Which Dead, Dying, Disabled, or Diseased Meat Animal and Parts of Carcasses Thereof Shall be Transported

RULE TEXT:
All vehicles and other means of conveyance used by persons subject to OAR 603-029-1475 for transporting in commerce in Oregon any dead, dying, disabled, or diseased meat animal or parts of carcasses of meat animal that died otherwise than by slaughter shall be leak-proof and so constructed and equipped as to permit thorough cleaning and sanitizing. The means of conveyance so used in conveying such meat animal, or parts thereof, shall be cleaned and disinfected prior to use in the transportation of any product intended for use as human food. The cleaning procedure shall include the complete removal from the means of conveyance of any fluid, parts, or product of such dead, dying, disabled, or diseased meat animals and the thorough application of a disinfectant to the interior surfaces of the cargo space. Substances permitted for such use are:
(1) “Liquified phenol” (U.S.P. strength 87 percent phenol) in the proportion of at least 6 fluid ounces to 1 gallon of water.
(2) “Cresylic disinfectant” in the proportion of not less than 4 fluid ounces to 1 gallon of water; and such other disinfectants as are approved by the Department in specific cases. The use of “cresylic disinfectant” is permitted subject to the conditions prescribed in 9 CFR 71.10(b).

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1500

RULE TITLE: Opportunity for Presentation of Views Before Report of Criminal Violations

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Opportunity for Presentation of Views Before Report of Criminal Violations

RULE TEXT:

(1) Except as provided in subsections (1)(a) through (e) of this rule, before the Department refers any violation of ORS chapter 603 or 619, or rules adopted thereunder, for criminal prosecution, the Department must give reasonable notice to the suspected violator that the Department intends to refer the violation for prosecution and give the suspected violator an opportunity to present the violator's views to the Department with respect to such proceeding.

(a) Notice and opportunity need not be provided if the Department has any reason to believe that providing such notice and opportunity could result in the alteration or destruction of evidence, or where disclosure could result in injury to persons or property.

(b) Notice and opportunity need not be provided if the Department has any reason to believe that providing such notice and opportunity could result in flight of a suspected violator to avoid prosecution.

(c) Notice and opportunity need not be provided if the Department has any reason to believe that providing such notice and opportunity could result in compromising special investigative techniques, such as undercover or other covert operations.

(d) Notice and opportunity need not be provided when the impending criminal referral involves suspicion of bribery and related offenses, or clandestine slaughtering and/or processing operations.

(e) Notice and opportunity need not be provided when the impending referral is part of an investigation involving violations of law other than ORS chapter 603 or 619, or rules adopted thereunder, and the multiple types of violations are jointly referred for prosecution.

(2) A notice of opportunity to present views will be sent by registered or certified mail, summarize the violations that constitute the basis of the contemplated prosecution, and describe the procedures for presentation of views. Any information given by a respondent, orally or in writing, shall become part of the Department's official record concerning the matter. The Department is under no obligation to disclose evidence to the suspected violator.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1505

RULE TITLE: Seizure, Embargo, and Detainment

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Seizure, Embargo, and Detainment

RULE TEXT:

(1) Any meat, meat product, or dead, dying, disabled, or diseased meat animal is subject to seizure, embargo, or detainment as provided in ORS 561.605 to 561.630 and this rule if:

(a) It is adulterated, misbranded, or unwholesome and is capable of use as human food; or

(b) It is in any other way in violation of ORS 619.026 to 619.066, or any rule adopted thereunder.

(2) The Department shall affix a tag or notice to the meat, meat product, or meat animal being seized, embargoed, or detained that states “Oregon Seized,” “Oregon Embargoed,” or “Oregon Detained,” as applicable. The Department shall also affix a notice to the meat, meat product, or meat animal being seized, embargoed, or detained that warns all persons that the meat, meat product, or meat animal may not be removed from the place at which it is being held without written permission from the Department.

(3) No person shall remove or deface any notice placed upon meat, meat products, or meat animals seized, embargoed, or detained by the Department, or move them from the place designated in the notice without written permission from the Department.

(4) When meat, a meat product, or a meat animal is seized, embargoed, or detained, the Department shall:

(a) Orally notify the immediate custodian of the meat, meat product, or meat animal; and

(b) Promptly furnish a Notice of Seizure, Notice of Embargo, or Notice of Detainment to the immediate custodian of the meat, meat product, or meat animal; or, if the owner of the meat, meat product, or meat animal is not the immediate custodian at the time of seizure, embargo, or detainment, and the owner or owner’s agent can be ascertained and notified, the Department shall furnish a copy of the Notice of Detainment, Notice of Seizure, or Notice of Embargo to the owner or owner’s agent as soon as possible by personally serving such notice or by mailing it via certified mail to the owner or owner’s agent’s last known residence or principal office or place of business.

(5) Within the first 48 hours after the seizure, embargo, or detainment of any meat, meat product, or meat animal under this rule, the Department shall give oral or written notification of such seizure, embargo, or detainment to the FSIS and any state or other governmental authorities having jurisdiction over such meat, meat product, or meat animal.

(6) The provisions of this rule relating to seizure, condemnation, and detainment of meat, meat products, or meat animals do not derogate from authority for condemnation or seizure conferred by other provisions of law.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1510

RULE TITLE: Hearing Request Regarding Seizure, Embargo, or Detainment

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Hearing Request Regarding Seizure, Embargo, or Detainment

RULE TEXT:

(1) A request for a hearing on the propriety of seizure, embargo, or detainment and related matters must be filed with the Department in writing within 10 days of receiving actual notice of such action. The request may be filed either by the owner or the person in possession, but the time limited for filing such request is to be computed from the time the required notice is first received by either of such persons. When the Department receives a request for a hearing, it shall designate the time and place of hearing.

(2) The hearing shall not be held sooner than 10 days after the request for a hearing has been received by the Department. However, if the subject matter of the Department's action is perishable goods, or if, in the opinion of the Department, other good and sufficient reason appears, the hearing may, at the request of the owner or person in possession of such goods, be held at an earlier date.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1515

RULE TITLE: Conduct of Hearing Regarding Seizure, Embargo, or Detainment; Action by Department Following Hearing

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Conduct of Hearing Regarding Seizure, Embargo, or Detainment; Action by Department Following Hearing

RULE TEXT:

(1) A hearing regarding a seizure, embargo, or detainment shall be conducted by an administrative law judge assigned from the Office of Administrative Hearings established under ORS 183.605. The hearing shall be conducted pursuant to the procedures for contested cases under ORS chapter 183 and OAR chapter 137, division 3.

(2) If it appears that the meat, meat product, or meat animal is not being stored, sold, kept, offered, or exposed for sale in violation of law, it shall be released to the owner or person in possession. If it appears that all or part of the meat, meat product, or meat animal may be reconditioned or relabeled or segregated in such a way as to comply with state laws, the owner or person in possession may cause it to be reconditioned, relabeled, or segregated at the owner's or person's own expense, after which the Department shall release it. If it appears that all or a part of the meat, meat product, or meat animal may not be reconditioned, relabeled or segregated in such a way as to comply with state laws, that portion which may not be so treated shall be destroyed, unless the owner or person in possession executes and delivers to the Department a good and sufficient bond to the effect that the meat, meat product, or meat animal shall not be sold, disposed of or used contrary to the laws of Oregon and the rules, regulations or orders thereunder promulgated. If any meat, meat product, or meat animal is found to be unfit for human consumption but suitable for animal feeding, it may be used for animal feeding as permitted by the Department.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1520

RULE TITLE: Department's Voluntary Termination of Seizure, Embargo, or Detainment

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Department's Voluntary Termination of Seizure, Embargo, or Detainment

RULE TEXT:

(1) If the Department voluntarily terminates a seizure, embargo, or detainment, the Department shall:

(a) Orally notify the immediate custodian of the meat, meat product, or meat animal; and

(b) Furnish copies of a Notice of Termination of Seizure, Notice of Termination of Embargo, Notice of Termination of Detainment, or Disposition by Agreement, to the persons notified when the meat, meat product, or meat animal was seized, embargoed, or detained. The notice shall be personally served or shall be mailed via certified mail to such persons at their last known residence or principal office or place of business.

(2) If the Department voluntarily terminates a seizure, embargo, or detainment, the Department may require all official marks to be removed from the meat, meat product, or meat animal before it is released, unless the meat, meat product, or meat animal is eligible to retain such marks.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1525

RULE TITLE: Action by Department When Hearing Regarding Seizure, Embargo, or Detainment Not Timely Requested, or When Person in Possession Does Not Timely Comply with Department's Order or Perfect an Appeal

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Action by Department When Hearing Regarding Seizure, Embargo, or Detainment Not Timely Requested, or When Person in Possession Does Not Timely Comply with Department's Order or Perfect an Appeal

RULE TEXT:

(1) In the event that the owner or person in possession does not request a hearing on the propriety of a seizure, embargo, or detainment within the time limited for making such request, the Department may summarily destroy or otherwise dispose of the subject matter of the action, or, if the owner or person in possession of such meat, meat product, or meat animal does not within 30 days after the hearing either comply with the orders of the Department as to reconditioning, relabeling or segregating or perfect an appeal to the circuit court, the Department may summarily destroy or otherwise dispose of the subject matter of the action.

(2) If it appears to the Department that there is a reasonable possibility that a meat, meat product, or meat animal is capable of salvage and the owner or person in possession does not seek to regain custody within the time and in the manner provided in ORS 561.605 to 561.620, the Department may dispose of the meat, meat product, or meat animal so as to obtain such salvage. Any salvage so recovered shall, after paying the costs of sale or disposition and including storage, if any, be remitted to the true owner, if known, or if not known, then to the person in possession. A sale or disposition for salvage shall be upon such conditions as to labeling, reconditioning or segregation as the Department deems necessary to comply with the law relating to such meat, meat product, or meat animal.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1530

RULE TITLE: Resolution of Seizure, Embargo, or Detainment by Agreement

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Resolution of Seizure, Embargo, or Detainment by Agreement

RULE TEXT:

Nothing in ORS 561.605 to 561.630 or these Division 29 rules shall be construed as requiring that a hearing be held in connection with the seizure, embargo, or detainment of illegal or suspected meat, meat products, or meat animals or as prohibiting the release, destruction or other disposition of meat, meat products, or meat animals by agreement between the Department and the owner or person in possession.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1535

RULE TITLE: Condemnation or Quarantine of Building, Equipment, Vehicle, or Facility

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Condemnation or Quarantine of Building, Equipment, Vehicle, or Facility

RULE TEXT:

(1) The Department may condemn or quarantine any building, equipment, vehicle, or facility that is part of, or used by, a state-inspected establishment, if the Department determines, by inspection or test, that the building, equipment, vehicle, or facility is in violation of ORS 619.026 to 619.066 or any rule adopted thereunder. The Department shall:

(a) Notify the owner or person in charge that such building, equipment, vehicle, or facility shall not be used for its intended purpose until the violation is corrected; and

(b) Post a notice upon such building, equipment, vehicle, or facility to the effect that it is condemned or quarantined for further use on account of the violation.

(2) The Department shall condemn any part of a state-inspected establishment where meat products destined for sale or distribution are prepared, packed, stored, sold, or distributed for consumption outside such premises, and any vehicle used in the transportation of such products, if the Department determines that it is kept in an unclean, unhealthy, or insanitary condition. The Department shall:

(a) Notify the owner or person in charge that such state-inspected establishment or vehicle shall not be used for its intended purpose until it is put in a sanitary condition by making the changes ordered in the notice; and

(b) Post a notice upon such state-inspected establishment or vehicle to the effect that it is condemned for further use on account of the unclean, unhealthful or insanitary condition.

(3) A Notice of Condemnation or Notice of Quarantine shall not be removed without prior approval of the Department. Continued use of the condemned or quarantined building, equipment, vehicle, or facility without making the changes ordered, or unauthorized removal of the notice, is a violation of law.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1540

RULE TITLE: Hearing Request Regarding Condemnation or Quarantine; Conduct of Hearing

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Hearing Request Regarding Condemnation or Quarantine; Conduct of Hearing

RULE TEXT:

(1) A request for a hearing on the propriety of a Notice of Condemnation or Notice of Quarantine must be filed with the Department in writing within 20 days of issuance of the notice.

(2) A hearing regarding a Notice of Condemnation or Notice of Quarantine shall be conducted by an administrative law judge assigned from the Office of Administrative Hearings established under ORS 183.605. The hearing shall be conducted pursuant to the procedures for contested cases under ORS chapter 183 and OAR chapter 137, division 3.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1545

RULE TITLE: Department's Voluntary Termination of Condemnation or Quarantine

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Department's Voluntary Termination of Condemnation or Quarantine

RULE TEXT:

(1) If the Department voluntarily terminates a condemnation or quarantine, the Department shall:

(a) Orally notify the owner or person in possession; and

(b) Furnish copies of a Notice of Termination of Condemnation or Notice of Termination of Quarantine to the persons notified when the Notice of Condemnation or Notice of Quarantine was issued.

(2) The notice shall be personally served or shall be mailed via certified mail to such persons at their last known residence or principal office or place of business.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1550

RULE TITLE: Resolution of Condemnation or Quarantine by Agreement

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Resolution of Condemnation or Quarantine by Agreement

RULE TEXT:

Nothing in these Division 29 rules shall be construed as requiring that a hearing be held in connection with a Notice of Condemnation or Notice of Quarantine, or as prohibiting the resolution of the condemnation or quarantine by agreement between the Department and the owner or person in possession.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1555

RULE TITLE: Regulatory Control Action

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Regulatory Control Action

RULE TEXT:

(1) The Department may take a regulatory control action because of:

(a) Insanitary conditions or practices;

(b) Meat product adulteration or misbranding;

(c) Conditions that preclude the Department from determining that the meat product is not adulterated or misbranded; or

(d) Inhumane handling or slaughtering of livestock.

(2) If a regulatory control action is taken, an inspector will immediately notify the state-inspected establishment orally and in writing of the action and the basis for the action.

(3) A state-inspected establishment may challenge a regulatory control action by requesting that a supervisor review the propriety of the regulatory control action.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1560

RULE TITLE: Withholding Action or Suspension Without Prior Notification

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Withholding Action or Suspension Without Prior Notification

RULE TEXT:

(1) The Department may take a withholding action or impose a suspension without providing the state-inspected establishment prior notification if:

(a) The state-inspected establishment produced and shipped adulterated or misbranded product as defined in 21 USC §§ 601-602 or 603-029-0010;

(b) The state-inspected establishment does not have a HACCP plan as specified in 603-029-2205;

(c) The state-inspected establishment does not have Sanitation Standard Operating Procedures as specified in 603-029-2145;

(d) Sanitary conditions are such that products in the state-inspected establishment are or would be rendered adulterated;

(e) The state-inspected establishment violated the terms of a regulatory control action;

(f) A state-inspected establishment operator, officer, employee, or agent assaulted, threatened to assault, intimidated, or interfered with a Department employee; or

(g) The state-inspected establishment did not destroy a condemned meat, meat product, or meat animal that has been found to be adulterated and that has not been reprocessed, in accordance with OAR 603-029-0800 to 603-029-0850, within three days of notification.

(2) The Department also may impose a suspension without providing the state-inspected establishment prior notification because the state-inspected establishment is handling or slaughtering animals inhumanely.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1565

RULE TITLE: Withholding Action or Suspension With Prior Notification

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Withholding Action or Suspension With Prior Notification

RULE TEXT:

The Department may take a withholding action or impose a suspension after a state-inspected establishment is provided prior notification and the opportunity to demonstrate or achieve compliance if:

(1) The HACCP system is inadequate, as specified in 603-029-2225, due to multiple or recurring non-compliances;

(2) The Sanitation Standard Operating Procedures have not been properly implemented or maintained as specified in 603-029-2145 to 603-029-2170;

(3) The state-inspected establishment has not maintained sanitary conditions as prescribed in 603-029-2105 to 603-029-2125 due to multiple or recurring non-compliances;

(4) The state-inspected establishment did not collect and analyze samples for Escherichia coli Biotype I and record results in accordance with 603-029-0498(1); or

(5) The state-inspected establishment did not meet the Salmonella performance standard requirements prescribed in 603-029-0498(2).

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1570

RULE TITLE: Procedures for Withholding Actions and Suspensions

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Procedures for Withholding Actions and Suspensions

RULE TEXT:

(1) If the Department takes a withholding action or imposes a suspension, the state-inspected establishment shall be notified orally and, as promptly as circumstances permit, in writing. The written Notice of Withholding Action or Notice of Suspension shall:

(a) State the effective date of the action(s);

(b) Describe the reasons for the action(s);

(c) Identify the products or processes affected by the action(s);

(d) Provide the state-inspected establishment an opportunity to present immediate and corrective action and further planned preventive action;

(e) Advise the state-inspected establishment that it may challenge the action by requesting that a supervisor review the propriety of the action; and

(f) Comply with the requirements of ORS 183.415.

(2) If the Department determines that the condition prompting the withholding action or suspension poses a serious danger to the public health or safety, the Department may make the Notice of Withholding Action or Notice of Suspension effective immediately. In such circumstances, OAR 137-003-0560 is applicable.

(3) The prior notification provided for in OAR 603-029-0110 shall:

(a) State the type of action that the Department may take;

(b) Describe the reason for the proposed action;

(c) Identify the products or processes affected by the proposed action;

(d) Advise the state-inspected establishment of its right to contact the Department to contest the basis for the proposed action or to explain how compliance has been or will be achieved; and

(e) Advise the state-inspected establishment that it will have three business days from receipt of the written notification to respond to the Department unless the time period is extended by the Department.

(4) A state-inspected establishment may challenge the Notice of Withholding Action or Notice of Suspension by requesting that a supervisor review the propriety of the action. A state-inspected establishment may also file a written request for a hearing with the Department within 20 days of issuance of the Notice of Withholding Action or Notice of Suspension. If the state-inspected establishment timely requests a hearing, such hearing will be conducted in accordance with the procedures for contested cases set forth in ORS chapter 183 and OAR chapter 137, division 3. Upon request, or if the Notice of Withholding Action or Notice of Suspension is effective immediately, the Department will request that the hearing be expedited.

(5) The Department may hold a suspension in abeyance and allow the state-inspected establishment to operate under the conditions agreed to by the Department and the state-inspected establishment.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1575

RULE TITLE: Withdrawal of Grant of Inspection

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Withdrawal of Grant of Inspection

RULE TEXT:

(1) The Department may issue a Notice of Withdrawal of Inspection if:

(a) A state-inspected establishment produced and shipped adulterated product;

(b) A state-inspected establishment did not have or maintain a HACCP plan in accordance with OAR 603-029-2200 to 603-029-2230;

(c) A state-inspected establishment did not have or maintain Sanitation Standard Operating Procedures in accordance with OAR 603-029-2170;

(d) A state-inspected establishment did not maintain sanitary conditions;

(e) A state-inspected establishment did not collect and analyze samples for Escherichia coli Biotype I and record results as prescribed in OAR 603-029-0498(1);

(f) A state-inspected establishment did not slaughter or handle livestock humanely;

(g) A state-inspected establishment operator, officer, employee, or agent assaulted, threatened to assault, intimidated, or interfered with a Department employee; or

(h) A recipient of inspection or anyone responsibly connected to the recipient is unfit to engage in any business requiring inspection as specified in OAR 603-029-0115(1)

(2) If the Department issues a Notice of Withdrawal of Inspection, the state-inspected establishment may file a written request for a hearing with the Department within 20 days of issuance of the Notice of Withdrawal of Inspection. If the state-inspected establishment timely requests a hearing, such hearing shall be conducted in accordance with the procedures for contested cases set forth in ORS chapter 183 and OAR chapter 137, division 3.

(3) If the Department determines that the condition prompting the Notice of Withdrawal of Inspection poses a serious danger to the public health or safety, the Department may make the Notice of Withdrawal of Inspection effective immediately. In such circumstances, OAR 137-003-0560 is applicable.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-1580

RULE TITLE: Refusal to Approve Marks, Labels, or Containers; Rescinding Such Approval

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Refusal to Approve Marks, Labels, or Containers; Rescinding Such Approval

RULE TEXT:

(1) The Department may rescind or refuse approval of false or misleading marks, labels, or sizes or forms of any container for use with any meat product not in accordance with OAR 603-029-1002.

(2) If the Department rescinds or refuses approval of false or misleading marks, labels, or sizes or forms of any container for use with any meat product, the Department shall issue a written notice that:

(a) States the effective date of the action;

(b) Explains the reason for rescinding or refusing the approval;

(c) Provides an opportunity for the state-inspected establishment to modify the marking, labeling, or container so that it will no longer be false or misleading; and

(d) Advises the state-inspected establishment of its opportunity to submit a written statement to respond to the notice;

(e) Complies with the requirements of ORS 183.415.

(3) If the Department rescinds or refuses approval of false or misleading marks, labels, or sizes or forms of any container for use with any meat product, a state-inspected establishment may file a written request for a hearing with the Department within 20 days of issuance of the Department's written notice. If the state-inspected establishment timely requests a hearing, such hearing shall be conducted in accordance with the procedures for contested cases set forth in ORS chapter 183 and OAR chapter 137, division 3.

(4) If the Department determines that the false or misleading marks, labels, or sizes or forms of any container for use with any meat product pose a serious danger to the public health or safety, the Department may make the rescinding of its approval effective immediately. In such circumstances, OAR 137-003-0560 is applicable.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-2000

RULE TITLE: Label Approval

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Label Approval

RULE TEXT:

(1) No final label may be used on any product unless the label has been submitted for approval to the Department, accompanied by an application for Approval of Labels, Marking, and Devices, and approved by the Department, except for generically approved labels authorized for use in OAR 603-029-2010. Such records must be made available to any duly authorized representative of the Department upon request.

(2) All labels required to be submitted for approval as set forth in section (1) of this rule shall be submitted to the Department. A parent company for a corporation may submit only one label application for a product produced in state-inspected establishments that are owned by the corporation.

(3) The Department requires the submission of labeling applications for the following:

(a) Sketch labels as defined in section (4) of this rule for products which are produced under a religious exemption;

(b) Special statements and claims as defined in section (5) of this rule and presented in the context of a final label.

(c) Requests for the temporary use of final labels as prescribed in section (6) of this rule.

(4) A “sketch” label is the concept of a label. It may be a printer's proof or equivalent that is sufficiently legible to clearly show all labeling features, size, and location. The Department will accept sketches that are hand drawn or computer generated, or other reasonable facsimiles that clearly reflect and project the final version of the label.

(5) “Special statements and claims” are claims, logos, trademarks, and other symbols on labels that are not defined in Division 29 regulations or the USDA FSIS Food Standards and Labeling Policy Book, published in August of 2005 (except for “natural” and negative claims (e.g., “gluten free”)), health claims, ingredient and processing method claims (e.g., high-pressure processing), structure-function claims, claims regarding the raising of animals, organic claims, and instructional or disclaimer statements concerning pathogens (e.g., “for cooking only” or “not tested for E. coli O157:H7”). Examples of logos and symbols include graphic representations of hearts and geographic landmarks. Special statements and claims do not include allergen statements (e.g., “contains soy”) applied in accordance with the Food Allergen Labeling and Consumer Protection Act.

(6)(a) Temporary approval for the use of a final label that may be deemed deficient in some particular may be granted by the Department. Temporary approvals may be granted for a period not to exceed 180 calendar days, under the following conditions:

(b) The proposed label would not misrepresent the product;

(c) The use of the label would not present any potential health, safety, or dietary problems to the consumer;

(d) Denial of the request would create undue economic hardship; and

(e) An unfair competitive advantage would not result from the granting of the temporary approval.

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

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046

ADOPT: 603-029-2010

RULE TITLE: Approval of Generic Labels

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Approval of Generic Labels

RULE TEXT:

(1)(a) A state-inspected establishment is authorized to use generically approved labels, as defined in section (2) of this rule, and thus is free to use such labels without submitting them to the Department for approval, provided the label, in accordance with this rule, displays all mandatory features in a prominent manner in compliance with OAR 603-029-1000 to 603-029-1058, and is not otherwise false or misleading in any particular.

(b) The Department will select samples of generically approved labels from the records maintained by state-inspected establishments to determine compliance with label requirements. If the Department finds that a state-inspected establishment is using a false or misleading label, it will institute the proceedings prescribed in OAR 603-029-0115 to revoke the approval for the label.

(2) Generically approved labels are labels that bear all applicable mandatory labeling features (i.e., product name, safe handling statement, ingredients statement, the name and place of business of the manufacturer, packer or distributor, net weight, legend, safe handling instructions, and nutrition labeling) in accordance with Division 29. Labels that bear claims and statements that are defined in Division 29 or the Food Standards and Labeling Policy Book, published in August of 2005 (except for natural and negative claims), such as a statement that characterizes a product's nutrient content, such as “low fat,” has geographical significance, such as “German Brand,” or makes a country of origin statement on the label of any meat or poultry product “covered commodity”,(see OAR 603-029-1010(1)(an) and that comply with those regulations are also deemed to be generically approved by the Department without being submitted for evaluation and approval. Allergen statements (e.g., “contains soy”) applied in accordance with the Food Allergen Labeling and Consumer Protection Act are also deemed generically approved.

NOTE: See OAR 603-029-1010(2)(nn).

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.046

ADOPT: 603-029-2100

RULE TITLE: Sanitation - General Rules

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Sanitation - General Rules

RULE TEXT:

Each state-inspected establishment must be operated and maintained in a manner sufficient to prevent the creation of insanitary conditions and to ensure that product is not adulterated.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-2105

RULE TITLE: State-Inspected Establishment Grounds and Facilities

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: State-Inspected Establishment Grounds and Facilities

RULE TEXT:

(1) Grounds and pest control. The grounds about a state-inspected establishment must be maintained to prevent conditions that could lead to insanitary conditions, adulteration of product, or interfere with inspection by Department employees. State-inspected establishments must have in place a pest management program to prevent the harborage and breeding of pests on the grounds and within establishment facilities. Pest control substances used must be safe and effective under the conditions of use and not be applied or stored in a manner that will result in the adulteration of product or the creation of insanitary conditions.

(2) Construction.

(a) State-inspected establishment buildings, including their structures, rooms, and compartments must be of sound construction, be kept in good repair, and be of sufficient size to allow for processing, handling, and storage of product in a manner that does not result in product adulteration or the creation of insanitary conditions.

(b) Walls, floors, and ceilings within state-inspected establishments must be built of durable materials impervious to moisture and be cleaned and sanitized as necessary to prevent adulteration of product or the creation of insanitary conditions.

(c) Walls, floors, ceilings, doors, windows, and other outside openings must be constructed and maintained to prevent the entrance of vermin, such as flies, rats, and mice.

(d) Rooms or compartments in which edible product is processed, handled, or stored must be separate and distinct from rooms or compartments in which inedible product is processed, handled, or stored, to the extent necessary to prevent product adulteration and the creation of insanitary conditions.

(3) Light. Lighting of good quality and sufficient intensity to ensure that sanitary conditions are maintained and that product is not adulterated must be provided in areas where food is processed, handled, stored, or examined; where equipment and utensils are cleaned; and in hand-washing areas, dressing and locker rooms, and toilets.

(4) Ventilation. Ventilation adequate to control odors, vapors, and condensation to the extent necessary to prevent adulteration of product and the creation of insanitary conditions must be provided.

(5) Plumbing. Plumbing systems must be installed and maintained to:

(a) Carry sufficient quantities of water to required locations throughout the state-inspected establishment;

(b) Properly convey sewage and liquid disposable waste from the state-inspected establishment;

(c) Prevent adulteration of product, water supplies, equipment, and utensils and prevent the creation of insanitary conditions throughout the state-inspected establishment;

(d) Provide adequate floor drainage in all areas where floors are subject to flooding-type cleaning or where normal operations release or discharge water or other liquid waste on the floor;

(e) Prevent back-flow conditions in and cross-connection between piping systems that discharge waste water or sewage and piping systems that carry water for product manufacturing; and

(f) Prevent the backup of sewer gases.

(6) Sewage disposal. Sewage must be disposed into a sewage system separate from all other drainage lines or disposed of through other means sufficient to prevent backup of sewage into areas where product is processed, handled, or stored. When the sewage disposal system is a private system requiring approval by a State or local health authority, the state-inspected establishment must furnish the Department with the letter of approval from that authority upon request.

(7) Water supply and water, ice, and solution reuse:

(a) A supply of running water that complies with the National Primary Drinking Water regulations (40 CFR part 141), at a suitable temperature and under pressure as needed, must be provided in all areas where required (for processing

product, for cleaning rooms and equipment, utensils, and packaging materials, for employee sanitary facilities, etc.). If a state-inspected establishment uses a municipal water supply, it must make available to the Department, upon request, a water report, issued under the authority of the State or local health agency, certifying or attesting to the potability of the water supply. If a state-inspected establishment uses a private well for its water supply, it must make available to the Department, upon request, documentation certifying the potability of the water supply that has been renewed at least semi-annually.

(b) Water, ice, and solutions (such as brine, liquid smoke, or propylene glycol) used to chill or cook ready-to-eat product may be reused for the same purpose, provided that they are maintained free of pathogenic organisms and fecal coliform organisms and that other physical, chemical, and microbiological contamination have been reduced to prevent adulteration of product.

(c) Water, ice, and solutions used to chill or wash raw product may be reused for the same purpose provided that measures are taken to reduce physical, chemical, and microbiological contamination so as to prevent contamination or adulteration of product. Reused water, ice, and solutions that have come into contact with raw product may not be used on ready-to-eat product.

(d) Reconditioned water that has never contained human waste and that has been treated by an onsite advanced wastewater treatment facility may be used on raw product, except in product formulation, and throughout the facility in edible and inedible production areas, provided that measures are taken to ensure that this water meets the criteria prescribed in section (7)(a) of this rule. Product, facilities, equipment, and utensils coming in contact with this water must undergo a separate final rinse with non-reconditioned water that meets the criteria prescribed in section (7)(a) of this rule.

(e) Any water that has never contained human waste and that is free of pathogenic organisms may be used in edible and inedible product areas, provided it does not contact edible product. For example, such reuse water may be used to move heavy solids, to flush the bottom of open evisceration troughs, or to wash antemortem areas, livestock pens, trucks, poultry cages, picker aprons, picking room floors, and similar areas within the state-inspected establishment.

(f) Water that does not meet the use conditions of sections (7)(a) through (7)(e) of this rule may not be used in areas where edible product is handled or prepared or in any manner that would allow it to adulterate edible product or create insanitary conditions.

(8) Dressing rooms, lavatories, and toilets:

(a) Dressing rooms, toilet rooms, and urinals must be sufficient in number, ample in size, conveniently located, and maintained in a sanitary condition and in good repair at all times to ensure cleanliness of all persons handling any product. They must be separate from the rooms and compartments in which products are processed, stored, or handled.

(b) Lavatories with running hot and cold water, soap, and towels, must be placed in or near toilet and urinal rooms and at such other places in the state-inspected establishment as necessary to ensure cleanliness of all persons handling any product.

(c) Refuse receptacles must be constructed and maintained in a manner that protects against the creation of insanitary conditions and the adulteration of product.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-2110

RULE TITLE: Equipment and Utensils

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Equipment and Utensils

RULE TEXT:

(1) Equipment and utensils used for processing or otherwise handling edible product or ingredients must be of such material and construction to facilitate thorough cleaning and to ensure that their use will not cause the adulteration of product during processing, handling, or storage. Equipment and utensils must be maintained in sanitary condition so as not to adulterate product.

(2) Equipment and utensils must not be constructed, located, or operated in a manner that prevents Department employees from inspecting the equipment or utensils to determine whether they are in sanitary condition.

(3) Receptacles used for storing inedible material must be of such material and construction that their use will not result in the adulteration of any edible product or in the creation of insanitary conditions. Such receptacles must not be used for storing any edible product and must bear conspicuous and distinctive marking to identify permitted uses.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-2115

RULE TITLE: Sanitary Operations

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Sanitary Operations

RULE TEXT:

(1) All food-contact surfaces, including food-contact surfaces of utensils and equipment, must be cleaned and sanitized as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of product.

(2) Non-food-contact surfaces of facilities, equipment, and utensils used in the operation of the state-inspected establishment must be cleaned and sanitized as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of product.

(3) Cleaning compounds, sanitizing agents, processing aids, and other chemicals used by a state-inspected establishment must be safe and effective under the conditions of use. Such chemicals must be used, handled, and stored in a manner that will not adulterate product or create insanitary conditions. Documentation substantiating the safety of a chemical's use in a food processing environment must be available to Department employees for review.

(4) Product must be protected from adulteration during processing, handling, storage, loading, and unloading at and during transportation from state-inspected establishments.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-2120

RULE TITLE: Employee Hygiene

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Employee Hygiene

RULE TEXT:

(1) Cleanliness. All persons working in contact with product, food-contact surfaces, and product-packaging materials must adhere to hygienic practices while on duty to prevent adulteration of product and the creation of insanitary conditions.

(2) Clothing. Aprons, frocks, and other outer clothing worn by persons who handle product must be of material that is disposable or readily cleaned. Clean garments must be worn at the start of each working day and garments must be changed during the day as often as necessary to prevent adulteration of product and the creation of insanitary conditions.

(3) Disease control. Any person who has or appears to have an infectious disease, open lesion, including boils, sores, or infected wounds, or any other abnormal source of microbial contamination, must be excluded from any operations which could result in product adulteration and the creation of insanitary conditions until the condition is corrected.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-2125

RULE TITLE: Tagging Insanitary Equipment, Utensils, Rooms or Compartments

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Tagging Insanitary Equipment, Utensils, Rooms or Compartments

RULE TEXT:

(1) When a Department employee finds that any equipment, utensil, room, compartment, building, or vehicle that is part of, or used by, a state-inspected establishment is kept in an unclean, unhealthy, or insanitary condition or that its use could cause the adulteration of product, the Department employee shall attach to it an “Oregon Rejected” tag. Equipment, utensils, rooms, compartments, buildings, or vehicles so tagged may not be used until made acceptable. Only a Department employee may remove an “Oregon Rejected” tag. The Department shall:

(a) Notify the owner or person in charge that such equipment, utensil, room, compartment, building, or vehicle shall not be used for its intended purpose until the violation is corrected; and

(b) Post a Notice of Condemnation or Notice of Quarantine upon such building, equipment, vehicle, or facility to the effect that it is condemned or quarantined for further use on account of the violation. The Notice of Condemnation or Notice of Quarantine shall:

(A) State the effective date of the action(s);

(B) Describe the reasons for the action(s);

(C) Identify the equipment, utensil, room, compartment, building, or vehicle that is tagged with an “Oregon Rejected” tag; and

(D) Comply with the requirements of ORS 183.415.

(2) When a Department employee finds that any equipment, utensil, room, compartment, building, or vehicle that is part of, or used by, a state-inspected establishment, is in violation of ORS 619.026 to 619.066 or any rule adopted thereunder, the Department employee may attach to it an “Oregon Rejected” tag. Equipment, utensils, rooms, compartments, buildings, or vehicles so tagged may not be used until made acceptable. Only a Department employee may remove an “Oregon Rejected” tag. The Department shall:

(a) Notify the owner or person in charge that such equipment, utensil, room, compartment, building, or vehicle shall not be used for its intended purpose until the violation is corrected; and

(b) Post a Notice of Condemnation or Notice of Quarantine upon such equipment, utensil, room, compartment, building, or vehicle to the effect that it is condemned or quarantined for further use on account of the violation. The Notice of Condemnation or Notice of Quarantine shall:

(A) State the effective date of the action(s);

(B) Describe the reasons for the action(s);

(C) Identify the equipment, utensil, room, compartment, building, or vehicle that is tagged with an “Oregon Rejected” tag; and

(D) Comply with the requirements of ORS 183.415.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036, ORS 619.041

ADOPT: 603-029-2130

RULE TITLE: Hearing Request Regarding Condemnation or Quarantine; Conduct of Hearing

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Hearing Request Regarding Condemnation or Quarantine; Conduct of Hearing

RULE TEXT:

(1) A request for a hearing on the propriety of a condemnation or quarantine action taken under OAR 603-029-2125 must be filed with the Department in writing within 20 days of issuance of the Notice of Condemnation or Notice of Quarantine.

(2) A hearing regarding an action taken under OAR 603-029-2125 shall be conducted by an administrative law judge assigned from the Office of Administrative Hearings established under ORS 183.605. The hearing shall be conducted pursuant to the procedures for contested cases under ORS chapter 183 and OAR chapter 137, division 3.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-2135

RULE TITLE: Department's Voluntary Termination of Condemnation or Quarantine

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Department's Voluntary Termination of Condemnation or Quarantine

RULE TEXT:

If the Department voluntarily terminates a condemnation or quarantine, the Department shall:

(1) Orally notify the owner or person in possession; and

(2) Furnish copies of a Notice of Termination of Condemnation or Notice of Termination of Quarantine to the persons notified when the Notice of Condemnation or Notice of Quarantine was issued. The notice shall be personally served or shall be mailed via certified mail to such persons at their last known residence or principal office or place of business.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 603.065, ORS 619.026, ORS 619.036

ADOPT: 603-029-2140

RULE TITLE: Resolution of Condemnation or Quarantine by Agreement

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Resolution of Condemnation or Quarantine by Agreement

RULE TEXT:

Nothing in these Division 29 rules shall be construed as requiring that a hearing be held in connection with a Notice of Condemnation or Notice of Quarantine, or as prohibiting the resolution of the condemnation or quarantine by agreement between the Department and the owner or person in possession.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036, ORS 619.041

ADOPT: 603-029-2145

RULE TITLE: General rules for Sanitation SOP’s

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: General rules for Sanitation SOP’s

RULE TEXT:

Each state-inspected establishment shall develop, implement, and maintain written standard operating procedures for sanitation (Sanitation SOP's) in accordance with the requirements of this part.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-2150

RULE TITLE: Development of Sanitation SOP’s

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Development of Sanitation SOP’s

RULE TEXT:

(1) The Sanitation SOP's shall describe all procedures a state-inspected establishment will conduct daily, before and during operations, sufficient to prevent direct contamination or adulteration of product(s).

(2) The Sanitation SOP's shall be signed and dated by the individual with overall authority on-site or a higher level official of the state-inspected establishment. This signature shall signify that the state-inspected establishment will implement the Sanitation SOP's as specified and will maintain the Sanitation SOP's in accordance with the requirements of this part. The Sanitation SOP's shall be signed and dated upon initially implementing the Sanitation SOP's and upon any modification to the Sanitation SOP's.

(3) Procedures in the Sanitation SOP's that are to be conducted prior to operations shall be identified as such, and shall address, at a minimum, the cleaning of food contact surfaces of facilities, equipment, and utensils.

(4) The Sanitation SOP's shall specify the frequency with which each procedure in the Sanitation SOP's is to be conducted and identify the state-inspected establishment employee(s) responsible for the implementation and maintenance of such procedure(s).

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-2155

RULE TITLE: Implementation of SOP's

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Implementation of SOP's

RULE TEXT:

(1) Each state-inspected establishment shall conduct the pre-operational procedures in the Sanitation SOP's before the start of operations.

(2) Each state-inspected establishment shall conduct all other procedures in the Sanitation SOP's at the frequencies specified.

(3) Each state-inspected establishment shall monitor daily the implementation of the procedures in the Sanitation SOP's.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-2160

RULE TITLE: Maintenance of Sanitation SOP's

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Maintenance of Sanitation SOP's

RULE TEXT:

Each state-inspected establishment shall routinely evaluate the effectiveness of the Sanitation SOP's and the procedures therein in preventing direct contamination or adulteration of product(s) and shall revise both as necessary to keep them effective and current with respect to changes in facilities, equipment, utensils, operations, or personnel.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-2165

RULE TITLE: Corrective Actions

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Corrective Actions

RULE TEXT:

(1) Each state-inspected establishment shall take appropriate corrective action(s) when either the establishment or the Department determines that the state-inspected establishment's Sanitation SOP's or the procedures specified therein, or the implementation or maintenance of the Sanitation SOP's, may have failed to prevent direct contamination or adulteration of product(s).

(2) Corrective actions include procedures to ensure appropriate disposition of product(s) that may be contaminated, restore sanitary conditions, and prevent the recurrence of direct contamination or adulteration of product(s), including appropriate reevaluation and modification of the Sanitation SOP's and the procedures specified therein or appropriate improvements in the execution of the Sanitation SOP's or the procedures specified therein.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-2170

RULE TITLE: Recordkeeping Requirements

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Recordkeeping Requirements

RULE TEXT:

(1) Each state-inspected establishment shall maintain daily records sufficient to document the implementation and monitoring of the Sanitation SOP's and any corrective actions taken. The state-inspected establishment employee(s) specified in the Sanitation SOP's as being responsible for the implementation and monitoring of the procedure(s) specified in the Sanitation SOP's shall authenticate these records with his or her initials and the date.

(2) Records required by OAR 603-029-2100 to 603-029-2175 may be maintained on computers provided the state-inspected establishment implements appropriate controls to ensure the integrity of the electronic data.

(3) Records required by OAR 603-029-2100 to 603-029-2175 shall be maintained for at least 6 months and made available to the Department. All such records shall be maintained at the state-inspected establishment for 48 hours following completion, after which they may be maintained off-site provided such records can be made available to the Department within 24 hours of request.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-2175

RULE TITLE: Agency Verification

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Agency Verification

RULE TEXT:

(1) The Department shall verify the adequacy and effectiveness of the Sanitation SOP's and the procedures specified therein by determining that they meet the requirements of OAR 603-029-2100 to 603-029-2175.

(2) Such verification may include:

(a) Reviewing the Sanitation SOP's;

(b) Reviewing the daily records documenting the implementation of the Sanitation SOP's and the procedures specified therein and any corrective actions taken or required to be taken;

(c) Direct observation of the implementation of the Sanitation SOP's and the procedures specified therein and any corrective actions taken or required to be taken; and

(d) Direct observation or testing to assess the sanitary conditions in the state-inspected establishment.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-2200

RULE TITLE: Hazard Analysis and Critical Control Point (HACCP) System Definitions

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Hazard Analysis and Critical Control Point (HACCP) System Definitions

RULE TEXT:

For purposes of OAR 603-029-2200 to 603-029-2235, the following definitions shall apply:

(1) “Corrective action” means procedures to be followed when a deviation occurs.

(2) “Critical control point” (CCP) means a point, step, or procedure in a food process at which control can be applied and, as a result, a food safety hazard can be prevented, eliminated, or reduced to acceptable levels.

(3) “Critical limit” means the maximum or minimum value to which a physical, biological, or chemical hazard must be controlled at a critical control point to prevent, eliminate, or reduce to an acceptable level the occurrence of the identified food safety hazard.

(4) “Food safety hazard” means any biological, chemical, or physical property that may cause a food to be unsafe for human consumption.

(5) “HACCP System” means the HACCP plan in operation, including the HACCP plan itself.

(6) “Hazard” means Food Safety Hazard.

(7) “Preventive measure” means physical, chemical, or other means that can be used to control an identified food safety hazard.

(8) “Process-monitoring instrument” means an instrument or device used to indicate conditions during processing at a critical control point.

(9) “Responsible establishment official” means the individual with overall authority on-site or a higher level official of the establishment.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-2205

RULE TITLE: Hazard Analysis and HACCP Plan

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Hazard Analysis and HACCP Plan

RULE TEXT:

(1) Hazard analysis.

(a) Every state-inspected establishment shall conduct, or have conducted for it, a written hazard analysis to determine the food safety hazards reasonably likely to occur in the production process and identify the preventive measures the establishment can apply to control those hazards. The hazard analysis shall include food safety hazards that can occur before, during, and after entry into the establishment. A food safety hazard that is reasonably likely to occur is one for which a prudent establishment would establish controls because it historically has occurred, or because there is a reasonable possibility that it will occur in the particular type of product being processed, in the absence of those controls.

(b) A flow chart describing the steps of each process and product flow in the establishment shall be prepared, and the intended use or consumers of the finished product shall be identified.

(c) Food safety hazards might be expected to arise from the following:

(A) Natural toxins;

(B) Microbiological contamination;

(C) Chemical contamination;

(D) Pesticides;

(E) Drug residues;

(F) Zoonotic diseases;

(G) Decomposition;

(H) Parasites;

(I) Unapproved use of direct or indirect food or color additives; and

(J) Physical hazards.

(2) The HACCP plan.

(a) Every establishment shall develop and implement a written HACCP plan covering each product produced by that establishment whenever a hazard analysis reveals one or more food safety hazards that are reasonably likely to occur, based on the hazard analysis conducted in accordance with section (1) of this rule, including products in the following processing categories:

(A) Slaughter—all species.

(B) Raw product—ground.

(C) Raw product—not ground.

(D) Thermally processed—commercially sterile.

(E) Not heat treated—shelf stable.

(F) Heat treated—shelf stable.

(G) Fully cooked—not shelf stable.

(H) Heat treated but not fully cooked—not shelf stable.

(I) Product with secondary inhibitors—not shelf stable.

(b) A single HACCP plan may encompass multiple products within a single processing category identified in this section, if the food safety hazards, critical control points, critical limits, and procedures required to be identified and performed in section (3) of this rule are essentially the same, provided that any required features of the plan that are unique to a specific product are clearly delineated in the plan and are observed in practice.

(c) HACCP plans for thermally processed/commercially sterile products do not have to address the food safety hazards associated with microbiological contamination if the product is produced in accordance with the requirements of OAR

603-029-2600.

(3) The contents of the HACCP plan. The HACCP plan shall, at a minimum:

(a) List the food safety hazards identified in accordance with section (1) of this rule, which must be controlled for each process.

(b) List the critical control points for each of the identified food safety hazards, including, as appropriate:

(A) Critical control points designed to control food safety hazards that could be introduced in the establishment, and

(B) Critical control points designed to control food safety hazards introduced outside the establishment, including food safety hazards that occur before, during, and after entry into the establishment;

(c) List the critical limits that must be met at each of the critical control points. Critical limits shall, at a minimum, be designed to ensure that applicable targets or performance standards established by the Department, and any other requirement set forth in this Division 29 pertaining to the specific process or product, are met;

(d) List the procedures, and the frequency with which those procedures will be performed, that will be used to monitor each of the critical control points to ensure compliance with the critical limits;

(e) Include all corrective actions that have been developed in accordance with OAR 603-029-2210, to be followed in response to any deviation from a critical limit at a critical control point; and

(f) Provide for a recordkeeping system that documents the monitoring of the critical control points. The records shall contain the actual values and observations obtained during monitoring.

(g) List the verification procedures, and the frequency with which those procedures will be performed, that the establishment will use in accordance with OAR 603-029-2215.

(4) Signing and dating the HACCP plan:

(a) The HACCP plan shall be signed and dated by the responsible establishment individual. This signature shall signify that the establishment accepts and will implement the HACCP plan.

(b) The HACCP plan shall be dated and signed:

(A) Upon initial acceptance;

(B) Upon any modification; and

(C) At least annually, upon reassessment, as required under OAR 603-029-2215(1)(c).

(5) The failure of an establishment to develop and implement a HACCP plan that complies with this section, or to operate in accordance with the requirements of this Division 29, may render the products produced under those conditions adulterated.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-2210

RULE TITLE: Corrective Actions

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Corrective Actions

RULE TEXT:

(1) The written HACCP plan shall identify the corrective action to be followed in response to a deviation from a critical limit. The HACCP plan shall describe the corrective action to be taken, and assign responsibility for taking corrective action, to ensure:

(a) The cause of the deviation is identified and eliminated;

(b) The CCP will be under control after the corrective action is taken;

(c) Measures to prevent recurrence are established; and

(d) No product that is injurious to health or otherwise adulterated as a result of the deviation enters commerce.

(2) If a deviation not covered by a specified corrective action occurs, or if another unforeseen hazard arises, the establishment shall:

(a) Segregate and hold the affected product, at least until the requirements of sections (2)(b) and (2)(c) of this rule are met;

(b) Perform a review to determine the acceptability of the affected product for distribution;

(c) Take action, when necessary, with respect to the affected product to ensure that no product that is injurious to health or otherwise adulterated, as a result of the deviation, enters commerce;

(d) Perform or obtain reassessment by an individual trained in accordance with OAR 603-029-2230, to determine whether the newly identified deviation or other unforeseen hazard should be incorporated into the HACCP plan.

(3) All corrective actions taken in accordance with this section shall be documented in records that are subject to verification in accordance with OAR 603-029-2215(1)(b)(C) and the recordkeeping requirements of OAR 603-029-2220.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-2215

RULE TITLE: Validation, Verification, Reassessment

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Validation, Verification, Reassessment

RULE TEXT:

(1) Every establishment shall validate the HACCP plan's adequacy in controlling the food safety hazards identified during the hazard analysis, and shall verify that the plan is being effectively implemented.

(a) Initial validation. Upon completion of the hazard analysis and development of the HACCP plan, the establishment shall conduct activities designed to determine that the HACCP plan is functioning as intended. During this HACCP plan validation period, the establishment shall repeatedly test the adequacy of the CCP's, critical limits, monitoring and recordkeeping procedures, and corrective actions set forth in the HACCP plan. Validation also encompasses reviews of the records themselves, routinely generated by the HACCP system, in the context of other validation activities.

(b) Ongoing verification activities. Ongoing verification activities include, but are not limited to:

(A) The calibration of process-monitoring instruments;

(B) Direct observations of monitoring activities and corrective actions; and

(C) The review of records generated and maintained in accordance with OAR 603-029-2220(1)(c).

(c)(A) Reassessment of the HACCP plan. Every establishment shall reassess the adequacy of the HACCP plan at least annually and whenever any changes occur that could affect the hazard analysis or alter the HACCP plan. Such changes may include, but are not limited to, changes in: raw materials or source of raw materials; product formulation; slaughter or processing methods or systems; production volume; personnel; packaging; finished product distribution systems; or, the intended use or consumers of the finished product. The reassessment shall be performed by an individual trained in accordance with OAR 603-029-2230. The HACCP plan shall be modified immediately whenever a reassessment reveals that the plan no longer meets the requirements of OAR 603-029-2205(3).

(B) Each establishment must make a record of each reassessment required by section (1)(c)(A) of this rule and must document the reasons for any changes to the HACCP plan based on the reassessment, or the reasons for not changing the HACCP plan based on the reassessment. For annual reassessments, if the establishment determines that no changes are needed to its HACCP plan, it is not required to document the basis for this determination.

(2) Reassessment of the hazard analysis. Any establishment that does not have a HACCP plan because a hazard analysis has revealed no food safety hazards that are reasonably likely to occur shall reassess the adequacy of the hazard analysis whenever a change occurs that could reasonably affect whether a food safety hazard exists. Such changes may include, but are not limited to, changes in: raw materials or source of raw materials; product formulation; slaughter or processing methods or systems; production volume; packaging; finished product distribution systems; or, the intended use or consumers of the finished product.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-2220

RULE TITLE: Records

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Records

RULE TEXT:

(1) The establishment shall maintain the following records documenting the establishment's HACCP plan:

(a) The written hazard analysis prescribed in OAR 603-029-2205(1), including all supporting documentation;

(b) The written HACCP plan, including decision making documents associated with the selection and development of CCP's and critical limits, and documents supporting both the monitoring and verification procedures selected and the frequency of those procedures.

(c) Records documenting the monitoring of CCP's and their critical limits, including the recording of actual times, temperatures, or other quantifiable values, as prescribed in the establishment's HACCP plan; the calibration of process-monitoring instruments; corrective actions, including all actions taken in response to a deviation; verification procedures and results; product code(s), product name or identity, or slaughter production lot. Each of these records shall include the date the record was made.

(2) Each entry on a record maintained under the HACCP plan shall be made at the time the specific event occurs and include the date and time recorded, and shall be signed or initialed by the establishment employee making the entry.

(3) Prior to shipping product, the establishment shall review the records associated with the production of that product, documented in accordance with this section, to ensure completeness, including the determination that all critical limits were met and, if appropriate, corrective actions were taken, including the proper disposition of product. Where practicable, this review shall be conducted, dated, and signed by an individual who did not produce the record(s), preferably by someone trained in accordance with OAR 603-029-2230, or the responsible establishment official.

(4) Records maintained on computers. The use of records maintained on computers is acceptable, provided that appropriate controls are implemented to ensure the integrity of the electronic data and signatures.

(5) Record retention. Establishments shall retain all records required by section (1)(c) of this rule as follows:

(a) For slaughter activities for at least one year; for refrigerated product, for at least one year; for frozen, preserved, or shelf-stable products, for at least two years.

(b) Off-site storage of records required by section (1)(c) of this rule is permitted after six months, if such records can be retrieved and provided, on-site, within 24 hours of a Department employee's request.

(6) Official review. All records, plans, and procedures required by OAR 603-029-2200 to 603-029-2235 shall be available for official review and copying.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-2225

RULE TITLE: Inadequate HACCP Systems

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Inadequate HACCP Systems

RULE TEXT:

A HACCP system may be found to be inadequate if:

(1) The HACCP plan in operation does not meet the requirements set forth in this rule;

(2) Establishment personnel are not performing tasks specified in the HACCP plan;

(3) The establishment fails to take corrective actions, as required by OAR 603-029-2210;

(4) HACCP records are not being maintained as required in OAR 603-029-2220; or

(5) Adulterated product is produced or shipped.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-2230

RULE TITLE: Training

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Training

RULE TEXT:

(1) Only an individual who has met the requirements of section (2) of this rule, but who need not be an employee of the establishment, shall be permitted to perform the following functions:

(a) Development of the HACCP plan, in accordance with OAR 603-029-2205(2), which could include adapting a generic model that is appropriate for the specific product; and

(b) Reassessment and modification of the HACCP plan, in accordance with OAR 603-029-2210.

(2) The individual performing the functions listed in section (1) of this rule shall have successfully completed a course of instruction in the application of the seven HACCP principles to meat or poultry product processing, including a segment on the development of a HACCP plan for a specific product and on record review.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-2235

RULE TITLE: Agency Verification

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Agency Verification

RULE TEXT:

(1) The Department will verify the adequacy of the HACCP plan(s) by determining that each HACCP plan meets the requirements of this rule and all other applicable rules.

(2) Such verification may include:

(a) Reviewing the Hazard Analysis and flow chart;

(b) Reviewing the HACCP plan;

(c) Reviewing the CCP records;

(d) Reviewing and determining the adequacy of corrective actions taken when a deviation occurs;

(e) Reviewing the critical limits;

(f) Reviewing other records pertaining to the HACCP plan or system;

(g) Direct observation or measurement at a CCP;

(h) Sample collection and analysis to determine the product meets all safety standards; and

(i) On-site observations and record review.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-2300

RULE TITLE: Notification

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Notification

RULE TEXT:

Each state-inspected establishment must promptly notify the Department within 24 hours of learning or determining that an adulterated or misbranded meat, meat product, poultry, or poultry product received by a state-inspected establishment or originating from an official federal establishment, CIS establishment, or state-inspected establishment has entered commerce, if the state-inspected establishment believes or has reason to believe that this has happened. The state-inspected establishment must inform the Department of the type, amount, origin, and destination of the adulterated or misbranded product.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-2305

RULE TITLE: Preparation and Maintenance of Written Recall Procedures

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Preparation and Maintenance of Written Recall Procedures

RULE TEXT:

Each state-inspected establishment must prepare and maintain written procedures for the recall of any meat, meat product, poultry, or poultry product produced and shipped by the State-inspected establishment. These written procedures must specify how the State-inspected establishment will decide whether to conduct a product recall, and how the establishment will effect the recall, should it decide that one is necessary.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-2310

RULE TITLE: Records

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Records

RULE TEXT:

All records, including records documenting procedures required by this rule, must be available for official review and copying.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-2400

RULE TITLE: Purpose and Scope

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Purpose and Scope

RULE TEXT:

This rule of Division 29 prescribes the preparation of meat and meat products. The rules further the purposes of Division 29 by, among other things, preventing the adulteration or misbranding of meat at State-inspected establishments. OAR 603-029-1100 to 603-029-1190, OAR 603-029-1200 to 603-029-1299, OAR 603-029-2405, ORS 619, and ORS 616, specify rules for the use of certain food ingredients (e.g., food additives and color additives) and sources of radiation that may render meat adulterated or misbranded.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-2405

RULE TITLE: Use of Food Ingredients and Sources of Radiation

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Use of Food Ingredients and Sources of Radiation

RULE TEXT:

(1)(a) General. No meat or meat product shall bear or contain any food ingredient that would render it adulterated or misbranded, or which is not approved in this OAR 603-029-2400 to 603-029-2415, OAR 603-029-1100 to 603-029-1190, or OAR 603-029-1200 to 603-029-1299, or by the Department in specific cases.

(b) Carcasses, parts thereof, and products of meat animals may be used in the processing of poultry products only if they were prepared in a state-inspected establishment, a CIS establishment, or an official federal establishment, were inspected and passed in accordance with the Federal Meat Inspection Act and the regulations under such Act (subchapter A of this chapter), and are so marked.

(2)(a) Food ingredients and sources of radiation. Food ingredients and sources of radiation listed or approved for use in the production of meat in 21 CFR chapter I, subchapter A or subchapter B, shall be listed for such use under this rule, subject to declaration requirements in OAR 603-029-0900 to 603-029-0970 and OAR 603-029-1000 to 603-029-1058, unless precluded from such use or further restricted in OAR 603-029-1100 to 603-029-1190 or OAR 603-029-1200 to 603-029-1299, or unless such use otherwise results in the adulteration or misbranding of meat. Food ingredients and sources of radiation listed or approved for use in the production of meat in 21 CFR Chapter I, subchapter A or subchapter B, may be listed or approved for such use under this rule by the Department in OAR 603-029-2405, subject to declaration requirements in OAR 603-029-0900 to 603-029-0970 and OAR 603-029-1000 to 603-029-1058.

(b) No food ingredients or sources of radiation may be used in the preparation of any meat or poultry product, for any purpose, unless the use is listed or approved in 21 CFR chapter I as a direct food additive (21 CFR part 172), a secondary direct food additive (21 CFR part 173), indirect food additive (21 CFR parts 174-178), radiation source (21 CFR part 179), an interim-listed direct food additive (21 CFR part 180), a prior-sanctioned substance (21 CFR part 181), a Generally Recognized As Safe (GRAS) substance (21 CFR parts 182 or 184), or by a rule in this Division 29. OAR 603-029-1200 to 603-029-1299 also specifies other food ingredients that are acceptable in preparing specified products.

(c) No food ingredient, the intended use of which is to impart color in any meat or poultry product, shall be used unless such use is approved in 21 CFR chapter I as a color additive (21 CFR Parts 73, 74, 81, and 82) or in a rule in this Division 29.

(d) Petitions to amend 21 CFR chapter I to provide for uses of food additives, or other substances or sources of radiation necessary in the preparation of meat or poultry products, or food ingredients used to impart color to product, should be sent to the Food and Drug Administration, in accordance with the provisions of 21 CFR parts 71 or 171, as appropriate.

(e) Inquiries concerning the regulatory status under the Federal Food, Drug, and Cosmetic Act of any articles intended for use as components of, or in contact with, meat or poultry products, may be addressed to the Food and Drug Administration, Center for Food Safety and Applied Nutrition, 200 C Street, SW, Washington, DC 20204, or the Department of Agriculture, Food Safety and Inspection Service, Office of Policy, Program Development and Evaluation, Washington, DC 20250-3700.

(f) Inquiries concerning the use in specific meat or poultry products of substances that are not affirmed by the Food and Drug Administration as Generally Recognized as Safe (GRAS) or otherwise listed in 21 CFR part 182 or part 184, or of food or color additives listed in 21 CFR regulations for general use in foods or for use in meat, or poultry products, generally, including mixtures of such substances or additives, should be addressed to the Department of Agriculture, Food Safety and Inspection Service, Office of Policy, Program Development and Evaluation, Washington, DC 20250-3700.

(3) The food ingredients specified in the following chart are approved for use in the preparation of meat products, provided they are used for the purposes indicated, within the limit of the amounts stated, and under other conditions

specified in this rule and OAR 603-029-1000 to 603-029-1058. OAR 603-029-1200 to 603-029-1299 specifies other food ingredients that are acceptable in preparing specified meat products. This chart also contains food ingredients that are acceptable for use in poultry products, provided they are used for the purpose indicated, within the limits of the amounts stated and under other conditions specified in this part. No meat or poultry product shall bear or contain any food ingredient that would render it adulterated or misbranded, or which is not approved in this rule, or by the Department in specific cases.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-2410

RULE TITLE: Certain Other Permitted Uses

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Certain Other Permitted Uses

RULE TEXT:

(1) Under appropriate declaration as required in OAR 603-029-0900 to 603-029-0970 and OAR 603-029-1000 to 603-029-1058, the following substances may be added to meat:

(a) General. Common salt, approved sugars (sucrose, cane or beet sugar), maple sugar, dextrose, invert sugar, honey, corn syrup solids (corn syrup, glucose syrup and fructose), wood smoke, vinegar, flavorings, spices, sodium nitrate, sodium nitrite, potassium nitrate, potassium nitrite, and other food and color additives specified in the chart in section (3) of this rule may be added to meat under conditions, if any, specified in this rule or in OAR 603-029-1000 to 603-029-1058.

(b) Artificial flavorings. Other harmless artificial flavorings may be added to meat, with the approval of the Department in specific cases.

(c) Coloring matter and dyes. Coloring matter and dyes, other than those specified in a regulation permitting that use in this rule or in 21 CFR Chapter I, Subchapter A and Subchapter B, may be applied to meat mixed with rendered fat, applied to natural and artificial casings, and applied to such casings enclosing products, if approved by the Department in specific cases. When any coloring matter or dye is applied to casings, there shall be no penetration of coloring into the product.

(2) Use of nitrite and sodium ascorbate or sodium erythorbate (isoascorbate) in bacon

(a) Pumped bacon. With respect to bacon injected with curing ingredients and massaged bacon, sodium nitrite shall be used at 120 parts per million (ppm) ingoing or an equivalent amount of potassium nitrite shall be used (148 ppm ingoing); and 550 ppm of sodium ascorbate or sodium erythorbate (isoascorbate) shall be used. Sodium ascorbate or sodium erythorbate have a molecular weight of approximately 198. Hydrated forms of these substances shall be adjusted to attain the equivalent of 550 ppm of sodium ascorbate or sodium erythorbate.

(A) The Department shall collect samples of pumped bacon from producing plants and analyze them for the level of nitrosamines by the Thermal Energy Analyzer (TEA). In the event that a TEA analysis indicates that a confirmable level of nitrosamines might be present, additional samples shall be collected and analyzed by gas chromatography. Presumptive positive results must be confirmed by mass spectrometry before being considered positive. If during the interval required for the Department to analyze the confirmatory samples by gas chromatography and mass spectrometry, changes are made in processing procedures which are expected to result in no confirmable levels of nitrosamines in pumped bacon produced by these new procedures, an establishment may submit samples to the Department for analysis upon prior notification and arrangements with the Department. If, however, an establishment furnishes the Department with laboratory results from testing five consecutive lots of pumped bacon produced under the new procedures and the testing is performed by the Department methodology and procedures, those results will be utilized in making the determination concerning the product produced under the new procedures. Should the results of these tests reveal that confirmable levels of nitrosamines are not indicated in any of the five consecutive lots, the confirmation analysis by the Department shall be terminated and the establishment shall revert to normal monitoring status. In the event the test results continue to indicate nitrosamines, however, the Department shall proceed in its confirmation analysis on the original samples taken for confirmation. If any one of the original samples collected by the Department for confirmation is found to contain confirmable levels of nitrosamines, all pumped bacon in the producing establishment and all future production will be retained. The Department shall sample and analyze such retained pumped bacon for nitrosamines on a lot by lot basis. A production lot shall be that pumped bacon produced by the establishment in any single shift. Samples from any lot of pumped bacon under retention found to contain nitrosamines at a confirmable level shall cause the lot of pumped bacon to be disposed of in a manner to ensure it will not form nitrosamines when cooked. Such disposal may include incorporation of the uncooked pumped bacon as an ingredient of

another meat provided it is processed for eating without further preparation in a manner to preclude the formation of nitrosamines. Bacon subsequently produced shall not be retained because of nitrosamines if the operator of the establishment makes adjustments in the processing of the product and laboratory results obtained by TEA analysis of samples from five consecutive normal sized lots of pumped bacon indicates that the product being produced contains no confirmable levels of nitrosamines. These tests from five consecutive normal sized lots of pumped bacon shall be conducted by the Department. However, if the establishment furnishes the Department with the results of tests conducted under the methodology and procedures used by the Department, such test results will be utilized in making the determination concerning the nitrosamine content of the product. All tests of pumped bacon for nitrosamines under this paragraph (2)(a)(A) shall be made on pumped bacon cooked at 340 degrees F. for 3 minutes on each side. In order to determine that no confirmable levels of nitrosamines are present in a sample tested, the testing must be performed by methodology and procedures that would detect the presence of any nitrosamines at 10 ppb.

(B) Notwithstanding the provisions of paragraph(2)(a)(A) of this rule, sodium nitrite may be used at:

(i) 100 ppm ingoing (potassium nitrite at 123 ppm ingoing); and 550 ppm sodium ascorbate or sodium erythorbate (isoascorbate) shall be used; or

(ii) A predetermined level between 40 and 80 ppm (potassium nitrite at a level between 49 and 99 ppm); 550 ppm sodium ascorbate or sodium erythorbate (isoascorbate); and additional sucrose or other similar fermentable carbohydrate at a minimum of 0.7 percent and an inoculum of lactic acid producing bacteria such as Pediococcus acetolactii or other bacteria demonstrated to be equally effective in preventing the production of botulinum toxin at a level sufficient for the purpose of preventing the production of botulinum toxin.

(iii) The Department shall collect samples of bacon from establishments producing under paragraph (2)(a)(B) of this rule and analyze them for the level of nitrosamines. Samples shall be randomly selected throughout the production of a lot. The actual sampling plans and methods of analysis that are used will result in approximately the same likelihood as under paragraph (2)(a)(A) of this rule of having a presumptive positive result when the true mean level of nitrosamines in a production lot is 10 ppb. In the event of a presumptive positive result, the establishment shall become subject to the provisions of paragraph (2)(a)(A) of this rule.

(b) Immersion cured bacon. Immersion cured bacon may be placed in a brine solution containing salt, nitrite and flavoring material or in a container with salt, nitrite and flavoring material. Sodium nitrite shall not exceed 120 ppm ingoing or an equivalent amount of potassium nitrite (148 ppm ingoing) based on the actual or estimated skin-free green weight of the bacon bellies.

(c) Bacon made with dry curing materials. With respect to bacon made with dry curing materials, the product shall be cured by applying a premeasured amount of cure mixture to the bacon belly surfaces, completely covering the surfaces. Sodium nitrite shall not exceed 200 ppm ingoing or an equivalent amount of potassium nitrite (246 ppm ingoing) in dry cured bacon based on the actual or estimated skin-free green weight of the bacon belly.

(3) Irradiation of meat products.

(a) General requirements. Meat or meat products may be treated to reduce foodborne pathogens and to extend product shelf-life by the use of sources of ionizing radiation as identified in 21 CFR 179.26(a). State-inspected establishments must irradiate meat and meat products in accordance with 21 CFR 179.26(b), the Hazard Analysis and Critical Control Point (HACCP) system requirements in OAR 603-029-2200 to 603-029-2235, and the provisions of this rule.

(b) Dosimetry. State-inspected establishments that irradiate meat or meat products must have the following procedures in place:

(A) Laboratory operation procedures for determining the absorbed dose value from the dosimeter.

(B) Calibration criteria for verifying the accuracy and consistency of any means of measurement (e.g., time clocks and weight scales).

(C) Calibration and accountability criteria for verifying the traceability and accuracy of dosimeters for the intended purpose, and the verification of calibration at least every 12 months. To confirm traceability, establishments must relate, through documentation, the end point measurement of a dosimeter to recognized standards.

(D) Procedures for ensuring that the product unit is dose mapped to identify the regions of minimum and maximum

absorbed dose and such regions are consistent from one product unit to another of like product.
(E) Procedures for accounting for the total absorbed dose received by the product unit (e.g., partial applications of the absorbed dose within one production lot).
(F) Procedures for verifying routine dosimetry, i.e., assuring each production lot receives the total absorbed dose. Establishments may either position one dosimeter at the regions of minimum and maximum absorbed dose (or at one region verified to represent such) on at least the first, middle, and last product unit in each production lot or use statistically based validation and dose mapping to determine the number and placement of dosimeters in each production lot.
(G) Procedures for verifying the relationship of absorbed dose as measured by the dosimeter to time exposure of the product unit to the radiation source.
(H) Procedures for verifying the integrity of the radiation source and processing procedure. Aside from expected and verified radiation source activity decay for radionuclide sources, the radiation source or processing procedure must not be altered, modified, replenished, or adjusted without repeating dose mapping of product units to redefine the regions of minimum and maximum absorbed dose.
(c) Documentation. State-inspected establishments that irradiate meat or meat products must have the following documentation on premises, available to the Department:
(A) Documentation that the irradiation facility is licensed or possesses gamma radiation sources registered with the Nuclear Regulatory Commission (NRC) or the appropriate State government acting under authority granted by the NRC.
(B) Documentation that the machine radiation source irradiation facility is registered with the appropriate State government, if applicable.
(C) Documentation that a worker safety program addressing OSHA regulations (29 CFR chapter XVII) is in place.
(D) Citations or other documents that relate to incidences in which the establishment was found not to comply with Federal or State agency requirements for irradiation facilities.
(E) A certification by the operator that the irradiation facility personnel will only operate under supervision of a person who has successfully completed a course of instruction for operators of food irradiation facilities.
(F) A certification by the operator that the key irradiation personnel, who monitor or control daily operations, have been trained in food technology, irradiation processing, and radiation health and safety.
(G) Guarantees from the suppliers of all food-contact packaging materials that may be subject to irradiation that those materials comply with the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).
(d) Labeling. The labels on packages of meat and meat products irradiated in their entirety, in conformance with this section and with 21 CFR 179.26(a) and (b), must bear the logo shown at the end of this paragraph. Unless the word “Irradiated” is part of the product name, labels also must bear a statement such as “Treated with radiation” or “Treated by irradiation.” The logo must be placed in conjunction with the required statement, if the statement is used. The statement is not required to be more prominent than the declaration of ingredients required under OAR 603-029-1004(3)(b). [Image 1, 603-029-2410]
(A) For meat or meat products that have been irradiated in their entirety, but that are not sold in packages, the required logo must be displayed to the purchaser with either the labeling of the bulk container plainly in view or a counter sign, card, or other appropriate device bearing the information that the product has been treated with radiation. In either case, the information must be prominently and conspicuously displayed to purchasers. Unless the word “Irradiated” is part of the product name, the labeling counter sign, card, or other device also must bear a statement such as “Treated with radiation” or “Treated by irradiation.” The logo must be placed in conjunction with the required statement, if the statement is used.
(B) The inclusion of an irradiated meat or meat product ingredient in any multi-ingredient meat or poultry product must be reflected in the ingredient statement on the finished product labeling.
(C) Optional labeling statements about the purpose for radiation processing may be included on the product label in addition to the stated requirements elsewhere in this section, provided that such statements are not false or misleading.

Statements that there has been a specific reduction in microbial pathogens must be substantiated by processing documentation.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-2415

RULE TITLE: Prohibited Uses

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Prohibited Uses

RULE TEXT:

(1) Substances that conceal damage or inferiority or make products appear better or of greater value. No substance may be used in or on any meat if it conceals damage or inferiority or makes the product appear to be better or of greater value than it is. Therefore:

(a) Paprika or oleoresin paprika may not be used in or on fresh meat, such as steaks, or comminuted fresh meat, such as chopped and formed steaks or patties; or in any other meat consisting of fresh meat (with or without seasoning).

(b) Paprika or oleoresin paprika may be used in or on chorizo sausage and other meat in which paprika or oleoresin paprika is permitted as an ingredient in a standard of identity or composition in OAR 603-029-1200 to 603-029-1299.

(c) Sorbic acid, calcium sorbate, sodium sorbate, and other salts of sorbic acid shall not be used in cooked sausages or any other meat; sulfurous acid and salts of sulfurous acid shall not be used in or on any meat; and niacin or nicotinamide shall not be used in or on fresh meat product; except that potassium sorbate, propylparaben (propyl p-hydroxybenzoate), and calcium propionate, may be used in or on any product, only as provided in this Division 29 .

(2) Nitrates. Nitrates shall not be used in curing bacon.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-2500

RULE TITLE: Definitions

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Definitions

RULE TEXT:

The following definitions apply to OAR 603-029-2500 to 603-029-2505:

(1) “Antimicrobial agent” means a substance in or added to an RTE product that has the effect of reducing or eliminating a microorganism, including a pathogen such as L. monocytogenes, or that has the effect of suppressing or limiting growth of L. monocytogenes in the product throughout the shelf life of the product. Examples of antimicrobial agents added to RTE products are potassium lactate and sodium diacetate.

(2) “Antimicrobial process” means an operation, such as freezing, applied to an RTE product that has the effect of suppressing or limiting the growth of a microorganism, such as L. monocytogenes, in the product throughout the shelf life of the product.

(3) “Deli product” means a ready-to-eat meat or poultry product that typically is sliced, either in a state-inspected establishment or after distribution from a state-inspected establishment, and typically is assembled in a sandwich for consumption.

(4) “Hazard Analysis Critical Control Point” (HACCP) means the HACCP plan in operation, including the HACCP plan itself in accordance with OAR 603-029-2200 to 603-029-2235.

(5) “Hotdog product” means a ready-to-eat meat or poultry frank, frankfurter, or wiener, such as a product defined in OAR 603-029-1248 and 603-029-1252.

(6) “Lethality treatment” means a process, including the application of an antimicrobial agent, that eliminates or reduces the number of pathogenic microorganisms on or in a product to make the product safe for human consumption. Examples of lethality treatments are cooking or the application of an antimicrobial agent or process that eliminates or reduces pathogenic microorganisms.

(7) “Post-lethality exposed product” means ready-to-eat product that comes into direct contact with a food contact surface after the lethality treatment in a post-lethality processing environment.

(8) “Post-lethality processing environment” means the area of an establishment into which product is routed after having been subjected to an initial lethality treatment. The product may be exposed to the environment in this area as a result of slicing, peeling, re-bagging, cooling semi-permeable encased product with a brine solution, or other procedures.

(9) “Post-lethality treatment” means a lethality treatment that is applied or is effective after post-lethality exposure. It is applied to the final product or sealed package of product in order to reduce or eliminate the level of pathogens resulting from contamination from post-lethality exposure.

(10) “Prerequisite program” means a procedure or set of procedures that is designed to provide basic environmental or operating conditions necessary for the production of safe, wholesome food. It is called “prerequisite” because it is considered by scientific experts to be prerequisite to a HACCP) plan in accordance with part 417 of this Division 29.

(11) “Ready-to-eat” (RTE) product means a meat or poultry product that is in a form that is edible without additional preparation to achieve food safety and may receive additional preparation for palatability or aesthetic, epicurean, gastronomic, or culinary purposes. RTE product is not required to bear a safe-handling instruction (as required for non-RTE products by OAR 603-029-1004(12)) or other labeling that directs that the product must be cooked or otherwise treated for safety, and can include frozen meat and poultry products.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-2505

RULE TITLE: Control of Listeria Monocytogenes in Post-Lethality Exposed Ready-To-Eat Products

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Control of Listeria Monocytogenes in Post-Lethality Exposed Ready-To-Eat Products

RULE TEXT:

(1) Listeria monocytogenes can contaminate RTE products that are exposed to the environment after they have undergone a lethality treatment. L. monocytogenes is a hazard that a state-inspected establishment producing post-lethality exposed RTE products must control through its HACCP plan or prevent in the processing environment through a Sanitation SOP or other prerequisite program. RTE product is adulterated if it contains L. monocytogenes, or if it comes into direct contact with a food contact surface that is contaminated with L. monocytogenes. Establishments must not release into commerce product that contains L. monocytogenes or that has been in contact with a food contact surface contaminated with L. monocytogenes without first reworking the product using a process that is destructive of L. monocytogenes.

(2) In order to maintain the sanitary conditions necessary to meet this requirement, a state-inspected establishment producing post-lethality exposed RTE product must comply with the requirements included in one of the three following alternatives:

(a) Alternative 1. Use of a post-lethality treatment (which may be an antimicrobial agent) that reduces or eliminates microorganisms on the product and an antimicrobial agent or process that suppresses or limits the growth of L. monocytogenes. If a state-inspected establishment chooses this alternative:

(A) The post-lethality treatment must be included in the state-inspected establishment's HACCP plan. The antimicrobial agent or process used to suppress or limit the growth of the pathogen must be included in either the state-inspected establishment's HACCP plan or its Sanitation SOP or other prerequisite program.

(B) The state-inspected establishment must validate the effectiveness of the post-lethality treatment incorporated in its HACCP plan in accordance with OAR 603-029-2215. The state-inspected establishment must document, either in its HACCP plan or in its Sanitation SOP or other prerequisite program, that the antimicrobial agent or process, as used, is effective in suppressing or limiting growth of L. monocytogenes.

(b) Alternative 2. Use of either a post-lethality treatment (which may be an antimicrobial agent) that reduces or eliminates microorganisms on the product or an antimicrobial agent or process that suppresses or limits growth of L. monocytogenes. If a state-inspected establishment chooses this alternative:

(A) The post-lethality treatment must be included in the state-inspected establishment's HACCP plan. The antimicrobial agent or process used to suppress or limit growth of the pathogen must be included in either the state-inspected establishment's HACCP plan or its Sanitation SOP or other prerequisite program.

(B) The state-inspected establishment must validate the effectiveness of a post-lethality treatment incorporated in its HACCP plan in accordance with OAR 603-029-2215. The state-inspected establishment must document in its HACCP plan or in its Sanitation SOP or other prerequisite program that the antimicrobial agent or process, as used, is effective in suppressing or limiting growth of L. monocytogenes.

(C) If a state-inspected establishment chooses this alternative and chooses to use only an antimicrobial agent or process that suppresses or limits the growth of L. monocytogenes, its sanitation program must:

(i) Provide for testing of food contact surfaces in the post-lethality processing environment to ensure that the surfaces are sanitary and free of L. monocytogenes or of an indicator organism;

(ii) Identify the conditions under which the establishment will implement hold-and-test procedures following a positive test of a food-contact surface for an indicator organism;

(iii) State the frequency with which testing will be done;

(iv) Identify the size and location of the sites that will be sampled; and

(v) Include an explanation of why the testing frequency is sufficient to ensure that effective control of L. monocytogenes or of indicator organisms is maintained.

(D) A state-inspected establishment that chooses this alternative and uses a post-lethality treatment of product will likely be subject to more frequent verification testing by the Department than if it had chosen Alternative 1. A state-inspected establishment that chooses this alternative and uses an antimicrobial agent or process that suppresses or limits the growth of L. monocytogenes will likely be subject to more frequent Department verification testing than if it uses a post-lethality treatment.
(c) Alternative 3. Use of sanitation measures only.
(A) If a state-inspected establishment chooses this alternative, its sanitation program must:
(i) Provide for testing of food contact surfaces in the post-lethality processing environment to ensure that the surfaces are sanitary and free of L. monocytogenes or of an indicator organism;
(ii) Identify the conditions under which the establishment will implement hold-and-test procedures following a positive test of a food-contact surface for an indicator organism;
(iii) State the frequency with which testing will be done;
(iv) Identify the size and location of the sites that will be sampled; and
(v) Include an explanation of why the testing frequency is sufficient to ensure that effective control of L. monocytogenes or of indicator organisms is maintained.
(B) A state-inspected establishment producing a deli product or a hotdog product, in addition to meeting the requirements of paragraph (2)(c)(A) of this rule, must meet the following requirements:
(i) The state-inspected establishment must verify that the corrective actions that it takes with respect to sanitation after an initial positive test for L. monocytogenes or an indicator organism on a food contact surface in the post-lethality processing environment are effective by conducting follow-up testing that includes a targeted test of the specific site on the food contact surface area that is the most likely source of contamination by the organism and such additional tests in the surrounding food contact surface area as are necessary to ensure the effectiveness of the corrective actions.
(ii) During this follow-up testing, if the state-inspected establishment obtains a second positive test for an indicator organism, the establishment must hold lots of product that may have become contaminated by contact with the food contact surface until the state-inspected establishment corrects the problem indicated by the test result.
(iii) In order to release into commerce product held under this section, the state-inspected establishment must sample and test the lots for L. monocytogenes or an indicator organism using a sampling method and frequency that will provide a level of statistical confidence that ensures that each lot is not adulterated with L. monocytogenes. The state-inspected establishment must document the results of this testing. Alternatively, the state-inspected establishment may rework the held product using a process that is destructive of L. monocytogenes or the indicator organism.
(C) A state-inspected establishment that chooses Alternative 3 is likely to be subject to more frequent verification testing by the Department than a state-inspected establishment that has chosen Alternative 1 or 2. A state-inspected establishment that chooses Alternative 3 and that produces deli meat or hotdog products is likely to be subject to more frequent verification testing than one that does not produce such products.
(3) For all three alternatives in section (2):
(a) State-inspected establishments may use verification testing that includes tests for L. monocytogenes or an indicator organism, such as Listeria species, to verify the effectiveness of their sanitation procedures in the post-lethality processing environment.
(b) Sanitation measures for controlling L. monocytogenes and procedures for antimicrobial agents or processes that suppress or limit the growth of the pathogen may be incorporated either in the state-inspected establishment's HACCP plan or in its Sanitation SOP or other prerequisite program. When these control procedures are incorporated into the Sanitation SOP or prerequisite program, and not as a CCP in the HACCP plan, the state-inspected establishment must have documentation that supports the decision in its hazard analysis that L. monocytogenes is not a hazard that is reasonably likely to occur.
(c) The state-inspected establishment must maintain sanitation in the post-lethality processing environment in accordance with OAR 603-029-2100 to 603-029-2160.
(d) If L. monocytogenes control measures are included in the HACCP plan, the state-inspected establishment must

validate and verify the effectiveness of measures for controlling L. monocytogenes included in its HACCP plan in accordance with OAR 603-029-2215.
(e) If L. monocytogenes control measures are included in the Sanitation SOP, the effectiveness of the measures must be evaluated in accordance with OAR 603-029-2145.
(f) If the measures for addressing L. monocytogenes are addressed in a prerequisite program other than the Sanitation SOP, the state-inspected establishment must include the program and the results produced by the program in the documentation that the state-inspected establishment is required to maintain under OAR 603-029-2220.
(g) The state-inspected establishment must make the verification results that demonstrate the effectiveness of the measures it employs, whether under its HACCP plan or its Sanitation SOP or other prerequisite program, available upon request to Department inspection personnel.
(4) A state-inspected establishment that controls L. monocytogenes by using a post-lethality treatment or an antimicrobial agent or process that eliminates or reduces or suppresses or limits the growth of the organism may declare this fact on the product label provided that the state-inspected establishment has validated the claim.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-2600

RULE TITLE: Definitions

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Definitions

RULE TEXT:

For purposes of OAR 603-029-2600 to 603-029-2655, the following definitions apply:

(1) “Abnormal container” means a container with any sign of swelling or product leakage or any evidence that the contents of the unopened container may be spoiled.

(2) “Acidified low acid product” means a canned product which has been formulated or treated so that every component of the finished product has a pH of 4.6 or lower within 24 hours after the completion of the thermal process unless data are available from the state-inspected establishment's processing authority demonstrating that a longer time period is safe.

(3) “Bleeders” means small orifices on a retort through which steam, other gasses, and condensate are emitted from the retort throughout the entire thermal process.

(4) “Canned product” means a meat or poultry product with a water activity above 0.85 which receives a thermal process either before or after being packed in a hermetically sealed container. Unless otherwise specified, the term “product” as used in OAR 603-029-2600 to 603-029-2655 means “canned product.”

(5) “Closure technician” means the individual(s) identified by the state-inspected establishment as being trained to perform specific container integrity examinations as required by OAR 603-029-2600 to 603-029-2655 and designated by the state-inspected establishment to perform such examinations.

(6) “Code lot” means all production of a particular product in a specific size container marked with a specific container code.

(7) “Come-up time” means the elapsed time, including venting time (if applicable), between the introduction of the heating medium into a closed retort and the start of process timing.

(8) “Critical factor” means any characteristic, condition or aspect of a product, container, or procedure that affects the adequacy of the process schedule. Critical factors are established by processing authorities.

(9) “Headspace” means that portion of a container not occupied by the product.

(a) “Gross headspace” means the vertical distance between the level of the product (generally the liquid surface) in an upright rigid container and the top edge of the container (i.e., the flange of an unsealed can, the top of the double seam on a sealed can, or the top edge of an unsealed jar).

(b) “Net headspace” means the vertical distance between the level of the product (generally the liquid surface) in an upright rigid container and the inside surface of the lid.

(10) “Hermetically sealed containers” means air-tight containers which are designed and intended to protect the contents against the entry of microorganisms during and after thermal processing.

(a) “Rigid container” means a container, the shape or contour of which, when filled and sealed, is neither affected by the enclosed product nor deformed by external mechanical pressure of up to 10 pounds per square inch gauge (0.7 kg/cm2) (i.e., normal firm finger pressure).

(b) “Semirigid container” means a container, the shape or contour of which, when filled and sealed, is not significantly affected by the enclosed product under normal atmospheric temperature and pressure, but can be deformed by external mechanical pressure of less than 10 pounds per square inch gauge (0.7 kg/cm2) (i.e., normal firm finger pressure).

(c) “Flexible container” means a container, the shape or contour of which, when filled and sealed, is significantly affected by the enclosed product.

(11) “Incubation tests” means tests in which the thermally processed product is kept at a specific temperature for a specified period of time in order to determine if outgrowth of microorganisms occurs.

(12) “Initial temperature” (IT) means the temperature, determined at the initiation of a thermal process cycle, of the

contents of the coldest container to be processed.
(13) “Low acid product” means a canned product in which any component has a pH value above 4.6.
(14) “Process schedule” means the thermal process and any specified critical factors for a given canned product required to achieve shelf stability.
(15) “Process temperature” means the minimum temperature(s) of the heating medium to be maintained as specified in the process schedule.
(16) “Process time” means the intended time(s) a container is to be exposed to the heating medium while the heating medium is at or above the process temperature(s).
(17) “Processing authority” means the person(s) or organization(s) having expert knowledge of thermal processing requirements for foods in hermetically sealed containers, having access to facilities for making such determinations, and designated by the state-inspected establishment to perform certain functions as indicated in OAR 603-029-2600 to 603-029-2655.
(18) “Retort” means a pressure vessel designed for thermal processing of product packed in hermetically sealed containers.
(19) “Seals” means those parts of a semirigid container and lid or of a flexible container that are fused together in order to hermetically close the container.
(20) “Shelf stability” means the condition achieved by application of heat, sufficient, alone or in combination with other ingredients and/or treatments, to render the product free of microorganisms capable of growing in the product at nonrefrigerated conditions (over 50°F or 10 °C) at which the product is intended to be held during distribution and storage. Shelf stability and shelf stable are synonymous with commercial sterility and commercially sterile, respectively.
(21) “Thermal process” means the heat treatment necessary to achieve shelf stability as determined by the state-inspected establishment's processing authority. It is quantified in terms of:
(a) Time(s) and temperature(s); or
(b) Minimum product temperature.
(22) “Venting” means the removal of air from a retort before the start of process timing.
(23) “Water activity” means the ratio of the water vapor pressure of the product to the vapor pressure of pure water at the same temperature.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.055, ORS 619.026, ORS 619.036

ADOPT: 603-029-2605

RULE TITLE: Containers and Closures

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Containers and Closures

RULE TEXT:

(1) Examination and handling of empty containers.

(a) Empty containers, closures, and flexible pouch roll stock must be evaluated by the state-inspected establishment to ensure that they are free of structural defects and damage that may affect product or container integrity. Such an examination should be based on a statistical sampling plan.

(b) All empty containers, closures, and flexible pouch roll stock must be stored, handled, and conveyed in such a manner that will prevent damage that could affect the hermetic condition of the sealed container.

(c) Just before filling, rigid containers must be cleaned to prevent incorporation of foreign matter into the finished product. Closures, semirigid containers, preformed flexible pouches, and flexible pouch roll stock contained in original wrappings do not need to be cleaned before use.

(2) Closure examinations for rigid containers (cans)—

(a) Visual examinations. A closure technician must visually examine the double seams formed by each closing machine head. When seam defects (e.g., cutovers, sharpness, knocked down flanges, false seams, droops) are observed, necessary corrective actions, such as adjusting or repairing the closing machine, must be taken. In addition to the double seams, the entire container must be examined for product leakage or obvious defects. A visual examination must be performed on at least one container from each closing machine head, and the observations, along with any corrective actions, must be recorded. Visual examinations must be conducted with sufficient frequency to ensure proper closure and should be conducted at least every 30 minutes of continuous closing machine operation. Additional visual examinations must be made by the closure technician at the beginning of production, immediately following every jam in the closing machine and after closing machine adjustment (including adjustment for changes in container size).

(b) Teardown examinations. Teardown examinations of double seams formed by each closing machine head must be performed by a closure technician at a frequency sufficient to ensure proper closure. These examinations should be made at intervals of not more than 4 hours of continuous closing machine operation. At least one container from each closing head must be examined on the packer's end during each regular examination period. Examination results along with any necessary corrective actions, such as adjusting or repairing the closing machine, must be promptly recorded by the closure technician. The state-inspected establishment must have container specification guidelines for double seam integrity on file and available for review by the Department. A teardown examination of the can maker's end must be performed on at least one container selected from each closing machine during each examination period except when teardown examinations are made on incoming empty containers or when, in the case of self-manufactured containers, the containers are made in the vicinity of the state-inspected establishment and the container plant records are made available to the Department. Additional teardown examinations on the packer's end should be made at the beginning of production, immediately following every jam in a closing machine and after closing machine adjustment (including adjustment for a change in container size). The following procedures must be used in teardown examinations of double seams:

(A) Dimensional measurement. One of the following two methods must be employed for dimensional measurements of the double seam.

(i) Micrometer measurement.

(I) For cylindrical containers, measure the following dimensions (Figure 1 to 603-029-2605) at three points approximately 120 degrees apart on the double seam excluding and at least one-half inch from the side seam juncture:

(I)-(a) Double seam length—W;

(I)-(b) Double seam thickness—S;

(I)-(c) Body hook length—BH; and

(I)-(d) Cover hook length—CH.
(II) Maximum and minimum values for each dimensional measurement must be recorded by the closure technician. [603-209-2605 (1)]
(ii) Seamscope or seam projector. Required measurements of the seam include thickness, body hook, and overlap.
(B) Seam thickness. Seam thickness must be obtained by micrometer. For cylindrical containers, at least two locations, excluding the side seam juncture, must be used to obtain the required measurements.
(C) Seam tightness. Regardless of the dimensional measurement method used to measure seam dimensions, at a minimum, the seam(s) examined must be stripped to assess the degree of wrinkling.
(D) Side seam juncture rating. Regardless of the dimensional measurement method used to measure seam dimensions, the cover hook must be stripped to examine the cover hook droop at the juncture for containers having side seams.
(E) Examination of noncylindrical containers. Examination of noncylindrical containers (e.g., square, rectangular, “D”-shaped, and irregularly-shaped) must be conducted as described in sections (2)(b)(A), (B), (C), and (D) of this rule except that the required dimensional measurements must be made on the double seam at the points listed in the state-inspected establishment's container specification guidelines.
(3) Closure examinations for glass containers
(a) Visual examinations. A closure technician must visually assess the adequacy of the closures formed by each closing machine. When closure defects, such as loose or cocked caps, fractured or cracked containers and low vacuum jars, are observed, necessary corrective actions, such as adjusting or repairing the closing machine must be taken and recorded. In addition to the closures, the entire container must be examined for defects. Visual examinations must be made with sufficient frequency to ensure proper closure and should be conducted at least every 30 minutes of continuous closing machine operation. Additional visual examinations must be made by the closure technician and the observations recorded at the beginning of production, immediately following every jam in the closing machine, and after closing machine adjustment (including adjustment for a change in container size).
(b) Closure examinations and tests. Depending upon the container and closure, tests must be performed by a closure technician at a frequency sufficient to ensure proper closure. These examinations should be made either before or after thermal processing and at intervals of not more than 4 hours of continuous closing machine operation. At least one container from each closing machine must be examined during each regular examination period. Examination results along with any necessary corrective actions, such as adjusting or repairing the closing machine, must be promptly recorded by the closure technician. The state-inspected establishment must have specification guidelines for closure integrity on file and available for review by the Department. Additional closure examinations should be made at the beginning of production, immediately following every jam in the closing machine, and after closing machine adjustment (including adjustment for a change in container size).
(4) Closure examinations for semi-rigid and flexible containers.
(a) Heat seals
(A) Visual examinations. A closure technician must visually examine the seals formed by each sealing machine. When sealing defects are observed, necessary corrective actions, such as adjusting or repairing the sealing machine, must be taken and recorded. In addition to examining the heat seals, the entire container must be examined for product leakage or obvious defects. Visual examinations must be performed before and after the thermal processing operation and with sufficient frequency to ensure proper closure. These examinations should be conducted at least in accordance with a statistical sampling plan. All defects noted and corrective actions taken must be promptly recorded.
(B) Physical tests. Tests determined by the state-inspected establishment as necessary to assess container integrity must be conducted by the closure technician at a frequency sufficient to ensure proper closure. These tests must be performed after the thermal processing operation and should be made at least every 2 hours of continuous production. The state-inspected establishment's acceptance guidelines for each test procedure must be on file and available for review by the Department. Test results along with any necessary corrective actions, such as adjusting or repairing the sealing machine, must be recorded.
(b) Recording. Double seams on semirigid or flexible containers must be examined and the results recorded as provided

in section (2) of this rule. Any additional measurements specified by the container manufacturer must also be made and recorded.

(5) Container coding. Each container must be marked with a permanent, legible, identifying code mark. The mark must, at a minimum, identify in code the product (unless the product name is lithographed or printed elsewhere on the container) and the day and year the product was packed.

(6) Handling of containers after closure.

(a) Containers and closures must be protected from damage which may cause defects that are likely to affect the hermetic condition of the containers. The accumulation of stationary containers on moving conveyors should be minimized to avoid damage to the containers.

(b) The maximum time lapse between closure of containers and initiation of thermal processing must be 2 hours unless data are available from the state-inspected establishment's processing authority demonstrating that an alternative time period is safe and will not result in product spoilage.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.055, ORS 619.026, ORS 619.036

ADOPT: 603-029-2610

RULE TITLE: Thermal Processing

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Thermal Processing

RULE TEXT:

(1) Process schedules. Prior to the processing of canned product for distribution in commerce, a state-inspected establishment must have a process schedule (as defined in OAR 603-029-2600) for each canned meat or poultry product to be packed by the state-inspected establishment.

(2) Source of process schedules:

(a) Process schedules used by a state-inspected establishment must be developed or determined by a processing authority.

(b) Any change in product formulation, ingredients, or treatments that are not already incorporated in a process schedule and that may adversely affect either the product heat penetration profile or sterilization value requirements must be evaluated by the state-inspected establishment's processing authority. If it is determined that any such change adversely affects the adequacy of the process schedule, the processing authority must amend the process schedule accordingly.

(c) Complete records concerning all aspects of the development or determination of a process schedule, including any associated incubation tests, must be made available by the state-inspected establishment to the Department upon request.

(3) Submittal of process information.

(a) Prior to the processing of canned product for distribution in commerce, the state-inspected establishment must provide the inspector at the state-inspected establishment with a list of the process schedules (including alternate schedules) along with any additional applicable information, such as the retort come-up, operating procedures, and critical factors.

(b) Letters or other written communications from a processing authority recommending all process schedules must be maintained on file by the state-inspected establishment. Upon request by the Department, the state-inspected establishment must make available such letters or written communications (or copies thereof). If critical factors are identified in the process schedule, the state-inspected establishment must provide the inspector with a copy of the procedures for measuring, controlling, and recording these factors, along with the frequency of such measurements, to ensure that the critical factors remain within the limits used to establish the process schedule. Once submitted, the process schedules and associated critical factors and the procedures for measuring (including the frequency), controlling, and recording of critical factors must not be changed without the prior written submittal of the revised procedures (including supporting documentation) to the inspector at the state-inspected establishment.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.055, ORS 619.026, ORS 619.036

ADOPT: 603-029-2615

RULE TITLE: Critical Factors and the Application of the Process Schedule

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Critical Factors and the Application of the Process Schedule

RULE TEXT:

Critical factors specified in the process schedule must be measured, controlled, and recorded by the state-inspected establishment to ensure that these factors remain within the limits used to establish the process schedule. Examples of factors that are often critical to process schedule adequacy may include:

(1) General.

(a) Maximum fill-in weight or drained weight;

(b) Arrangement of pieces in the container;

(c) Container orientation during thermal processing;

(d) Product formulation;

(e) Particle size;

(f) Maximum thickness for flexible containers, and to some extent semirigid containers, during thermal processing;

(g) Maximum pH;

(h) Percent salt;

(i) Ingoing (or formulated) nitrite level (ppm);

(j) Maximum water activity; and

(k) Product consistency or viscosity.

(2) Continuous rotary and batch agitating retorts.

(a) Minimum headspace; and

(b) Retort reel speed.

(3) Hydrostatic retorts.

(a) Chain or conveyor speed.

(4) Steam/air retorts.

(a) Steam/air ratio; and

(b) Heating medium flow rate.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.055, ORS 619.026, ORS 619.036

ADOPT: 603-029-2620

RULE TITLE: Operations in the Thermal Processing Area

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Operations in the Thermal Processing Area

RULE TEXT:

(1) Posting of processes. Process schedules (or operating process schedules) for daily production, including minimum initial temperatures and operating procedures for thermal processing equipment, must be posted in a conspicuous place near the thermal processing equipment. Alternatively, such information must be available to the thermal processing system operator and the inspector.

(2) Process indicators and retort traffic control. A system for product traffic control must be established to prevent product from bypassing the thermal processing operation. Each basket, crate, or similar vehicle containing unprocessed product, or at least one visible container in each vehicle, must be plainly and conspicuously marked with a heat sensitive indicator that will visually indicate whether such unit has been thermally processed. Exposed heat sensitive indicators attached to container vehicles must be removed before such vehicles are refilled with unprocessed product. Container loading systems for crateless retorts must be designed to prevent unprocessed product from bypassing the thermal processing operation.

(3) Initial temperature. The initial temperature of the contents of the coldest container to be processed must be determined and recorded by the state-inspected establishment at the time the processing cycle begins to assure that the temperature of the contents of every container to be processed is not lower than the minimum initial temperature specified in the process schedule. Thermal processing systems which subject the filled and sealed containers to water at any time before process timing begins must be operated to assure that such water will not lower the temperature of the product below the minimum initial temperature specified in the process schedule.

(4) Timing devices. Devices used to time applicable thermal processing operation functions or events, such as process schedule time, come-up time, and retort venting, must be accurate to assure that all such functions or events are achieved. Pocket watches and wrist watches are not considered acceptable timing devices. Analog and digital clocks are considered acceptable. If such clocks do not display seconds, all required timed functions or events must have at least a 1-minute safety factor over the specified thermal processing operation times. Temperature/time recording devices must correspond within 15 minutes to the time of the day recorded on written records required by OAR 603-029-2630.

(5) Measurement of pH. Unless other methods are approved by the Department, potentiometric methods using electronic instruments (pH meters) must be used for making pH determinations when a maximum pH value is specified as a critical factor in a process schedule.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.055, ORS 619.026, ORS 619.036

ADOPT: 603-029-2625

RULE TITLE: Equipment and Procedures for Heat Processing Systems

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Equipment and Procedures for Heat Processing Systems

RULE TEXT:

(1) Instruments and controls common to different thermal processing systems

(a) Indicating temperature devices. Each retort must be equipped with at least one indicating temperature device that measures the actual temperature within the retort. The indicating temperature device, not the temperature/time recording device, must be used as the reference instrument for indicating the process temperature.

(A) Mercury-in-glass thermometers. A mercury-in-glass thermometer must have divisions that are readable to 1°F (or 0.5 °C) and whose scale contains not more than 17°F/inch (or 4.0 °C/cm) of graduated scale. Each mercury-in-glass thermometer must be tested for accuracy against a known accurate standard upon installation and at least once a year to ensure its accuracy. Records that specify the date, standard used, test method, and the person or testing authority performing the test must be maintained on file by the establishment and made available to the Department. A mercury-in-glass thermometer that has a divided mercury column or that cannot be adjusted to the standard must be repaired and tested for accuracy before further use or replaced.

(B) Other devices. Temperature-indicating devices, such as resistance temperature detectors, used in lieu of mercury-in-glass thermometers, must meet known, accurate standards for such devices when tested for accuracy. The records of such testing must be available to the Department.

(b) Temperature/time recording devices. Each thermal processing system must be equipped with at least one temperature/time recording device to provide a permanent record of temperatures within the thermal processing system. This recording device may be combined with the steam controller and may be a recording/controlling instrument. When compared to the known accurate indicating temperature device, the recording accuracy must be equal to or better than 1°F (or 0.5 °C) at the process temperature. The temperature recording chart should be adjusted to agree with, but must never be higher than, the known accurate indicating temperature device. A means of preventing unauthorized changes in the adjustment must be provided. For example, a lock or a notice from management posted at or near the recording device warning that only authorized persons are permitted to make adjustments, are satisfactory means for preventing unauthorized changes. Air-operated temperature controllers must have adequate filter systems to ensure a supply of clean, dry air. The recorder timing mechanism must be accurate.

(A) Chart-type devices. Devices using charts must be used only with the correct chart. Each chart must have a working scale of not more than 55°F/inch (or 12 °C/cm.) within a range of 20 °F (or 11 °C) of the process temperature. Chart graduations must not exceed 2°F degrees (or 1 °C) within a range of 10°F (or 5 °C) of the process temperature. Multipoint plotting chart-type devices must print temperature readings at intervals that will assure that the parameters of the process time and process temperature have been met. The frequency of recording should not exceed 1-minute intervals.

(B) Other devices. Temperature/time recording devices or procedures used in lieu of chart-type devices must meet known accurate standards for such devices or procedures when tested for accuracy. Such a device must be accurate enough for ensuring that process time and temperature parameters have been met.

(c) Steam controllers. Each retort must be equipped with an automatic steam controller to maintain the retort temperature. This may be a recording/controlling instrument when combined with a temperature/time recording device.

(d) Air valves. All air lines connected to retorts designed for pressure processing in steam must be equipped with a globe valve or other equivalent-type valve or piping arrangement that will prevent leakage of air into the retort during the process cycle.

(e) Water valves. All retort water lines that are intended to be closed during a process cycle must be equipped with a globe valve or other equivalent-type valve or piping arrangement that will prevent leakage of water into the retort

during the process cycle.
(2) Pressure processing in steam
(a) Common to batch still, batch agitating, continuous rotary retorts, and hydrostats
(A) Basic requirements. The basic requirements and recommendations for indicating temperature devices and temperature/time recording devices are described in sections (1)(a) and (b) of this rule. Additionally, bulb sheaths or probes of indicating temperature devices and probes of temperature/time recording devices must be installed either within the retort shell or in external wells attached to the retort. External wells must be connected to the retort through at least a 34 inch (1.9 cm) diameter opening and equipped with a 116 inch (1.6 mm) or larger bleeder opening so located as to provide a constant flow of steam past the length of the bulb or probe. The bleeder for the external wells must emit steam continuously during the entire thermal processing period.
(B) Steam inlet. The steam inlet to each retort must be large enough to provide steam for proper operation of the retort, and must enter at a point(s) to facilitate air removal during venting.
(C) Bleeder and vent mufflers. If mufflers are used on bleeders or vent systems, the state-inspected establishment must have on file documentation that the mufflers do not impede the removal of air from the retort. Such documentation must consist of either heat distribution data or documentation from the muffler manufacturer or from a processing authority. This information must be made available to the Department for review.
(D) Bleeders. Bleeders, except those for external wells of temperature devices and hydrostatic retorts, must have a 18 inch (or 3 mm) or larger openings and must be wide open during the entire process, including the come-up time. All bleeders must be arranged so that the retort operator can observe that they are functioning properly. For horizontal retorts, batch agitating retorts, and continuous rotary retorts, bleeders must be located within approximately 1 foot (or 30 cm) of the outmost locations of containers at each end along the top of the retort. Additional bleeders must be located not more than 8 feet (2.4 m) apart along the top. This information must be maintained on file by the state-inspected establishment and made available to the Department for review. Vertical retorts must have at least one bleeder opening located in the portion of the retort opposite the steam inlet. Hydrostatic retorts must have bleeder openings 14 inch (or 6 mm) or larger which are to be located in the steam chamber(s) opposite the point of steam entry. Bleeders may be installed at positions other than those specified above, as long as the state-inspected establishment has heat distribution data or other documentation from the manufacturer or from a processing authority demonstrating that the bleeders accomplish removal of air and circulate the steam within the retort.
(b) Batch still retorts
(A) Crate supports. Vertical still retorts with bottom steam entry must employ bottom retort crate supports. Baffle plates must not be used in the bottom of retorts.
(B) Steam spreader. Perforated steam spreaders, if used, must be maintained to ensure they are not blocked or otherwise inoperative. Horizontal still retorts must be equipped with perforated steam spreaders that extend the full length of the retort unless the adequacy of another arrangement is documented by heat distribution data or other documentation from a processing authority. Such information must be maintained on file by the state-inspected establishment and made available to the Department for review.
(C) Condensate removal. In retorts having a steam inlet above the level of the lowest container, a bleeder must be installed in the bottom of the retort to remove condensate. The condensate bleeder must be so arranged that the retort operator can observe that it is functioning properly. The condensate bleeder must be checked with sufficient frequency to ensure adequate removal of condensate. Visual checks should be performed at intervals of not more than 15 minutes and the results recorded. Intermittent condensate removal systems must be equipped with an automatic alarm system that will serve as a continuous monitor of condensate bleeder functioning. The automatic alarm system must be tested at the beginning of each shift for proper functioning and the results recorded. If the alarm system is not functioning properly, it must be repaired before the retort is used.
(D) Stacking equipment
(i) Equipment for holding or stacking containers in retorts. Crates, trays, gondolas, carts, and other vehicles for holding or stacking product containers in the retort must be so constructed to ensure steam circulation during the venting,

come-up, and process times. The bottom of each vehicle must have perforations at least 1 inch (2.5 cm) in diameter on 2 inch (or 5 cm) centers or the equivalent unless the adequacy of another arrangement is documented by heat distribution data or other documentation from a processing authority and such information is maintained on file by the state-inspected establishment and made available to the Department for review.
(ii) Divider plates. Whenever one or more divider plates are used between any two layers of containers or placed on the bottom of a retort vehicle, the state-inspected establishment must have on file documentation that the venting procedure allows the air to be removed from the retort before timing of the thermal process is started. Such documentation must be in the form of heat distribution data or documentation from a processing authority. This information must be made available to the Department for review.
(E) Vents
(i) Vents must be located in that portion of the retort opposite the steam inlet and must be designed, installed, and operated in such a way that air is removed from the retort before timing of the thermal process is started. Vents must be controlled by a gate, plug cock, or other full-flow valve which must be fully opened to permit rapid removal of air from retorts during the venting period.
(ii) Vents must not be connected to a closed drain system without an atmospheric break in the line. Where a retort manifold connects several pipes from a single retort, the manifold must be controlled by a gate, plug cock, or other full-flow valve and the manifold must be of a size such that the cross-sectional area of the manifold is larger than the total cross-sectional area of all connecting vents. The discharge must not be connected to a closed drain without an atmospheric break in the line. A manifold header connecting vents or manifolds from several still retorts must lead to the atmosphere. The manifold header must not be controlled by a valve and must be of a size such that the cross-sectional area is at least equal to the total cross-sectional area of all connecting retort manifold pipes from the maximum number of retorts to be vented simultaneously.
(iii) Some typical installations and operating procedures are described below. Other retort installations, vent piping arrangements, operating procedures or auxiliary equipment such as divider plates may be used provided there is documentation that the air is removed from the retort before the process is started. Such documentation must be in the form of heat distribution data or other documentation from the equipment manufacturer or processing authority. This information must be maintained on file by the state-inspected establishment and made available to the Department for review.
(iv) For crateless retort installations, the state-inspected establishment must have heat distribution data or other documentation from the equipment manufacturer or from a processing authority that demonstrates that the venting procedure used accomplishes the removal of air and condensate. This information must be maintained on file by the state-inspected establishment and made available to the Department for review.
(v) Examples of typical installations and operating procedures that comply with the requirements of this section are as follows:
(I) Venting horizontal retorts.
(I)-(a) Venting through multiple 1 inch (2.5 cm) vents discharging directly to the atmosphere. [figure 1 to 603-029-2625]
(I)-(b) Venting through multiple 1 inch (2.5 cm) vents discharging through a manifold to the atmosphere. [Figure 2 to 603-029-2625]
(I)-(c) Venting through water spreaders. [Figure 3 to 603-029-2625]
(I)-(d) Venting through a single 2 12 inch (6.4 cm) top vent for retorts not exceeding 15 feet (4.6 m) in length. [Figure 4 to 603-029-2625]
(II) Venting vertical retorts.
(II)-(a) Venting through a 1 12 inch (3.8 cm) overflow. [Figure 5 to 603-029-2625]
(II)-(b) Venting through a single 1 inch (2.5 cm) side or top vent. [Figure 6 and 7 to 603-029-2625]
(III) Batch agitating retorts
(III)-(a) Venting and condensate removal. The air in the retort must be removed before processing is started. Heat distribution data or other documentation from the manufacturer or from the processing authority who developed the

venting procedure must be kept on file by the state-inspected establishment and made available to the Department for review. At the time the steam is turned on, the drain must be opened to remove steam condensate from the retort. A bleeder must be installed in the bottom of the retort to remove condensate during retort operation. The condensate bleeder must be so arranged that the retort operator can observe that it is functioning properly. The condensate bleeder must be checked with sufficient frequency to ensure adequate removal of condensate. Visual checks should be performed at intervals of not more than 15 minutes and the results recorded. Intermittent condensate removal systems must be equipped with an automatic alarm system that will serve as a continuous monitor of condensate bleeder functioning. The automatic alarm system must be tested at the beginning of each shift for proper functioning and the results recorded. If the alarm system is not functioning properly, it must be repaired before the retort is used.

(III)-(b) Retort or reel speed timing. The retort or reel speed must be checked before process timing begins and, if needed, adjusted as specified in the process schedule. In addition, the rotational speed must be determined and recorded at least once during process timing of each retort load processed. Alternatively, a recording tachometer can be used to provide a continuous record of the speed. The accuracy of the recording tachometer must be determined and recorded at least once per shift by checking the retort or reel speed using an accurate stopwatch. A means of preventing unauthorized speed changes on retorts must be provided. For example, a lock or a notice from management posted at or near the speed adjustment device warning that only authorized persons are permitted to make adjustments is a satisfactory means of preventing unauthorized changes.

(IV) Continuous rotary retorts

(IV)-(a) Venting and condensate removal. The air in the retort must be removed before processing is started. Heat distribution data or other documentation from the manufacturer or from the processing authority who developed the venting procedure must be kept on file by the state-inspected establishment and made available to the Department for review. At the time the steam is turned on, the drain must be opened to remove steam condensate from the retort. A bleeder must be installed in the bottom of the shell to remove condensate during the retort operation. The condensate bleeder must be so arranged that the retort operator can observe that it is functioning properly. The condensate bleeder must be checked with sufficient frequency to ensure adequate removal of condensate. Visual checks should be performed at intervals of not more than 15 minutes and the results recorded. Intermittent condensate removal systems must be equipped with an automatic alarm system that will serve as a continuous monitor of condensate bleeder functioning. The automatic alarm system must be tested at the beginning of each shift for proper functioning and the results recorded. If the alarm system is not functioning properly, it must be repaired before the retort is used.

(IV)-(b) Retort speed timing. The rotational speed of the retort must be specified in the process schedule. The speed must be adjusted as specified, and recorded by the state-inspected establishment when the retort is started, and checked and recorded at intervals not to exceed 4 hours to ensure that the correct retort speed is maintained. Alternatively, a recording tachometer may be used to provide a continuous record of the speed. If a recording tachometer is used, the speed must be manually checked against an accurate stopwatch at least once per shift and the results recorded. A means of preventing unauthorized speed changes on retorts must be provided. For example, a lock or a notice from management posted at or near the speed adjustment device warning that only authorized persons are permitted to make adjustments is a satisfactory means of preventing unauthorized changes.

(V) Hydrostatic retorts

(V)-(a) Basic requirements. The basic requirements for indicating temperature devices and temperature/time recording devices are described in sections (1)(a) and (b) of this rule. Additionally, indicating temperature devices must be located in the steam dome near the steam/water interface. Where the process schedule specifies maintenance of particular water temperatures in the hydrostatic water legs, at least one indicating temperature device must be located in each hydrostatic water leg so that it can accurately measure water temperature and be easily read. The temperature/time recorder probe must be installed either within the steam dome or in a well attached to the dome. Each probe must have a 116 inch (1.6 mm) or larger bleeder opening which emits steam continuously during the processing period. Additional temperature/time recorder probes must be installed in the hydrostatic water legs if the process schedule specifies maintenance of particular temperatures in these water legs.

(V)-(b) Steam inlet. The steam inlets must be large enough to provide steam for proper operation of the retort.
(V)-(c) Bleeders. Bleeder openings 14 inch (or 6 mm) or larger must be located in the steam chamber(s) opposite the point of steam entry. Bleeders must be wide open and must emit steam continuously during the entire process, including the come-up time. All bleeders must be arranged in such a way that the operator can observe that they are functioning properly.
(V)-(d) Venting. Before the start of processing operations, the retort steam chamber(s) must be vented to ensure removal of air. Heat distribution data or other documentation from the manufacturer or from a processing authority demonstrating that the air is removed from the retort prior to processing must be kept on file at the state-inspected establishment and made available to the Department for review.
(V)-(e) Conveyor speed. The conveyor speed must be calculated to obtain the required process time and recorded by the state-inspected establishment when the retort is started. The speed must be checked and recorded at intervals not to exceed 4 hours to ensure that the correct conveyor speed is maintained. A recording device may be used to provide a continuous record of the conveyor speed. When a recording device is used, the speed must be manually checked against an accurate stopwatch at least once per shift by the state-inspected establishment. A means of preventing unauthorized speed changes of the conveyor must be provided. For example, a lock or a notice from management posted at or near the speed adjustment device warning that only authorized persons are permitted to make adjustments is a satisfactory means of preventing unauthorized changes.
(V)-(f) Bleeders and vent mufflers. If mufflers are used on bleeders or vent systems, the state-inspected establishment must have documentation that the mufflers do not impede the removal of air from the retort. Such documentation must consist of either heat distribution data or other documentation from the muffler manufacturer or from a processing authority. This information must be maintained on file by the state-inspected establishment and made available to the Department for review.
(3) Pressure processing in water
(a) Common to batch still and agitating retorts
(A) Basic requirements. The basic requirements for indicating temperature devices and temperature/time recording devices are described in sections (1)(a) and (b) of this rule.
(B) Pressure recording device. Each retort must be equipped with a pressure recording device which may be combined with a pressure controller.
(C) Heat distribution. Heat distribution data or other documentation from the equipment manufacturer or a processing authority demonstrating uniform heat distribution within the retort must be kept on file at the state-inspected establishment and made available to the Department for review.
(D) Drain valve. A non-clogging, water-tight drain valve must be used. Screens must be installed over all drain openings.
(b) Batch still retorts
(A) Temperature device bulbs and probes. The indicating temperature device bulbs or probes must be located in such a position that they are beneath the surface of the water throughout the process. On horizontal retorts, the indicating temperature device bulb or probe must be inserted directly into the retort shell. In both vertical and horizontal retorts, the indicating temperature device bulb or probe must extend directly into the water a minimum of 2 inches (or 5 cm) without a separable well or sleeve. In vertical retorts equipped with a recorder/controller, the controller probe must be located at the bottom of the retort below the lowest crate rest in such a position that the steam does not strike it directly. In horizontal retorts so equipped, the controller probe must be located between the water surface and the horizontal plane passing through the center of the retort so that there is no opportunity for direct steam impingement on the controller probe. Air-operated temperature controllers must have filter systems to ensure a supply of clean, dry air.
(B) Crate supports. A bottom crate support must be used in vertical retorts. Baffle plates must not be used in the bottom of the retort.
(C) Stacking equipment. For filled flexible containers and, where applicable, semi-rigid containers, stacking equipment must be designed to ensure that the thickness of the filled containers does not exceed that specified in the process

schedule and that the containers do not become displaced and overlap or rest on one another during the thermal process.
(D) Water level. There must be a means of determining the water level in the retort during operation (i.e., by using a gauge, electronic sensor, or sight glass indicator). For retorts requiring complete immersion of containers, water must cover the top layer of containers during the entire come-up time and thermal processing periods and should cover the top layer of containers during cooling. For retorts using cascading water or water sprays, the water level must be maintained within the range specified by the retort manufacturer or processing authority during the entire come-up, thermal processing, and cooling periods. A means to ensure that water circulation continues as specified throughout the come-up, thermal processing, and cooling periods must be provided. The retort operator must check and record the water level at intervals to ensure it meets the specified processing parameters.
(E) Air supply and controls. In both horizontal and vertical still retorts, a means must be provided for introducing compressed air or steam at the pressure required to maintain container integrity. Compressed air and steam entry must be controlled by an automatic pressure control unit. A non-return valve must be provided in the air supply line to prevent water from entering the system. Overriding air or steam pressure must be maintained continuously during the come-up, thermal processing, and cooling periods. If air is used to promote circulation, it must be introduced into the steam line at a point between the retort and the steam control valve at the bottom of the retort. The adequacy of the air circulation for maintaining uniform heat distribution within the retort must be documented by heat distribution data or other documentation from a processing authority, and such data must be maintained on file by the state-inspected establishment and made available to the Department for review.
(F) Water recirculation. When a water recirculation system is used for heat distribution, the water must be drawn from the bottom of the retort through a suction manifold and discharged through a spreader that extends the length or circumference of the top of the retort. The holes in the water spreader must be uniformly distributed. The suction outlets must be protected with screens to keep debris from entering the recirculation system. The pump must be equipped with a pilot light or a similar device to warn the operator when it is not running, and with a bleeder to remove air when starting operations. Alternatively, a flow-meter alarm system can be used to ensure proper water circulation. The adequacy of water circulation for maintaining uniform heat distribution within the retort must be documented by heat distribution or other documentation from a processing authority, and such data must be maintained on file by the state-inspected establishment and made available to the Department for review. Alternative methods for recirculation of water in the retort may be used, provided there is documentation in the form of heat distribution data or other documentation from a processing authority maintained on file by the state-inspected establishment and made available to the Department for review.
(G) Cooling water entry. In retorts for processing product packed in glass jars, the incoming cooling water should not directly strike the jars, in order to minimize glass breakage by thermal shock.
(c) Batch agitating retorts
(A) Temperature device bulbs and probes. The indicating temperature device bulb or probe must extend directly into the water without a separable well or sleeve. The recorder/controller probe must be located between the water surface and the horizontal plane passing through the center of the retort so that there is no opportunity for steam to directly strike the controller bulb or probe.
(B) Stacking equipment. All devices used for holding product containers (e.g., crates, trays, divider plates) must be so constructed to allow the water to circulate around the containers during the come-up and thermal process periods.
(C) Water level. There must be a means of determining the water level in the retort during operation (i.e., by using a gauge, electronic sensor, or sight glass indicator). Water must completely cover all containers during the entire come-up, thermal processing, and cooling periods. A means to ensure that water circulation continues as specified throughout the come-up, thermal processing, and cooling periods must be provided. The retort operator must check and record the adequacy of the water level with sufficient frequency to ensure it meets the specified processing parameters.
(D) Air supply and controls. Retorts must be provided with a means for introducing compressed air or steam at the pressure required to maintain container integrity. Compressed air and steam entry must be controlled by an automatic

pressure control unit. A non-return valve must be provided in the air supply line to prevent water from entering the system. Overriding air or steam pressure must be maintained continuously during the come-up, thermal processing, and cooling periods. If air is used to promote circulation, it must be introduced into the steam line at a point between the retort and the steam control valve at the bottom of the retort. The adequacy of the air circulation for maintaining uniform heat distribution within the retort must be documented by heat distribution data or other documentation from a processing authority, and such data must be maintained on file by the state-inspected establishment and made available to the Department for review.

(E) Retort or reel speed timing. The retort or reel speed timing must be checked before process timing begins and, if needed, adjusted as specified in the process schedule. In addition, the rotational speed must be determined and recorded at least once during process timing of each retort load processed. Alternatively, a recording tachometer can be used to provide a continuous record of the speed. The accuracy of the recording tachometer must be determined and recorded at least once per shift by the state-inspected establishment by checking the retort or reel speed using an accurate stopwatch. A means of preventing unauthorized speed changes on retorts must be provided. For example, a lock or a notice from management posted at or near the speed adjustment device warning that only authorized persons are permitted to make adjustments is a satisfactory means of preventing unauthorized changes.

(F) Water recirculation. If a water recirculation system is used for heat distribution, it must be installed in such a manner that water will be drawn from the bottom of the retort through a suction manifold and discharged through a spreader which extends the length of the top of the retort. The holes in the water spreader must be uniformly distributed. The suction outlets must be protected with screens to keep debris from entering the recirculation system. The pump must be equipped with a pilot light or a similar device to warn the operator when it is not running and with a bleeder to remove air when starting operations. Alternatively, a flow-meter alarm system can be used to ensure proper water circulation. The adequacy of water circulation for maintaining uniform heat distribution within the retort must be documented by heat distribution data or other documentation from a processing authority, and such data must be maintained on file by the state-inspected establishment and made available to the Department for review. Alternative methods for recirculation of water in the retort may be used provided there is documentation in the form of heat distribution data or other documentation from a processing authority maintained on file by the state-inspected establishment and made available to the Department for review.

(G) Cooling water entry. In retorts for processing product packed in glass jars, the incoming cooling water should not directly strike the jars, in order to minimize glass breakage by thermal shock.

(4) Pressure processing with steam/air mixtures in batch retorts

(a) Basic requirements. The basic requirements for indicating temperature devices and temperature/time recording devices are described in sections (1)(a) and (b) of this rule. Additionally, bulb sheaths or probes for indicating temperature devices and temperature/time recording devices or controller probes must be inserted directly into the retort shell in such a position that steam does not strike them directly.

(b) Recording pressure controller. A recording pressure controller must be used to control the air inlet and the steam/air mixture outlet.

(c) Circulation of steam/air mixtures. A means must be provided for the circulation of the steam/air mixture to prevent formation of low-temperature pockets. The efficiency of the circulation system must be documented by heat distribution data or other documentation from a processing authority, and such data must be maintained on file by the state-inspected establishment and made available to the Department for review. The circulation system must be checked to ensure its proper functioning and must be equipped with a pilot light or a similar device to warn the operator when it is not functioning. Because of the variety of existing designs, reference must be made to the equipment manufacturer for details of installation, operation, and control.

(5) Atmospheric cookers

(a) Temperature/time recording device. Each atmospheric cooker (e.g., hot water bath) must be equipped with at least one temperature/time recording device in accordance with the basic requirements described in section (1)(b) of this rule.

(b) Heat distribution. Each atmospheric cooker must be equipped and operated to ensure uniform heat distribution throughout the processing system during the thermal process. Heat distribution data or other documentation from the manufacturer or a processing authority demonstrating uniform heat distribution within the cooker must be kept on file by the state-inspected establishment and made available to the Department for review.
(6) Other systems. All other systems not specifically delineated in this rule and used for the thermal processing of canned product must be adequate to produce shelf-stable products consistently and uniformly.
(7) Equipment maintenance
(a) Upon installation, all instrumentation and controls must be checked by the state-inspected establishment for proper functioning and accuracy and, thereafter, at any time their functioning or accuracy is suspect.
(b) At least once a year each thermal processing system must be examined by an individual not directly involved in daily operations to ensure the proper functioning of the system as well as all auxiliary equipment and instrumentation. In addition, each thermal processing system should be examined before the resumption of operation following an extended shutdown.
(c) Air and water valves that are intended to be closed during thermal processing must be checked by the state-inspected establishment for leaks. Defective valves must be repaired or replaced as needed.
(d) Vent and bleeder mufflers must be checked and maintained or replaced by the state-inspected establishment to prevent any reduction in bleeder efficiency.
(e) When water spreaders are used for venting, a maintenance schedule must be developed and implemented to assure that the holes are maintained at their original size.
(f) Records must be kept on all maintenance items that could affect the adequacy of the thermal process. Records must include the date and type of maintenance performed and the person conducting the maintenance.
(8) Container cooling and cooling water.
(a) Potable water must be used for cooling except as provided for in sections (8)(b) and (c) of this rule.
(b) Cooling canal water must be chlorinated or treated with a chemical having a bactericidal effect equivalent to chlorination. There must be a measurable residual of the sanitizer in the water at the discharge point of the canal. Cooling canals must be cleaned and replenished with potable water to prevent the buildup of organic matter and other materials.
(c) Container cooling waters that are recycled or reused must be handled in systems that are so designed, operated, and maintained so there is no buildup of microorganisms, organic matter, and other materials in the systems and in the waters. System equipment, such as pipelines, holding tanks and cooling towers, must be constructed and installed so that they can be cleaned and inspected. In addition, the state-inspected establishment must maintain, and make available to the Department for review, information on at least the following:
(A) System design and construction;
(B) System operation including the rates of renewal with fresh, potable water and the means for treating the water so that there is a measurable residual of an acceptable sanitizer, per section (8)(b) of this rule, in the water at the point where the water exits the container cooling vessel;
(C) System maintenance including procedures for the periodic cleaning and sanitizing of the entire system; and
(D) Water quality standards, such as microbiological, chemical and physical, monitoring procedures including the frequency and site(s) of sampling, and the corrective actions taken when water quality standards are not met.
(9) Post-process handling of containers. Containers must be handled in a manner that will prevent damage to the hermetic seal area. All worn and frayed belting, can retarders, cushions, and the like must be replaced with nonporous materials. To minimize container abrasions, particularly in the seal area, containers should not remain stationary on moving conveyors. All post-process container handling equipment should be kept clean so there is no buildup of microorganisms on surfaces in contact with the containers.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.055, ORS 619.026, ORS 619.036

ADOPT: 603-029-2630

RULE TITLE: Processing and Production Records

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Processing and Production Records

RULE TEXT:

At least the following processing and production information must be recorded by the state-inspected establishment: Date of production; product name and style; container code; container size and type; and the process schedule, including the minimum initial temperature. Measurements made to satisfy the requirements of OAR 603-029-2615 regarding the control of critical factors must be recorded. In addition, where applicable, the following information and data must also be recorded:

(1) Processing in steam

(a) Batch still retorts. For each retort batch, record the retort number or other designation, the approximate number of containers or the number of retort crates per retort load, product initial temperature, time steam on, the time and temperature vent closed, the start of process timing, time steam off, and the actual processing time. The indicating temperature device and the temperature recorder must be read at the same time at least once during process timing and the observed temperatures recorded.

(b) Batch agitating retorts. In addition to recording the information required for batch still steam retorts in subsection (1)(a) of this rule, record the functioning of the condensate bleeder(s) and the retort or reel speed.

(c) Continuous rotary retorts. Record the retort system number, the approximate total number of containers retorted, product initial temperature, time steam on, the time and temperature vent closed, time process temperature reached, the time the first can enters and the time the last can exits the retort. The retort or reel speed must be determined and recorded at intervals not to exceed 4 hours. Readings of the indicating temperature device(s) and temperature recorder(s) must be made and recorded at the time the first container enters the retort and thereafter with sufficient frequency to ensure compliance with the process schedule. These observations should be made and recorded at intervals not exceeding 30 minutes of continuous retort operation. Functioning of the condensate bleeder(s) must be observed and recorded at the time the first container enters the retort and thereafter.

(d) Hydrostatic retorts. Record the retort system number, the approximate total number of containers retorted, product initial temperature, time steam on, the time and temperature vent(s) closed, time process temperature reached, time first containers enter the retort, time last containers exit the retort, and, if specified in the process schedule, measurements of temperatures in the hydrostatic water legs. Readings of the temperature indicating device, which is located in the steam/water interface, and the temperature recording device must be observed and the temperatures recorded at the time the first containers enter the steam dome. Thereafter, these instruments must be read and the temperatures recorded with sufficient frequency to ensure compliance with the temperature specified in the process schedule and should be made at least every hour of continuous retort operation. Container conveyor speed, and for agitating hydrostatic retorts, the rotative chain speed, must be determined and recorded at intervals of sufficient frequency to ensure compliance with the process schedule and should be performed at least every 4 hours.

(2) Processing in water

(a) Batch still retorts. For each retort batch, record the retort number or other designation, the approximate number of containers or number of retort crates per retort load, product initial temperature, time steam on, the start of process timing, water level, water recirculation rate (if critical), overriding pressure maintained, time steam off, and actual processing time. The indicating temperature device and the temperature recorder must be read at the same time at least once during process timing and the observed temperatures recorded.

(b) Batch agitating retorts. In addition to recording the information required in section (2)(a) of this rule, record the retort or reel speed.

(3) Processing in steam/air mixtures. For each retort batch, record the retort number or other designation, the approximate number of containers or number of retort crates per retort load, product initial temperature, time steam

on, venting procedure, if applicable, the start of process timing, maintenance of circulation of the steam/air mixture, air flow rate or forced recirculation flow rate (if critical), overriding pressure maintained, time steam off, and actual processing time. The indicating temperature device and the temperature recorder must be read at the same time at least once during process timing and the observed temperatures recorded.

(4) Atmospheric cookers

(a) Batch-type systems. For each cooker batch, record the cooker number or other designation and the approximate number of containers. In addition, record all critical factors of the process schedule such as cooker temperature, initial temperature, the time the thermal process cycle begins and ends, hold time, and the final internal product temperature.

(b) Continuous-type systems. Record the cooker number or other designation, the time the first containers enter and the last containers exit a cooker, and the approximate total number of containers processed. In addition, record all critical factors of the process schedule such as the initial temperature, cooker speed, and final internal product temperature.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.055, ORS 619.026, ORS 619.036

ADOPT: 603-029-2635

RULE TITLE: Record Review And Maintenance

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Record Review And Maintenance

RULE TEXT:

(1) Process records. Charts from temperature/time recording devices must be identified by production date, container code, processing vessel number or other designation, and other data as necessary to enable correlation with the records required in OAR 603-029-2630. Each entry on a record must be made at the time the specific event occurs, and the recording individual must sign or initial each record form. No later than 1 working day after the actual process, the state-inspected establishment must review all processing and production records to ensure completeness and to determine if all product received the process schedule. All records, including the temperature/time recorder charts and critical factor control records, must be signed or initialed and dated by the person conducting the review. All processing and production records required in this OAR 603-029-2600 to 603-029-2655 must be made available to the Department for review.

(2) Automated process monitoring and recordkeeping. Automated process monitoring and recordkeeping systems must be designed and operated in a manner that will ensure compliance with the applicable requirements of OAR 603-029-2630.

(3) Container closure records. Written records of all container closure examinations must specify the container code, the date and time of container closure examination, the measurement(s) obtained, and any corrective actions taken. Records must be signed or initialed by the container closure technician and must be reviewed and signed by the state-inspected establishment within 1 working day after the actual production to ensure that the records are complete and that the closing operations have been properly controlled. All container closure examination records required in this subpart must be made available to the Department for review.

(4) Distribution of product. Records must be maintained by the establishment identifying initial distribution of the finished product to facilitate, if necessary, the segregation of specific production lots that may have been contaminated or are otherwise unsound for their intended use.

(5) Retention of records. Copies of all processing and production records required in OAR 603-029-2630 must be retained for no less than 1 year at the establishment, and for an additional 2 years at the state-inspected establishment or other location from which the records can be made available to the Department within 3 working days.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.055, ORS 619.026, ORS 619.036

ADOPT: 603-029-2640

RULE TITLE: Deviations in Processing

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Deviations in Processing

RULE TEXT:

(1) Whenever the actual process is less than the process schedule or when any critical factor does not comply with the requirements for that factor as specified in the process schedule, it must be considered a deviation in processing.

(2) Deviations in processing (or process deviations) must be handled according to:

(a) A HACCP plan for canned product that addresses hazards associated with microbial contamination; or,

(b) Alternative documented procedures that will ensure that only safe and stable product is shipped in commerce; or

(c) Section (3) of this rule.

(3) Procedures for handling process deviations where the HACCP plan for thermally processed/commercially sterile product does not address food safety hazards associated with microbial contamination or where the state-inspected establishment has no alternative documented procedures for handling process deviations.

(a) Deviations identified in-process. If a deviation is noted at any time before the completion of the intended process schedule, the state-inspected establishment must:

(A) Immediately reprocess the product using the full process schedule; or

(B) Use an appropriate alternate process schedule provided such a process schedule has been established in accordance with OAR 603-029-2610(1) and (2) and is filed with the inspector in accordance with OAR 603-029-2610(3); or

(C) Hold the product involved and have the deviation evaluated by a processing authority to assess the safety and stability of the product. Upon completion of the evaluation, the state-inspected establishment must provide the inspector the following:

(i) A complete description of the deviation along with all necessary supporting documentation;

(ii) A copy of the evaluation report; and

(iii) A description of any product disposition actions, either taken or proposed.

(D) Product handled in accordance with paragraph (3)(a)(C) of this rule must not be shipped from the state-inspected establishment until the Department has reviewed all of the information submitted and approved the product disposition actions.

(E) If an alternate process schedule is used that is not on file with the inspector or if an alternate process schedule is immediately calculated and used, the product must be set aside for further evaluation in accordance with paragraphs (3)(a)(C) and (D) of this rule.

(F) When a deviation occurs in a continuous rotary retort, the product must be handled in accordance with paragraphs (3)(a)(C) and (D) of this rule or in accordance with the following procedures:

(i) Emergency stops.

(I) When retort jams or breakdowns occur during the processing operations, all containers must be given an emergency still process (developed per OAR 603-029-2610(2)) before the retort is cooled or the retort must be cooled promptly and all containers removed and either reprocessed, repacked and reprocessed, or destroyed. Regardless of the procedure used, containers in the retort intake valve and in transfer valves between retort shells at the time of a jam or breakdown must be removed and either reprocessed, repacked and reprocessed and or destroyed. Product to be destroyed must be handled as “Oregon Inspected and Condemned,” as defined in OAR 603-029-0010 and disposed of in accordance with OAR 603-029-0800 to 603-029-0850.

(II) The time the retort reel stopped and the time the retort is used for an emergency still retort process must be noted on the temperature/time recording device and entered on the other production records required in OAR 603-029-2630.

(ii) Temperature drops. When the retort temperature drops below the temperature specified in the process schedule, the reel must be stopped and the following actions must be taken:

(I) For temperature drops of less than 10°F (or 5.5 °C) either:
(I)-(a) All containers in the retort must be given an emergency still process (developed per OAR 603-029-2610(2)) before the reel is restarted;
(I)-(b) Container entry to the retort must be prevented and an emergency agitating process (developed per OAR 603-029-2610(2)) must be used before container entry to the retort is restarted; or
(I)-(c) Container entry to the retort must be prevented and the reel restarted to empty the retort. The discharged containers must be reprocessed, repacked and reprocessed, or destroyed. Product to be destroyed must be handled as "Oregon Inspected and Condemned," as defined in OAR 603-029-0010 and disposed of in accordance with OAR 603-029-0800 to 603-029-0850.
(II) For temperature drops of 10 °F (or 5.5 °C) or more, all containers in the retort must be given an emergency still process (developed per OAR 603-029-2610(2)). The time the reel was stopped and the time the retort was used for a still retort process must be marked on the temperature/time recording device by the state-inspected establishment and entered on the other production records required in OAR 603-029-2630. Alternatively, container entry to the retort must be prevented and the reel restarted to empty the retort. The discharged containers must be either reprocessed, repacked and reprocessed, or destroyed. Product to be destroyed must be handled as "Oregon Inspected and Condemned," as defined in OAR 603-029-0010 and disposed of in accordance with OAR 603-029-0800 to 603-029-0850.
(b) Deviations identified through record review. Whenever a deviation is noted during review of the processing and production records required by OAR 603-029-2635(1) and (2), the state-inspected establishment must hold the product involved and the deviation must be handled in accordance with paragraphs (3)(a)(C) and (D) of this rule.
(4) Process deviation file. The state-inspected establishment must maintain full records regarding the handling of each deviation. Such records must include, at a minimum, the appropriate processing and production records, a full description of the corrective actions taken, the evaluation procedures and results, and the disposition of the affected product. Such records must be maintained in a separate file or in a log that contains the appropriate information. The file or log must be retained in accordance with OAR 603-029-2635 and must be made available to the Department upon request.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.055, ORS 619.026, ORS 619.036

ADOPT: 603-029-2645

RULE TITLE: Finished Product Inspection

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Finished Product Inspection

RULE TEXT:

(1) Finished product inspections must be handled according to:

(a) An HACCP plan for canned product that addresses hazards associated with microbiological contamination;

(b) Alternative documented procedures that will ensure that only safe and stable product is shipped in commerce; or

(c) Section (2) of this rule.

(2) Procedures for handling finished product inspections where the HACCP plan for thermally processed/commercially sterile product does not address food safety hazards associated with microbial contamination or where the state-inspected establishment has no alternative documented procedures for handling process deviations.

(a) Incubation of shelf stable canned product

(A) Incubator. The state-inspected establishment must provide incubation facilities which include an accurate temperature/time recording device, an indicating temperature device, a means for the circulation of the air inside the incubator to prevent temperature variations, and a means to prevent unauthorized entry into the facility. The Department is responsible for the security of the incubator.

(B) Incubation temperature. The incubation temperature must be maintained at 95±5 °F (35±2.8 °C). If the incubation temperature falls below 90 °F (or 32 °C) or exceeds 100 °F (or 38 °C) but does not reach 103 °F (or 39.5 °C), the incubation temperature must be adjusted within the required range and the incubation time extended for the time the sample containers were held at the deviant temperature. If the incubation temperature is at or above 103 °F (or 39.5 °C) for more than 2 hours, the incubation test(s) must be terminated, the temperature lowered to within the required range, and new sample containers incubated for the required time.

(C) Product requiring incubation. Shelf stable product requiring incubation includes:

(i) Low acid products as defined in OAR 603-029-2600; and

(ii) Acidified low acid products as defined in OAR 603-029-2600.

(D) Incubation samples. (A) From each load of product processed in a batch-type thermal processing system (still or agitation), the state-inspected establishment must select at least one container for incubation.

(i) From each load of product processed in a batch-type thermal processing system (still or agitation), the establishment must select at least one container for incubation.

(ii) For continuous rotary retorts, hydrostatic retorts, or other continuous-type thermal processing systems, the state-inspected establishment must select at least one container per 1,000 for incubation.

(iii) Only normal-appearing containers must be selected for incubation.

(E) Incubation time. Canned product requiring incubation must be incubated for not less than 10 days (240 hours) under the conditions specified in paragraph (2)(a)(B) of this section.

(F) Incubation checks and record maintenance. Designated state-inspected establishment employees must visually check all containers under incubation each working day and the inspector must be notified when abnormal containers are detected. All abnormal containers should be allowed to cool before a final decision on their condition is made. For each incubation test the establishment must record at least the product name, container size, container code, number of containers incubated, in and out dates, and incubation results. The state-inspected establishment must retain such records, along with copies of the temperature/time recording charts, in accordance with OAR 603-029-2635(4).

(G) Abnormal containers. The finding of abnormal containers (as defined in OAR 603-029-2600) among incubation samples is cause to officially retain at least the code lot involved.

(H) Shipping. No product must be shipped from the state-inspected establishment before the end of the required incubation period. A state-inspected establishment wishing to ship product prior to the completion of the required incubation period must submit a written proposal to the Department. Such a proposal must include provisions that will

assure that shipped product will not reach the retail level of distribution before sample incubation is completed and that product can be returned promptly to the state-inspected establishment should such action be deemed necessary by the incubation test results. Upon receipt of written approval from the Department, product may be routinely shipped provided the state-inspected establishment continues to comply with all requirements of OAR 603-029-2600 to 603-029-2655.

(3) Container condition

(a) Normal containers. Only normal-appearing containers must be shipped from a state-inspected establishment as determined by an appropriate sampling plan or other means acceptable to the Department.

(b) Abnormal containers. When abnormal containers are detected by any means other than incubation, the state-inspected establishment must inform the inspector, and the affected code lot(s) must not be shipped until the Department has determined that the product is safe and stable. Such a determination will take into account the cause and level of abnormals in the affected lot(s) as well as any product disposition actions either taken or proposed by the establishment.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.055, ORS 619.026, ORS 619.036

ADOPT: 603-029-2650

RULE TITLE: Personnel and Training

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Personnel and Training

RULE TEXT:

All operators of thermal processing systems specified in OAR 603-029-2625 and container closure technicians must be under the direct supervision of a person who has successfully completed a school of instruction that is generally recognized as adequate for properly training supervisors of canning operations.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 603.055, ORS 619.026, ORS 619.036

ADOPT: 603-029-2655

RULE TITLE: Recall Procedure

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Recall Procedure

RULE TEXT:

State-inspected establishments must prepare and maintain a current procedure for the recall of all canned product covered by this subpart. Upon request, the recall procedure must be made available to the Department for review.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-2700

RULE TITLE: Retained Water

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Retained Water

RULE TEXT:

(1) Raw meat animal carcasses and parts will not be permitted to retain water resulting from post-evisceration processing unless the establishment preparing those carcasses and parts demonstrates to the department, with data collected in accordance with a written protocol, that any water retained in the carcasses or parts is an unavoidable consequence of the process used to meet applicable food safety requirements.

(2) Raw meat animal carcasses and parts that retain water from post-evisceration processing and that are sold, transported, offered for sale or transportation, or received for transportation, in commerce, must bear a statement on the label in prominent letters and contiguous to the product name or elsewhere on the principal display panel of the label stating the maximum percentage of water that may be retained (e.g., “up to X% retained water,” “less than X% retained water,” “up to X% water added from processing”). The percent water statement need not accompany the product name on other parts of the label. Raw meat animals carcasses and parts that retain no water may bear a statement that no water is retained.

(3)(a) An establishment subject to section (1) of this rule must maintain on file and available to the Department its written data-collection protocol. The protocol must explain how data will be collected and used to demonstrate the amount of retained water in the product covered by the protocol that is an unavoidable consequence of the process used to meet specified food safety requirements.

(b) The establishment must notify the Department as soon as it has a new or revised protocol available for review by the Department. Within 30 days after receipt of this notification, the Department may object to or require the establishment to make changes in the protocol.

(4) Expected elements of a protocol for gathering water retention data:

(a) Purpose statement. The primary purpose of the protocol should be to determine the amount or percentage of water absorption and retention that is unavoidable using a particular chilling system while achieving the regulatory Pathogen Reduction (PR) performance standard for Salmonella as set forth in the PR/HACCP regulations (OAR 603-029-0498(2)). Additional purposes that could be included are determining chilling system efficiency and evaluating product quality.

(b) Type of washing and chilling system used by the establishment. Any post-evisceration washing or chilling processes that affect water retention levels in and microbial loads on raw products should be described.

(c) Configuration and any modifications of the chiller system components. A description of chiller-system configurations and modifications should be provided. The description should include the number and type of chillers in a series and arrangements of chilling system components, and the number of evisceration lines feeding into a chiller system. If there is a pre-chilling step in the process, its purpose and the type of equipment used should be accurately described. Any mechanical or design changes made to the chilling equipment should be described.

(d) Special features in the chilling process. Any special features in the chilling process, such as antimicrobial treatments, should be described. Also, the length and velocity of the dripping line should be described, as well as the total time allowed for dripping. Any special apparatus, such as a mechanism for squeezing excessive water, should be explained.

(e) Description of variable factors in the chilling system. The protocol should describe variable factors that affect water absorption and retention. Such factors are typically considered to be the time in chiller water, the water temperature, and agitation. The protocol should consider air agitation, where applicable. Additional factors that may affect water absorption and retention are scalding temperature and the pressure or amount of buffeting applied. Another factor that should be considered is the method used for evisceration.

(f) Standards to be met by the chilling system. For example, the chilling system may be designed simply to achieve a reduction in temperature of ready-to-cook meat carcasses and parts to less than 40 °F within the time limit specified by

the regulations, or in less time. As to the standard for pathogen minimization, the Salmonella pathogen reduction standards, as set forth in the PR/HACCP final rule, have been suggested. Additional microbiological targets, such as E. coli or Campylobacter levels, or reductions in numbers of other microorganisms, may also be used.
(g) Testing methods to be employed. The protocol should detail the testing methods to be used both for measuring water absorption and retention and for sampling and testing product for pathogen reductions. The protocol should call for water retention and pathogen reduction tests at various chilling equipment settings and chilling time-and-temperature combinations. The method to be used in calculating water absorption and retention should be reproducible and statistically verifiable. With respect to the pathogen-reduction aspect of the testing, the Department recommends the methods used for E. coli and Salmonella testing under the PR/HACCP regulations (OAR 603-029-0498(2)). The number of samples, the type of samples, the sampling time period, and the type of testing or measurement should be included in the protocol.
(h) Reporting of data and evaluation of results. The protocol should explain how data obtained are to be reported and summarized. The criteria for evaluating the results and the basis for conclusions to be drawn should be explained.
(i) Conclusions. The protocol should provide for a statement of what the data obtained demonstrate and what conclusions were reached.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 619.026, ORS 619.036

ADOPT: 603-029-2800

RULE TITLE: Quantity of Contents Labeling

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Quantity of Contents Labeling

RULE TEXT:

OAR 603-029-2800 to 603-029-2820 prescribes the procedures to be followed for determining net weight compliance and prescribes the reasonable variations allowed from the declared net weight on the labels of immediate containers of products in accordance with OAR 603-029-1004(3)(d) and OAR 603-029-1004(9).

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-2805

RULE TITLE: Definitions and Procedures for Determining Net Weight Compliance

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Definitions and Procedures for Determining Net Weight Compliance

RULE TEXT:

The reasonable variations allowed, and the definitions and the procedures to be used, in determining net weight and net weight compliance are set forth in ORS chapter 618 and OAR chapter 603, division 27.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-2810

RULE TITLE: Scale Requirements for Accurate Weights, Repairs, Adjustments, and Replacements After Inspection

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Scale Requirements for Accurate Weights, Repairs, Adjustments, and Replacements After Inspection

RULE TEXT:

(1) All scales used to determine the net weight of meat products in state-inspected establishments that are sold or otherwise distributed in commerce shall be installed, maintained, and operated in a manner that ensures accurate weights. Such scales shall meet the applicable requirements of OAR chapter 603, division 27.

(2) All scales used to determine the net weight of meat products sold or otherwise distributed in commerce shall be of sufficient capacity to weigh the entire unit or package.

(3) If a scale is inspected or tested and found to be inaccurate, or if any repairs, adjustments, or replacements are made to a scale, it shall not be used until the device meets all accuracy requirements as specified in OAR chapter 603, division 27. If an inspector has put a "Retain" tag on a scale, the tag may only be removed by a Department employee. As long as the tag is on the scale, it shall not be used.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-2815

RULE TITLE: Testing of Scales

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Testing of Scales

RULE TEXT:

(1) The operator of each state-inspected establishment that weighs meat products shall cause such scales to be tested for accuracy in accordance with the technical requirements of OAR chapter 603, division 27, at least once during each calendar year. In cases where the scales are found not to maintain accuracy between tests, more frequent tests may be required and verified by an authorized Department official.

(2) The operator of each state-inspected establishment shall display on or near each scale a valid certification of the scale's accuracy from the state of Oregon, a service person, a service agency, or shall have alternative documented procedures showing that the scale has been tested for accuracy in accordance with the requirements of OAR chapter 603, division 27.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-2820

RULE TITLE: Handling of Failed Product

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Handling of Failed Product

RULE TEXT:

Any lot of product that is found to be out of compliance with net weight requirements upon testing in accordance with the methods prescribed in OAR 603-029-2805 shall be handled as follows:

(1) A lot tested in a state-inspected establishment and found not to comply with net weight requirements may be reprocessed and must be reweighed and remarked to satisfy the net weight requirements of this rule in accordance with the requirements of OAR 603-029-2800 to 603-029-2820.

(2) A lot tested outside a state-inspected establishment and found not to comply with net weight requirements must be reweighed and remarked with a proper net weight statement, provided that such reweighing and remarking will not deface, cover, or destroy any other marking or labeling required under Division 29, and the net quantity of contents is shown with the same prominence as the most conspicuous feature of a label.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-4000

RULE TITLE: Definitions

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Definitions

RULE TEXT:

The definitions in OAR 603-029-0010, not otherwise defined in this rule, are incorporated into this rule. In addition to those definitions, the following definitions will be applicable to the rules in OAR 603-029-4000 to 603-029-4065.

(1) “Acceptable” means suitable for the purpose intended and acceptable to the Department.

(2) “Antelope” means any of various ruminant deerlike mammals (family Bovidae) chiefly of Africa and southwest Asia that have a slender lean build and usually horns directed upward and backward.

(3) “Applicant” means any interested party who requests any inspection service.

(4) “Bison” (Bison bison), commonly known as the American bison or buffalo, is a species of the genus Bison native to North America. Bison includes catalo or cattalo.

(5) “Buffalo” refers to a subtribe Bubalina of the tribe Bovini within the subfamily Bovinae that includes the water buffalo (Bubalus bubalis) and Cape buffalo (Syncerus caffer).

(6) “Camelid” includes any species of mammal in the Camelidae family.

(7) “Catalo” or “Cattalo” means any hybrid animal with bison (Bison bison) appearance resulting from direct crossbreeding of bison (Bison bison) and cattle (Bos taurus).

(8) “Condition” means any condition, including, but not limited to, the state of preservation, cleanliness, or soundness of any product or the processing, handling, or packaging which may affect such product.

(9) “Condition and wholesomeness” means the condition of any product, its healthfulness and fitness for human food.

(10) “Deer” refers to the any farm-raised species of the family Cervidae.

(11) “Elk” means North American wapiti (Cervus canadensis), Manitoban elk (Cervus elaphus manitobensis), Rocky Mountain elk (Cervus elaphus nelsoni), Roosevelt elk (Cervus elaphus roosevelti) and Tule elk (Cervus elaphus nannodes).

(12) “Exotic animal” means any reindeer, elk, deer, antelope, water buffalo, bison, buffalo, yak, or camelids.

(13) “Exotic animal inspection” means the administration, application, and direction of exotic animal inspection programs pursuant to the rules in this Division 29.

(14) “Exotic animal producer” means any interested party that engages in the raising and/or marketing of an exotic animal for commercial purposes.

(15) “Field ante-mortem inspection” means the ante-mortem inspection of an exotic animal away from the state-inspected exotic animal establishment's premises.

(16) “Field designated area” means any designated area on the applicant's premises, approved by the Department, where field ante-mortem inspection is to be performed.

(17) “Identify” means to apply an Oregon mark to products or containers.

(18) “Inspection” means any inspection by an inspector to determine, in accordance with OAR 603-029-4000,

(a) the condition and wholesomeness of an exotic animal, or

(b) the condition and wholesomeness of edible product of an exotic animal at any state of the preparation or packaging in the state-inspected plant where inspected and certified, or

(c) the condition and wholesomeness of any previously inspected and certified product of an exotic animal if such product has not lost its identity as an inspected and certified product.

(d) “Interested party” means any person financially interested in a transaction involving any inspection.

(19) “Program” means the Exotic Animal Inspection Program of the Department.

(20) “Reindeer” means (Rangifer tarandus), commonly referred to as caribou, is a species within the family Cervidae.

(21) “State-inspected exotic animal establishment” means any slaughtering, cutting, boning, curing, smoking, salting, packing, rendering, or similar establishment at which inspection is maintained under OAR 603-029-4000.

(22) “Transport vehicle” means any vehicle used to transport an exotic animal.

(23) “Water buffalo” means (Bubalus bubalis), commonly known as the domestic water buffalo or Asian water buffalo.

(24) “Yak” means (Bos grunniens).

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-4005

RULE TITLE: Type of Inspection Available

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Type of Inspection Available

RULE TEXT:

Upon application, in accordance with OAR 603-029-4010 to 603-029-4020, the following type of inspection may be furnished under the rules in this Division 29:

(1) Exotic Animal Inspection means an inspection and certification for wholesomeness relating to the slaughter and processing of exotic animals and the processing of exotic animal products. All provisions of this rule shall apply to the slaughter of exotic animals, and the preparation, labeling, and certification of the exotic animal meat and exotic animal products processed under this exotic animal inspection.

(2) Only exotic animals which have had ante-mortem inspection as described under this rule and which are processed in state-inspected exotic animal establishments in accordance with this rule may be marked inspected and passed.

(3) Exotic animals, exotic animal meat and meat products shall be handled in a state-inspected exotic animal establishment to ensure separation and identity of the exotic animal or exotic animal meat and meat products until they are shipped from the state-inspected exotic animal establishment to prevent commingling with other species.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-4010

RULE TITLE: Application by State-Inspected Exotic Animal Establishment for Inspection Services

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Application by State-Inspected Exotic Animal Establishment for Inspection Services

RULE TEXT:

(1) Any person desiring to process an exotic animal, exotic animal carcasses, exotic animal meat and meat products in an establishment under exotic animal inspection must receive approval of such establishment and facilities as a state-inspected exotic animal establishment prior to inspection. An application for inspection to be rendered in an state-inspected exotic animal establishment shall be approved in accordance with the provisions contained in OAR 603-029-0100 and OAR 603-029-0110.

(2) Initial survey. When an application has been filed for exotic animal inspection, a Supervisor shall examine the establishment, premises, and facilities.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-4015

RULE TITLE: Application for Ante-Mortem Inspection Service in the Field

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Application for Ante-Mortem Inspection Service in the Field

RULE TEXT:

Any exotic animal producer desiring field ante-mortem exotic animal inspection must receive approval of the field ante-mortem designated area from the Department prior to the inspection. An application seeking approval of the designated area for ante-mortem inspection shall be obtained from the Department and completed and submitted to the Department.

(1) An initial application for field ante-mortem exotic animal inspection shall be made by an official exotic animal establishment to the Department. Subsequent requests shall be made by the state-inspected exotic animal establishment on behalf of an exotic animal producer to the Department in one of the following manners:

(a) telephone,

(b) mail, or

(c) in person as determined by the Department.

(2) Upon receipt of the completed application, a Supervisor shall examine the field ante-mortem designated area and facilities for approval of the designated area.

(3) All fees involved for the approval of the designated area, including but not limited to any travel, per diem costs, and time required to perform such approval services, shall be paid directly by the applicant to the Department.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-4020

RULE TITLE: Fees and Charges for Exotic Species Activities

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Fees and Charges for Exotic Species Activities

RULE TEXT:

(1) The following fees and charges are established for services associated with the inspection of exotic species slaughter related activities. Fees will be established in an amount reasonably necessary to cover the cost of providing inspection by the meat inspection program and administration of the program pursuant to ORS 619.042:

(a) Fees and charges for services under the rules in this Division 29 shall be paid by the applicant for the services in accordance with this rule.

(b) The fees and charges provided for in this rule shall be paid by check, draft, or money order payable to the "Oregon Department of Agriculture" and shall be remitted promptly to the Department upon furnishing to the applicant a statement as to the amount due.

(c) The fees to be charged and collected for service under the rules in this Division 29 shall be for regular inspection; for overtime; and for certain laboratory services which are not covered under the regular time, overtime, and/or holiday costs. Such fees shall cover the costs of the service and shall be charged for the time required to render such service, including, but not limited to, the time required for the travel of the inspector or inspectors in connection therewith during the regularly scheduled administrative workweek.

(2) Regular inspection fees: Regular inspection fees are established in an amount reasonably necessary to cover the cost of providing the services and administration of the program. Regular inspection fees may include:

(a) A charge for a minimum of two hours of service at a rate of 50% of the base rate set in OAR 603-029-0220, unless otherwise specified by contract;

(b) Travel time at the rate of 50% of the base rate set in OAR 603-029-0220;

(c) Mileage at the rate per mile established by the Department of Administrative Services;

(3) Overtime and/or holiday charges: Rates and availability for services performed as detailed in OAR 603-029-0230 will be charged accordingly.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-4025

RULE TITLE: Denial or Withdrawal of Inspection

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Denial or Withdrawal of Inspection

RULE TEXT:

(1) For miscellaneous reasons. An application or a request for inspection may be rejected, or the benefits of the inspection may be otherwise denied to, or withdrawn from, any person, without the prior opportunity for a hearing:

(a) for administrative reasons such as the nonavailability of personnel to perform the inspection;

(b) for the failure of payment for service;

(c) in case the application or request relates to exotic animals or exotic animal products which are not eligible for inspection under this Division 29 rules;

(d) for failure to maintain the designated area or the plant in a state of repair approved by the Department;

(e) for the use of operating procedures which are not in accordance with the Division 29 rules;

(f) for alterations of buildings, facilities, or equipment which cannot be approved under the rules in this Division 29.

(g) Written notice of such rejection, denial, or withdrawal, and the reasons therefore, shall promptly be given to the person involved.

(2) For disciplinary reasons - Basis for denial or withdrawal. An application or request for inspection may be denied, or the benefits of the inspection may be withdrawn from, any person or entity who, or whose officer, employee or agent in the scope of his employment or agency:

(a) Has willfully made any misrepresentation or has committed any other fraudulent or deceptive practice in connection with any application or request for inspection under this rule;

(b) has given or attempted to give, as a loan or for any other purpose, any money, favor or other thing of value, to any employee or agent of the Department;

(c) has interfered with or obstructed, or attempted to interfere with or to obstruct, any employee or agent of the Department in the performance of his or her duties under this rule by intimidation, threats, assaults, abuse, or any other improper means;

(d) has knowingly represented that any exotic animal carcass, or exotic animal product, has been state-inspected and passed by an authorized inspector under this rule, when it had not, in fact, been so inspected;

(e) has been convicted of more than one misdemeanor under any law based upon the acquiring, handling, or distributing of adulterated, mislabeled, or deceptively packaged good, or fraud in connection with transactions in food, or any felony, as cited in OAR 603-029-0015; Provided, an application or a request for inspection made in the name of a person or entity otherwise eligible for inspection under the rules may be denied, or the benefits of the inspection may be withdrawn, from such a person or entity in case the inspection is or would be performed at a location operated by a person or entity, from whom the benefits of the inspection are currently being denied or have been withdrawn under this Division 29 rule; or by a person or entity having an officer, director, partner, manager or substantial investor from whom the benefits of inspection under this Division 29 rules are currently being denied or have been withdrawn under this Division 29 rule, and who has any authority with respect to the location where inspection is or would be performed; or in case the inspection is or would be performed with respect to any exotic animal or exotic animal product in which any person or entity, from whom the benefits of inspection are currently being denied or have been withdrawn under this Division 29 rule, has contract or other financial interest.

(3) Procedure.

(a) An application or request for inspection may be denied or benefits of the inspection may be withdrawn by the Department, as provided by section (2) of this rule, after written notice and opportunity for a contested case hearing as provided by ORS chapter 183 and OAR 137-003-0501 through 137-003-0700.

(b) The Department may immediately suspend inspection under this section without prior opportunity for a hearing, pending final determination of the matter, when it determines that there is a serious danger to public health or safety.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-4030

RULE TITLE: Marking Inspected Products

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Marking Inspected Products

RULE TEXT:

Except as otherwise authorized by the Department, the Oregon inspection legend applied to inspected and passed exotic animal carcasses, meat or meat products under this Division 29 shall include wording as follows: “Inspected and Passed by Oregon Department of Agriculture.” This wording shall be contained within a triangle in the form and arrangement shown in this rule. The establishment number of the state-inspected establishment shall be included in the triangle unless it appears elsewhere on the packaging material. Ordering and manufacture of the triangle brand shall be in accordance with the provisions in OAR 603-029-1006(3). The Department may approve the use of abbreviations of such Oregon inspection legend, and such approved abbreviations shall have the same force and effect as the Oregon inspection legend. The Oregon inspection legend or approved abbreviation shall be applied, under the supervision of an inspector, to the inspected and passed edible product, packaging material, immediate container or shipping container. When the Oregon inspection legend or approved abbreviation is used on packaging material, immediate container or shipping container, it shall be printed on such material or container or on a label to be affixed to the packaging material or container. The name and address of the packer or distributor of such product shall be printed on the packaging material or label. The Oregon inspection legend may be stenciled on the container, and when the Oregon inspection legend is so stenciled, the name and address of the packer or distributor may be applied by the use of a stencil or rubber stamp. The name and address of the packer or distributor, if prominently shown elsewhere on the packaging material or container, may be omitted from insert labels which bear an Oregon identification if the applicable establishment number is shown.

(1) The Oregon inspection legend to be applied to inspected and passed carcasses and parts of carcasses of an exotic animal, and products as therefrom approved by the Department, shall be in the form and arrangement as indicated in the example below.1 The establishment number of the state-inspected establishment shall be set forth if it does not appear on the packaging material or container.

(a) For application to exotic animal carcasses, primal parts and cuts therefrom, exotic animal livers, exotic animal tongues, and exotic animal hearts. [Figure a 603-029-4030]

(b) For application to exotic animal calf carcasses. [Figure b 603-029-4030]

(c) For application to exotic animal tails. [figure c 603-029-4030]

(d) For application to burlap, muslin, cheesecloth, heavy paper, or other acceptable material that encloses carcasses or parts of carcasses. [figure d 603-029-4030]

(2) The Oregon inspection legend to be shown on all labels.1

(a) For inspected and passed products of an exotic animal 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: [Figure e 603-029-4030]

(b) This Oregon mark shall be applied by mechanical means and shall not be applied by a hand stamp.

(c) The Oregon inspection legend described in subsection (2)(a) of this rule shall also be used on shipping containers, bond labels, artificial casings, and other articles with the approval of the Department.

(3) Any brand, stamp, label or other device approved by the Department and bearing any Oregon mark prescribed in section (1) or (2) of this rule shall be an Oregon device for purposes of this Division 29.

NOTE: The number “38” is given as an example only. The establishment number of the state-inspected exotic animal establishment where the product is prepared shall be used in lieu thereof.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-4035

RULE TITLE: Time of Inspection in the Field and an a State-Inspected Exotic Animal Establishment

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Time of Inspection in the Field and an a State-Inspected Exotic Animal Establishment

RULE TEXT:

The state-inspected exotic animal establishment on behalf of the applicant shall notify a supervisor, in advance, of the hours when such inspection is desired. Inspection personnel shall have access at all times to every part of any field ante-mortem inspection area and/or state-inspected exotic animal establishment to which they are assigned.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-4040

RULE TITLE: Report of Inspection Work

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Report of Inspection Work

RULE TEXT:

Reports of the work of inspection carried on within the field ante-mortem inspection area of an exotic animal producer's premises and/or state-inspected exotic animal establishment shall be forwarded to the Department by the ante-mortem inspector. The applicant for such inspection shall furnish to the Department such information as may be required on forms provided by the Department.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-4045

RULE TITLE: Ante-Mortem Inspection

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Ante-Mortem Inspection

RULE TEXT:

An ante-mortem inspection of an exotic animal shall, where and to the extent considered necessary by the Department and under such instructions as may be issued from time to time, be made on the day of slaughter of an exotic animal, in one of the following listed ways or as determined by the Department. Humane handling of an exotic animal during ante-mortem inspection shall be in accordance with the provisions contained in OAR 603-029-0705. Immediately after the animal is stunned or killed, it shall be shackled, hoisted, stuck and bled.

(1) To be performed on an exotic animal in the field in a designated area of an exotic animal producer's premises.

(a) Exotic species are eligible for field ante-mortem inspection. The field ante-mortem designated area must be approved by a supervisor or designee prior to rendition of the service.

(b) Any person who desires to receive field ante-mortem inspection must provide:

(A) Notification from a state-inspected exotic animal establishment to a supervisor or designee.

(B) A field ante-mortem designated area.

(C) A stunning/slaughtering area which is in a condition that minimizes the possibility of soiling the animal when stunned/slaughtered and bled as determined by the inspector.

(D) A transport vehicle that is as sanitary as practicable as determined by the inspector.

(c) The ante-mortem inspector shall determine the acceptableness and safety of performing field ante-mortem inspection. If, in the opinion of the ante-mortem inspector, an unsafe circumstance exists at the time of field ante-mortem inspection, the service shall be denied.

(d) An exotic animal that, in the ante-mortem inspector's opinion, does not pass ante-mortem inspection must be withheld from slaughter.

(e) Stunning to render the animal unconscious shall be in accordance with OAR 603-029-0715 or OAR 603-029-0720.

(f) All stunned/slaughtered and bled exotic animals shall be tagged with an “Oregon Suspect” tag in an ear by the ante-mortem inspector or designee prior to loading on the transport vehicle.

(g) The transport of intact exotic animal carcasses to an state-inspected exotic animal establishment for post-mortem inspection shall be as expedient as possible and must be within the same day as field slaughter.

(h) Ante-mortem cards (Form MP 402-2) shall be filled out by the ante-mortem inspector. One copy is to be retained by the ante-mortem inspector. The other copy shall accompany the transport vehicle to the state-inspected exotic animal establishment and shall be delivered to the post-mortem Veterinary Medical Officer.

(i) The ante-mortem inspector shall supervise all phases of field ante-mortem inspection.

(2) To be performed on exotic animals that are inside of the transport vehicle at a state-inspected exotic animal establishment.

(a) Exotic species are eligible for transport vehicle inspection.

(b) The ante-mortem inspector shall remain outside the transport vehicle while performing ante-mortem inspection.

(c) The person requesting transport vehicle inspection must provide a transport vehicle that is as sanitary as practicable and that would safely and thoroughly permit the inspection of an exotic animal from outside of the transport vehicle as determined by the inspector.

(d) The ante-mortem inspector shall determine the adequacy and safety of performing ante-mortem inspection. If, in the ante-mortem inspector's opinion, the transport vehicle is not adequate or safe to perform ante-mortem inspection, the service shall be denied.

(3) To be performed in pens at state-inspected exotic animal establishments. The inspection shall be conducted in accordance with the provisions contained in OAR 603-029-0300 to 603-029-0395.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-4050

RULE TITLE: Post-Mortem Inspection

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Post-Mortem Inspection

RULE TEXT:

(1) Post-mortem inspection of exotic species shall be conducted in accordance with the provisions contained in OAR 603-029-0400 to 603-029-0498 or as determined by the Department.

(2) The post-mortem examination of field ante-mortem-inspected exotic animals must occur in the shortest length of time practicable and on the day that field ante-mortem inspection is performed to minimize the changes in the carcass which can affect the post-mortem examination, disposition and wholesomeness of the carcass and its parts.

(3) The post-mortem Veterinary Medical Officer shall inspect and make the disposition of all incoming “Oregon Suspect” tagged exotic animals.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-4055

RULE TITLE: Disposal of Diseased or Otherwise Adulterated Carcasses and Parts

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Disposal of Diseased or Otherwise Adulterated Carcasses and Parts

RULE TEXT:

Disposal of diseased or otherwise adulterated carcasses and parts shall be conducted in accordance with the provisions contained in OAR 603-029-0500 to 603-029-0574.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-4060

RULE TITLE: Handling and Disposal of Condemned or Other Inedible Exotic Animal Products at State-Inspected Exotic Animal Establishments

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Handling and Disposal of Condemned or Other Inedible Exotic Animal Products at State-Inspected Exotic Animal Establishments

RULE TEXT:
Handling and disposal of condemned or other inedible exotic animals products at state-inspected exotic animal establishments shall be conducted in accordance with the provisions contained in OAR 603-029-0800 to 603-029-0850.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-4065

RULE TITLE: Entry into State-Inspected Establishments; Reinspection and Preparation of Products

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Entry into State-Inspected Establishments; Reinspection and Preparation of Products

RULE TEXT:

Entry into state-inspected establishments, and reinspection and preparation of products, shall be conducted in accordance with the provisions contained in OARs 603-029-1100, 603-029-1105, and 603-029-1110.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-4070

RULE TITLE: Records, Registration, and Reports

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Records, Registration, and Reports

RULE TEXT:

Records, registration, and reports shall be conducted or maintained in accordance with the provisions contained in OAR 603-029-1300 to 603-029-1330.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 616.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036

ADOPT: 603-029-4075

RULE TITLE: Transportation

NOTICE FILED DATE: 05/31/2022

RULE SUMMARY: Transportation

RULE TEXT:

Transportation shall be conducted in accordance with the provisions contained in OAR 603-029-1400 to 603-029-1475.

STATUTORY/OTHER AUTHORITY: ORS 603.085, ORS 619.700, ORS 619.042, ORS 619.046

STATUTES/OTHER IMPLEMENTED: ORS 619.042, ORS 619.046, ORS 603.059, ORS 619.026, ORS 619.036