This document was prepared with the help of a team of attorneys, farmers and members of the Georgia Organics staff to clarify the legal picture surrounding on-farm processing of poultry in the state. We encourage farmers to use this information and advice from their attorneys to guide their decision on whether to process on-farm or not.

The Legal Picture – Clarification of Current Law

In 2003, Georgia sought to establish its own poultry inspection program covering the processing and sale of poultry products within the State. As part of that process, Georgia deleted most of the federally recognized exemptions from the inspection requirement, including the exemption that allows the processing of between 1,000 and 20,000 birds annually. Georgia did not delete the exemption that covers processing and sale of fewer than 1,000 birds per year. Despite these actions, Georgia has not established a state-run inspection program to date. Thus, although the Georgia Department of Agriculture’s position is that processors of between 1,000 and 20,000 birds per year require inspection, the Department does not provide such inspection. Instead, the Department’s position is that such farmers must apply for a grant of federal (USDA) inspection, even though USDA considers producers of 20,000 or less birds to be exempt.

In addition, the Georgia Food Act (which was passed into law by the state legislature in 2008) requires that all food sold to food sales and service establishments in the State be from an “approved source,” which is defined as one that is subject to inspection. However, this law does not specify what type of inspection is required. For poultry, it does not specifically require continuous, bird-by-bird inspection.

Thus, on-farm processors face a two-fold barrier: First, they cannot avail themselves of the exemption allowing processing of between 1,000 and 20,000 birds per year. Second, even if that exemption were restored, they would still face a requirement for inspection of some sort before they could legally sell to food sales and service establishments (although it might be legal to engage in on-farm, direct-to-consumers sales).

Georgia law does currently allow on-farm processing and sales of less than 1,000 chickens. In fact, in November of 2011, the Department of Agriculture released a guideline clarifying the process and
requirements for processing 1,000 birds or less on-farm. These sales must occur direct to consumer (on-farm or at farmers markets) in order to avoid the “approved source” requirement. A mobile meat license is required for sale at farmers markets.