



The National Agricultural Law Center

The nation's leading source for agricultural & food law research & information

NationalAgLawCenter.org | nataglaw@uark.edu

State Meat Inspection Laws:

Wyoming



This material is based upon work supported by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture

State Meat Inspection Laws: Wyoming

Wyoming does not have a formally adopted statutory code governing meat slaughter and inspection. Instead, the legislature gave authority to the Wyoming department of agriculture, the department of health, and the governor's food safety council to create regulations implementing the Wyoming Food Safety Rule. This authority was delegated in Wyo Stat. §35-7-120. Those agencies, in drafting WY Rules and Regulations 010.0003.14 § 2, part of the Wyoming Food Safety Rule, adopted the latest provisions of the Code of Federal Regulations, Title 9, Part 300. This allowed the state to stay in compliance with the United States Department of Agriculture and to maintain the "at least equal to" status for the state meat inspection program.

Other relevant parts of the Wyoming Food Safety Rule are as follows:

Current through April 8 2020

WY Rules and Regulations 010.0003.1 § 1

Pursuant to the authority vested in the director of the Wyoming department of agriculture by virtue of W.S. 35-7-120, 35-7-123 (a) (iii), and 35-7-127, together with the department of health and the governor's food safety council established pursuant to W.S. 35-7-127, the following rules are hereby promulgated.

WY Rules and Regulations 010.0003.1 § 2

(a) These provisions shall be known as the Wyoming Food Safety Rule, hereinafter referred to as this Rule.

WY Rules and Regulations 010.0003.1 § 3

(a) The purpose of this Rule is to safeguard public health and assure consumers that food is safe, unadulterated, and honestly presented.

(b) This Rule establishes definitions; sets standards for management and personnel, food operations, equipment and facilities; and provides for establishment or processing plant plan review, license issuance, inspection, employee restriction, and license suspension.

WY Rules and Regulations 010.0003.1 § 4

(a) The regulatory authority shall apply this Rule to promote its underlying purpose of safeguarding the public health and assuring that food is safe, unadulterated, and honestly presented when offered to the consumer.

(b) In enforcing the provisions of this Rule, the regulatory authority shall assess existing facilities or equipment that were in use before the effective date of this Rule based on the following considerations:

(i) Whether the facilities or equipment are in good repair and capable of being maintained in a sanitary condition;

(ii) Whether food-contact surfaces comply with Chapter 6, Section 13;

(iii) Whether the capacities of cooling, heating, and holding equipment are sufficient to comply with Chapter 3, Section 30; and

(iv) The existence of a documented agreement with the license holder that the facilities or equipment will be replaced as specified under Chapter 2, Section 12 (a)(vii), or upgraded or replaced as specified under Chapter 2, Section 12 (a)(vii)(A).

WY Rules and Regulations 010.003.1 § 16

(a) As authorized by W.S. 35-7-123; 9 CFR, 321 Cooperation with States and Territories, and 9 CFR 381 Subpart R-Cooperation with States and Territories; Certification of State and Territorial Programs as at Least Equal to Federal Program, the Wyoming department of agriculture shall maintain a State Meat and Poultry Inspection Program.

(i) The director shall administer and enforce the provisions of this Rule and shall employ or contract with such persons as may be appropriate.

(b) As authorized by 9 CFR 307.5 Overtime and Holiday Inspection Service and 307.6 Basis of Billing for Overtime and Holiday Services, the Department has the authority to charge state inspected meat and poultry plants for overtime and holiday inspection services.

(i) The owner/operator of a state inspected meat or poultry plant shall reimburse the Department for the cost of the inspection service furnished on any holiday as specified in Section 16 (b) (ii); or for more than 8 hours on any day, or more than 40 hours in any workweek Saturday through Friday.

(ii) Holidays for State employees shall be New Year's Day, January 1; Equality Day, the third Monday in January; President's Day, the third Monday in February; Memorial Day, the last Monday in May; Independence Day, July 4; Labor Day, the first Monday in September; Veterans' Day, November 11; Thanksgiving Day, the fourth Thursday in November; Christmas Day, December 25 or any other day declared to be a holiday by the Governor of Wyoming or the President of the United States. When any of the above listed holidays falls outside the basic workweek, the nearest workday within that week shall become a holiday.

(iii) Each recipient of overtime or holiday inspection service, or both, shall be billed at the rate of one and one half (1 1/2) times the normal hourly rate of the Inspector-In-Charge for the plant making the

request, in increments of quarter hours. For billing purposes, 8 or more minutes shall be considered a full quarter hour. Billing will be for each quarter hour of service rendered by each Department employee.

(iv) State inspected meat or poultry plants requesting and receiving the services of a Department employee after he or she has completed his or her day's assignment and left the premises, or called back to duty during any overtime or holiday period, shall be billed for a minimum of 2 hours overtime or holiday inspection service at the established rate.

(v) Bills are payable upon receipt and become delinquent 30 days from the date of the bill. Overtime or holiday inspection will not be performed for anyone having a delinquent account.

WY Rules and Regulations 010.0003.14 § 1

For the codes, standards, rules and regulations incorporated by reference in these rules, the following apply:

(a) The Wyoming Department of Agriculture determined that the incorporation of the full text in these rules is cumbersome and inefficient given the length and nature of the codes, standards, rules and regulations;

(b) The incorporation by reference consists of the codes, standards, rules and regulations in effect on January 1, 2016. The incorporation does not include any later amendments or editions of the incorporated matter;

(c) The incorporated codes, standards, rules and regulations are maintained at 2219 Carey Ave, Cheyenne, Wyoming 82001 and are available for public inspection and copying at cost at the same location.

WY Rules and Regulations 010.0003.14 § 2

The following codes, standards, rules and regulations are incorporated by reference in these rules:

(a) The following Code of Federal Regulations: 7 CFR 56 Regulations Governing the Voluntary Grading of Shell Eggs; 7 CFR 57 Inspection of Eggs (Egg Products Inspection Act); 7 CFR 60 Country of Origin Labeling for Fish and Shellfish; 7 CFR 65 Country of Origin Labeling of Beef, Pork, Lamb, Chicken, Goat Meat, Perishable Agricultural Commodities, Macadamia Nuts, and Peanuts; 9 CFR 301 Definitions; 9 CFR 302 Application of Inspection and Other Requirements; 9 CFR 303 Exemptions; 9 CFR 304 Application for Inspection; Grant of Inspection; 9 CFR 305 Official Numbers; Inauguration of Inspection; Withdrawal of Inspection; Reports of Violation; 9 CFR 306 Assignment and Authorities of Program Employees; 9 CFR 307 Facilities for Inspection; 9 CFR 309 Antemortem Inspection; 9 CFR 310 Postmortem Inspection; 9 CFR 311 Disposal of Diseased or Otherwise Adulterated Carcasses and Parts; 9 CFR 312 Official Marks, Devices and Certificates; 9 CFR 313 Humane Slaughter of Livestock; 9 CFR 314 Handling and Disposal of Condemned or other Inedible Products at Official Establishments; 9 CFR 315 Rendering or other Disposal of Carcasses and Parts Passed for Cooking; 9 CFR 316 Marking Products and Their Containers; 9 CFR 317 Labeling, Marking Devices, and Containers; 9 CFR 318 Entry into Official Establishments; Reinspection and Preparation of Products; 9 CFR 319 Definitions and Standards of Identity or Composition; 9 CFR 320 Records, Registration, and Reports; 9 CFR 321 Cooperation with States and Territories; 9 CFR 325 Transportation; 9 CFR 329 Detention;

Seizure and Condemnation; Criminal Offenses; 9 CFR 352 Exotic Animals; Voluntary Inspection; 9 CFR 354 Voluntary Inspection of Rabbits and Edible Products Thereof; 9 CFR 362 Voluntary Poultry Inspection Regulations; 9 CFR 381 Poultry Products Inspection Regulations; 9 CFR 412 Label Approval; 9 CFR 416 Sanitation; 9 CFR 417 Hazard Analysis and Critical Control Point (HACCP) Systems; 9 CFR 418 Recalls; 9 CFR 424 Preparation and Processing Operations; 9 CFR 430 Requirements for Specific Classes of Product (*Listeria monocytogenes*); 9 CFR 441.10 Retained Water; 9 CFR 442 Quantity of Contents Labeling and Procedures and Requirements for Accurate Weights; 9 CFR 500 Rules of Practice; 9 CFR 590 Inspection of Eggs and Egg Products (Egg Products Inspection Act); 21 CFR 1.20 - 1.24 Subpart B-General Labeling Requirements; 21 CFR 7.1 - 7.13 Enforcement Policy Subpart A-General Provisions and 7.40-7.59 Subpart C-Recalls (Including Product Corrections)-Guidance on Policy, Procedures, and Industry Responsibilities; 21 CFR 70 Color Additives; 21 CFR 73.1 - 73.615 Listing of Color Additives Exempt From Certification Subpart A-Foods; 21 CFR 74.101 - 74.706 Listing of Color Additives Subject to Certification Subpart A-Foods; 21 CFR 81 General Restrictions for Provisional Color Additives for Use in Foods, Drugs, and Cosmetics; 21 CFR 82.3 - 82.706 Listing of Certified Provisionally Listed Colors and Specifications Subpart A-General Provisions and Subpart B-Drugs and Cosmetics; 21 CFR 100.155 Salt and Iodized Salt; 21 CFR 101 Food Labeling; 21 CFR 102 Common or Usual Name for Nonstandardized Foods (except 102.19); 21 CFR 104 Nutritional Quality Guidelines for Foods; 21 CFR 105 Foods for Special Dietary Use; 21 CFR 108.25 - 108.35 Emergency Permit Control Subpart B-Specific Requirements and Conditions for Exemption From or Compliance With an Emergency Permit; 21 CFR 109 Unavoidable Contaminants in Food for Human Consumption and Food-Packaging Material; 21 CFR 110 Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food; 21 CFR 111 Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements; 21 CFR 113 Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers; 21 CFR 114 Acidified foods; 21 CFR 115 Eggs, Refrigeration; 21 CFR 120 Hazard Analysis and Critical Control Point (HACCP) Systems; 21 CFR 123 Fish and Fishery Products; 21 CFR 129 Processing and Bottling of Bottled Drinking Water; 21 CFR 130 Food Standards: General; 21 CFR 131 Milk and Cream; 21 CFR 133 Cheeses and Related Cheese Products; 21 CFR 135 Frozen Desserts; 21 CFR 136 Bakery Products; 21 CFR 137 Cereal Flours and Related Products; 21 CFR 139 Macaroni and Noodle Products; 21 CFR 145 Canned Fruits; 21 CFR 146 Canned Fruit Juices; 21 CFR 150 Fruit Butters, Jellies, Preserves, and Related Products; 21 CFR 152 Fruit Pies; 21 CFR 155 Canned Vegetables; 21 CFR 156 Vegetable Juices; 21 CFR 158 Frozen Vegetables; 21 CFR 160 Eggs and Egg Products; 21 CFR 161 Fish and Shellfish; 21 CFR 163 Cacao Products; 21 CFR 164 Tree Nut and Peanut Products; 21 CFR 165 Beverages; 21 CFR 166 Margarine; 21 CFR 168 Sweeteners and Table Syrups; 21 CFR 169 Food Dressings and Flavorings; 21 CFR 170 Food Additives; 21 CFR 171 Food Additive Petitions; 21 CFR 172 Food Additives Permitted for Direct Addition to Food for Human Consumption; 21 CFR 173 Secondary Direct Food Additives Permitted in food for Human Consumption; 21 CFR 174 Indirect Food Additives: General; 21 CFR 175 Indirect Food Additives: Adhesives and Components of Coatings; 21 CFR 176 Indirect Food Additives: Paper and Paperboard Components; 21 CFR 177 Indirect Food Additives: Polymers; 21 CFR 178 Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers; 21 CFR 179 Irradiation in the Production, Processing and Handling of Food; 21 CFR 180 Food Additives Permitted in Food or in Contact with Food on an Interim Basis Pending Additional Study; 21 CFR 181 Prior-Sanctioned Food Ingredients; 21 CFR 182 Substances Generally Recognized as Safe; 21 CFR 184 Direct Food Substances Affirmed as Generally Recognized as Safe; 21 CFR 186 Indirect Substances Affirmed as Generally Recognized as Safe; 21 CFR 189 Substances Prohibited From Use in Human Food; 21 CFR 190 Dietary Supplements; 21 CFR 219.80 Processes and Controls; 21 CFR 1030.10 Microwave Ovens; 21 CFR Subpart D - Specific Administrative Decisions Regarding Interstate Shipments, Section 1240.60 (d); 40 CFR 141 National Primary Drinking Water Regulations; 40 CFR 152 Subpart I - Classification of Pesticides; 40 CFR 152.175 Pesticides Classified for Restricted Use; 40 CFR 180.940 Sanitizing Solutions; 40 CFR 185 Tolerances for Pesticides in Food; 50 CFR 17

Endangered and Threatened Wildlife and Plants. The incorporated material may be found electronically at: <http://www.ecfr.gov/cgi-bin/ECFR?page=browse>.

(b) The following United States Codes: 7 USC 136(e) Certified Applicator; Humane Methods of Slaughter Act, 7 USC 1901 through 1907; Federal Food, Drug, and Cosmetic Act (201), 21 USC 321 (k), (m), (s), (t) & (ff); Federal Food, Drug, and Cosmetic Act (301), 21 USC 331 (v); Federal Food, Drug, and Cosmetic Act (403), 21 USC 333; Federal Food, Drug, and Cosmetic Act(402), 21 USC 342; Federal Food, Drug, and Cosmetic Act (409), 21 USC 348; Federal Food, Drug, and Cosmetic Act (413), 21 USC 350b; Federal Food, Drug, and Cosmetic Act (703), 21 USC 373; Federal Food, Drug, and Cosmetic Act (706), 21 USC 376 - 377. The incorporated federal codes may be found electronically at: uscode.house.gov

(c) National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish, found electronically at:
<http://www.fda.gov/downloads/Food/GuidanceRegulation/FederalStateFoodPrograms/UCM350344.pdf>

(d) U.S. Public Health Service/FDA “Grade A Pasteurized Milk Ordinance”, found electronically at:
<http://www.idfa.org/docs/default-source/news-files/2013-pmo-final.pdf?sfvrsn=0>

(e) “Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments”, and “Methods of Making Sanitation Ratings of Milk Shippers”, found electronically at: <http://www.idfa.org/docs/default-source/news-files/PMO-Docs/2013-methods-final.pdf?sfvrsn=0>

(f) United States Department of Agriculture/Agriculture Marketing Service “Milk for Manufacturing Purposes and its Production and Processing”, found electronically at:
<http://www.ams.usda.gov/publications/content/milk-manufacturing-purposes-and-its-production-and-processing>

(g) International Plumbing Code, found at www.iccsafe.org.

(h) USDA AMS 56 U.S. Standards, Grades, and Weight Classes for Shell Eggs, found electronically at:
http://www.ams.usda.gov/sites/default/files/media/Shell_Egg_Standard%5B1%5D.pdf

(i) 50 FR 15861 United States Standards for Grades of Extracted Honey, found electronically at:
<http://www.honey.com/images/downloads/exhoney.pdf>

(j) 32 FR 7565 United States Standards for Grades of Comb Honey, found electronically at:
<http://www.honey.com/images/downloads/comhoney.pdf>

(k) Federal Meat Inspection Act (including the Wholesome Meat Act)/Poultry Products Inspection Act, Food Allergen Labeling and Consumer Protection Act of 2004 (Public Law 108-282), found electronically at: <https://www.gpo.gov/fdsys/pkg/USCODE-2013-title21/pdf/USCODE-2013-title21-chap12.pdf>; <https://www.gpo.gov/fdsys/pkg/STATUTE-81/pdf/STATUTE-81-Pg584.pdf>; <https://www.gpo.gov/fdsys/pkg/USCODE-2013-title21/pdf/USCODE-2013-title21-chap10.pdf>; <http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/Allergens/ucm106187.htm>