

Inspection of farm grounds and facilities in Missouri



Executive Summary

[House Bill 574](#) would limit who can conduct **on-farm inspections of animal agricultural operations within the state to only those who are authorized by the federal or Missouri law to keep the commercial supply of these products safe**. The bill specifies that representatives from the Missouri and the U.S. Department of Agriculture, the Missouri Department of Natural Resources, the county sheriff and any other federal or Missouri state agency with statutory or regulatory authority have the exclusive authority to inspect Missouri farms that raise livestock, eggs, milk or other dairy products, or other animals.¹ The bill modifies the inspection authority of the facilities that **produce** meat, eggs and poultry, so the existing safety regulations outside the farm grounds or facilities would not be affected.

Highlights

- **Biosecurity at agricultural facilities may be compromised** when unauthorized or inexperienced personnel enter the farm facilities or grounds.
- On-farm inspections in the state are performed by the **Missouri Department of Agriculture** for animal health violations and by the **Environmental Protection Agency** for animal waste. The Missouri Department of Natural Resources and the **National Pollutant Discharge Elimination System** require additional permits from Concentrated Animal Feeding Operations.
- Outside the farm, the **Food Safety and Inspection Service (FSIS)** and **State Meat and Poultry Inspection (MPI) programs** are responsible for ensuring that the United States' commercial *supply* of meat, poultry, and egg products is safe, wholesome, and correctly labeled and packaged.

Limitations

- Several federal and state authorities are in place to ensure that human health, animal welfare, food safety, biosecurity, and environmental considerations are regulated and enforced. However, the exact state of who is authorized to inspect which facilities, and how often is unclear.

Research Background

On-farm inspections

Non-confined animal farms are not subject to regular federal or state inspections in Missouri. However, on-farm inspections can be subject to compliance evaluation inspections as follow-ups on a citizen tip or complaint, which are performed under different federal and state agencies. For example, the U.S. Environmental Protection Agency (EPA), which promulgates and enforces livestock waste regulations, can enter a facility to determine whether it is complying with the regulations under the Clean Water Act. The Animal Health Division of the Missouri Department of Agriculture (MDA) is also responsible for the animal health regulations and rigorous disease oversight; while under the Diseased Animal Law, MDA has the authority to enter any premises, barns, stables, sheds, vehicles, or other places to check for livestock

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disease or animal health violations.¹³ Last, livestock dealer registration is required from the Division of Animal Health for those who buy, sell, or exchange livestock.¹⁴

The type of the animal farm can also play a role on the type of scheduled or unannounced inspections that are being performed. For example, animal feeding operations (AFOs) and Concentrated Animal Feeding Facilities (CAFOs) are subject to the following inspections: routine inspections, to follow up on a citizen tip or complaint, for case development support after a violation has been identified, for a follow-up inspection to ensure that the permittee has implemented required controls or best management practices and compliance inspection to ensure compliance with settlement requirements. AFOs and CAFOs are the farms that keep and raise livestock or poultry in confined situations in some manner of confinement for more than 45 days out of a year. Any type of farm that raises animals in this manner is considered an Animal Feeding Operation (AFO). A Confined Animal Feeding Operation (CAFO), is a type of AFO and is defined by two main characteristics: confinement of animals in buildings or lots with less than 50 percent vegetation or ground cover for 45 days or more over a 12-month period and the number of animals.¹¹ Lastly, CAFOs are regulated also under the National Pollutant Discharge Elimination System (NPDES) permitting program, a permit program authorized by EPA to state governments to perform many permitting, administrative, and enforcement aspects of the program.¹²

Inspections outside the farm

Food Safety and Inspection Service (FSIS)

The 1906 Meat Inspection Act established the sanitary standards for slaughterhouses and meat processing plants, authorized U.S.D.A. to conduct the ongoing monitoring and inspection of slaughter and processing operations, and made the inspection of livestock before slaughter and postmortem mandatory (cattle, sheep, goats, horses, mules, and swine).³ Today's Food Safety and Inspection Service draws its authority from this Federal Meat Inspection Act of 1906 and from the Poultry Products Inspection Act of 1957 and the Egg Products Inspection Act of 1970. Every year tens of billions of pounds of meat and poultry and egg products are inspected by the 7,800 members of FSIS inspection program on about the 6,200 Federal slaughter, food processing, and import establishments in the United States. These inspections on meat and poultry products help ensure that there are no misbranded or adulterated products being put into the stream of commerce. The FSIS inspectors have the authority to prevent slaughter to diseased animals, to inspect antemortem the carcasses, and to examine whether the rapid chilling, adequate trimming and sanitary washing are enforced to reduce microbial contamination.²

State Meat and Poultry Inspection Programs (MPI)

States are key partners of FSIS and their working relationships are reflected in Cooperative Agreements between FSIS and affected state agencies. State Meat and Poultry Inspection Programs (MPI) are an integral part of the nation's food safety system as they provide inspection and personalized guidance to small and very small establishments in developing their food safety-oriented operations. FSIS provides approximately \$50 million annually to support the 27 states that currently operate under the MPI programs and Missouri is one of them.⁶ These cooperative agreements that MPI programs operate are states' programs and they must enforce requirements that are "at least equal to" those imposed under the Federal Meat Inspection Act and the Poultry Products Inspection Act. In states with inspection programs, establishments have the option to apply for Federal or State inspection. However, products produced under state inspection cannot be sold outside of Missouri. FSIS provides up to 50% of the State's operating

funds, as well as training and other assistance. The remaining states have given up their meat or poultry inspection programs to USDA (federal) inspectors.

Food safety

Food safety is impacted by conditions on-farm as well as at facilities that process, distribute and manufacture animals, milk and eggs. For processing, distribution, and manufacturing facilities, health and safety inspections would be conducted as they currently are under the FSIS and MPI programs.

On-farm inspections are conducted to ensure that the on-farm activities do not pose any threats to human health, animal welfare, or the environment. Currently, USDA, EPA, MDA and the Missouri Department of Natural Resources have the authority to conduct on-farm scheduled or unannounced inspections.

Biosecurity

HB 574 proposes that only designated authorities be allowed to perform on-farm inspections, unless farm owners choose differently, but the proposed legislation does not otherwise change inspection standards or protocol. According to MDA, Missouri is one of the most diversified agriculture states in the nation and its agricultural resources may be vulnerable to agri-terrorism.¹⁰ Additionally, many farms follow strict biosafety protocol to prevent disease outbreaks, thus, inspectors who are unfamiliar with such protocol could pose harm. Restricting who has access to the farming facilities can therefore be seen as a best practice for the agriculture community to prevent acts of terrorism and/or biohazards.¹⁵

Human health and environment

Last, manure spills and leaks can cause adverse environmental impacts such as pollution of surface and groundwater. Excess nutrients in surface waters can cause harmful algal blooms that deplete water oxygen and produce toxins. Nitrate in groundwater can cause a condition in infants that limits oxygen supply to the blood. Manure pathogens that enter waterways can infect people and animals that come in contact with them. There are no manure management regulations for farms whose animals are kept in pasture, and best management practices are recommended, but no permits are required. However, AFOs require permits and regulations are enforced for coverage requirements, construction, operating and management of the farms.⁸

Animal Welfare

According to the USDA-Animal and Plant Health Inspection Service, farms and facilities are considered “open” when USDA performs *pre-licensing and unannounced* compliance inspections under the Animal Welfare Act (AWA) to ensure compliance with animal welfare regulations and standards. However, animal welfare organizations argue that existing farm assurance scheme inspections are not sufficient and that annual inspections should be combined with unannounced spot checks to ensure that farms with poor welfare cannot hide possible deficiencies.⁴

Similar legislation

Broadly speaking, state legislation associated with on-farm inspections are included in the states’ **Right-to-Farm laws, which are intended to allow farmers to carry out their lawful business activities without the fear of trespassing**, to bolster the legitimacy of agricultural concerns, defend farmers rights without undue outside interference, and minimize or resolve public and private land use conflicts.⁵ Similar to HB574, Indiana authored a Senate bill in 2019 that would give the state Board of Animal Health exclusive authority over inspecting facilities that produce eggs, dairy products and raise livestock or poultry,⁹ and two bills

were introduced this year in Nebraska on inspection laws of farm grounds and facilities (NE LB321 & NE LB235). Similarly, in 2020 Iowa passed a law that is now in effect, which imposes penalties on unauthorized people trespassing on agricultural production facilities (SF 2413).⁷

References

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