

MAINE BORN, RAISED & HARVESTED CERTIFICATION PROGRAM DRAFT MANUAL

2019



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CERTIFIED MAINE BORN, RAISED & HARVESTED PROGRAM

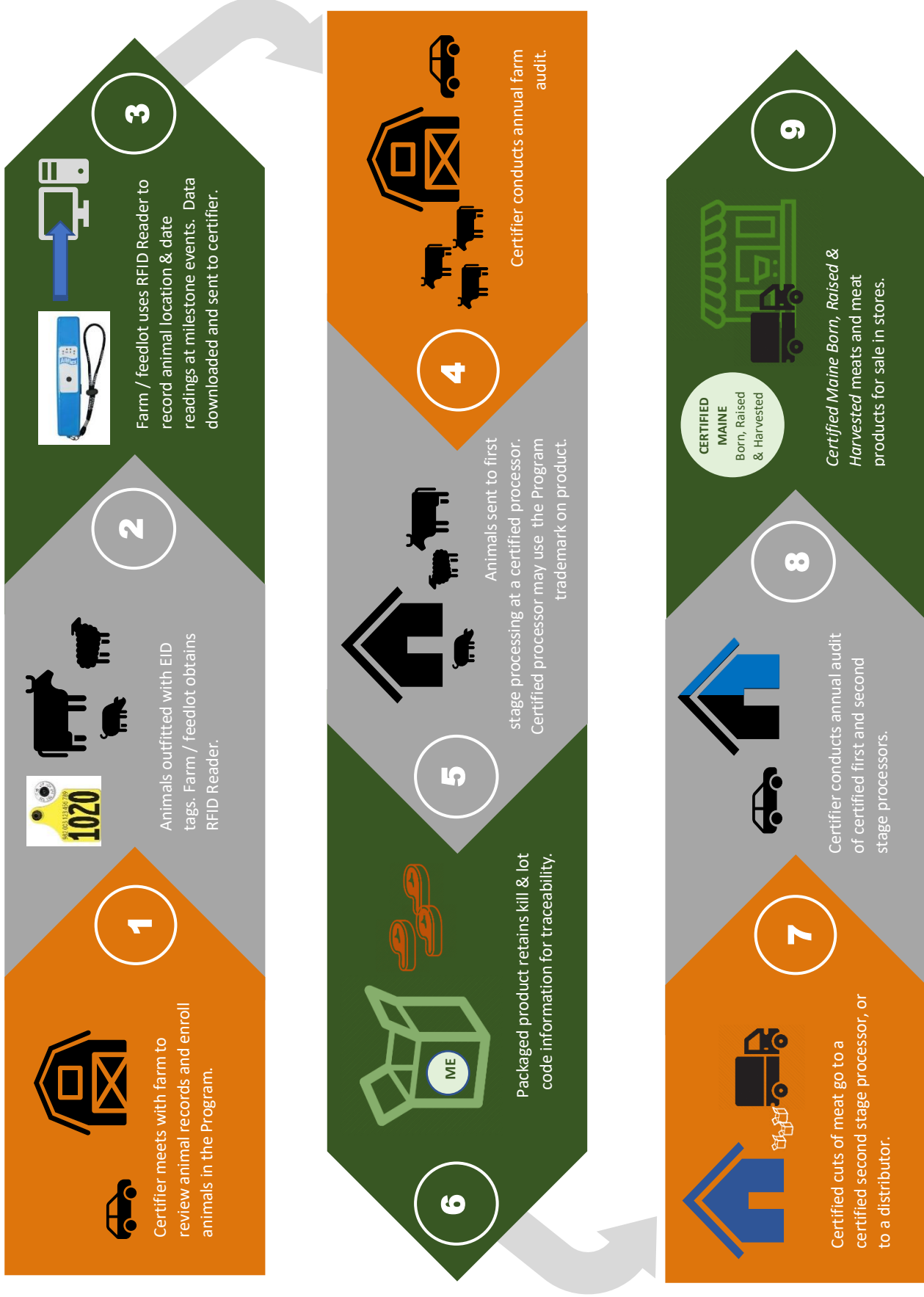


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I. GENERAL BACKGROUND

A. The food industry is increasingly being asked by consumers to provide greater transparency and increased traceability for food products. In Maine, meat and meat products that are labeled as “Maine” may have come from animals that have spent most or all of their lifecycle in feedlots out of state. Current labeling requirements do not ensure that consumers are getting the Maine product they believe they’re buying. Even products that comply with current requirements may mislead consumers to falsely believe they are purchasing a product from an animal born and raised on a Maine farm.

B. Recent Maine State legislation passed in 2019 will require that meat products labeled as “Maine” products be produced from animals born, raised and harvested in-state.¹

C. Existing federal regulations require that any label representation that “expresses or implies a particular geographical origin of the product, or any ingredient of the product, shall not be used except when such representation is ... a truthful representation of geographical origin, e.g., “Virginia Ham” for a ham produced in the State of Virginia.” geographic claims on food labels to be verified if the label includes an outline of the geographic area associated with the special claim. Under these regulations, including the word “Maine” in a meat product’s label, without a geographic outline or visual representation of the state included, does not qualify as a special geographic claim. Consequently, companies selling Maine meat products beyond Maine’s borders may continue to use the term “Maine” in a USDA approved label without the need to verify where the product was raised and manufactured, except in cases where a company’s label additionally includes an image or outline of the State of Maine.²

D. *More Maine Meat LLC* (“Program Manager”) will be organized as a limited liability company for the purposes of administering and promoting the *More Maine Meat Certification Program* (“the Program”), a certification program for red meat born, raised and harvested within the state of Maine. MMM will operate as a subsidiary of the Maine Sustainable Agriculture Society, a 501C3 nonprofit organization in existence for 22 years and whose mission is to promote education and research that advances the profitability of sustainable farm and food production in Maine.

E. The Program Manager will contract with a third-party certifier (“Certifier”) to certify animals in the Program. The Program Manager is not directly affiliated with any third-party certifiers that may work with the Program and will provide oversight and evaluation of the certifier and overall program management and promotion.

¹ LD 351 provides that “meat and meat products sold or offered for sale may not be labeled with a certified 11 “Maine” trademark or labeled or advertised as “Maine-raised” or by a similar designation 12 unless the animal was born in the State and raised solely in the State.”

² Federal regulations also allow for geographic label claims for a trademark used so long and exclusively that it is generally understood by consumers to mean the product of the particular manufacturer or distributor; and for a name whose “market significance is generally understood by consumers to connote a particular class, kind, type or style of product, or preparation”, e.g., “Mexican Style Dinner”. *Food Standards Labeling and Policy Book*, USDA Food Safety and Inspection Service, Office of Policy, Program and Employee Development, August 2005, pg. 59-60.



II. LABELING REQUIREMENTS

A. Documentation required by FSIS for Source/Traceability claims.³

1. Detailed written description explaining controls for ensuring the source of the animal can be verified from birth to harvest or the period of raising being referenced by the claim;
2. Signed and dated document to support that the claims are not false or misleading;
3. Written description of the product tracing and segregation mechanism from time of slaughter or further processing through packaging and wholesale or retail distribution;
4. Written description of the identification, control and segregation of non-conforming animals/products; and
5. Live animal raising records demonstrating how individual animals or a group of animals are identified and traceable to their farm or ranch of birth, and if verified, the individual or entity verifying the claim.⁴

B. More Maine Meat Certified Label

1. The labeling requirements of the Maine Certified Program apply to products derived from harvested animals certified by the program and/or processed in certified facilities.
2. Meat products that are sold, labeled, or represented as Certified Maine Meat products under the program's brand and trademark must be produced and harvested in accordance with the standards outlined in this Program.
3. Individual Program Participants are responsible for seeking label approval for their individual farm, feedlot, slaughterhouse or processing facilities as meets state and federal regulations for the labeling of meat products.

C. More Maine Meat Brand and Trademark

1. The Certified Maine Meat Brand and Trademark will be owned by MMM LLC.
2. The Certified Maine Meat Brand and Trademark may only be used in conjunction with meat products derived from animals certified in the Program.
3. Any business that distributes products from certified animals using the certified Maine Meat Label must be certified in the program and comply with the requirements below.

³ Labels bearing animal raising claims are required to be approved by the USDA Food Safety and Inspection Service (FSIS) prior to use in commerce for compliance with U.S. Code of Federal Regulations 9 CFR 412.1.

⁴ Food Safety and Inspection Service Labeling Guideline on Documentation Needed to Substantiate Animal Raising Claims for Label Submissions. September 2016.

III. PROGRAM GOVERNANCE

A. Advisory Committee Membership

The Program Manager will be governed by a five-person advisory committee comprised of one representative from the MESAS Board of Directors, one representative from the Maine Organic Farmers and Gardeners Association Board of Directors, and three additional members appointed by the MESAS Board of Directors which should include at least one individual actively involved in a private business raising livestock, and representation from a consumer group, retailer or distributor and/or a processor. The number of members and the advisory committee's composition may change after the pilot year.

B. Advisory Committee Responsibilities

The Advisory Committee will be responsible for:

1. Annually electing a chair, vice chair and secretary from its membership.
2. Providing written quarterly financial and program reports to the MESAS Board of Directors within two weeks prior to corresponding board meetings.
3. Convening two subcommittees to oversee components of the Program and to be responsible for making recommendations on issues involving changes to the Program or standard components or issues involving the denial or revocation of participation in the Program. The two subcommittees will address:
 - a. Traceability Processes
 - b. Processor Standards

C. Subcommittee Membership

Each subcommittee will be comprised of up to 3 individuals

1. Subcommittee membership is open to any individual person materially affected by the Program or standard components of the Program.
2. Subcommittee members shall be appointed annually by the Advisory Committee and must be approved by the MESAS Board of Directors.
3. Subcommittee members must be Maine residents.
4. No individual nominated for subcommittee membership by the Advisory Committee and materially affected by the Program or standard components may be denied participation on a subcommittee based on gender, race, ethnicity or socio-economic status.

D. Removing Advisory or Subcommittee Members

The MESAS Board of Directors may remove an Advisory or Subcommittee Member by a majority vote of its board members.

E. Decision Making Process

1. The Advisory Committee and Subcommittees shall conduct meetings in general accordance with Roberts Rules.
2. Any decision with implications for program operations, oversight or management, or regarding decisions involving the denial or revocation of participation in the Program will require a formal vote of a quorum of Advisory Committee or subcommittee members present at any meeting entertaining such a decision.
3. A 4/5 supermajority of a quorum of the Advisory Committee is required to adopt a new standard or an amendment to the existing program or standard, regardless of the size of the Advisory Committee.

F. Compliance with State and Federal Laws and Regulations

1. In no case shall a program standard be adopted that is in direct conflict with a corresponding state meat traceability requirement, regulation or law.
2. The Program shall be developed and administered in accordance with applicable antitrust and competition laws and any meetings amongst competitors to develop, amend or promote the Program or standard must be conducted in accordance with the law.

IV. REQUIREMENTS FOR CERTIFIED LIVESTOCK

- A. The Program is open to all types of red meat animals as described in the Maine Red Meat Law and which are 24 months or younger;
- B. Animals must be born in the State of Maine and remain in the State of Maine through processing. Once a live animal is removed from the State of Maine, the certification becomes null and void;
- C. Animals to be certified must be certified before the earlier of either removal of the animal from the verifiable address of its birth, or before commingling an animal eligible for enrollment with animals that originate off premise;
- D. Animals must be enrolled no fewer than 30 days before any transfer from the original verifiable address of birth.
- E. Farms and feedlots entering the Program will be allowed a one-time enrollment exception for animals entering the Program if they can provide evidence that the animals were born and raised in Maine.

V. REQUIREMENTS FOR PARTICIPATING FARMS AND FEEDLOTS

A. Eligibility and Administrative Requirements

1. Farms and feedlots that house certified animals must have a verifiable physical address in the State of Maine;
2. Such Farms and feedlots must consent to an in-person site visit conducted by the certifier at the farm or feedlot where certified animals are or will be housed. A farm or feedlot manager must be present during the site visit;
3. Participating farms and feedlots must provide the certifier with access to data records on enrolled animals at any time during regular business hours.
4. Participating farms and feedlots must employ an approved traceability system as described in Section IV. C. below.
5. Participating farms and feedlots that intend to sell harvested product from certified animals under the certified Maine meat label must use a processor approved by the certifier based on requirements described in sections IV.D. and IV E. below.
6. Farms and feedlots must provide the Certifier with a signed affidavit stating that the farm / feedlot agrees to follow the traceability procedures outlined in this manual and that animals bearing an approved RFID tag and included in the Program have been born and raised in the State of Maine.
7. Farms and Feedlots must pay all applicable fees and costs required by the Program for certification.

B. Traceability System Requirements for Participating Farms and Feedlots

1. Electronic Ear (EID) Tags
 - a. EID tags approved by the Program are the preferred method for tracking and are required for participation in the Program unless a farm or feedlot has been approved by the certifier to use an alternative method for traceability.
 - b. EID tags used for animals in the Program can only be obtained by the MMM Program Manager or Certifier, unless tags already in use at a farm or feedlot are approved by the Certifier.
 - c. Unused ear tags provided by the Program must be returned to the Program Manager.
 - d. Participating farms/feedlots must order and pay for their EID tags annually through the Program Manager.
 - e. EID tags must remain on a certified animal for as long as the animal is enrolled in the Program.
 - f. An animal's tag must be retired at the time of harvesting and cannot be reused as part of the Program.
2. Lost or Nonfunctioning IED Tags
 - a. If an EID tag is lost or nonfunctioning and the participating farm / feedlot seeks to continue certification for that animal, the participating farm/feedlot must complete



- an application and provide an affidavit to the Certifier stating how identification of the animal has been maintained through an alternative identification method unique to that animal.
- b. If the alternative identification method is approved by the Certifier, the Certifier may send the farm / feedlot a replacement tag or approve a replacement tag.
 - c. Lost tags must be retired from the Program and cannot be reused if found.
 - d. Farms that lose multiple tags may be subject to special review by the Certifier in order to ensure compliance with program requirements.
3. Participating farms/feedlots are responsible for obtaining an RFID reader.

C. Tracking and Record Keeping

1. Participating farms/feedlots must provide birth records confirming that an animal applying for enrollment in the Program was born within the State of Maine and has continuously been in the State of Maine and in the physical possession of the original owner or another farm or feedlot that houses only certified animals.
2. Participating farms/feedlots must record with the RFID reader or Certifier-approved alternative method the following milestone life events for animals in the Program:
 - a. Birth
 - b. At weaning
 - c. At annual audit
 - d. Relocation of an enrolled animal from the farm of origin
 - e. Harvesting
 - f. Transportation of a certified animal across state lines for purposes approved by the Certifier.⁵
3. Milestone event recordings must include the GPS coordinates of the tag at the time of reading, date and timestamp.
4. Participating Farms and Feedlots must annually provide the Certifier with a list of customers.
 - a. Customer lists will be used to corroborate the records of processors participating in the Program.
 - b. Customer records will be kept confidential.
5. The Certifier retains the right to do spot inspections at a farm or feedlot upon 24-hour notification.

⁵ Approved purposes for transporting a certified animal across state lines would primarily be for harvesting purposes when and only when out-of-state processing facilities are significantly closer to the farm or feedlot than those located within the State of Maine.

D. Transfer of Certified Animals

1. For certified animals transferred from a farm of origin to another farm or feedlot, EID readings with GPS coordinates and time stamped date must be taken at both the originated farm / feedlot and the farm / feedlot the animal has transferred.
2. The transfer of a certified animal from one participating farm / feedlot to another shall be reported to the Certifier within 5 business days of the transfer.

E. Participating Farms / Feedlots Approved for Alternate Traceability Systems

1. Participating Farms / Feedlots approved for the use of traceability systems other than EID will receive a Transfer Warranty Certificate that may be used by the producer at the time of physical transfer of possession of an enrolled animal.
2. To remain enrolled in the Program after transfer to a secondary producer / processor, the secondary producer in possession of the animal must also be a Program Participant and must continue tracking and record keeping functions using EID tags as described in this document, or an alternate traceability system approved by the Program.
3. A Transfer Warranty Certificate for a transferred animal must be signed off on by the Certifier within 7 days after the transfer.

VI. REQUIREMENTS FOR CERTIFIED SLAUGHTERHOUSES AND PROCESSORS

A. Certification Brand & Trademark

1. The Certified Maine Meat Brand and Trademark will be owned by MMM LLC.
2. The Certified Maine Meat Brand and Trademark may only be used in conjunction with meat products derived from animals certified in the Program.
3. Any business that distributes products from certified animals using the certified Maine Meat Label must be certified in the program and comply with the requirements below.

B. First State Processors

1. First Stage Processors are defined as those processors involved in harvesting and butchering.
2. Certified Processors must comply with local and state requirements regarding label claims for traceability, geography and/or source verification.
3. If a certified slaughterhouse, the processor must record harvest date, identification data and kill code for a certified animal when slaughtered and make these records available to the Certifier during regular business hours. Alternatively, if approved by the Certifier, the slaughterhouse may request that the producer provide this information to the Certifier.
4. Harvested tissue shall be traceable to the live animal of origin through harvesting and processing using the animal's kill and lot code information.
5. Certified Processors will be required to annually provide the Certifier with a list of commercial customers for certified products.



6. All packaged products leaving a participating processor's facility bearing the certification label must be traceable from the package back to the verifiable address or animal of origin using the animal's kill and lot code information.
7. The processor must provide the Certifier with a signed affidavit stating that all meat products containing the Program trademark will be 100% derived from certified animals.
8. Pay all applicable fees and costs required by the Program.

C. Second Stage Processors

1. Second stage processors are defined as those processors involved in value-added processing beyond butchering such as meat grinding, sausage-making or smoking.
2. Second stage processors must demonstrate that they have a process that separates and identifies certified meat.
3. The processor must make available to the Certifier upon the request the tracking lot codes for animals.
4. The processor must provide the Certifier with a signed affidavit stating that all meat products containing the Program label will be 100% derived from certified animals.
5. Pay all applicable fees and costs required by the Program.

VII. CERTIFIER GUIDELINES

A. Relationship to the Program

The Certifier for the Program must be an independent third-party entity authorized by the Advisory Committee to provide certification services for the Program. The Certifier will provide contract certification services to the Program as described in Sections B. below.

B. Certifier Responsibilities

1. Site Visits
 - a. Site visits to farms and feedlots wishing to enroll livestock in the Program.
 - b. Annual visits to farms and feedlots after the initial enrollment visit.
 - c. Site visits to slaughterhouses and processors responsible for processing certified livestock.
2. Records
 - a. Collecting and maintaining a list of farms, feedlots, slaughterhouses and processors participating in the Program ("Program Participants"), including contact information.
 - b. Collecting and maintaining signed affidavit forms from Program Participants.
 - c. Confirming that animals applying for enrollment in the Program were born within the State of Maine and has continuously been in the State of Maine and in the physical possession of the original owner or another farm or feedlot that houses only certified animals.



- d. Reviewing milestone event recordings within ____ business days from when the Certifier has been alerted by a Program Participant that data has been uploaded to the online database.
 - e. Reviewing and signing off on Transfer Warranty Certificates for certified animals that are authorized for an alternative traceability system and which have been transferred to a secondary farm / feedlot.
 - f. EID records shall be kept from five years after the harvest of a certified animal.
- 3. Issuing authorized IED tags and maintaining a master list of issued IED tags and corresponding locations.
 - 4. Referring complaints about Program Participants including claims of fraudulent or unauthorized behavior to the state Dept of Ag and notify the Program Advisory Committee.
 - 5. Providing a biennial written report to the Program Manager detailing the number of participating farms, feedlots and processors, certified live animals and average cost per farm and per processor.

VIII. PROGRAM MANAGER GUIDELINES

A. The Program Manager will contract with the Certifier for certification services for animals and processors enrolled in the Program.

B. Support provided by Program Manager

- 1. Support for the Certifier and Program Participants:
 - a. Purchasing authorized IED tags for enrolled animals.
 - i. IED tags purchased for the Program must be manufactured according to the International Organization for Standardization (ISO) standard numbers 11784 and 11785 for tamper-resistant radio frequency identification electronic ear tags.
 - b. Collect fees from resale of the tags to Farms and Feedlots with enrolled animals.
 - c. Purchasing, setting up, updating and maintaining online software that works with RFID readers to record and display animal life milestone records.
 - d. Maintaining business liability insurance for the Program.
- 2. Administrative Oversight
 - a. Establishing a written annual contract with the Certifier for services.
 - b. Providing an annual evaluation of the Certifier's services.
 - c. Providing quarterly reports to the MESAS Board of Directors
 - d. Fulfilling roles and responsibilities as described in Section III above.



3. Promotion
 - a. Establishing, maintaining and ⁶advertising a website or webpage listing the names of Program Participants.
 - b. Establishing, maintaining and promoting a Facebook page for the Program.
 - c. Developing and distributing promotional materials at Maine fairs and events throughout the year and to potential wholesale and retail buyers including grocery stores, institutions and distributors.
 - d. Outreach to stockyards, feedstores to raise awareness of the Program.
4. Final determination for animals or participants terminated from the Program following terms set out in Section VII - VIII.

VIII. TERMINATION OF AN ANIMAL'S CERTIFICATION

A. An animal's certification and enrollment in the Program will be automatically terminated under any of the following circumstances:

1. The animal is taken outside of the State of Maine;
2. The animal's IED tag is intentionally removed or tampered with;
3. An animal has a missing or nonfunctioning IED tag and is comingled with uncertified animals **without a discrete alternate traceability system in place.**

B. An animal's certification and enrollment in the Program will be reviewed for possible termination under the following circumstances:

1. The animal is transferred from the original owner to a secondary owner and reporting requirements are not met.
2. An animal's Transfer Certificate Warranty is unavailable or does contain required signatures.
3. The Certifier and/or Program Manager are presented with credible documentation that a Program Participant has violated program rules or did not meet the eligibility requirements set forth in Section I. at the time certification was issued.
4. Failure by a certified animal's owner to upload data for key life milestones within the time limits set out in Sections V.B.6. – V.B.9.
5. Failure by a certified animal's owner to pay required Program fees.
6. Failure by a certified animal's owner to comply with applicable federal, state or local law;
7. Failure by a certified animal's owner to allow for or provide for site visits from the Certifier at the time of an animal's enrollment in the Program and/or the replacement of a lost or nonfunctioning IED tag.

⁶ The Advisory Committee will include a representative from Maine Organic Farmers and Gardeners Association as the oversight entity for the certifying company, MOFGA Certification Services LLC.

8. Any other violation of requirements in the Program.

C. Exemptions

The Certifier may waive requirements that harvesting occur in state in cases where the distant proximity or availability of processing facilities to the in-state meat producer would create an economic hardship and an out-of-state processor is certified by the program.

D. Process for Deciding Termination

1. Corrective Action
 - a. The Program Advisory Committee may take any reasonable steps to investigate circumstances that may constitute an animal's termination from the Program.
 - b. If the Program Advisory Committee deems reasons surrounding circumstances to suggest unintentional oversight, a misinterpretation of Program rules and/or are the result of extreme weather events or acts of God AND the circumstances fall under VII.B., the Program Advisory Committee may place the animal's owner on probation until corrective actions are implemented.
 - c. The probationary term shall be decided by the Program Advisory Committee in consultation with the Certifier.
 - d. If corrective actions are implemented, the Program Advisory Committee may choose to fully reinstate the animal's certification or refer the case for termination.
2. Notification of Program Participant
 - a. A Program Participant with an animal(s) facing certification probation or termination will be notified by the Program Manager in writing via a USPS certified letter a minimum of four weeks before any Program Advisory Committee meeting to decide on probation or termination. The letter must include:
 - i. A list of offenses being investigated;
 - ii. The date of a Program Advisory Committee meeting when the charges will be considered;
 - iii. Information on procedures for filing a response to charges.
 - b. A Program Participant with an animal(s) facing certification termination may provide in writing to the Program Manager a response to accusations being considered. Written responses must be received no more than 7 business days before a scheduled Program Advisory Committee to consider accusations.
3. The termination of an animal's certification will be determined by a simple majority vote of a quorum of the Program Advisory Committee at a meeting to review evidence related to the offense.

4. Once an animal's certification is terminated from the Program it may not be reinstated and may not use the certification label or brand in any sale of the animal or products derived from the animal.

X. REMOVAL OR SUSPENSION OF CERTIFICATION LABEL FROM HARVESTED PRODUCT

A. Certification brand labels will be removed from any meat products derived from animal's after processing are found to have violated any of the conditions described in Section VII. A and B. above, as well as failure to comply with USDA, federal or state regulations.

B. Certification brand labels must be removed from any meat products found to be comingled, exchanged or otherwise contaminated by meat from animals not certified under the Program.

C. Process for Requiring the Removal of Certification Brand Labels from Meat Products

1. Notification of Program Participant
 - a. A slaughterhouse or processing facility suspected of selling adulterated meat products under the certification label will be notified immediately by the Program Manager by both phone and email.
 - b. The communication must include:
 - i. A list of offenses being investigated;
 - ii. The date of a Program Advisory Committee meeting when the charges will be considered;
 - iii. Information on procedures for filing a response to charges.
 - c. A Program Participant may submit to the Program Manager a written response to charges that must be received no more than 7 business days before a scheduled Program Advisory Committee to consider accusations.
2. Meat Products suspected of mislabeling must be immediately removed from sales with the certification label and kept in a segregated refrigerator or freezer area until a determination of mislabeling has been made by the Program Advisory Committee.
3. A decision that the certification label must be removed from a meat product will be determined by a simple majority vote of a quorum of the Program Advisory Committee at a meeting to review evidence related to the offense.
4. A participating slaughterhouse or processor investigated for more than 3 offenses in a given year may be put into a probationary program or removed as a Program Participant.



D. Corrective Action

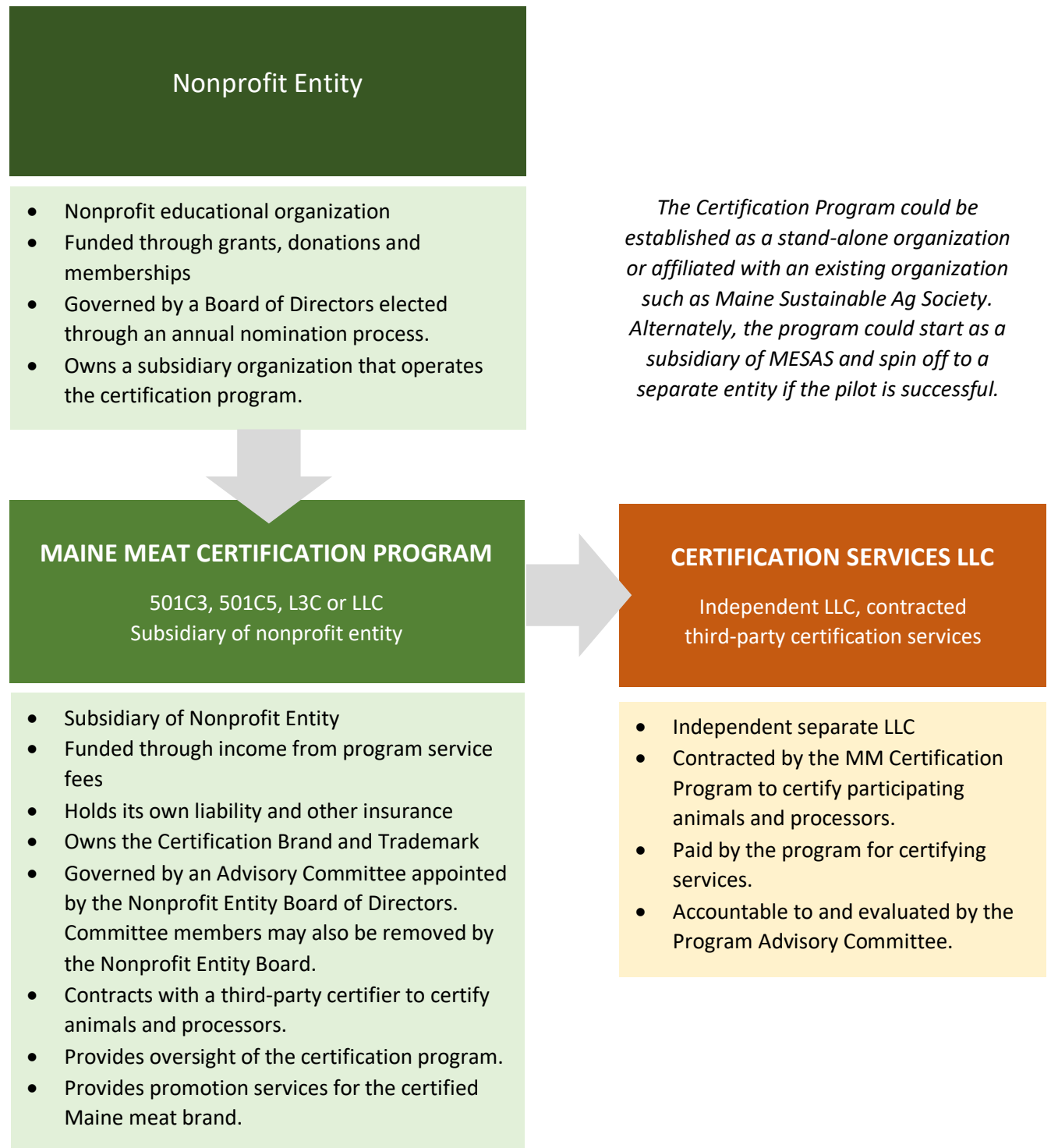
1. The Program Advisory Committee may take any reasonable steps to investigate circumstances that may constitute a slaughterhouse or processing facilities removal from the Program.
2. If the Program Advisory Committee deems reasons surrounding circumstances to suggest unintentional oversight or a misinterpretation of Program rules, the Program Advisory Committee may place the slaughterhouse or processing facility on probation until corrective actions are implemented.
3. The probationary term shall be decided by the Program Advisory Committee in consultation with the Certifier.
4. If corrective actions are implemented, the Program Advisory Committee may choose to fully reinstate participation in the Program.

XI. GRIEVANCE PROCEDURE

A. Petition

1. Any Program Participant aggrieved by the action of the Certifier or the Program Advisory Committee to require corrective action, remove certification from an animal(s) or remove a processing facility from the right to use the certification label on meat products that are not in compliance with the standards and requirements of the Program, may petition the Program Advisory Committee once to reopen the matter for reconsideration.
2. The petition must be submitted in writing to the Program Manager and state the action complained of, the reason the Program Participant believes the action taken or required by the Program Advisory Committee is improper and the relief or retribution sought.
3. The petition must be submitted within 30 days of a probationary or terminating decision by the Advisory Committee.
4. Within 30 days of receiving the petition, the Advisory Committee shall schedule a hearing on the petition with its members and the Certifier.
5. This section does not apply if the action taken by the Advisory Committee or Certifier was filing an action in court.

Program Management & Admin: Organizational Relationships



REFERENCES

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