



## Selling Live Certified Organic Livestock

Guidance for MCS Certified Producers

### Live Organic Livestock Sales and Fraud

**Background:** In February of 2021 USDA Organic Oversight and Enforcement Update included information covering, in part, **increasing complaints related to fraud in the sale of live organic livestock.**

*Complaints of fraud in live animal sales increased in 2020. Investigations initiated at the direction of the National Organic Program (NOP) resulted in several livestock sale barns surrendering their organic certificates immediately following on-site inspections. NOP has recruited additional Federal investigators with significant experience in **USDA livestock enforcement to improve traceability in organic cattle movement nationwide.***

Certified Organic Producers must understand when the NOP requirements for organic certification applies to haulers, handlers, stockyards, and auction houses. If your farm sells individual, certified organic livestock products (meat), the slaughterhouse must be certified organic.

### Do livestock haulers need to be certified organic?

If you are looking at options to transport live certified organic livestock from your farm to a certified organic slaughterhouse, please keep in mind the following:

**Individuals or operations that sell organic products not in final packages or containers must obtain certification.** (Keep in mind that the USDA NOP program considers live organic livestock to be unpackaged product)

Individuals or operations that solely provide a transportation service for organic unpackaged products (hay, grain, livestock, etc.) do not need to be certified provided the transportation is compliant and the relationship between the parties clearly described under the certified operations organic system plan. *The following NOP citation reminds the producer that it is their responsibility to notify the certifier of changes to the organic system plan, as it pertains to hauling and transport:*

## § 205.400 (f) (2) General requirements for certification.

A person seeking to receive or maintain organic certification under the regulations in this part must:

- (a) Comply with the Act and applicable organic production and handling regulations of this part
- (f) Immediately notify the certifying agent concerning any:
  - (2) Change in a certified operation or any portion of a certified operation that may affect its compliance with the Act and the regulations in this part.

What does this mean?

**The USDA National Organic Program considers livestock to be unpackaged products,** and therefore all handling and sales of live animals require organic certification. For more information, please review the following NOP Handbook document, *Certification Requirements for Handling Unpackaged Organic Products*:

<https://www.ams.usda.gov/sites/default/files/media/5031.pdf>.

***An operation that transports unpackaged organic products does not need to obtain certification if it does not handle (i.e., sell, process, or package organic products).***

**Example 1:** Farmer Swanson calls MCS and wants to ship their organic slaughter eligible dairy cow, for organic slaughter at a certified organic slaughterhouse in Maine. They hire and pay Superior Livestock Haulers for transporting the organic cow directly to the organic slaughterhouse. Once the organic slaughter and meat packaging is complete, Farmer Swanson will pick up the processed organic slaughter order. Farmer Swanson pays the slaughterhouse and the hauler separately for their services. ***This is allowed under the USDA NOP exemptions.***

**Example 2:** Farmer Swanson calls MCS. I heard of a guy hauling organic slaughter cows out of state, he is not certified, but he will only stop along his route in Maine to pick up the rest of the certified load and then straight to the certified organic slaughterhouse. The hauler, Superior Livestock Hauling will hand our certification paperwork to the final buyer and we will be paid by the organic slaughterhouse once we know hanging weights. It will come in a print out with the payment. Is this allowed? ***Yes, this is allowed under the USDA NOP exemptions.***

**Example 3:** Farmer Swanson calls MCS. I have two cows I am going to cull and they are organic slaughter eligible, but I don't care if they are sold as certified organic. I am selling them on the hoof and the slaughterhouse is not certified, but Superior Livestock Haulers can pick them up today and they need to go. Is this ok? ***Yes, but remember, the cows will lose their certified organic status because the slaughterhouse is not certified organic.***

### **Selling Live Organic Livestock: Transactions Not Exempt from organic certification.**

**Example 4:** Farmer Swanson calls MCS, stating the farm wants to ship their certified organic livestock for organic slaughter out of State. The hauler will pay them a small advance and settle with the farm once the hauler is paid by the organic slaughterhouse, but they need to provide the farm's organic certificate and product verification showing slaughter eligibility. **THIS WOULD NOT BE EXEMPT** and the **HAULER would need to be certified.** Why? Superior Livestock

Haulers completed **a transaction** with the farm and it implies an instance of buying as opposed to hauling, which is considered a business deal.

**Example 5: Farmer Swanson calls MCS again!** Remember, I called you about shipping the dairy cows eligible for organic slaughter out of State last week? Well, it didn't happen. Superior Livestock Haulers did not have enough cows to make the run worth it. So they kept the organic cows at a conventional barn for a few days while they drummed up a few organic slaughter eligible cows to fill out the load. Superior Livestock Haulers buys all its hay from certified organic farms, so it should be ok? Right? **WRONG. The organic livestock lose their certified organic status. This is an example of an uncertified handling facility.**

Please refer to the USDA's [Organic Integrity Database](#) (OID), a public search engine to verify if an operation is certified organic. If you have any questions around selling Live Organic Livestock, please reach out to Jacki Perkins in MOFGA's Farmer Programs department or your specialist at MCS.

MCS will continue onsite inspections for records verification of Live Organic Livestock transport to ensure producers are meeting the requirements of organic slaughter eligibility and maintaining organic integrity.

Certified organic producers are expected to understand their responsibility in verifying the organic slaughter eligibility of transport is met, and to utilize compliant practices when arrangements are made with slaughterhouses and haulers.

If you have questions, please contact the MCS office at [certification@mofga.org](mailto:certification@mofga.org) or 207-568-6031.