

Scope of Work & Introduction

In January of 2007, the Island Grown Initiative (IGI) of Martha's Vineyard commissioned a study for on-island meat production, with particular emphasis on tactics for pursuing an on-island slaughter and processing facility. The following pages seek to explore the various topics that the study's steering committee identified as crucial to furthering the effort to establish or directly support a more conveniently-located, USDA-approved slaughter/processing facility. Also addressed are regulations regarding dairying and poultry production. Upon the slaughterhouse's completion, it is hoped that island farmers will be able to market their processed livestock more profitably thereby increasing production of meat on-island.

In brief, this study will attempt to explain:

1. Town, Country, State and Federal Laws related to:
 - a. Slaughter and Meat Processing Facilities
 - b. Waste Disposal Related to Animal Slaughter Activities
 - c. Meat Storage
 - d. Shipping and Distribution
 - e. Licensing Necessary for Retail Sale
 - f. The Production and Sale of Dairy and Dairy Products
2. The Financial Feasibility of:
 - a. An On-Island Permanent ("Brick and Mortar") Slaughterhouse and Processing Facility
 - b. An Island Driven Campaign to Construct and Implement A Mobile Slaughtering Unit (MSU)
 - c. Poultry Production and Associated Slaughter Facilities
3. Possible Funding Opportunities For Slaughter/Processing Facilities' Construction and Associated Projects
4. Certification Standards,
 - a. Related to "Organic" Certification Offered by the US Department of Agriculture
 - b. Related to Humane Treatment of Animals

In addition to the above outlined topics the study includes extensive electronic appendices on CD-ROM. These materials and information include:

1. *Complete* copies of all laws pertaining to the topics listed above.
2. Selected articles, websites and other materials alluded to in the text that may be of assistance to producers, activists or consumers seeking clarification on meat related questions.
3. A directory of inspection officials, regulatory bodies and other figures who may play a supportive and/or mandatory role in the production of meat and dairy products on-island.

These resources are intended primarily for the Island's farmers and 'back-yard' producers. In planning for the beginning or expansion of any meat related farm industry the legal documents and articles included with the following pages of analysis can assist in answering questions regarding regulatory obligations.

It is hoped that upon completion of this study, The Island Grown Initiative, Island agriculturalists and their supporters will be better equipped to move toward solving the issues surrounding the Vineyard's present insufficient meat processing capacity.

*

Given its size, Martha's Vineyard is home to a vibrant and amazingly varied agricultural scene. Producers' easy access to a strong local consumer base, particularly during the summer growing months, has created the rare scenario where, for all intents and purposes, what is grown and brought to market is sold. Our Island's produce is sold free of the government subsidies, opportunistic contract grower obligations, environmental degradation and the other ills that have made American agriculture the dangerously unsustainable welfare state that it has become. Too many of America's farmers and consumers, due to geographical, economic and most sadly, political circumstances can only dream of living within driving distance of as many family owned, ethically managed, poly-culture farms as we enjoy on the Island. I have only recently come to realize the immense importance of knowing where one's food comes from and how it is produced. It wasn't until I came to Martha's Vineyard several years ago that I began considering it. Better late than never I suppose.

I am extremely grateful to the Island Grown Initiative for the opportunity to have conducted this study and can only hope that my small effort can help fulfill the Initiative's vital goal of putting more Island food on Island tables. Thank you to any and all officials, farmers and friends that helped me along the way.

Many have noted that once certain barriers are removed the Island could very well feed her own...and have some left over for our "dinner guests." So let's eat.

-d.b.

P.S. The paper that you hold in your hand is a condensed version of a larger work. Removed here are the extensive quotes of legal literature and financial analyses. For anyone interested in viewing the complete work, legal texts or any other work alluded to in this study, please contact the Island Grown Initiative.

Analysis of Legal Issues Associated with Livestock Slaughter and Fabrication

Slaughter and Meat Processing Facilities

In the United States, all states fall into one of two regulatory categories with regards to the inspection of slaughterhouses, processing facilities and meat products¹: those that depend on Federal authorities for inspection services and those whose state administered inspection programs are deemed “at least equal to” the Federal standards. When Massachusetts gave up its meat inspection jurisdiction in the mid 1970s they joined the first of these two groups. As such, while (hefty) MA state laws pertaining to meat inspection still exist² it is the Federal documents and inspection authorities that Island farmers who want to sell their meat retail need to be concerned with.

The Federal Meat Inspection and Poultry Products Inspection Acts (FMIA & PPIA respectively) are the two main documents that govern the slaughtering and fabrication of meat for human consumption. The United States Department of Agriculture’s (USDA) Food Safety and Inspection Services (FSIS) is responsible for the safety of the food originating at plants under their jurisdiction and is governed by these two documents.

The FMIA and PPIA are *not* descriptions of specific technical standards that slaughterhouses and processing facility designers and staff must follow. So while the FMIA sub-section headings bear titles such as “Labeling”, “Inspection of Carcasses” and “Devices, marks, labels, and certificates; simulations” the text of these sub-sections merely establish the Secretary of Agriculture’s right to establish standards relating to these topics.

More useful for Vineyard farmers and slaughter/processing facility developers are documents detailing building design, developing Hazard Analysis and Critical Control Point (HACCP) plans and articles that assist in the development of Food Security plans. The best source was found to be the Texas Department of State Health Services site’s Meat Safety Assurance Unit. While Texas maintains there own inspection service, as has been reported, such an inspection unit must be “at least equal to” Federal Standards. Reference to other

¹ From here on out ‘slaughtering’ refers to the actual killing, skinning and evisceration (“gutting”) of an animal. ‘Processing’, alternatively referred to as ‘secondary processing’ and ‘fabrication’ refers to the breaking down of carcasses into portions and to its being incorporated into ‘value-added’ products. These two distinct processes can occur at the same facility but are just as likely to be independent from one another.

² Namely 105 CMR 530, 531 and 532. See appendix for copies and explanatory notes.

Federal documents and comments from FSIS officials reveal the TX protocol to be well within the Federal standards.

The Texas website reports:

Individuals or firms desiring to obtain a Grant of Inspection must have:

- facilities suitable to meet regulatory sanitation performance standards;
- written sanitation standard operating procedures (SSOP) and Hazard Analysis and Critical Control Point (HACCP) plans;
- and slaughter establishments must have written testing procedures for *Escherichia coli* Biotype 1 (*E. coli*);
- and establishments that produce certain Ready To Eat products must have a plan to prevent product adulteration by the pathogenic environmental contaminant *Listeria monocytogenes*.

These four prerequisites are referred to *ad nauseum* on FSIS' website but concise explanatory documents would seem difficult to find on the federal site. A more complete description of these requisites can be found in the expanded version of this study. With regards to sanitation, an invaluable source is the *Sanitation Performance Standards Compliance Guide*, a complete copy of which is included in the electronic appendix.

Before moving onto other legal matters we should consider another classification of slaughterhouses. Oftentimes USDA/FSIS inspected facilities will operate under an exemption from inspection for what is often referred to as "custom" slaughtering for "personal, household, guest and employee use." When Federal Inspectors leave the slaughterhouse or processing facility, meat packed as custom must be marked "NOT FOR SALE" as it is intended only for the end user and not for resale. Often, consumers agree to purchase quarter, half or whole animals *prior* to slaughter and then hire the farmer who raised the animal to carry it to the custom slaughter facility for them. This is a very popular method here on the Vineyard but it still demands that people take their animals off-island.

Exemptions also exist for poultry producers. These are explored in detail in the section on Pastured Poultry.

Solid Waste Disposal Related to Animal Slaughter Activities

All *solid* waste produced in the slaughter and processing of livestock falls under the Commonwealth's definition of "solid waste." This label is generally used to describe true "waste": materials (solid, gaseous or liquid) that are really of no use to their owner. Sites in the business of storing such materials in large quantities must register with the MA Department of Environmental Protection.

The animal waste produced in slaughter of course is quite valuable to farming operations as compost material. As such, farms are exempted from solid waste management and solid waste site assignment regulations as long as such agricultural operations fall within the limits defined under MA's state law, 310 CMR 16.05, Subsection 4c.

Assuming animal bone, organs, sinew and unwanted flesh ('ofal') would fall under "food material" and not "vegetative material" a permanent (i.e. fixed and not mobile) slaughterhouse sited on appropriately zoned agricultural land would be able to compost five tons or ten cubic yards on-site per day with no solid waste site assignment from the DEP. This is **much** more than a seasonal Vineyard slaughterhouse would produce.

By the same token, a mobile slaughter operation like the one described later in this study would certainly also fall under this exemption as the solid waste would be the legally 'compostable' property of the farmer hosting the MSU.

If the solid waste volume at a 'fixed' Vineyard slaughterhouse or on any given Vineyard farm exceeded the above specified amounts then the party in question would need to apply for the permit whose issuance is governed by 310 CMR 16. Seemingly though, regulations concerning disposal of the solid waste that would stem from an Island slaughterhouse, be it permanent or mobile, would not be a barrier to the development of a mobile or fixed slaughter facility. Wastewater is a different matter.

Wastewater Disposal Related to Animal Slaughter Activities

In Massachusetts our water quality is maintained by the Department of Environmental Protection. With regards to slaughterhouse and meat processing operations there are several laws that could come to bare. The pertinence of such laws would depend largely on what type of facility is in question (fixed vs. mobile) and the intended final destination of water being drawn from wells or municipal water sources. At the outset of this section it is important to note that due to the unprecedented nature of *mobile* slaughter

units in MA, regulatory precedencel has not established. The best that can be done is to imagine all possible scenarios.

In the case of laws related to water quality and management, agricultural waste³ falls under the general description of “pollutants.”

While discharge of ‘pollutants’ from a slaughterhouse operation into surface water (streams, lakes, ponds, ocean, etc.) would be an unlikely option it is worth mentioning that such discharges do require permitting. Permitted discharges onto such surface waters (as opposed into ground water) must conform to the effluent limitations standards contained in the MA Surface Water Quality Standards. The regulations for such permitting are contained in 314 CMR 3.00: SURFACE WATERDISCHARGE PERMIT PROGRAM, included in the appendix.

There are two more likely methods of wastewater management for on-island slaughter operations. First, in the case of a mobile slaughter unit, farmers and MSU operators may wish to discharge the nutrient rich wastewater produced and collected during slaughtering directly onto fields. While MSU’s are unprecedented in MA, the relevant permitting for such wastewater discharge is most likely those stipulations explained in 314 CMR 5.

Also contained in 314 CMR 5 are extensive lists of limitations on the quality and content of effluent appropriate for groundwater discharge. While most of these contaminants are synthetics or heavy metals which would presumably not be contained in ‘slaughter water’⁴ there are two that may come into play. With regards to Coliform Bacteria the document gives the ambiguous guideline that that such effluent “Shall not be discharged in amounts sufficient to render ground waters detrimental to public health, safety or welfare, or impair the ground water for use as a source of potable waters.” With regards to “Total Dissolved Solids” 314 CMR 5 states that such contents “shall not exceed 1000 mg/l.” Whether slaughter effluent would fall into such categories is uncertain. Further consultation with DEP representatives and MSU operators in Washington State would be necessary to asses the applicable discharge parameters.

³ Here I would mention that the New Small Farm Institute’s Mobile Poultry Processing Unit has been held up by precisely these issues. The DEP has said repeatedly that the water discharged by such a truck contained chicken processor would be treated as “industrial discharge.” The possibility that “slaughter-water” would be treated as such demands we explore these regulations as well.

⁴ My own phrase but one so catchy that I think it might catch on the world over.

The second method of wastewater management would be containment. As stated in footnote 3, DEP officials have informed the New England Small Farm Institute that water issuing from the their Mobile Poultry Processing Unit (MPPU) would be treated as “industrial point discharge.” At the time of writing the DEP and NESFI were still in discussions trying to settle this issue that would require small poultry producers to invest in costly ‘tight tanks’ for wastewater containment. If such a classification by DEP officials became the norm for on-farm slaughtering aboard USDA inspected (or inspection-exempted, see below) MPPUs and MSUs then farms would have to build said tanks and submit an application for the permit whose issuance and enforcement are explained in 310 CMR 15.00.

Another possible classification for effluent stemming from slaughter and processing activities is “sanitary wastewater.” Known commonly as ‘Title 5’ the less stringent permitting and standards are contained in 310 CMR 15 a complete copy of which can be found in the electronic index to this work.

In the case of surface water, ground water, IWHT and ‘Title 5’ the pertinent legal documents also contain descriptions of mandatory record keeping practices, transfer of permit stipulations and a host of other issues. Please refer to the legal documents in this work’s appendix for explanations of such specific issues.

Meat Storage & Transport

Once meat and meat products have been deemed safe for human consumption by an FSIS official there is the issue of storing these products and transporting them to retail outlets. The inspection and regulation of refrigeration equipment falls under the auspices of the MA Department of Public Health’s Food Protection Program. The specific legal document detailing these requirements is 105 CMR 500.000: GOOD MANUFACTURING PRACTICES FOR FOOD.

Meat and meat products are defined in 105 CMR 500 as “Potentially Hazardous Food” (PHF). 105 CMR 500 demands that all PHFs be refrigerated at temperatures not exceeding 45 degrees Fahrenheit for refrigerated foods and not above 0 degrees for frozen foods.⁵ Similar stipulations are made regarding the transporting of meat in refrigerated trucks. For a detailed description of these standards please refer to the complete version of this study or to the appendix of legal texts.

⁵ 105 CMR 500.003, “Definitions”

Licensing Necessary for Retail and Whole Sale

The first page of MA state law 105 CMR 590 states clearly that, "...the Department of Public Health hereby adopts and incorporates by reference the federal *1999 Food Code* (not including Annex 1-7)⁶ published by the United States Department of Health and Human Services..."

The subsequent sections of 105 CMR 590 are essentially references back to the Federal Food Code, another gargantuan document detailing proper practices to "safeguard public health and provide to consumers food that is safe, unadulterated, and honestly presented." The document "sets standards for management and personnel, food operations, and equipment and facilities; and provides for food establishment plan review, permit issuance, inspection, employee restriction, and permit suspension."

In discussing the Island Grown Initiative's projects with Island towns' Health Inspectors it was stated that the Food Code and 105 CMR 500 ("*Good Practices...*") would be the documents referred to before granting Food Permits to any retail operation.

In the town of Tisbury, "Food Service, Retail Food or Caterers" are required to pay \$200 for a food permit in their first year of operation and \$45 at the time of each subsequent annual inspection by the pertinent town's Board of Health Inspector. The *Food Establishment Permit Application* is a two-page form that can be obtained at any of the town Board of Health offices. The same document is used in the Island's other towns to officially approve of food establishments. West Tisbury Health Inspector John Powers reported that food establishments whether retail, food service or institutional would be subject to unannounced inspection "at least twice a year."

On the advice of town Health inspectors additional licensing for sale of meat issued by *state* authorities was also investigated. Referral to the MA Dep't of Health's Food Protection Program (FPP) on-line database of License Application Forms reveals no additional licensing for retail sale of meat and meat products specifically. However there are licensing stipulations for "Initial Licensure for Food Processing and/or Distribution at Wholesale" and "Slaughtering and Processing of Meat and Poultry." While the first of these two would seem to still be legally pertinent, given our understanding of laws regarding

⁶ Annex 1-7 "...sets forth provisions, in codified form, that provide a full array of enforcement mechanisms while recognizing the diverse statutes and regulations that currently govern the operations of the thousands of state and local regulatory agencies." As best as the author can understand, what MA is saying is "we are going to follow your suggestions for good practices but we'll handle enforcement via our Department of Public Health's Food Protection Program."

slaughter and processing the latter would seem to be an outdated form kept online for uncertain reasons. During phone consultations with FPP representatives it was stated that “Massachusetts currently has no inspection program for slaughter and processing facilities.”

Dairy and Dairy Products

In the state of Massachusetts, the safety of dairy products is ensured by the DPH’s Food Protection Program (FPP). There are two legal documents governing the inspection and regulation of dairies. The first, 330 CMR 27.00 (CMR 27 hereafter), pertains to “Grade A Raw Milk” and products derived from Raw Milk. The second, 330 CMR 28.00 discusses “Milk and Milk Products” which is to say pasteurized and ultra-pasteurized milk.

After establishing definitions to be used in the document CMR 27 makes clear that animals to be milked must be free from a host of communicable diseases and that responsibility for testing generally falls to the farmer. The document also stipulates that in certain cases the tests must be carried out by a veterinarian in the employ of the Department of Food and Agriculture at the behest of the Commissioner of the Dep’t of Food and Agriculture. Health standards for dairy personnel is also given brief treatment.

CMR 27.06 stipulates that raw milk must conform to the chemical, bacteriological, and temperature standards listed in the document. Such measures include temperature, coliform bacteria, somatic cell count, anti-biotic drugs, etc. etc.

CMR 27.07 sub-section (B) begins the section pertaining to hygiene and construction standards that must be met for the milking parlor, the milk storage area (‘milk house’), cowyard and washroom facilities.

The document goes on to clarify regulations for bottling, labeling, cooling, milking utensil maintenance and a host of other subjects. It is advised that the design and construction of new milking facilities be conducted in consultation with dairy inspection authorities.

Any farmer interested in legally operating a dairy on the Island would need to review this document before applying for permits from the milk inspector, an employee of the FPP. In addition to the milk permit itself, farms interested in value added products would seem to need to apply for the “Initial Licensure for Food Processing and/or Distribution at Wholesale” and the “Food Establishment Permit” mentioned in the section on retail and wholesale above.

Before leaving the topic MA Milk Regulations a seemingly little known law is worth mentioning. Chapter 94 of Massachusetts General Law, Section 40 (“*License to sell milk*”) reads as follows:

Section 40. *No person, except a producer or dealer selling milk to other than consumers, or selling not more than twenty quarts per day to consumers, shall deliver, exchange, expose for sale or sell or have in his custody or possession with intent so to do any milk or cream in any town where an inspector of milk is appointed, without obtaining from such inspector a license which shall contain the number thereof, the name and place of business. (ital. added)*

During research, no other state, county or town law was found to trump this “20-Quart Clause.” A considerable boon to small scale, back-yard producers whose family’s cannot consume all the milk produced by a single cow or several goats.

Analysis of Slaughterhouse/Processing Facility Feasibility Studies:

What We Can Learn from Others

Like many sectors of United States agriculture, slaughterhouses and meat processing facilities have experienced considerable consolidation in recent years. The USDA reported that between 2001 and 2005, 200 federally inspected slaughterhouses closed down, representing a 35 percent decrease. The vast majority of these closures were the small plants that cater to the needs of family farms like those found on the Vineyard. In fact, one study reports that in 1996, 79% of all beef were processed at just 22 plants. Another statistic indicating the industry’s rapid consolidation is the fact that 80% of the nation’s beef processing capacity is controlled by the *four* leading beef producers.⁷

Massachusetts and Martha’s Vineyard have not been spared. At the time of writing the only USDA approved slaughterhouse and processing facility left in the Commonwealth was Blood’s Farm of Groton, MA. The 118 mile drive is considerably less than the next best option occasionally employed by island farmers, that being Over the Hill Farm in Benson, Vermont some 275 miles away. Besides the obvious cost inefficiencies associated with traveling such distances, farmers also often cite the stress experienced by the animals in transport as a great drawback with current slaughter options. Due to relatively low numbers of animals being brought from the Vineyard to be processed, Island farmers cannot be

⁷ <http://www.organicconsumers.org/irrad/slaughterworkers.cfm>

guaranteed processing services though the author heard no complaints of being “shut out.” Other negative consequences include increased use of fossil fuels, inconsistent quality of services rendered and money leaving our Island economy all of which were mentioned by Vineyard producers.

In an effort to better understand other communities’ motives, methods and means for expanding their meat processing capacity the following feasibility studies were reviewed.

1. The New Hampshire Farm Bureau Federation (June, 2003)
2. The Hudson Valley Livestock Marketing Task Force (January, 2000)
3. The Pride of Vermont Producer Group (April, 2005)
4. The Southern Maryland Livestock Producers (August , 2006)

While no single report addresses all the needs of the Vineyard’s agriculturalists, it is hoped that lessons can be gleaned from each of the studies with regards to potential initial costs, operating expenses, necessary livestock volume for financial viability and a host of other issues. Indeed, given our Island’s size and relative isolation our situation is truly unique. However, with the better understanding of certain industry trends and finances these studies afford, Island stakeholders will be better prepared to improve the slaughter/processing facilities available and to pursue an on-island solution if they so choose.

Complete copies of each study with detailed descriptions of their financial analyses are included in the expanded version of this work and its electronic appendices. What follows is a synopsis of the studies’ findings and how they may be relevant to the Vineyard’s current efforts.

Suggestions

The studies’ findings and consideration of Martha’s Vineyard’s meat livestock volume seem to lead to a pretty sobering conclusion: *There is little chance of a seasonal, USDA-inspected, on-island and **fixed** slaughterhouse and processing facility being financially viable given current circumstances.* Low animal populations, insufficient FSIS inspection availability, significant capital outlay with NO likely returns and a whole host of other conditions coalesce into a seemingly insurmountable roadblock to a seasonal, federally-inspected, full-service facility on-island. That being said, it does not mean that nothing can be done to improve the profitability of meat raised here on the island. Further, the seeming impossibility of such a “brick and mortar” enterprise does not mean that USDA certified on-island slaughtering could not be brought to the island in the form of a Mobile Slaughter Unit.

The following sections suggest several ways that Martha's Vineyard farmers *might* make their livestock enterprises more profitable.⁸ Many of these suggestions come from the feasibility studies explored above. As the following are general recommendations, referring to the studies may provide more detailed information.

Organization

Nearly all of the feasibility studies listed above were commissioned by cooperatives or associations of producers and related interested parties. Such organizational schemes can help whole agricultural communities or a particular sub-set of producers to establish product lines and associated quality control measures. Such cooperative marketing and production efforts allow for larger marketing opportunities and the potential for more beneficial recruitment and contract negotiations be it with regards to labor (farm hands), purchase of inputs, animal and produce transport/distribution and of course, slaughter/processing services.

Given the Island's low produce volume and individualist spirit, many might say that such organization is premature, unwelcome or wholly unnecessary given the Island agriculturalists' desired market which is to say simply, the Island itself. However, given the significant cost discrepancies associated with growing on-island (fuel costs, feed costs, building materials, labor, ferry fees, etc. etc.) one has to admit that there is potential benefit in organizing to contract for agricultural goods, services and to market our products.

A very pertinent and easily imagined example of such increased efficiency via organization might be animal transport and slaughter/processing services. There being an on-island solution to the Vineyard's slaughter and processing woes in the next two or three years may seem unlikely. In the meantime all or some of the island's meat producers might be able to synchronize their breeding and finishing schedules so that a large number of animals might be taken off-island at once. While most producers haul their own animals to Groton, the island's lamb, beef, pork and poultry producers speaking with one voice *might* be able to command better prices for the transport, slaughter and processing of their animals if they decided it would be to their benefit.

⁸ I feel obligated to state very clearly that the following suggestions stem only from my research conducted over the last three to four months. I have no experience as a farmer and would never presume to tell anyone how to best run their agricultural operations. However, having waded through a significant amount of legal and business literature related to livestock production, slaughter and processing I think some of these tactics could help improve Island meat's profitability.

What seems certain is that some umbrella organization of Island meat producers would be very helpful and maybe necessary in navigating the legal, logistical and financial barriers to on-island meat processing. Such is the management model established by the Lopez Island Mobile Slaughter Unit detailed below. Even in our own backyard, similar ventures have already been launched.

The Providence Journal recently ran an article on the newly formed Rhode Island Raised Livestock Association. There being no USDA meat-processing plants in Rhode Island, a group of twenty small-scale producers got together in an effort to “cut high transportation costs by taking several steers from a number of farms in large loads, rather than individually.” It was reported that the RI Association, which hopes to make shipments of four or five steer every five to six weeks did not form a full blown cooperative after seeing the mixed results achieved in Plains and Rockies based efforts. The association’s only aim is to assist with transport costs and while members tend to pasture raise and grain finish their animals, the association is not intended as a means of designing and implementing strict rules for production. Says member Bill Coulter, “To qualify as Rhody Raised we believe the animal has to have been on your farm for at least nine months.” It is easy to imagine a similar effort on the island.

Even closer to home a dozen farmers, mostly from Westport and Dartmouth, have formed Southeastern Massachusetts Meat Producers. With the recent closings of several slaughterhouses in MA the group formed in hopes of opening a federally certified meat processing plant. Meeting to discuss options and developments within the industry allows the group to communicate efficiently with would-be investors and regulatory bodies. The group is being facilitated by the Southeastern Massachusetts Agricultural Partnership (SEMAP) whose representatives expressed interest in helping organize the Vineyard ag-community at events attended by IGI members.

Opening strong lines of communication with these two groups and similar entities will be vital to any attempt to establish a new slaughter facility, particularly an MSU. As is made clear by Massachusetts’ woefully short list of USDA inspected slaughter facilities, we are not alone in our desire to increase regional processing capacity. Should the MSU option be pursued, making allies of our greater region’s producers would be essential.

MSU development campaigns aside, be it cutting costs, strengthening a group’s political clout or accessing funding resources, small-scale farmers organizing to pursue

common goals can be a powerful development with an agricultural community such as ours. In an industry where slim profit margins are often the norm it could mean the difference between a farms folding or achieving solvency.

Assessment of Needs & Livestock Volume

Every community’s or growers organization’s attempts to spearhead new slaughter or processing facilities seems to begin, quite logically, with an assessment of how many animals might be available for slaughter and /or processing in a strictly defined geographic region. In speaking with Vineyard farmers, many made mention of past efforts on a town level to take annual tallies of livestock populations. At the time of writing, the author had not heard of a concerted effort to asses Island livestock numbers in an organized and centralized way. Such a census would be essential for any real attempt to design a business plan as well as for soliciting funds from the public and private sectors. (i.e. grant writing and ‘pitching’) Examples of such data gathering tools are included in the appendix to this paper.

Suffice it to say that our numbers are low and very few on island consider meat production a main part of the commercial farming enterprise. Martha’s Vineyard does not have the numbers of animals to justify the construction costs of even a small slaughterhouse and acquiring the seasonal/part-time USDA inspection service is “pretty tough” in the words of an FSIS official. And so, as we look towards a possible solution in the form of a mobile, truck-hauled slaughtering unit we need to consider off-island livestock numbers to assess *its* viability.

While it is somewhat outside the scope of this study, a quick look at some statistics from the 2002 United States Agricultural Census will help as we begin to look towards the MSU as a possible solution.⁹ The following are the “total inventory” numbers for beef, hogs and sheep/lambs for the seven counties that comprise eastern Massachusetts.

County	Beef	Hogs	Sheep/Lambs
Dukes	D ¹⁰	61	378
Nantucket	-	-	-
Barnstable	D	D	185
Plymouth	188	2,289	558
Suffolk	-	-	-

⁹ http://www.nass.usda.gov/Census_of_Agriculture/index.asp

¹⁰ (D) Withheld to avoid disclosing data for individual farms.

(-) Represents zero.

Norfolk	311	D	294
Essex	491	404	358
Middlesex	617	2,214	816
Bristol	996	1,484	881
TOTALS	2603	6,452	3,470

The reader must remember that these numbers **do not** represent the number of animals from these regions that were brought to slaughterhouses in 2002. A ‘total inventory’ such as this does not take into account breeding stock, newborns, animals sold at auction, pets, etc. These of course are sub-categories that would bring down the numbers. It also important to appreciate the number of “backyard producers” that may go unreported. These animals would be potential business for a slaughterhouse facility in eastern Massachusetts be it mobile or fixed. With the USDA Ag Census it is a very broad brush with which we are painting. This is, in and of itself, a strong argument for the design and implementation of a livestock/farmers census by the Island Grown Initiative or another likeminded organization. At the same time the numbers are gathered farmers’ production methods, processing specifications, appreciation of on-farm slaughter and a whole host of other rubrics could be measured.

Pursuing a Mobile Slaughtering Unit¹¹ and Associated Processing Facility

For all the previously stated reasons, a conventional slaughterhouse does not seem to be a possibility here on the island. A community faced with a similar set of circumstances on the opposite end of the country trail-blazed an alternative strategy that may work for the

¹¹ This study departs from the assumption that a means of having animals slaughtered in a USDA certified setting on-island is the ideal situation for the Island’s Farmers. It is important to note though that off-island efforts to improve the slaughter/processing infrastructure (the SE MA Meat Producers for example) are certainly worth supporting as they would benefit MV meat producers.

island. A USDA-inspected Mobile Slaughtering Unit (MSU) is currently in its third year of operation in the San Juan Islands of Washington State.

The unit is a 33 feet long, 13 foot tall gooseneck trailer divided into a carcass processing area, a freezer section and a utility room. Equipped with a generator, water storage and hot water heater, the trailer is capable of processing 5 beef, 12 hogs or 20 sheep a day with a single butcher. The efficiency jumps to 9 beef a day when a second butcher is on board. The unit can be “on the road” for up to two days before having to return to its base to reload on supplies and unload slaughtered animals. The total cost of the trailer and tow vehicle is approximately \$150,000.

A large portion of initial costs came from Federal grants¹² and from a local Land Trust. The trust now leases the trailer to a cooperative of the producers who make use of it. Together they set prices, slaughter schedule and manage the six employees associated with the operation. Perhaps the most important person on board of course is the USDA inspector who travels with the truck to the farms where the animals are dispatched in open air then brought onto the truck for bleeding, skinning, evisceration and storage. As the trailer works in conjunction with a fixed processing facility on the mainland the USDA inspector is never for lack of work. Project coordinator, consultant and co-op secretary Bruce Dunlop noted that “...it’s not like the USDA inspector is just waiting around with nothing to do on the off days.” When the truck is off the road things are scheduled so the processing facility is in operation which also requires an inspector for USDA certification.

The Southern Maryland Meat Processing Feasibility Study mentioned above provides the most in-depth financial analysis of a MSU/Processing Facility available. The August 2006 study suggests that the MSU itself would require

an estimated total capital investment of \$212,500 and a line of credit of \$365,000 to maintain a positive cash flow over the 10-year startup period examined. This assumes a \$212,500 equity investment covering all equipment and startup costs. This option, based on assumptions used, cannot repay working capital and is not feasible. However, the annual loss is small enough to be covered by the contingency, which is high (15%) to cover unit down time. Therefore, practically speaking, the option could be feasible with tight control of costs.

¹² See Funding Section below.

Indeed, in meeting with IGI members in March, Bruce Dunlop reported that the co-op members realized after the first year of operation that “we needed to charge ourselves more or we were going under.” It would seem that it is in large part the farmers’ self-management that allows the project to work and thrive.

Detailed financial figures from the South Maryland Shepstone study are included in the Appendix.¹³

There are several important things to note about these cash flow analyses. First is that the unit is assumed to operate at capacity for the entire year. As the Maryland study says:

Because the mobile unit can only operate at a limited capacity, there is no such thing as a breakeven level of sales if the unit’s operation is not profitable at full capacity. Achieving a breakeven financial condition under such circumstances requires adjusting the term of financing or reducing costs. One approach is to increase the equity investment involved. A \$475,000 equity investment at the outset would cover all cash losses for 10 years.

It is worth pausing here to consider the fact that the 1,800 beef represents a 69% market penetration for beef slaughter in the eight county area examined... assuming that **all** 2,603 cattle reported in the Ag Census are slaughtered which is almost certainly not the case. This seems to indicate that an MSU operating in eastern Massachusetts would likely need to go further abroad than the 150 mile radius from ‘home base’ that Bruce Dunlop suggested was optimal.

This ‘home base’ of course would be a fixed processing or fabrication facility. However, the Maryland study’s subsequent investigation of costs associated with the operation of a Fixed-Plant Processing Facility does not assume the processing plant would work in conjunction with the MSU. It is considered as a separate free standing enterprise. As such, the tables included in the appendix assume that in the second and subsequent years that the facility will process a number of animals well above the slaughtering capacity of truck and furthermore, well above Eastern Massachusetts total production as reported in the USDA ag census.

¹³ Mr. Dunlop was nice enough to review the MD study and was quick to point out that quite a few of their numbers appeared suspect. They quoted much lower prices for slaughter fees (income), over estimated MSU maintenance (expenses) and glossed certain aspects of the unit’s seasonal operation. A more in-depth study of how an MSU might function here in SE MA would certainly be necessary. And so, as goes these financial statements, be sure to have that grain of salt handy.

Shepstone estimates such a plant would demand \$922,500 in capital investment if built and equipped from scratch. A \$605,000 line of credit would allow for a positive cash flow over the 10 year startup period that the study examined. A \$650,000 equity investment consisting of land and cash could make such an enterprise “feasible at a later point when a higher level of startup volume is established.” As we have discussed, this could prove difficult given our region’s livestock populations as reported in 2002. It could very well be that a fabrication plant that suits our needs could be had for much less. No study on such a small-scale facility was found during the research period. So while the MSU and Associated Processing Plant could be the solution to the Island’s and greater region’s insufficient slaughter/process capacity, given the thin profit margins, high capital costs and inherent financial risk involved, an in-depth feasibility study suited to our region’s situation would seem to be advisable.

Pastured Poultry on Martha’s Vineyard

Should Martha’s Vineyard’s farmers seek to diversify their operations and incorporate meat production into their farm’s enterprises, raising poultry on pasture is an option they may want to consider. Easily integrated into other pasture-based projects, depending on the model used, raising poultry can demand very little land. Improved soil composition, the relatively low capital costs and the light daily labor involved in raising, poultry on pasture are four additional benefits cited by producers.¹⁴

¹⁴ <http://www.sare.org/publications/poultry/index.htm>

The following pages will seek to describe pastured poultry in its various forms and provide cost/profit analyses as reported by a variety of established producers. A survey of town, county, state and federal laws regarding the raising, processing and selling of poultry and game birds will be provided.

Pastured Poultry Production Models

The phrase “pastured poultry” refers to a group of production systems whereby birds are raised directly on pasture as opposed to the conventional confinement system employed by large scale industrial-agricultural producers. This section will provide descriptions of the dominant models of pastured poultry.

Fixed House Model(s)

In this system, birds generally spend their nights in a stationary building and are given access to pasture or a ‘yard’ during the day. Advantages include the ease of providing power to equipment and stationary buildings can potentially accommodate larger flocks. In fact, the larger US ‘free-range’ chicken operations often employ such structures.¹⁵ For the backyard producer, it is the typical coop and yard.

Unfortunately, ‘yarding’ chickens will most likely lead to the degradation of the vegetation, particularly in the areas immediately surrounding the building where traffic and nitrogen-rich scat deposits are heaviest. To limit the destruction of the turf some producers split their yards into several ‘paddocks’ and rotate their flocks. Predation is also mentioned as a drawback. It is widely agreed that this is not the model for those farmers wishing to incorporate foraging into their meat-birds diets and improve while improving their farm’s soil.

Portable Houses

Portable houses can vary from simple small coops suitable for small-scale egg and meat production for the family all the way to large, insulated houses accommodating large commercial flocks. Generally portable houses are built on wheels or skids allowing them to be moved to new pasture when the chickens foraging begins to take its toll on the turf around the house.

Houses are moved every few days or a week. Leaving the houses stationary much longer can lead to the abovementioned turf issues. Virginia farmer Joel Salatin (*see below*) has

¹⁵ Pg. 5. Fanatico, Anne. *Alternative Poultry Production Systems and Outdoor Access*. A Publication of ATTRA. 2006.

incorporated portable houses, “eggmobiles”, into his beef grazing scheme but warns that significant acreage is necessary to avoid chickens returning to a ‘recovering’ plot of grass.

To avoid predation and the co-mingling of other livestock on pasture, electric fencing is often incorporated into the system. Management of such fencing does add to the labor necessary to raise chickens on pasture.

Colony Production

Popularized in California in the early 1900s, colony production makes use of many small portable houses in conjunction with a common “nest house” and feeding area. Largely designed for egg production the system, recently re-introduced by Oregon farmer Robert Plomondon, decreases the amount of necessary labor for the retrieval of eggs. The large nest house is moved periodically and the resulting two to four inch layer of manure is worked into the soil with a tractor. Anyone interested in this little known system should consult Mr. Plomondon’s website, www.plamondon.com.

Label Rouge

Begun as a grassroots initiative in France in the mid-1960s, Label Rouge has been cited by many as a potential model for those seeking to make pastured poultry their farm’s primary industry. The word ‘potential’ is used due to Label Rouge remaining almost wholly a French phenomenon. However, given the fact that broilers marketed with the “Red Label” certification have captured 30% of France’s total retail poultry market despite its ‘premium’ price, certain aspects of the system may be worth emulating by MV producers.¹⁶

Label Rouge birds are raised to strict standards that regulate genetics, flock density, access to pasture, feed composition, medication, slaughter age (81 days vs. Salatin’s 63-70 day), transport, shelf life and a host of other factors. These standards are maintained by a third party certification board mandated by EU law. The product is decidedly ‘upscale’ demanding a premium that, as their market share shows, consumers are willing to pay.

Studies have shown that the necessary infrastructure to support Label Rouge operations (“air-chilling” facilities, affordable organic, non-HMO feed, etc.) do not currently exist in the United States. But, as stated, there are lessons to be learned: it is the cooperative nature of producers and their supply chain organization that allowed a small grassroots effort

¹⁶ <http://www.sustainablepoultry.ncat.org/projects.html>

in the south of France to become such a large player in French poultry. One American feasibility study on the Label Rouge agrees that

grassroots pastured-poultry producers in the U.S...may be particularly interested in the supply chain structure...that offers a number of benefits, including coordination of the stages of production, lower costs, ability to reduce pathogens throughout, and complete traceability (*of birds*).¹⁷

The supply chains are referred to as *filieres* and while highly coordinated are not vertically integrated as are so many American industrial chicken operations. While in some cases *filier* producers do own their own hatchery, for the most part different parts of the supply chain are independently owned.

Label Rouge (and its bottom line) shows the advantages to farmers producing ecologically sound, superior poultry in a cooperative mode. Island farmers may want to consider adopting some of the movement's methods.

For more information on the Label Rouge system see the Resources section of the Appendix.

The Salatin Model

Far and away the most popular method in the United States, the model devised by Joel Salatin of Virginia in the early 1990s has quickly become synonymous with pastured poultry.

If Salatin's advice is followed exactly as he suggests in his book *Pastured Poultry Profits*, groups of 75 to 90 chickens are raised in 10 X 12 X 2 ft. floorless pens. The pens are moved to fresh grass daily allowing chickens to forage on plant matter and insects, thereby reducing supplemental feed demands. The birds are slaughtered on farm and sold directly to consumer *who pre-order birds*. The pre-ordering means Salatin's on-farm processing is 'custom' slaughter work making it eligible for the inspection exemptions detailed below. Despite his exemption eligibility, Joel has still occasionally had to deal with legal authorities that take exception to his open air slaughter set-up.

To begin, birds are most often purchased as incubated eggs via mail order hatcheries. After approximately twenty days in a brooder the birds are moved to their portable pens where they are brought to their 'market weight' at six to eight weeks of age. Dovetailing

¹⁷ Fanatico, Anne. *Label Rouge: Pasture Based Poultry Production in France*. NCAT Agriculture Specialists. 2002.

nicely with raising hay or pastured livestock, the manure dropped is reported to add fertility to the soil.

Pastured Poultry Profits goes into explicit detail on the best means of hatching, brooding, raising and processing chickens for direct sale to consumer. Other technical assistance covered in the book include evisceration methods, troubleshooting disease, marketing suggestions and sections on raising turkey and game birds with modified cages. While many other resources exist for raising pastured poultry, no other carries Salatin's claim of guaranteed profits and one producer referred to the volume as "the Bible."

The expanded version of this study includes extensive financial information from feasibility studies of pastured poultry production a la Joel Salatin.

At the time of writing IGI had recently purchased all the necessary equipment for the slaughter and processing of birds on-farm. These time-saving devices (propane-fired scalders, electric 'tub' plucker, evisceration tables) are significant costs¹⁸ that may keep many families from raising their own chickens. IGI has assembled a skilled crew of people to process the birds at each producers' farm for a fee.

For now, pastured poultry on the Island is just taking its first steps in becoming a viable agricultural enterprise as vegetable production has become for some. As poultry operations expand beyond families providing for their own, the Island must consider certain cost efficiencies, a few of which are considered here.

1. **Feed:** Several poultry and egg producers stated that the Island mark-up on feed (most likely stemming from shipping costs) can approach 50% depending on feed market trends. \$12 per 50 lb bag versus \$8. While supporting local business is all part and parcel of IGI's mission and the general Island ethic, bulk deliveries of feed from off-island *would* greatly enhance the profitability of Vineyard-based poultry operations. During his visit to the Vineyard, Joel Salatin sang the nutritional and economic praises of communities' establishing their own 'micro' feed mills and buying whole grain for processing.
2. **Processing:** While processing efficiency will be greatly sped by the purchase of equipment by IGI even greater speed in processing could be achieved once

¹⁸ Approximately \$5,000.

production volume warrants the purchase of equipment with larger capacity and automated features.

3. **Hatchery:** While it may seem a far flung idea, the establishment of a small on-island hatchery *could* improve the cost for meat and layer chicks particularly if owned cooperatively by a group of poultry and egg producers.

Legal Issues

Slaughter/Processing

At both the state and federal level, laws regarding the slaughter and processing of poultry are considerably more ‘lenient’ than those applied to hooved livestock or swine. As the following pages will bear out, farmers considering raising and slaughtering poultry on their farms need not consider legal issues or steady government inspection a significant barrier to their entry into the burgeoning pastured poultry industry.

Consulting with each town’s Board of Health and the Dukes County offices has revealed that no laws currently exist regarding the slaughter of poultry be it on-farm or in a facility designed strictly for such processing. Our towns’ Health Inspectors all refer interested parties to the state, occasionally adding, quite rightly, that it is actually “...the Federal authorities that really have to be consulted.”¹⁹

Despite the fact that laws regarding poultry slaughter and processing still seem to exist on the Commonwealth’s books, it is the federal inspection bodies that producers need to be concerned with first. Indeed, when one refers to the USDA’s Food Safety and Inspection Service (FSIS) website, they find that Massachusetts relinquished its jurisdiction over meat and poultry inspection on January 12, 1976.²⁰ All meat intended for commerce is to be inspected and approved of by the USDA/FSIS authorities *unless it originates from an operation deemed exempt from inspection*. Qualifying for these exemptions is largely contingent on the number of birds one raises, slaughters and sells.

Given the relatively low numbers of birds that Island farmers are likely to produce it is these exemptions that would allow Martha’s Vineyards micro-producers to begin raising pastured poultry, slaughtering/processing on-farm and marketing directly to consumers or

¹⁹ John Powers, Agent for West Tisbury Board of Health

²⁰ Link to table of state’s inspection services...

retail outlets. The pertinent exemptions and criteria to qualify are described in detail in an April, 2006 USDA publication²¹ and are presented in abridged form below²².

First a quoted definition of the word “exempt” from the USDA document:

The term “exempt” means that certain types of poultry slaughter and processing operations qualify to operate without the benefit of Federal inspection on a daily basis, and a grant of Federal inspection is not required. Such operations are exempt from continuous bird-by-bird inspection and the presence of inspectors during the slaughter of poultry and processing of poultry products. However, a facility operating under such an exemption is not exempt from all requirements of the Act. It was not the intent of Congress to mandate Federal or State inspection of an owner’s private holdings of poultry or to mandate inspection at businesses that slaughter or process a small amount of poultry. Therefore, the PPIA (Poultry Products Inspection Act) exempts some poultry slaughter and some processing operations from certain requirements of the Act.

Custom Slaughter/Processing Exemption

A custom poultry slaughterer is a business or person who slaughters and processes poultry belonging to someone else. A custom slaughterer provides a service to a customer and **does not engage in the business of buying or selling poultry products capable of use as human food.**

A custom slaughter business may slaughter or process an unlimited number of poultry when the poultry is delivered by the owner and the following five criteria are met:

1. The custom slaughterer does not engage in the business of buying or selling **poultry products** capable for use as human food;
2. The poultry is healthy when slaughtered;
3. The slaughter and processing at the custom slaughter facility is conducted in accordance with sanitary standards, practices, and procedures that produce poultry products that are sound, clean, and fit for human food (not adulterated);²³

²¹ The not so succinctly titled, *Guidance to Whether a Poultry Slaughter or Processing Operation is Exempt from Inspection Requirements of the Poultry Products Inspection Act* can be read at [enter link](#).

²² In an effort to avoid misinterpretation on the part of the author, all language describing exemptions is quoted directly from the publication cited in footnote 7.

²³ For a description of these “sanitary standards” see below.

4. The custom slaughtered or processed poultry is for the personal use of the grower/owner of the poultry – the grower/owner of the custom slaughtered or processed poultry *may not sell or donate the custom slaughtered poultry to another person or institution* (emph. added); and

5. The shipping containers bear:

- 1the owner’s name,
- 2the owner’s address, and
- 3the statement, “Exempt P.L. 90-492”

These three items are in lieu of all the required features of a label for inspected and passed poultry products. Also, instead of the Federal law 90-492, a State law may be cited when the inspection of the slaughter and processing of poultry is exempted under the authority of a State law, and the operations are reviewed by a State Agency. (*Author’s note: As stated, in the case of Massachusetts no State law would seem to ‘trump’ Federal law regarding inspection of poultry slaughter facilities*)

Producer/Grower – 1,000 Limit Exemption

Limited provisions of the Act apply to poultry growers who slaughter no more than 1,000 poultry in a calendar year for use as human food. A person may slaughter and process on his or her premises poultry that he or she raised and they may distribute such poultry without mandatory inspection when the following five criteria are met

1. The poultry grower slaughters no more than 1,000 healthy birds of his or her own raising in a calendar year for distribution as human food;
2. The poultry grower does not engage in buying or selling poultry products other than those produced from poultry raised on his or her own farm;
3. The slaughter and processing are conducted under sanitary standards, practices, and procedures that produce poultry products that are sound, clean, and fit for human food (not adulterated);

4. The producer keeps records necessary for the effective enforcement of the Act and
5. The poultry products do not move in commerce.

Note: Commerce means the exchange or transportation of poultry products between States, U.S. territories (Guam, Virgin Island of the United States, and American Samoa), and the District of Columbia.

Producer/Grower – 20,000 Limit Exemption A poultry grower may slaughter and process more than 1,000 birds as exempt product for distribution as human food when the following eight criteria are met.

1. The producer/grower slaughters and processes, on his or her own premises, no more than 20,000 poultry, raised by him or her, in a calendar year;
2. The producer/grower sells, in a calendar year, only poultry or poultry products he or she prepares according to the criteria for the Producer/Grower – 20,000 Limit Exemption; he or she may not buy or sell poultry products prepared under another exemption in the same calendar year in which he or she claims the Producer/Grower
3. The poultry products are distributed solely by the producer/grower and only within the District of Columbia or the State or Territory in which the poultry product is produced.
4. The poultry are healthy when slaughtered;
5. The slaughter and processing at the producer/grower's premises are conducted using sanitary standards, practices, and procedures that produce poultry products that are sound, clean, and fit for use as human food (not adulterated);
6. The producer only distributes poultry products he or she produced under the Producer/Grower Exemption;

7. The facility used to slaughter or process the poultry is not used to slaughter or process another person's poultry unless the Administrator of FSIS grants an exemption.

8. The shipping containers, when distributed in intrastate commerce (instead of the required features of a label of inspected product) bear:

1

2producer's name,

3producer's address, and

the statement, "Exempt P.L. 90-492."

*A Summary of Laws Relating to On-Farm Slaughter
and How Farms Can Acquire an Exemption*

A review of pertinent laws and consultations with state and federal inspectors have led the author to certain conclusions. Some of these are codified in the laws and others issues are still being settled within regulatory bodies. Any island farmer wishing to construct a slaughtering facility on their land where their chickens could be slaughtered (and subsequently sold under an exemption) need to consider the following issues:

1. Such a facility could **not** be the open-air, 'backyard' sort of set-ups often employed by farms functioning 'under the radar' or producing birds for their own consumption. Features of the facility would have to include impermeable walls, ceiling and floor, water source of a certain pressure/temperature whose potability is proved via testing, proper lighting, etc. etc.
2. The state will require the design and implementation of formal strategies for dealing with potentially hazardous materials. (i.e. HACCP)
3. A federal inspector would have to make an annual inspection of said facility to (re)establish its exempted status.

4. While no inspection services are currently offered by the state of Massachusetts, given the increased interest in on-farm slaughtering (see MPPU section below), facilities may be subject to state inspection in the future.

First, the USDA would have to be contacted. An agent would be sent to inspect the facility and grant or deny the FSIS exemption. Given the unprecedented nature of farmers wishing to slaughter chicken for retail on-farm, state inspectors are unable to say exactly what their role would be in inspecting such facilities. Discussion with inspectors and interested parties lead the author to believe that the state would play a role in approving and licensing such poultry producers.

Nonetheless, an in-depth review of the sanitation standards and visits to other exempted facilities would be vital to anyone wishing to construct a permanent facility on their property. But other options do exist.

Mobile Poultry Processing Units (MPPUs)

There are obvious difficulties when one considers the logistics of the construction and operation of any slaughtering/processing facility, be it for poultry or larger livestock. While the Federal exemptions outlined above would seem to allow for on-farm (i.e. on-island) slaughter the question remains, “How many farmers will be willing to invest the money to construct an on-farm slaughter facility of a high enough quality to acquire a Federal exemption?”

A single permanent structure operating under an exemption would suffice if such an arrangement were legal. Producers could bring their birds to a centrally located slaughterhouse. Unfortunately, such a facility could only function under the Custom Exemption *or* a 1,000/20,000 Producer/Grower exemption thereby eliminating its ability to cater to the needs of producers wishing to sell their birds who cannot afford their own on-farm facility.²⁴

Given such restrictions IGI has opted to pursue an alternative to shipping birds off-island for slaughter: the Mobile Poultry Processing Unit (MPPU). The effort to bring the MPPU to the island was inspired in part by The New England Small Farm Institute (NESFI)

²⁴ The other option of course being a full-fledged USDA licensed facility with an FSIS inspector on-duty fulltime. But the likelihood of the Island raising the volume of poultry necessary to demand such a service from the USDA seems inconceivable. At the time of writing, only *three* USDA inspectors worked in the entire state of MA, two at poultry processing facilities and another at Blood’s Farm, the last remaining livestock slaughter facility in MA.

of Belchertown, MA. The non-profit has constructed a trailer-housed slaughtering unit that could be hauled by truck to farms where birds would be processed. Review of the exemption stipulations reveal that employing an MPPU or rented equipment does **not** preclude a producer from obtaining an exemption. In Kentucky, a similar MPPU has been legally implemented by the Heifer International group alluded to above. (see Resources)

At the time of writing, NESFI was still in the midst of sorting out issues with state agencies (the Departments of Public Health Environmental Management in particular) so that their MPPU can be put on the road. The ‘stickiest’ of issues relate to wastewater disposal and the composting of offal. Whether farms should be required to be licensed as retailers also remains an unsettled topic. These are all topics that IGI and the island’s fledgling poultry community will need to work through with local, state and possibly federal regulatory bodies. For the time being our new MPPU can be used for personal use and the aforementioned “custom” work where consumers have pre-ordered birds from growers.

In order for MPPU processed birds to be legal for legal sale to anyone who happened to visit the farm town Boards of Health, MA’s Food Protection Program and USDA’s FSIS would have to be contacted. An agent would be sent to inspect the facility and grant or deny the FSIS exemption. Given the unprecedented nature of farmers wishing to slaughter chicken for retail on-farm, state inspectors are unable to say exactly what their role would be in inspecting such facilities. Discussion with inspectors and interested parties lead the author to believe that the state would play a role in approving and licensing such poultry producers.

Possible Public Sector Funding Sources For Island Agricultural Projects Including Slaughter and Poultry Operations

The following are descriptions of State and Federal funding opportunities that IGI or other interested parties might pursue to further efforts to establish on-island poultry production, slaughterhouses, processing facilities or other agricultural ventures. In many cases, grant program descriptions are quoted directly from literature published by the grantor. Text in bold italics indicates the granting institution or government body. In all cases, more detailed information can be found on the grant programs’ websites.

United States Department of Agriculture

Contact:

Tom McGarr, Director, SE Mass Office,

15 Cranberry Highway

West Wareham, MA 02576

508.295.5151 ext 39

Tom.mcgarr@ma.usda.gov

USDA BUSINESS AND INDUSTRY DIRECT LOANS²⁵

USDA Rural Development offers a Business and Industry Direct Loan Program that provides loans to public entities and private parties who cannot obtain credit from other sources. Loans to private parties can be made for improving, developing, or financing business and industry, creating jobs, and improving the economic and environmental climate in rural communities. Eligible applicants include any legally organized entity, including cooperatives, corporations, partnerships, trusts or other profit or nonprofit entities, municipalities, counties, an other political subdivision of a State, or individuals. Loans are available to those who cannot obtain credit elsewhere and for public bodies.

USDA BUSINESS AND INDUSTRY LOAN GUARANTEES

USDA Rural Development also joins together with local banks and other commercial lenders to provide financing for businesses located in rural areas. Lenders are able to offer larger loans and better terms with a guarantee which may cover up to 80% of the lenders exposure on the loan. Guarantees are available...except for cities for more than 50,000 population and the urbanized areas surrounding them. Eligible lenders include all State or Federally chartered banks, savings banks, savings and loan associations, credit unions and Fair Credit System. Eligible applicants include individuals, corporations, partnerships and cooperatives. Loans can be used to finance real estate purchases, equipment, rolling stock, working capital, expansions and new locations. Purchase of an existing business is included only if it is necessary to preserve jobs or will result in new jobs being created.

The lender determines the repayment term of the loan and the interest rate. Rural Development allows maximum terms of 30 years for loans for real estate purposes, 15 years

²⁵ The following description is lifted from the aforementioned and cited Hudson Valley study and while its emphasis is on areas in economic distress (which doesn't exactly apply to MV) the NY study listed it as a "long-shot" program...and so I include it here with the same caveat.

for machinery and equipment and 7 years for working capital. Revolving credits cannot be guaranteed. Interest rates are not subsidized by the Government and are usually the prevailing commercial rates. Variable or fixed rates are allowed and separate rates can be charged on the guaranteed and unguaranteed portions of the loan. There is no minimum loan size, but applicants eligible for guarantees through the Small Business Administration program are encouraged to also explore the possibility of obtaining assistance through that program. Guarantees of 80% are available for loans up to \$5 million.

A test for other credit is not required. The program seeks to promote long-term job development through guarantee of quality loans to businesses which have the resources to survive and prosper. All applicants must have a positive tangible net worth of at least 10% of tangible assets (20 to 25% for new businesses), adequate collateral to secure the loan, cash flow based on either historical results or well supported projections which is adequate to repay the debt, and good management. Personal guarantees are usually required of the owners. Feasibility studies may be required for new businesses or when past results do not support the projections. A one-time only guarantee fee is charged to the lender and may be passed on to the borrower. The fee is equal to 2% of that portion of the loan which is guaranteed and is payable when the guarantee is delivered.

USDA RURAL COOPERATIVE DEVELOPMENT GRANTS

The 1996 Farm Bill revised the Rural Technology and Cooperative Development Grant program to make it available only for cooperative development. The program provides grants for establishing and operating centers for cooperative development. The primary purpose is to improve economic conditions in rural areas. Grant funds can pay up to 75% of the costs for establishing and operating such centers. Grants may be made to public bodies or not-for profit institutions.

The Cooperative Services branch of the USDA Rural Business-Cooperative Service also provides a wide range of assistance for people interested in forming new cooperatives. This help can range from an initial feasibility study to the creation and implementation of a business plan. Cooperative Services staff includes cooperative development specialists who do everything from identifying potential cooperative functions through the development of bylaws and business plans. They also provide training for cooperative directors. The over all

goal of the Cooperative Services is to provide a realistic view of what it will take to make a new cooperative succeed.

RURAL BUSINESS OPPURTUNITY GRANTS

Rural Business Opportunity Grant funds provide for technical assistance, training, and planning activities that improve economic conditions in rural areas. Applicants must be located in rural areas. Nonprofit corporations and public bodies are eligible. A maximum of \$1.5 million per grant is authorized by the legislation. RBS is designing the program to promote sustainable economic development in rural communities with exceptional needs.

RESOURCE CONSERVATION & DEVELOPMENT PROGRAM (RC & D)

The purpose of the RC & D program is to accelerate the conservation, development and utilization of natural resources, improve the general level of economic activity, and to enhance the environment and standard of living in authorized RC & D areas.²⁶ It improves the capability of State, tribal and local units of government and local nonprofit organizations in rural areas to plan, develop and carry out programs for resource conservation and development. The program also establishes or improves coordination systems in rural. Current program objectives focus on improvement of quality of life achieved through natural resources conservation and community development which leads to sustainable communities, prudent use (development), and the management and conservation of natural resources.

SMALL BUSINESS ADMINISTRATION 504 LOAN PROGRAM (SBA)

The SBA's 504 loan program provides growing businesses with long-term, fixed-rate financing for major fixed asset, such as land and buildings. It relies upon the use of Certified Development Companies (CDC) which are nonprofit corporations set up to contribute to the economic development of a community or region. Typically, a 504 project includes a loan secured with a senior lien from a private-sector lender covering up to 50 percent of the project cost, a loan secured with a junior lien from the CDC (a 100 percent SBA-guaranteed debenture) covering up to 40 percent of the cost, and a contribution of at least 10 percent

²⁶ Whether Dukes County could secure RC & D status is uncertain.

equity from the small business being helped. The maximum SBA debenture generally is \$750,000 (up to \$1 million in some cases). The CDC's portfolio must create or retain one job for every \$35,000 provided by the SBA.

Proceeds from 504 loans must be used for fixed asset projects such as: purchasing land and improvements, including existing buildings, grading, street improvements... construction of new facilities, or modernizing, renovating or converting existing facilities; or purchasing long-term machinery and equipment. The 504 Program cannot be used for working capital or inventory, consolidating or repaying debt, or refinancing.

RURAL BUSINESS ENTERPRISE GRANTS (RBEG)

Town/County can be applicant

The Rural Development, Business and Cooperative Programs (BCP) makes grants under the Rural Business Enterprise Grants (RBEG) Program to *public bodies, private nonprofit corporations, and Federally-recognized Indian Tribal groups* to finance and facilitate development of small and emerging private business enterprises located in any area other than a city or town that has a population of greater than 50,000 inhabitants and the urbanized area contiguous and adjacent to such a city or town. The public bodies, private nonprofit corporations and federally recognized Indian tribes receive the grant to assist a business. **GRANT FUNDS DO NOT GO DIRECTLY TO THE BUSINESS.**

Who is Eligible?

Public bodies in clued incorporated towns and villages, boroughs, townships, counties, States, authorities, districts, Indian Tribes of Federal and State reservations, and other Federally-recognized Indian Tribal groups in rural areas. The small and emerging businesses to be assisted must have less than 50 new employees and less than \$1 million in gross annual revenues.

How Funds May be Used?

Funds are used for the financing or development of a small and emerging business. Eligible uses are:

- Technical Assistance (providing assistance for marketing studies, feasibility studies, business plans, training, etc.) to small and emerging businesses;
- Purchasing machinery and equipment to lease to a small and emerging business;

-Creating a revolving loan fund (providing partial funding as a loan to a small and emergin business for the purchase of equipment, working capital, or real estate); or

-Construct a building for a business incubator²⁷ for small emerging businesses.

Limitations:

Grants cannot be used for:

1. Agricultural Production.
2. Comprehensive area wide planning.
3. Loans by grantees when the rates, terms, and charges for those loans are not reasonable or would be for purposes not eligible under RBEG regulations.
4. Development of a proposal that may result in the transfer of jobs or business activity from one area to another. This provision does not prohibit establishment of a new branch or subsidiary.
5. Development of a proposal which may result in an increase of goods, materials, commodities, services, or facilities in an area when there is not sufficient demand.
6. For programs operated by cable television systems.
7. To fund part of a project; which is dependent on other funding, unless there is a firm commitment of the other funding to ensure completion of the project.

VALUE-ADDED PRODUCER GRANTS (VAPG)

Grants may be used for **planning activities and for working capital** for marketing value-added agricultural products and for farm-based renewable energy. Eligible applicants are independent producers, farmer and rancher cooperatives, agricultural producer groups, and majority-controlled producer-based business ventures.

FEDERAL-STATE MARKETING IMPROVEMENT PROGRAM (FSMIP)

The Federal-State Marketing Improvement Program (FSMIP) provides matching funds to State Departments of Agriculture and other appropriate State agencies to assist in exploring new market opportunities for U.S. food and agricultural products, and to encourage research and innovation aimed at improving the efficiency and performance of the U.S. marketing system.

²⁷ “Business incubator”...hmmmm? A cozy little spot for IGI members, farmers and livestock to ride out cold Vineyard winters?

FSMIP funds a wide range of applied research projects that address barriers, challenges, and opportunities in marketing, transportation, and distribution of U.S. food and agricultural products domestically and internationally.

Eligible agricultural categories include livestock, livestock products, food and feed crops, fish and shellfish, horticulture, viticulture, apiary, and forest products and processed or manufactured products derived from such commodities. Reflecting the growing diversity of U.S. agriculture, in recent years, FSMIP has funded projects dealing with nutraceuticals, bioenergy, compost, and products made from agricultural residues.

Proposals may deal with barriers, challenges or opportunities manifesting at any stage of the marketing chain including direct, wholesale, and retail. Proposals may involve small, medium or large scale agricultural entities but should potentially benefit multiple producers or agribusinesses. Proprietary proposals that benefit one business or individual will not be considered.

Proposals that address issues of importance at the State, regional or national level are appropriate for FSMIP. FSMIP also seeks unique proposals on a smaller scale that may serve as pilot projects or case studies useful as a model for others. Of particular interest are proposals that reflect a collaborative approach between the States, academia, the farm sector and other appropriate entities and stakeholders.

Massachusetts Department of Agricultural Resources

251 Causeway Street

Boston, MA 02114 www.mass.gov/agr

FARM VIABILITY ENHANCEMENT PROGRAM

Guidelines

The purpose of the Farm Viability Enhancement Program ("Program") is to improve the economic bottom line and environmental integrity of participating farms through the development and implementation of Farm Viability Plans ("Plans"). These comprehensive,

yet focused farm plans, which are to be developed by teams comprised of farmers and other agricultural, economic and environmental consultants, will be aimed at suggesting ways for farmers to increase their on-farm income through such methods as improved management practices, diversification, direct marketing, value-added initiatives and agritourism. In addition, the Plans will make recommendations concerning environmental and resource conservation concerns on participating farms.

1. PHASE 1: PLAN DEVELOPMENT

A. Eligibility

To be eligible for participation in the Program, an applicant must own, or be a co-applicant with the owner of, at least 5 acres of land in agricultural use.

B. Criteria for Selection

Applicants will be evaluated and selected based on the following priority criteria:

1. The number of acres placed in the program.
2. The suitability and productivity of the land for agricultural use based on its soil classification, physical features, and location.
3. The degree of threat to the continuation of agriculture on the land due to factors such as financial stability, urban encroachment, or management changes which may negatively impact continuing agricultural activity.
4. The degree to which the project would accomplish environmental objectives, such as the protection of water resources or flood plains and preservation of historical, open space, and aesthetic amenities.
5. The number of years and types of agricultural experience of applicant and/or co-applicant.

C. Application Procedure

Anyone interested in applying to the Program must submit, on a form approved by the Department, a completed application. The application will request at least the following information:

- (1) A map of the property on a United States Geological Survey (USGS) Topographical Map showing
 - a. The land area to be covered by the viability plan
 - b. The land to be covered by a possible agricultural use covenant if different from the land covered by the plan.

(2) A United States Department of Agriculture (USDA) Natural Resources and Conservation Service map and farm plan, or its equivalent.

(3) A full description of the current agricultural activities carried out on the land including the types and quantity of the crops, number of livestock, and/or acreage leased or used by others for agricultural purposes.

(4) A statement by the applicant of how this Program could benefit the economic and environmental viability of the farm.

(5) A statement of the present financial situation of the farm including the gross farm income.

(6) A statement identifying any farm debt.

(7) A mission statement indicating if any family members receive income from employment other than farm income identified above.

(8) If the owner is not principally engaged in agricultural activities, a statement must be submitted by the owner regarding the short and long-term plans for keeping the property in agricultural use.

(9) A copy of the current deed(s) to all the parcels of the property described in (1), and a plan recorded in the registry of deeds delineating the property, book, and page numbers included.

(10) Authorization for the Department to conduct a field inspection of the land to be covered by the Plan.

Upon receipt of an application, the Department may conduct a field inspection.

D. Application Evaluation

An advisory committee will evaluate the applications and approve them based on the above-listed criteria. Accepted applicants will be notified in writing of their acceptance into the Program.

E. Application Approval

Upon approval of an application, the Department will work with the applicant to prepare a Plan. The Plan will include a resource and economic assessment of the agricultural operation and suggestions for actions to increase the overall viability of the farm.

II. PHASE II: PLAN IMPLEMENTATION

Any farmer who has developed a Farm Viability Enhancement Plan with the Department is eligible to participate in Phase II of the program by contacting the Department. Phase II of the Program involves an agreement between the Department and the participant(s) where the owner of the property would provide and agricultural use covenant of the Department for a term of years. In exchange, the Department would provide funding to implement

certain portions of the Plan. The Department will fund only those projects which it determines will improve the viability of the agricultural operation.

The Department may offer the participant(s) either of two funding options. The participant(s) must agree to the entire conditions of options (1) or (2):

(1) In exchange for up to twenty thousand dollars, the participant(s) will agree to do the following:

- a. Grant the Commonwealth a 5-year agricultural use covenant.
- b. Implement designated components of the Farm Viability Enhancement Plan.

(2) In exchange for up to forty thousand dollars, the participant(s) will agree to do the following:

- a. Grant the Commonwealth a 10-year agricultural use covenant
- b. Implement designated portions of the Farm Viability Enhancement Plan.

Sustainable Agriculture Research and Education Program

NORTHEAST REGION

SAUSTAINABLE AGRICULTURE RESEARCH & EDUCATION PROGRAM

<http://www.sare.org/>

The goal of the Farmer grant program is to develop, refine, and demonstrate new sustainable techniques and to explore innovative ideas developed by farmers across the region. Information gained from these farm-based projects may be used to redirect research priorities.

To apply, you must be a farmer in the Northeast SARE region. You need not be farming full time, but your operation should have an established crop or animal product that you sell on a regular basis. Nonprofit farms may apply, but the primary activity of the farm must be to produce and sell food under the kinds of economic constraints that affect commercial growers. Many community-supported farms qualify, but farms where the primary mission is educational normally do not.

Funding Opportunities

Research and Education Grants: Ranging from \$30,000 to \$150,000 or more, these grants fund projects that usually involve scientists, producers, and others in an interdisciplinary approach.

Professional Development Grants: To spread the knowledge about sustainable concepts and practices, these projects educate Cooperative Extension Service staff and other ag professionals.

Producer Grants: Producers apply for grants that typically run between \$1,000 and \$15,000 to conduct research, marketing and demonstration projects and share the results with other farmers and ranchers.

On Farm Research/Partnership: Supports on-farm research by Extension, NRCS, and/or nonprofit organizations. Northeast, Southern and Western regions.

Sustainable Community Innovation: Forges connections between sustainable agriculture and rural community development. Northeast and Southern regions.

Extensive descriptions of SARE grant recipients available at www.sare.org

Certification Programs

The following section seeks to describe certification programs offered by both government bodies and private, non-profit entities. The first certification programs discussed pertain to animal welfare and humane treatment standards. Other certification descriptions are preceded by the certification topic listed in quoted bold italics. All program descriptions are taken directly from the programs' websites.

“HUMANE”

The American Humane Association's *Free Farmed Certification*

American Humane protects farm animals by working with producers through the groundbreaking Free Farmed™ program. Free Farmed guarantees consumers that the products they select are from animals that were raised and treated humanely.

The Free Farmed program traces its roots to the very formation of the American Humane Association in 1877. That year, humane organizations from throughout the country gathered at a landmark meeting in Ohio to unite their missions and resources in a stronger voice to protect livestock from inhumane treatment. American Humane immediately went to work to improve conditions for farm animals in transit and ensure the humane treatment of cattle, hogs, sheep and poultry.

The program's website describe “Free Farmed” animals as living:

- FREE to live and grow in a humane environment under conditions and care that limit stress;
- FREE to enjoy a healthy life, benefiting from disease and injury prevention and rapid diagnoses and treatment;
- FREE to readily access fresh water and a diet that maintains full health and vigor; and
- FREE to express normal behaviors and live in an appropriate and comfortable environment that includes sufficient space, proper facilities, shelter, a resting area, and company of the animals' own kind.

Americanhuman.org describes the application program as follows:

Businesses interested in Free Farmed certification contact the Free Farmed program for a copy of the relevant animal welfare standards; a program description; and templates to produce a farm manual, veterinary health records, and other documents for certification. Upon completion of the documents, the participants forward them to Free Farmed, who reviews the application, contacts the producers for follow-up information, and arranges for an assessor to visit the producer and the premises. During the onsite inspection, the assessor conducts interviews with management personnel and employees, observes the operation in process, and reviews written procedures and supporting documentation.

Assessors itemize any significant findings of nonconformance with the American Humane animal welfare standards, and assign a tracking number to each. The items are classified either as a "continuous improvement point," which does not prevent certification but must be corrected in a timely manner; or a "hold point," which must be corrected before the approval process can move forward. Because hold points indicate findings that compromise the integrity of the animals, certification may be denied or revoked until the items are corrected.

Applicants that meet all requirements as referenced in the American Humane standards and instructions are issued a "certificate of approval" valid for one year from the date of the approval letter. The Free Farmed assessor may deny approval for failure to adequately address any documentation requirements; failure to demonstrate the capability to meet the program requirements; failure to provide access to supplier's facilities and records; presentation of false or misleading information; or for any evidence of noncompliance. Free Farmed notifies the participant in writing of the application outcome. If the applicant is

approved, the notification includes a license agreement, which must be signed and returned to Free Farmed before the participant is allowed to use the Free Farmed logo.

As part of the certification program, producers must maintain a Program Manual that is kept on site and regularly updated. The manual includes information on animal housing, nutrition, husbandry practices, health plans, emergency procedures, casualty slaughter policy, and other information that will help the Free Farmed assessors judge whether the producer continues to be compliant with American Humane animal welfare standards.

Participants are required to maintain approved programs as described in their system documentation. Any changes to the approved system that may potentially affect the integrity of the farm animals must be submitted in writing to Free Farmed and approved prior to implementation. The Free Farmed office contacts each participant before the expiration of their approval. Each participant must submit any revised copies of program documentation and be reassessed to maintain approved status. Free Farmed may suspend the certification of any producer who fails to follow the approved policies and procedures, implements significant changes to approved systems without notification to Free Farmed, or deliberately misrepresents any part of the business. If a producer's certification is suspended, the entire process must be reinitiated and approved to be certified in the future.

For more information visit: www.americanhumane.org

Certified Humane Raised and Handled

www.Certifiedhumane.org

The Certified Humane Raised & Handled Label is a consumer certification and labeling program. When you see the Certified Humane Raised & Handled label it means that an egg, dairy, meat or poultry product has been produced with the welfare of the farm animal in mind. Food products that carry the label are certified to have come from facilities that meet precise, objective standards for farm animal treatment.

QUALITY STANDARDS

A team of veterinarians and animal scientists developed the *Animal Care Standards* to ensure

that producers and processors keep animals in conditions that have met high standards of animal care:

- Allow animals to engage in their natural behaviors
- Raising animals with sufficient space, shelter and gentle handling to limit stress
- Making sure they have ample fresh water and a healthy diet without added antibiotics or hormones

Under the system, growth hormones are prohibited, and animals are raised on a regular diet of quality feed free of antibiotics. Producers also must comply with local, state and federal environmental standards. Processors must comply with the American Meat Institute Standards, a higher standard for slaughtering farm animals than the Federal Humane Slaughter Act.

RIGOROUS INSPECTIONS

Humane Farm Animal Care is the independent non-profit organization that conducts regular inspections and administers the “Certified Humane Raised & Handled” program. Participating businesses must pass an initial inspection as well as annual re-inspection to remain part of the Certified Humane Raised & Handled program.

Inspectors have training and education in Animal Science, Veterinary Medicine, or other relevant backgrounds. To further assure fairness, the U.S. Department of Agriculture’s Agricultural Marketing Services verifies the inspection process.

A complete program description is included in this work’s appendix.

“ORGANIC”

In the US, federal organic legislation defines three levels of organics. Products made entirely with certified organic ingredients and methods can be labelled "100% organic". Products with 95% organic ingredients can use the word "organic". Both may also display the USDA organic seal. A third category, containing a minimum of 70% organic ingredients, can be labelled "made with organic ingredients". In addition, products may

also display the logo of the certification body that approved them. Products made with less than 70% organic ingredients can not advertise this information to consumers and can only mention this fact in the product's ingredient statement. Similar percentages and labels apply in the EU.²⁸

The most commonly seen “Organic” labeling program is that administered by the USDA’s National Organic Program (NOP). The piece of legislation governing this program is 7 CFR Part 205. The NOP functions under the direction of the Agricultural Marketing Service. (AMS) It is AMS that administers the accreditation program to businesses and state actors seeking to act as “certifying agents” for the USDA Organic seal.

In Massachusetts the most prominent (the only?) organic certifying body would seem to be the **Baystate Organic Certifiers (Previously NOFA-MA Certified Organic)**.²⁹ www.baystateorganic.org provides extensive resources on program compliance and the USDA organic standards for growers’ interested in pursuing the certification.

“FREE RANGE”

“Free range” is a method of farming husbandry where the animals are permitted to roam freely instead of being contained in any manner. The principle is to allow the animals as much freedom as possible, to live out their instinctual behaviours in a reasonably natural way, regardless of whether or not they are eventually killed for meat. One of the many benefits of free range animals is for some rudimentary insect population control in the free range area.

The USDA requires that chickens raised for their meat have access to the outdoors in order to receive the free-range certification.³⁰ Free-range chicken eggs, however, have no legal definition in the United States. Likewise, free-range egg producers have no common standard on what the term means. Many egg farmers sell their eggs as free range merely because their cages are 2 or 3 inches above average size, or there is a window in the shed.

²⁸ From Wikipedia’s article on “Organic Certification”

²⁹ A detailed third party description of Baystate’s program can be viewed at <http://www.newfarm.org/ocdbt/displayCert.php?id=43>

³⁰ But... a description of one such “free range” chicken operation in Michael Pollan’s *Omnivore’s Dilemma* reveals that farms receiving such certification often raise birds that still never see the light of day.

The USDA has no specific definition for "free-range" beef, pork, and other non-poultry products. All USDA definitions of "free-range" refer specifically to poultry. No other criteria-such as the size of the range or the amount of space given to each animal-are required before beef, lamb, and pork can be called "free-range". Claims and labeling using "free range" are therefore unregulated. The USDA relies "upon producer testimonials to support the accuracy of these claims."³¹

³¹ From Wikipedia's article on "Free Range"