

Country of Origin Affidavit/Declaration Questions & Answers for Livestock Marketing Businesses

1) What do producers/sellers need to do to move country of origin information along the livestock chain of custody in order to implement the Country of Origin Labeling (COOL law)?
LMA recommends that you get a signed “Continuous Country of Origin Affidavit”, as stated in **(Item A)** of the attached affidavit/declaration statements, from all of your sellers declaring the origin of the livestock that they sell through your facility. You should have a signed affidavit from your sellers before their livestock is sold.

2) What do I do if I have a seller that does not have a continuous affidavit on file or that chooses not to keep a continuous affidavit on file?
Some of your sellers may choose not to keep a continuous affidavit on file with your marketing business or they may only wish to sign for the origin of the livestock selling that day. In either case, you should collect an “Origin Declaration” as stated in the attached **(Item B)** declaration statement.

3) Who can sign an Origin Affidavit/Declaration?
Only the individual with firsthand” knowledge of the origin of the livestock being transferred may sign a “Continuous Country of Origin Affidavit” or “Origin Declaration”. An affidavit signed by the owner/manager or other responsible person with firsthand knowledge can be delivered by a trucker or transporter but ***truckers and transporters cannot sign for the origin of livestock.***

4) How often do I need to collect a signed affidavit from my sellers?
If you have collected a “Continuous Country of Origin Affidavit” **(Item A)** from your sellers, that affidavit is kept on file at your marketing business and remains in effect until that seller informs you of any changes to the origin of his/her livestock and revokes that affidavit in writing. (Origin declarations should be kept on file at your marketing business for at least one year from the time of sale.)

5) I have livestock at my facility and the seller is unwilling to sign an affidavit/declaration of origin. What do I do?
Refusal is not an option. It is important for your sellers to understand that Country of Origin Labeling is Federal law. Any seller who wishes to send livestock into commerce must declare the origin of his/her livestock either through these affidavits/declarations of origin or by individually identifying the livestock with an NAIS compliant eartag.

6) I have livestock at my facility and there is no origin declaration on file and the seller is unavailable to sign one at the time of sale? What do I do?
In these instances you must make best effort to collect a signed affidavit/declaration as soon as possible. You should attempt collection of a signed affidavit/declaration by fax, email, overnight mail or delivery from the seller or other responsible person with firsthand knowledge of the origin of the livestock being transferred.

7) What information do I provide my buyers?
You will provide your buyers with an “Origin Declaration” **(Item B)** on the livestock covered by that specific transaction, which is based on the country of origin information provided by your sellers’ origin affidavits/declarations. This “Origin Declaration” may be stamped, printed or otherwise attached to your sales documents, invoices, etc. The origin of the animals must be identified in the space provided and the declaration signed and dated by the owner, operator, manager or representative of the market.

8) What if I sell only U.S. born and raised livestock, can I use a “Continuous Origin Affidavit” with my buyers?

Some buyers may accept a “Continuous Country of Origin Affidavit” (**Item A**) from marketing businesses but you will need to maintain sales records on that buyer in a manner that would allow, in the event of a COOL audit, traceback of the livestock purchased to the sellers origin affidavits/declarations. Thus, you must still collect a signed “Continuous Country of Origin Affidavit” or “Origin Declaration” from all sellers.

9) My packer buyer has requested that I add more language to my “Origin Declaration” for livestock that his/her company purchases from my facility.

Some packers may request that your business add the language in the attached (**Item C**) to the “Origin Declaration” that will be passed along on buyer invoices or sales documents. Packers are required by law to maintain country of origin records for one-year and they must be able to access records from their immediate suppliers (the auction market in the case of slaughter cows/bulls or any livestock going direct to slaughter) to substantiate country of origin claims.

10) How do I get started collecting origin affidavits/declarations from my consignors and passing the information forward to my buyers?

To get started collecting origin affidavits from your sellers, consider distributing a “Continuous Country of Origin Affidavit” (**Item A**) to all consignors on your mailing list. The more of these affidavits that you have on file in advance of sale time the less you will have to worry about when a consignor shows up to unload. (It is important for your sellers to know that under the COOL law; there is no label for livestock of unknown origin so they must begin declaring their livestock’s origin, today.)

For those consignors that have not filed a continuous affidavit with you, you may want to consider pre-printing or stamping the “Origin Declaration” (**Item B**) on your check-in slips. Remember though, if you collect the affidavit at check-in, only individuals with firsthand knowledge of the origin can sign; truckers and transporters do not qualify. Likewise, consider preprinting, stamping, or programming into your market accounting system software the “Origin Declaration” (**Item B**) on your sales invoices, etc.

11) When should I begin collecting these signed affidavits/declarations?

You should begin now. The Country of Origin Labeling (COOL) law takes affect September 30, 2008. However affidavits/declarations should be collected immediately on all livestock entering commerce.

12) Are these affidavits/declarations standardized documents that LMA or USDA will be sending to us for use or can we reproduce this information in house.

You should reproduce the language contained in the affidavits/declarations to be used at your facility in the format that you feel best suit your business. Postcards, business letterhead, check-in slips, sales documents, stamps, etc. You can print or reproduce the affidavit/declaration language in any format, so long as the signed affidavit/declarations can be kept on file at your facility for at least one year from the time of sale.

13) Do I have to use the language from these origin affidavits/declarations?

It is highly recommended that you utilize the language contained in these origin affidavits/declarations. The livestock industry sector, specie, food retail organizations and companies that came together to draft this language did so in an effort to develop a simple, universal affidavit/declaration process.

14) What do I do if I am asked to sign or use an origin affidavit/declaration that differs from what is described here.

Despite all best efforts to create a universal and unanimously accepted affidavit/declaration process there is still a potential that you will be asked to sign an affidavit/declaration that has been customized by an individual buyer or company. To insure that your liability is protected, it is recommended that you contact LMA to review these documents before signing.