

Agricultural Law Memo

ALM 12-01

August 7, 2012

TOPIC: Preparation for market – On-farm slaughtering and processing

ISSUE: Whether the construction and/or use of buildings, trailers, equipment, and mobile processors for on-farm slaughtering and processing, and activities associated therewith, are considered preparation for market under M.G.L. c. 128, Section 1A.

This ALM addresses the issue of whether the construction and/or use of buildings, trailers, equipment, and mobile processors for on-farm slaughtering and processing, and activities associated therewith, are considered preparation for market.

[M.G.L. c. 128, §1A](#) defines “farming” or “agriculture” as follows:

*“Farming” or “agriculture” shall include farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, **including preparations for market**, delivery to storage or to market or to carriers for transportation to market.* (Emphasis added).

Once livestock or poultry are ready to sell, a farmer needs to ensure that it is prepared for market, whether it be live or as a processed product.¹ On-farm slaughtering and processing activities that are incident to or conducted in conjunction with farming activities are considered to be preparation for market. Therefore, the Department of Agricultural Resources considers the construction and/or use of buildings, trailers, equipment, and mobile processors for on-farm slaughtering and processing, and the activities associated therewith, to fall within the definition of “farming” or “agriculture” as set forth in [M.G.L. c. 128, §1A](#).

¹ Slaughterhouse operations and subsequent sale and/or distribution of animal products may be subject to local, state, and/or federal laws and permitting processes.