

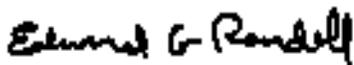
Executive Order
Commonwealth of Pennsylvania
Governor's Office

Subject:

Pennsylvania-Produced Agricultural Products Program

Number:

2010-03



By Direction of: Edward G. Rendell, Governor

Date: September 14, 2010

WHEREAS, Pennsylvania is the most productive agricultural state in the Northeast, with more than 63,000 farms and 7.7 million acres of crop and pasture land; and

WHEREAS, Pennsylvania farmers are a vital component of the commonwealth's economy, a leading economic enterprise in the commonwealth, generating more than \$6.1 billion annually in cash receipts, supporting a \$45 billion a year economic activity, and employing nearly one in seven members of Pennsylvania's workforce; and

WHEREAS, Pennsylvania-produced agricultural products provide a potential local source for those commonwealth agencies that purchase agricultural products; and

WHEREAS, Pennsylvania-produced agricultural products are available at costs that are competitive with agricultural products that are produced outside the commonwealth; and

WHEREAS, the Department of Agriculture has developed the Pennsylvania Preferred® program to increase sales of Pennsylvania-produced agricultural products; and

WHEREAS, the purchase and use of Pennsylvania-produced agricultural products by commonwealth agencies will benefit both Pennsylvania agriculture industry and the agencies that purchase these products.

NOW, THEREFORE, be it resolved that I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby order:

- 1. Commonwealth Agency Purchases.** All agencies under my jurisdiction that purchase agricultural products shall, to the extent permitted by the laws and agreements of the United States and the Commonwealth of Pennsylvania and so as not to trigger the reciprocal preference laws of other states, purchase Pennsylvania-produced agricultural products when available at competitive prices.

- 2. Identification of Sources.** Agencies shall, prior to purchasing agricultural products, research potential sources of these agricultural products to determine whether there are potential vendors of Pennsylvania-produced agricultural products. At a minimum, agencies shall contact the Department of Agriculture or review Department of Agriculture published lists of producers of Pennsylvania Preferred® agricultural products or licensees of the Pennsylvania Preferred® trademark to identify potential bidders and vendors. The Department of Agriculture shall assist agencies in identifying other potential vendors of Pennsylvania-produced agricultural products.
- 3. Soliciting Vendors.** If there are vendors of Pennsylvania-produced agricultural products that would be responsive to the particular needs of the agency, the agency shall solicit a quote, price or proposal from those vendors.
- 4. Report.** All commonwealth agencies that purchase agricultural products shall, on or before January 1 of each year, provide a report to the Department of Agriculture describing the types, quantities, and costs of each agricultural product purchased and each Pennsylvania-produced agricultural product purchased. The report shall be completed on a form provided by the Department of Agriculture.
- 5. Definitions.** For purposes of this order, Pennsylvania-produced agricultural products shall consist of any of the following:

 - a.** Fresh, unprocessed agricultural products with respect to which the Department of Agriculture has granted a license allowing the use of the Pennsylvania Preferred® trademark for marketing purposes.
 - b.** Processed agricultural products with respect to which the Department of Agriculture has granted a license allowing the use of the Pennsylvania Preferred® trademark for marketing purposes.
 - c.** Fresh, unprocessed agricultural products with respect to which the vendor provides written certification that:

 - (1)** one hundred percent of the products are harvested in a raw state (for plant products) or a live state (for animal products) from within the commonwealth; and
 - (2)** if inspected by the Department of Agriculture, the United States Department of Agriculture, the Food and Drug Administration or an independent certifying organization, the products have met the quality standards of that inspecting body.

- d. Fresh, unprocessed agricultural products with respect to which the vendor provides written certification that:
 - (1) the products have been grown within the commonwealth for at least 75% of the products' production cycle; and
 - (2) if inspected by the Department of Agriculture, the United States Department of Agriculture, the Food and Drug Administration or an independent certifying organization, the products have met the quality standards of that inspecting body.
 - e. Processed agricultural products with respect to which the vendor provides written certification that:
 - (1) one hundred percent of the final processing and packaging occurred within the commonwealth;
 - (2) if the primary ingredient(s) are grown in Pennsylvania, at least 60% of the processor's annual production is sourced using products meeting the criteria for "Fresh, unprocessed products" described in subsections (a), (b), (c) and (d), above;
 - (3) if the primary ingredients(s) are grown in Pennsylvania (these ingredients are "grown in Pennsylvania" if they are listed as being grown in this commonwealth at a commercial level in the most recent annual report prepared by the Pennsylvania Agricultural Statistics Service), but at a low level of production which means the processor cannot buy enough to meet the 60% criteria at the time of application to the Pennsylvania Preferred program, the processor buys the maximum amount of Pennsylvania product available to it;
 - (4) if the primary ingredient(s) are not grown in Pennsylvania (these ingredients are "not grown in Pennsylvania" if they are not listed as being grown in this commonwealth at a commercial level in the most recent annual report prepared by the Pennsylvania Agricultural Statistics Service), the processor performs at least 75% of the product's processing operations within Pennsylvania; and
 - (5) the processing is in compliance with all state and federal food safety and sanitary requirements and has not incurred a major violation of these requirements within the most recent calendar year.
- 6. Resolving Conflicts with Other Jurisdictions.** It is not the intention of this order to violate or conflict with any international treaty or reciprocal preference statute of another jurisdiction. This Order shall be interpreted and applied to avoid any such violation or conflict.
- 7. Effective Date.** This order shall take effect immediately.