



SOUTH DAKOTA GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT

South Dakota Governor's Office of Economic Development Certificate of Free Sale Protocol

The Governor's Office of Economic Development (GOED) will only issue Certificates for products manufactured in South Dakota.

Traditionally, Certificates of Free Sale are requested by foreign purchasers for items that are governed by a particular U.S. agency, such as the USDA, EPA, or FDA. Depending on the nature of the product, a U.S. company must obtain a Certificate of Free Sale from the appropriate regulatory authority. When a governing body should issue a Certificate of Free Sale, GOED WILL NOT issue one.

Sometimes, however, a manufacturer is requested to supply a Certificate of Free Sale for a product that is not governed by any regulatory agency. In those circumstances, if a U.S. company wants to sell to the foreign buyer, a Certificate of Free Sale must be supplied. There are also instances in which it would appear that a regulatory agency would/should issue a Certificate of Free Sale; however, based on a specific exclusion or other circumstance, they will not. In such cases, the GOED may issue a Certificate of Free Sale. The issuance of Certificates of Free Sale will be determined on a case-by-case basis.

The issuance of a Certificate of Free Sale is not intended as a representation or warranty by GOED as to the quality, reliability, merchantability, or fitness for particular purpose of the product or products for which the Certificate is sought. The GOED does not endorse specific products or services.

The GOED will not issue certificates for feed products and some dairy products unless the circumstances outlined above occur. Feed and dairy product Certificates can be obtained through the South Dakota Department of Agriculture and Natural Resources. For questions regarding feed product Certificates, please contact Tom Gere at (605) 773-6668 or tom.gere@state.sd.us. Questions regarding dairy product Certificates should be directed to Kim Otterness at (605) 688-6455 or kim.otterness@state.sd.us.

If you have questions about your company's specific Certificate of Free Sale needs, please contact Jenny Ondell at (605) 782-3288 or jennifer.ondell@sdgoed.com.

To Request a Certificate of Free Sale from the GOED

The following must be submitted for GOED to consider a request to issue a Certificate of Free Sale:

- Hard copy letter on company letterhead requesting Certificate of Free Sale.
- Statement within the letter under oath (a notary's jurat will usually suffice) on company letterhead affirming product(s) to be listed on Certificate of Free Sale is (are) available for free sale in the State of South Dakota and distributed generally throughout the United States.
- If applicable, proof in writing of denial of Certificate of Free Sale from regulatory agency indicating that they are unable to issue one in the event the product/s would normally be governed by such an agency.
- A list of the product or products to be included on the Certificate.
- A list of the country or countries to which the Certificate of Free Sale is being sent.
- A statement as to how many certificates you are requesting.
- State whether you want all products together on each certificate, or one product on a separate certificate.
- Original label or labels for each product. If labeling is in a foreign language, it must be accompanied by a translation into English. Labels must be sent detached, flat and NOT attached to the product.
- Include COMPLETE contact information, including first and last name, e-mail address, phone number, business address, and website URL.

Other Considerations

Good Manufacturing Practices (GMP) Language

The GOED does not automatically include GMP language on a Certificate of Free Sale. This language can be included if:

1. The company includes a statement in their request that "the manufacturer meets the standards of Good Manufacturing Practices" and
2. The company provides documentation or certification from an outside authority that demonstrates the manufacturer is utilizing good manufacturing practices.

Notarization

The GOED does not automatically notarize a Certificate of Free Sale. If a certificate must be notarized, please request the notarization in your letter.

Mail Certificate of Free Sale requests to:
Jenny Ondell, Senior Research Analyst
Governor's Office of Economic Development
4901 S Isabel Place, Ste 200
Sioux Falls, SD 57108