

Magen Tzedek Evaluation Principles

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Mission Statement

The mission of the Hekhsher Tzedek Commission is to bring the Jewish commitment to ethics and social justice directly into the marketplace and the home. The Commission's seal of approval, the Magen Tzedek, will help assure consumers that kosher food products were produced in keeping with the highest possible Jewish ethical values and ideals for social justice in the areas of labor concerns, animal welfare, environmental impact, consumer issues and corporate integrity. The Magen Tzedek, the world's first Jewish ethical certification seal, synthesizes the aspirations of a burgeoning international movement for sustainable, responsible consumption and promotes increased sensitivity to the vast and complex web of global relationships that bring food to our tables.

Background

The kosher food industry has become an important part of the American food industry. It is estimated that 40% of packaged foods in America have a hekhsher, i.e., a kosher mark. The focus of kosher has historically been on the Jewish laws of Kashrut. A program that establishes a basic level of social justice for kosher foods serves to assure consumers that the foods they purchase are consistent with 21st century American and Jewish values.

The exposure of poor working conditions at the Agriprocessors plant in Postville, Iowa raised questions of adherence to the ritual of kashrut without respect for ethical and social commandments delineated in the Torah. The Magen Tzedek seal is a consumer directed standard to deliver a broader, compelling definition of "what is kosher." The result is a uniquely comprehensive set of standards, spanning the concerns of food production from its inception at the farm or field to store shelves. While other third party audits and certifications may examine one or more of Magen Tzedek's core values, this service mark links a more comprehensive set of standards to kashrut.

Scope of Certification

- 1) The Magen Tzedek service mark is not intended to replace traditional Kashrut certification. We are deferring to those who are already responsibly certifying food products as kosher.
- 2) The Magen Tzedek service mark will only be appended to products that are already certified as kosher. This mark is a supplement to, not a replacement of, the traditional kosher mark.
- 3) Hekhsher Tzedek will evaluate products and brands. Thus, it is possible for a company to have only a subset of products in possession of the Magen Tzedek service mark.
- 4) Only products and brands produced in the United States will be considered at this time. Hekhsher Tzedek intends to expand internationally when appropriate.
- 5) Consumer products that have a multitude of ingredients will be evaluated in terms of their significant ingredients (generally greater than 5%).
- 6) Products subject to the animal welfare category must be either subject to a mandatory or voluntary USDA program (minimum of 2% meat and 3% poultry) or contain at least 5% of milk, egg and other animal products (combined). Honey and honey products are treated as "plant" products at this time.

Evaluation Process

Application

- 1) Education about the Magen Tzedek service mark
- 2) Application – Array of documents to collect
- 3) Review and Audit
- 4) Document submissions, verifications and/or on-site Inspections
- 5) Certification: (a) program participation, and (b) specific products qualifying for the logo on their packaging
- 6) Compliance review and enforcement if violations occur

A Company's partnership with Magen Tzedek begins with review of the program principles and completion of an application, which is available on the website www.magentzedek.org and www.hekhshertzedek.org. This is to be completed by the company. In preparation for completing the application, the following documents should be collected:

1. Relevant pay data
2. Benefits policies
3. OSHA logs and any other recordable/lost time accident data
4. EPA contacts/actions
5. Food safety audits/any recalls or withdrawals

A review of a submitted application by the Hekhsher Tzedek Commission will result in a determination that indicates acceptance or failure into the Magen Tzedek program. Should the Company be accepted on the basis of its written application, then it may be asked to submit appropriate documentation and/or be subject to verification of its application by an independent auditing firm. Up to this point, a company will not incur any costs, other than its time and energy to complete the application.

The Hekhsher Tzedek Commission and Magen Tzedek are a not-for-profit operation. All funds received will be used for the program.

An on-site audit may be conducted by a selected reputable independent auditing firms specifically trained to conduct parts of the Magen Tzedek audit. To minimize the cost of this inspection, it will be conducted as a double-blind audit. Neither the company nor the auditor will know the issues being tested until the day of the audit. This selective due diligence will keep the audit itself to a minimum, normally a one or two day inspection, provided there are no concerns raised during the process. (These reviews may also occur at other times during the certification cycle.) Following the on-site review, a company can be confirmed or denied the Magen Tzedek service mark (with or without distinction), at which time it is part of the Magen Tzedek program. Participating companies will be promoted in Hekhsher Tzedek's marketing and communications, and products with the service mark will be noted on Magen Tzedek's home page and in its website. Though not a requirement to participate in the program, the Hekhsher Tzedek Commission will make a strong case to include the Magen Tzedek logo on approved food's packaging.

Recertification will occur on a two year cycle. Documentation will need to be updated for the Commission annually.

Guiding Principles

- 1) The Hekhsher Tzedek Commission has established five categories of concern: Labor Concerns, Animal Welfare, Environmental Impact, Consumer Trust and Corporate Integrity. Each category contains several core topics essential to certification and elective topics (listed in the Appendix) that will provide appropriate means for different size companies in diverse industries to register their methods of responsible production. A product must fulfill the core requirements, and earn some number of general elective points to receive certification.
- 2) As noted above, Magen Tzedek will serve as a “full service” certification across all areas involved in food product production to verify their creation in a socially just manner. Where possible, Magen Tzedek will credit a company’s participation in second and third party audit programs, but in all cases, a company will be examined on the underlying issues of such programs, (i.e., all outside programs submitted will be vetted during the first participation cycle).
- 3) The evaluation process will be fact based and objective.
- 4) Companies deemed to have intentionally misled auditors and / or provide inaccurate information will not be awarded a service mark.

Service Mark

The evaluation process is intended to recognize and reward companies who currently employ high standards in their product production. The process also intends to help food companies evaluate their own practices in these areas. While there are certain areas that we consider “showstoppers” that would prevent certification, different companies and products have varying levels of socially responsibility that should all be recognized.

Auditing Methodology

Companies seeking the Magen Tzedek service mark for a product will be evaluated across five categories of concern: Labor Concerns, Animal Welfare, Environmental Impact, Consumer Trust and Corporate Integrity. Adherence to all core values is required for certification. An exceptional score is earned by adherence to several of the additional concerns. Those considerations are listed in the Appendix.

Core Labor Concerns

Introduction

It is told of Rabbi Israel Salanter, the founder of the Musar (Ethics) Movement in the nineteenth century, that he once refused to certify a matzah factory because of workers' complaints. He said: "The kashrut of matzah is not complete with the nuances of the laws of Pesach, but also requires the particulars of the laws of Choshen Mishpat (the laws of business)."¹ This is as true today as it was then, and as true of the laws of Yoreh Deah (the laws of kashrut) as it was of those of Orach Chayim (the laws of Pesach). Jewish law speaks to the proper treatment of workers, their entitlement to fair wages, proper benefits and humane treatment, and to concern for their safety and well-being. In the words of a former Chief Rabbi of Israel, "the employer is charged by the Torah to do whatever he can to protect his workers."²

Wages

The hourly wages of the lowest level paid employee must be at least 115% of the federal minimum wage. The focus is on non-exempted workers and particularly those are the lowest end of the pay scale. Companies will provide pay data as support. Companies operating under contract with a recognized international union need to provide the negotiated wage rate.

Benefits

The total documentable value of benefits for all non-exempt employees must be at least 35% of wages (which includes mandatory government required benefit deductions). Magen Tzedek will award credit based on the package of benefits paid for by the employer, such as vacation, paid time off, disability, health and welfare, education reimbursement and child care, among others. Companies operating under contract with a recognized international union need to be in compliance with the negotiated benefit package. The company shall also have a grievance resolution procedure that ultimately gives employees access to binding decisions by a neutral party, such as an arbitrator.

Verification of I-9s

Fair labor practices require that all employees be documented workers with a right to work.

Maternity/Paternity, Care Leave and Death of a Family Member

Companies are encouraged to go beyond the requirements of the Family Medical Leave Act (FMLA) to provide their employees with the ability to take an unpaid leave for child or adult care or death of a family member. The company's unpaid time off policy will be reviewed.

Breaks

A 20 minute unpaid "lunch" break and two 10 minute paid breaks, morning and afternoon, in an eight hour shift is required for all full time employees.

Worker Safety

The Occupational Safety and Health Administration (OSHA) wants every worker to go home whole and healthy every day. The agency was created by Congress to help protect workers by setting and enforcing workplace safety and health standards and by providing safety and health information, training and assistance to workers and employers. Companies will be asked to supply recordable and lost time injury data and OSHA logs. Companies will be asked to provide proof of their workers' compensation coverage.

Core Animal Welfare Concerns

Introduction

There can be no doubt that Judaism has approved slaughtering animals for food and for sacrifice. Yet the rabbinic sensitivity to animal suffering, even psychological suffering, is also clear, and knows no better representation than a story told in the Talmud of Rabbi Judah the Prince. Rabbi Judah, than whom none was considered more exemplary, was punished with years of suffering because he was uncaring of a lamb on its way to the slaughter. "Go," he said, "for it is for this that you were created."³ If slaughter we must, it must be in the context of total concern for the animal's welfare. In the words of Rabbi Pamela Barmash of the Conservative Movement Committee on Jewish Law and Standards, slaughter for food is permitted, whereas "tormenting an animal for months until it is slaughtered... [is] not."⁴

It is now accepted in the US that in the rearing and slaughtering of animals, a company must employ appropriate, scientifically-based standards of animal welfare. A core value of Magen Tzedek is scientifically-based animal welfare standards.

On-Site Slaughter

At this time, not all slaughtering operations are compliant with the American Meat Institute's slaughter standards. These are the agreed upon minimal expectations of animal activists and scientists, and a minimum requirement for Magen Tzedek. All evidence of activities and programs above the acceptable compliance with these standards will receive credit.

Raising Animals on the Farm

Animals are entitled to a minimal standard of welfare throughout their life. The FMI-NCCR animal welfare standards are scientifically-based minimal standards. If not currently compliant, a product will need to phase these standards in with 10% of the covered animal-based ingredients compliant by the first renewal (in two years), and an additional 20% increase in compliance each renewal period thereafter until all of the product is covered by FMI-NCCR standards. Evidence of compliance beyond these standards will receive credit.

Animal Product Traceability

Given health concerns of animal pathologies causing human illness, it is important to know where a product originates from to protect public welfare. Can the manufacturer of the product trace all ingredients that are at least 5% of the product back to their farm/boat/forest of origin?

Core Environmental Concerns

Introduction

Zoning. In the Torah, it begins with the concept that one is responsible for damages caused by a pit one has opened in a publicly accessible place. In the Mishnah it expands to a responsibility for damage to adjacent areas that may be caused by one's licit activity in one's own domain through runoff and pollution.⁵ Maimonides states the principle succinctly, "One is not permitted to cause damage, planning to pay for the damage. Even to cause damage is prohibited."⁶

Permit Compliance

Every facility must have all necessary environmental and land use permits and be in compliance with them. Companies should attempt to avoid the production of hazardous by-products. If companies are producing discharges by necessity, then all discharges that need to be permitted are monitored and must be current. Animal waste management and discharges to water are items of concern in this category. The plant must share record of discharges required by EPA and state and municipal authorities. Any pending enforcement actions and remedial plans must be documented with the Commission.

Reuse and Recycle

Like individuals, corporations are responsible for what they produce and reuse. Each plant must strive to reduce (1) consumption of energy and water; and to reduce (2) generation of solid waste, hazardous waste, air and water pollution. Waste that is generated should be targeted for reuse or recycling.

Hazardous Waste Reduction

What hazardous wastes does the plant generate and what reductions has a company made on their TRI (Toxic Release Inventory) reportable compounds?

EPA Violations

What EPA or state/local violations that have led to fines or other legal action (which must be reported) for environmental law violations?

Illegal Dumping

A Magen Tzedek company shall have no convictions for illegally releasing toxic waste, dumping materials illegally and similar breaches of state or US federal law within the past five years.

Appendix

The following criteria are additional means for companies to register their responsible practices in food production in each of the four areas of concern. The following criteria are in addition to the core values listed above.

Labor Concerns - Other Criteria

Right to Organize:

Magen Tzedek favors an employer includes a written neutrality policy in the employee handbook guaranteeing non-interference with the right to organize.

Cost of Living:

Are the employee's wages keeping up with the cost of living as the federal government defines the cost of living? Credit is awarded if the average non-exempt employee salary increase during the past two years was equal or greater than the appropriate Federal CPI (Consumer Product Index) increase or the local or State government's definition of the cost of living for the year.

Leased Employees:

Companies are not expected to use "leased" or "contracted" employees to avoid paying fair wages and benefits. Treatment of temporary employees must adhere to the substance and spirit of the requirements for the treatment of full time employees.

Sick Leave Usage:

If workers are afraid to use sick leave when ill or hurt, this suggests a problem with management's treatment of employees. The company record of the use of paid time off by employees will be reviewed.

Job Sharing:

Companies are encouraged to allow job sharing, provided it is not being used to evade benefit payments.

Child Care:

A company's provisions for on- or off-site child care will receive credit.

"Cafeteria" Benefits Program:

Magen Tzedek rewards programs that allow workers to personally select company sponsored "benefits" to meet their individual needs. Additionally, workers choice programs that provide pre-tax benefits for employees deserve to be recognized.

Company Garnered Wages:

An employee should not be charged for expenses that are inappropriate such as supplies that a company is required to provide.

Voluntary Worker Safety:

Companies going beyond the minimum required safety level for their employees deserve to be rewarded. Examples include on-the-job training including through a multi-lingual approach for those workers for whom English is not a working language.

On-Site Emergency Health Care:

Provisions for emergency health care on-site without requiring the summoning of aid deserves to be rewarded.

Injuries and Worker Compensation:

Cases will be examined as a critical area of concern.

Workplace Environment:

A proper workplace environment is both in the company's and workers' best interests. Sufficient break space, toilets and changing facilities beyond specific mandates are encouraged.

Training in Native Language:

Proper training of employees is essential in the modern work force, but training in a language the worker doesn't understand is meaningless. Therefore, training languages need to parallel the languages of the workforce or effectively use non-verbal systems to explain job functions.

Bathroom Breaks:

Are employees permitted times to go to the bathroom other than at the formal breaks?

Animal Welfare Concerns - Other Criteria

Video Cameras:

When it comes to animal welfare, continuous monitoring is a difficult to achieve goal. Video cameras, properly used, provide much of this needed coverage – but this is a new enough technology that it is not a core item at this time. Video taping and a documented review of key animal handling sites are practices that receive credit. Also documented in-plant audits of handling practices should be available for review by the Commission.

Alternate Testing:

Many people believe that too many animals are being used to do routine testing of food ingredients and similar materials. Companies using alternate (non-living animal testing) should be recognized for their progressive stance.

Environmental Concerns - Other Criteria

Sustainable Materials:

What on-going programs does the plant have to incorporate “sustainable” materials into its products?

Alternate Fuels:

Because the amount of fossil fuel is limited, companies will be rewarded for using alternate sources of energy. Use of biodiesel, hybrid and low emission vehicles will receive credit in this area.

Agency Prescribed Sustainability Standards:

Companies will receive credit for participating in any of the following agency programs.

LEED:

The building one produces food in can and should be environmentally friendly. The LEED program provides such criteria. Currently there are at least 10 food processing plants that are LEED certified.

EPA Transport Certification:

This is a new program dealing with the sustainability of transportations. Companies that join this program will receive recognition.

Measured Carbon Footprint:

The carbon footprint is an important marker of sustainability and also important in the area of global warming. Those companies engaging in this process will receive credit for reducing their carbon footprint.

Water Footprint:

The water footprint is another important marker of sustainability and also extremely important in a world that is water limited. Those companies engaging in this process will receive bonus credit, and on-going credit for reducing their carbon footprint.

Consumer Trust - Other Criteria

Quality Programs:

Properly monitoring food quality and sharing this information with consumers is one of a company’s responsibilities. The use of external auditors checking this information is encouraged. A review of quality assurance functions is an element in standard food safety audit programs. Facilities must comply with standard quality documentation requirements. Evidence of sharing quality program results with consumers is grounds for extra points.

Nutritional Quality:

Properly sharing nutritional information with consumers in a way that they can understand it, (i.e., a program that gives an overall evaluation that is more useful than the current nutritional label), can be an area where food companies can help consumers. Bringing in outsiders (auditors) to evaluate the nutrition of food products on a single understandable scale is something that should be encouraged. Credit is given to consumer programs that exceed regulatory requirements. This element is currently not available to Magen Tzedek organizations that provide food products only for foodservice applications.

Third Party Social Justice Audits:

How much of the product is sourced using ingredients covered by recognized and vetted social justice agreement?

Product Safety and Recalls:

Have there been any product recalls for a product safety issue? Are there figures available from the Consumer Product Safety Commission about normal expectations?

Food and Allergy Safety:

If you make it and sell it, consumers need it to be safe. This is a reasonable expectation and a major responsibility for companies. Relevant industry authority audits must be provided and will be reviewed. Compliance with relevant government standards must be adhered to.

Labeling:

Proper labeling of a product is important. The markings for kosher and halal are often not given as much care by companies as other label items. This bonus item is meant to encourage companies to provide accurate information in those areas and to provide the consumer with more information to help understand what standards were used to determine kosher and halal status. It is not the role of the Magen Tzedek to judge kosher and halal organizations unless they are outside of a very broad range of acceptability. Evidence must be provided during the facility audit that registration of kosher labels is in accordance with the requirements of the kosher certification organization.

Corporate Issues - Other Criteria

Gender Diversity and Gender Equity:

In modern American society, equal pay for equal work is standard of care for workers.

Green Card Discrimination:

Are employees that are not US citizens but legally working in the US (having a Green Card) treated differently?

Plant Personnel Turnover:

A high labor turnover rate may indicate a problem. Companies that have better retention rates than the industry norm will receive additional credit.

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1. Dov Katz, *Tenuat haMusar*, [Weiss, Jerusalem, 1969], Vol. 1, p. 358.
 2. BenZion Chai Uzziel, *Mishp'tei Uzziel*, Vol. 4, Choshen Mishpat 43.
 3. Babylonian Talmud, Bava Metzia 85a.
 4. Pamela Barmash, *Veal Calves*, approved by CJLS, Dec. 12,2007, p. 30.
 5. Mishnah Bava Metzia chapter 2.
 6. Maimonides, *Mishneh Torah*, Laws of Damages [*Hilkhot Nizkei Mamon*] 5:1.
 7. Babylonian Talmud, Yoma 86a.