



Consumer Federation of America

April 9, 2013

Julie Henderson
Director, COOL Division
Livestock, Poultry and Seed Program
Agricultural Marketing Service
U.S. Department of Agriculture
1400 Independence Avenue SW
Mailstop 0216, Room 2620
Washington, DC 20250

RE: Docket No. AMS-LS-13-0004

To Whom It May Concern:

The Consumer Federation of America (CFA)¹ appreciates the opportunity to comment on the Agricultural Marketing Service's proposed rule on Mandatory Country of Origin Labeling of Beef, Pork, Lamb, Chicken, Goat Meat, Wild and Farm-Raised Fish and Shellfish, Perishable Agricultural Commodities, Peanuts, Pecans, Ginseng, and Macadamia Nuts (**Docket No. AMS-LS-13-0004**).

CFA strongly supports the proposed changes to country of origin labeling (COOL) regulations proposed by the Agricultural Marketing Service (AMS) to provide consumers with more specific information regarding labeling of muscle cut covered commodities. CFA has long supported a mandatory country of origin labeling (COOL) program as a means of providing consumers with important information about the source of their food. Consumers have a basic right to know where their food originated and numerous polls have shown that consumers want information about the country of origin of foods they purchase.

In 2002 Congress required mandatory country-of-origin labels for meats, poultry, vegetables, fruits, and some nuts. These requirements were then expanded in 2008 and implemented by the U.S. Department of Agriculture (USDA). As noted in the proposed rule, recent challenges at the World Trade Organization (WTO) required the USDA to change the regulations that implement COOL in order to comply with the ruling. The WTO found that the current COOL labels for

¹ CFA is an association of nearly 300 non-profit consumer organizations that was established in 1968 to advance the consumer interest through research, advocacy and education. Member organizations include local, state, and national consumer advocacy groups, senior citizen associations, consumer cooperatives, trade unions and food safety organizations. CFA's Food Policy Institute was created in 1999 and engages in research, education and advocacy on food safety, food and agricultural policy, agricultural biotechnology, and nutrition.

meat cuts imposed a cost to imported livestock and meat that exceeded the consumer benefit because of the limited and confusing information on COOL labels. The WTO gave the United States until late May 2013 to change the COOL rules to meet the WTO concerns.

CFA strongly supports strengthening of labels

AMS has taken an appropriate and acceptable means to address the WTO ruling by strengthening the information on the label for consumers. CFA strongly supports this approach.

In the Federal Register notice, AMS proposes to change COOL regulations so that country of origin labels specify the country in which the production steps of birth, raising and slaughter of the animal occur. Thus a muscle cut from an animal born, raised and slaughtered in the United States would carry a label with that information while muscle cuts from an animal born and raised in one country and sent for slaughter in the U.S. would carry a label that says “Born and Raised in Country X and Slaughtered in the United States.” Designating the production steps on the label provides much clearer and precise information to consumers than label requirements under the current COOL regulation which say “Product of the U.S. and Country X.”

Further, AMS proposes to eliminate the current allowance for any commingling of muscle cuts of different origins. This allowance resulted in nonsensical labeling for consumers of muscle cuts that were the product of multiple countries (“Product of the U.S. and Country X and Country Y”) and thus did not provide sufficiently clear information to consumers.

Improving the COOL labels as proposed by AMS will address specific concerns raised at the WTO about current COOL requirements including the lack of information on COOL labels regarding specific production steps; the fact that the current mixed origin labels allow countries of origin to be listed in any order; and the fact that meat of exclusively U.S. origin may be labeled as mixed origin. The proposed rule conveys to consumers the full amount of origin information tracked by producers, bringing the recordkeeping and verification requirements into proportion with the level of information consumers receive. This new level of clarity and transparency to consumers justifies the reasonable implementation burdens on exporters.

Country of origin labels are tremendously popular with U.S. farmers and consumers and improving the labels is a legally sound way to address the issues raised in the WTO case while maintaining the integrity of the COOL law.

Additionally, AMS should revise its exemption from labeling requirements for ingredients in a processed food and for items served in food service establishments to meet additional concerns raised at the WTO. AMS should specify that steps such as roasting, curing, and smoking that make raw commodities more suitable for consumer use are not sufficient to exempt those products from labeling. Those steps do not substantially alter the commodity and should not result in exemption from country of origin labeling. AMS should also revise its regulation so that any item currently considered a processed food item that is derived from only one muscle cut of meat, such as a marinated steak or roast, would still be required to be labeled with the country of origin. Finally, although not required by the statute, AMS could also require producers to provide country of origin labeling to food service establishments which could then voluntarily provide that information to consumers.

CFA appreciates the opportunity to provide comments to the agency.

Sincerely,

A handwritten signature in black ink that reads "Chris Waldrop".

Chris Waldrop
Director, Food Policy Institute