



September 17, 2008

The Honorable Ed Schafer, Secretary
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Dear Mr. Secretary:

We write to express our disappointment in the U.S. Department of Agriculture's (USDA) interim final rule (IFR) to implement mandatory country-of-origin labeling (COOL) related to the labeling of multiple countries of origin products. Specifically, the IFR does not meet the intent of Congress or the statutory language as outlined in Section 11002 (2)(B) of the Farm, Conservation and Energy Act of 2008. Recent evidence from the countryside indicates it is the intent of several large beef packers to circumvent COOL by labeling all beef products under the multiple countries category, thus evading the intent of the law.

Developing a compromise for mandatory COOL was not an easy process, yet achieved through a good-faith negotiation effort. Our expectation was the intent, spirit and letter of the law would be upheld as USDA wrote the rules of implementation and as the industry put the program in place. Unfortunately, it is being revealed that this is not the case.

Section 11002 (2)(B) establishes boundaries for products permitted in the multiple countries category. Specifically, the boundaries are defined as products that are not exclusively born, raised and slaughtered in the United States; products that have had a minimum of one production step (born, raised or slaughtered) occur within the U.S.; and no animals imported direct for slaughter can be included within the category.

However, proponents of COOL recognized a need for flexibility on behalf of the processors to transition their processing facilities to accommodate segregation. Our willingness to accommodate packer concerns about their need to efficiently manage their processing lines has the very real potential of being taken advantage of by the packers because of USDA's IFR language and guidance which will likely result in the labeling of all products under the multiple countries category.

We request you clarify the intent of the IFR and guidance related to this concern. Was it USDA's intent to allow processors to completely circumvent the law and the USA label category, therefore allowing all products be labeled in the multiple countries of origin category? Or was the department's intent reflective of our willingness to provide limited flexibility, allowing processors to fill a run for the multiple countries of origin category while maintaining the integrity and prominence of the USA label category?

Agricultural Marketing Service (USDA-AMS) issued guidance on September 11, 2008 that states, “*Q. Can a retailer, like a meat packer, declare the origin of meat products derived from livestock born, raised, and slaughtered in the United States (i.e., Product of USA) as a mixed origin label such as Product of the United States, Canada, and Mexico? A. Yes. Retailers are permitted to market U.S. produced meat products under a mixed origin label declaration.*” This statement is in clear contradiction of the statutory language approved by Congress. Livestock producers who raise exclusively United States animals are proud of their products and want a label on those products differentiating them from others in the meat case to give consumers a choice.

To allow processors to label all products as if from multiple countries does not adhere to the spirit or intent of the law, and only further denies consumers information they have been demanding for years.

We urge you to provide clarification of your intent on this section of the IFR and immediately remedy this concern prior to the program’s October 1, 2008 effective date. Thank you in advance for your timely response.

Sincerely,



Tom Buis, President
National Farmers Union



R.M. Thornsberry, D.V.M, President
R-CALF USA Board of Directors



Jon Wooster, President
U.S. Cattlemen’s Association

- cc: Bruce Knight, Under Secretary for Marketing and Regulatory Programs
Honorable Nancy Pelosi, Speaker – U.S. House of Representatives
Honorable Harry Reid, Majority Leader – U.S. Senate
Honorable Rosa DeLauro, Chairman - U.S. House of Representatives Agriculture Appropriations Subcommittee
Honorable Collin Peterson, Chairman – U.S. House of Representatives Agriculture Committee
Honorable Bob Goodlatte, Ranking Member – U.S. House of Representatives Agriculture Committee
Honorable Tom Harkin, Chairman – U.S. Senate Agriculture Committee
Honorable Saxby Chambliss, Ranking Member – U.S. Senate Agriculture Committee