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Contact: Shae Dodson, Communications Coordinator

Phone: 406-672-8969; e-mail: sdodson@r-calfusa.com

USDA Clarifies Livestock Producer Compliance with New COOL Interim Final Rule

BILLINGS, MONT. (Aug. 11, 2008) — The U.S. Department of Agriculture (USDA) Agricultural Marketing Service (AMS) has issued some livestock producer clarifications regarding the use of affidavits in the implementation of the agency's new Interim Final Rule on country-of-origin labeling (COOL).

“We appreciate USDA making these clarifications in favor of cattle producers, which allows producers to use affidavits when they are buying and selling cattle, and to allow the use of affidavits to provide origin information to packers,” said R-CALF USA CEO Bill Bullard.

Some highlights from the one-page AMS clarification paper include:

- USDA will consider a producer affidavit as acceptable evidence on which a packer may rely upon to initiate an origin claim, as long as the affidavit is made by someone having firsthand knowledge of the origin of the animal(s) and identifies the animal(s) unique to the transaction.
- A subsequent producer/buyer such as a backgrounder or feeder that commingles animals from several sources is authorized to rely on previous producer affidavits as a basis for formulating their own affidavit for the origin of the new lot. These affidavits must also identify the animals unique to the transaction.
- Affidavits by persons such as truck drivers are unacceptable, as the knowledge of the origin of the animals would be limited to where he or she picked up the load. The driver would not have sufficient information about the chain of custody and other information to provide the origin declaration. The party responsible for commingling the animals would be the attester to the origin of the newly formed group of animals and would retain the original affidavits or other appropriate records to substantiate claims made about the newly formed group.

- Other records that may be used to assist in a COOL verification audit include: birth records, receiving records, purchase records, animal health papers, sales receipts, animal inventory documents, feeding records, APHIS VS (USDA's Animal and Plant Health Inspection System, Veterinary Services) forms, segregation plans, State Brand requirements, breeding stock information and other similar documents. Also acceptable evidence to substantiate COOL claims is participation in USDA Quality System Verification Programs (QSVP) such as USDA's Process Verified Program (PVP) and the Quality Systems Assessment (QSA) program. Participation in USDA's National Animal Identification System (NAIS) also would be considered acceptable evidence to substantiate COOL claims.

Note: To view USDA's clarification, please visit the "Country of Origin Labeling" link at www.r-calfusa.com.

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R-CALF USA (Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America) is a national, non-profit organization dedicated to ensuring the continued profitability and viability of the U.S. cattle industry. R-CALF USA represents thousands of U.S. cattle producers on trade and marketing issues. Members are located across 47 states and are primarily cow-calf operators, cattle backgrounders, and/or feedlot owners. R-CALF USA has dozens of affiliate organizations and various main-street businesses are associate members. For more information, visit www.r-calfusa.com or, call 406-252-2516.