

Senators Give USDA Laundry List of COOL changes

by **Janie Gabbett** on 09/26/2008

A bipartisan group of 31 senators sent Secretary of Agriculture Ed Schafer a letter Thursday requesting a number of changes to the interim final rule for implementing mandatory country of origin labeling (COOL) that takes effect Sept. 30.

Topping the list is changing the provision that allows products of U.S. origin to be labeled more broadly as mixed origin, which would be easier and cheaper for processors as it would result in fewer label changes during the course of a production day.

“It was the intent of Congress that meat product that is exclusively born, raised and slaughtered in the United States will have its own label,” stated the letter, which was released by Sen. Tom Harkin (D-Iowa). “This interim final rule, if left without clarification and proper guidance on this issue, has the real possibility of undermining the program, defying Congressional intent and the agreement between producers and the packing industry.”

Processed foods

The senators also raised concerns about the rule’s exemptions for processed foods, including those fried, broiled, grilled, boiled, steamed, baked, roasted, cured, smoked or restructured. They said the language exempts many food products consumers would expect to be labeled.

60-day rule

They also took issue with the provision that allows a processor to continue to list a country as a possible country of origin up to 60 days after raw material from that country has not been in the processor’s inventory.

“All the processor would have to do is keep product from the U.S. or any other country just once every 60 days, and remain in full compliance. This is a loophole and can be easily abused,” the senators wrote.

Further processed outside the U.S.

Also calling it “a loophole,” the senators questioned language that would allow

covered commodities of U.S. origin that are further processed or handled in a foreign country to maintain its U.S. origin label. “There is no justification for allowing this to occur,” the letter said.

Safe harbor for producers

The senators asked USDA to provide a safe harbor of reasonable or acceptable information that can be asked of a producer to help avoid the possibility of unreasonable requests for information that would be considered unfair or an effort to single out a particular producer.

Also on behalf of producers, they asked for guidance on how producers can verify the origin of animals purchased between July 15 and Sept. 30. Under the interim final rule, all animals present in the United States on July 15 will be considered of U.S. origin to reduce the initial tracking burden on producers.

USDA response

“As we have stated before, during the next six months, USDA will continue to educate the public, producers, processors and others about the questions that come up about COOL,” USDA spokesman Keith Williams told Meatingplace.com in response to the letter.

“Congress wrote great flexibility into the law for the marketing of product labels, yet, as the secretary stated, the flexibility is limited to only certain circumstances,” he added.

Williams said the secretary also believes that as the labels enter the marketplace, both consumers and suppliers will see the benefit of labeling “100 percent American.”

Democratic presidential nominee Sen. Barack Obama (D-Ill.) was among those signing the letter.

To view the letter in its entirety and a list of those who signed it, click [here](#).

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