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January 21, 2009

The Honorable Tim Johnson  
The Honorable Mike Enzi  
United States Senate  
Washington, DC 20510

Dear Sirs:

On Monday, January 12, 2009, the U.S. Department of Agriculture's (USDA) Final Rule for country of origin labeling (COOL) became available publicly. While the U.S. Cattlemen's Association (USCA) appreciates the department's efforts in the rule-making process, we believe the Final Rule does not reflect the intent of Congress. We feel changes should be made to conform the Rule to the intent of Congress. USCA respectfully urges you to request such changes.

The COOL provisions enacted by Congress in the 2008 Farm Bill were the result of long, intense and good-faith negotiations between U.S. producers who support the program and the packers and processors that have historically opposed mandatory country of origin labeling. The compromise reached on the "multiple countries of origin label" was passed by Congress and was signed into law by the President. It appears that the department's Final Rule on multiple countries of origin labels disregards the plain language of the statute, and misrepresents the intent of the legislation that was passed.

If the language in the Final Rule is not addressed it will deprive consumers of the ability to distinguish U.S. origin meat at the final point of retail sale and the ability to choose to purchase U. S. meat, because the final rule allows information to be so all-encompassing as to be essentially meaningless.

Under the final rule, meat from animals born, raised and processed in the U.S. can very likely be labeled "product of Canada, U.S. and Mexico," which is contrary to the intent of the law passed by Congress.

The definition of "processed food items" will exempt a broad range of products from labeling requirements. This definition will exempt cured meats, fruits and vegetables sold in mixed packages as well as roasted nuts. The Final Rule will permit suppliers to avoid labeling requirements through minimal alterations to a covered commodity. Cooking, curing, frying, boiling, baking or smoking do not substantially alter covered commodities. In fact, the majority of the time these steps are essential for the consumption of such products and such steps should not exempt a product from the labeling requirements of the law.

USCA fails to see the need to expedite implementation of a Final Rule that does not reflect the intent of the legislation that was passed. After nearly a decade of work to pass a meaningful and effective

mandatory food labeling program, it is imperative that we “get it right” for consumers and all segments of the food supply chain.

USCA remains deeply concerned that the department’s multiple countries label defined in the Final Rule, and the liberties taken to exempt certain processed food items, fails to faithfully implement the law. We urge you to intervene and request changes in the Final Rule through a rule-making process that fulfills the plain language of the law. As you and 30 other Senators pointed out in your September 25, 2008, joint letter to Agriculture Secretary Ed Schafer, the intent of Congress could not have been clearer when the labeling law was passed and we did not come this far to short-change American consumers, farmers and ranchers.

USCA’s September 30, 2008, comments to the department on its Interim Final Rule are attached to this letter.

USCA remains committed to a mandatory food labeling program that fulfills the will of Congress and the people, and we stand ready to support your efforts and the new administration in that endeavor.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jon Wooster".

Jon Wooster, President

cc: U.S. House Agriculture Chairman Collin Peterson  
U.S. Senate Agriculture Chairman Tom Harkin  
U.S. Secretary of Agriculture Tom Vilsack