USDA

United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

February 20, 2009

Dear Industry Representative:

This letter pertains to the implementation of the mandatory Country of Origin Labeling (COOL) Final Rule (74 FR 2658). Regulations implementing the Country of Origin Labeling legislation contained in the 2008 Farm Bill are important to providing consumers with additional information about the source of food products and to helping producers differentiate their products.

Though it is important for the COOL Final Rule to go into effect in a timely manner and for the rule to proceed with the March 16, 2009, implementation date, there are certain components of the Final Rule promulgated by the previous Administration that raise legitimate concerns.

In particular, I am concerned about the regulation's treatment of product from multiple countries, exemptions provided to processed food, and time allowances provided to manufacturers for labeling ground meat products.

In light of these concerns, I am suggesting, after the effective date of the final rule, that the industry voluntarily adopt the following practices to ensure that consumers are adequately informed about the source of food products:

Labeling of product from multiple countries of origin
In order to provide consumers with sufficient information about the origin of products, processors should voluntarily include information about what production step occurred in each country when multiple countries appear on the label. For example, animals born and raised in Country X and slaughtered in Country Y might be labeled as 'Born and Raised in Country X and Slaughtered in Country Y'. Animals born in Country X but Raised and Slaughtered in Country Y might be labeled as 'Born in Country X and Raised and Slaughtered in Country Y'.

Processed Foods
The definition of processed foods contained in the Final Rule may be too broadly drafted. Even if products are subject to curing, smoking, broiling, grilling, or steaming, voluntary labeling would be appropriate.

Inventory Allowance
The language in the Final Rule allows a label for ground meat product to bear the name of a country, even if product from that country was not present in a processor's inventory, for up to 60 days. This provision allows for labels to be used in a way that does not clearly indicate the

product's country of origin. Reducing the time allowance to ten days would limit the amount of product with these labels and would enhance the credibility of the label.

The Department of Agriculture will be closely reviewing industry compliance with the regulation and its performance in relation to these suggestions for voluntary action. Depending on this performance, I will carefully consider whether modifications to the rule will be necessary to achieve the intent of Congress.

Thank you for your thoughtful consideration.

Sincerely,

Thomas J. Vilsack
Secretary