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February 27, 2003

Chief, Standardization Branch  
Livestock and Seed Program  
AMS, USDA, Room 2603-S, Stop 0254  
1400 Independence Avenue, SW  
Washington, DC 20250-0254

***Comment: RE: Docket No. LS-02-02, Proposed United States Standards for Livestock and Meat Marketing Claims.***

After reviewing the proposed “Minimum Requirements for Livestock and Meat Industry Production/Marketing Claims Standards”, I question the necessity, or value, that this proposal might hold over the previous USDA programs that were implemented in 1978 and 1996 for the certification and verification of livestock and meat products.

In 1978, the “USDA Certified” program was instrumented through the Land and Seed (LS) program, initially to add validity to carcasses of beef, pork and lamb. This certification was directed towards the livestock and meat industry companies that were looking for angles to market their products and distinguish them from competing commodities and producers. A majority of the “Competing Producers” were sustainable independent family farm operations throughout the United States that couldn’t compete with industry to attain this certification.

The 1996 “USDA Verified” (LS) program was yet another tribute to livestock and meat industries needs. “USDA Certified” had become a common symbol among all commodity products, leaving packers and industry, or vertically integrated producers, searching for additional marketing skills and techniques to emphasize their sole product over competitors in marketing and consumer sales. “USDA Verified” requires submission of documents on feeding practices or other pre- and post-harvest processes, as well as documented quality management programs covering all aspects of their system, including environmental management, all of which must be submitted for periodic audits. In reality, this requirement is little more than a self-audit, self-monitoring system, leaving large corporations and packers with additional marketing advantage over medium to small independent producers that are limited on marketing techniques and financial resources.

Consolidation of the meat industry by companies that own and control all aspects of meat production from conception to consumption has raised consumer concerns

over the way their meat products are raised and processed. Sustainable farming practices are becoming more apparent and important as consumers look for meat products that are free of antibiotics, hormones, and various other growth additives that are being used in today's Factory Farm Model of meat production.

The suggested draft on United States Standards for Livestock and Meat Marketing Claims appears to be no more than another attempt by USDA and vertical integrators to complicate and shield small producers from attaining certifications for their meat products. The process for fulfilling claims under these standards would be more achievable by vertically integrated companies that own and control all ends of production from genetics, breeding, feeding, processing, to marketing, rather than it would independent producers. With four beef processors controlling 82% of beef production, and five of the largest pork producers controlling over 50% of pork production, it's quite apparent whom these standards would benefit the most.

USDA's certification programs, including the draft Standard Claims "might be" instrumental in achieving a reliable assurance for consumers if USDA actually did a thorough review assessment and audit on prior program-approved certifications and made available for public review the following:

- (1) All non-compliance of certification standards, inclusive of environmental degradation involved with production activities on each product and producer,
- (2) Meat recalls associated with all program certifications issued through USDA, including certified product and producer,
- (3) Type of action or enforcement proceedings issued for non-compliance, or product recalls on each product and producer,
- (4) Complete listing of producers - integrated and independent - that have maintained certification standards without non-compliance and recalls.

As a reference to the previous four items: The Approved USDA Process Verified Program has been issued to six participants as of December 31, 2002. Of these six, **one** has had 35,000 pounds of meat recalled from its processing facility, which contained metal shavings, plastic and under-processed products. The **second** has had numerous inspections and Notices of Violations inclusive of mishaps with Hazardous Substances, and exceeding effluent limitations. The **third** is operating under a Federal Consent Decree because of hundreds of Federal Clean Water Violations relating to discharges, spills, and over-applications of effluents. Citizens and consumers deserve the right to know all elements behind the USDA Certification Labels.

**USDA Proposal**  
**Claims Relating to Live Animal Production:**  
**Comments:**

**Claim and Standard for "Antibiotics"**

The only meaningful claim in this segment is "No Antibiotics used", or "Raised without Antibiotics". The Labeling and Consumer Protection Staff (LCPS) will not allow the term "Antibiotic Free" to be used but will allow the term "No Detectable Antibiotic Residue". As stated in the background information, USDA can test for withdrawal periods, but the test will not

test sensitivity to see if antibiotics were ever administered. Allowing any claim other than “No Antibiotics Used” is only speculative labeling, i.e., deceiving the antibiotic residue concerns of the consumer. The term “No Antibiotics Used” must mean that no antibiotics were ever administered at any point during the animal’s life cycle.

### **Claim and Standard for “Breeds”**

This claim appears to discriminate between producers on whether the participant belongs to a breed association or not. There are certain ways that this claim could be beneficial to registered herds, but it mainly adapts to the corporate integration of the livestock industry and, once again, leaves small family farms by the wayside. Cross breeding is a common practice by farmers all across the United States, the breed standard would only place a barrier in marketing for those that use this practice. The breed claim and standard should not be used as a marketing tool unless it was written with terms for cross breeding also.

### **Claim and Standard for “Free Range, Pasture Roaming, or Pastured Raised, Never Confined to a Feedlot”**

Labeling of these certifications would be very beneficial for the consumer, as well as for small independent farmers, but only if the terms are properly defined.

Under the claim standard for **Swine\***- animals shall have continuous access to pasture for at least 80% of their production cycle. To acquire the certification of Free Range, Pasture Roaming, Pasture Raised or Never Confined to a Feedlot, the claim should not specify a percentage of the production cycle. The claim standard should be revised and read “Animals were never confined to a feedlot”.

### **Claims and Standard for “Geographic Location”**

The claims for “Location of Raising” and “Location of Finishing” are warranted if it is a producer certification of origin, rather than a processor’s label.

### **Claim and Standard for “Grain Fed”**

The Claim for Cattle requires a certain % of grain to be fed, and uses a formula in determining Mega Calories (MCAL), Dry Matter Intake (DMI), Net Energy for Gain (NEG) and a number of specified days on feed (100 days for slaughter heifers and steers, 30 days for slaughter cows). These calculations are determined solely for the purpose of confined feeding operations (feedlots). Cattle can be grain-fed without being confined or following the above criteria in an environmentally sustainable manner, which will achieve an equal or superior quality beef product. The claim standard for “Grain Fed” should only be inclusive of number of days animals were grain fed before slaughter, not designated ingredients to be fed.

The Claim for Lambs designates 50% of ration to be grain and for the animals to be on feed for 50 days. Again, these claims are set up for confined feeding operations and place limits on operators who pasture and grain feed their lambs in an environmentally sustainable manner.

The Claim for Swine also places a % of feed to be fed at different stages of the swine growth. This isn’t compatible when different practices are used in swine production. The trend appears to be guided towards confined feeding operations, leaving environmentally sustainable practices at

a disadvantage. The claim standard should be dropped, rather than placing emphases on swine that are fed in confinement over sustainable practices.

**Claim and Standard for “Grass Fed”** is agreeable.

**Claim and Standard for “Hormones”** should read “ The livestock have never received supplemental hormones from birth until harvest”. The claim allowing hormones prior to the feeding and finishing stage would render the end results fruitless for consumers who want hormone-free meat products.

**Claim and Standard for “Source Verified”** would restrict many small producers from acquiring this certification. Item (2), Location(s) where livestock are born and raised, fed, harvested, and processed. The word “processed” would only apply to vertically integrated producers who control all aspects of production including processing. Independent producers cannot specifically clarify where their animals might be slaughtered. “Source Verified” should be dropped, because it would mainly benefit large producers that have control of the major markets.

**Claim and Standard for “Preconditioning”** appear to be consistent and just for those requesting the certification.

**Claim and Standard for “Vitamin E”** should be banned, and excluded, from any future recommendations by USDA. Vitamin E in the form of alpha-tocopheryl acetate that is used by livestock producers, packers, and wholesalers to extend shelf life, and improve product color, should be strictly regulated, instead of being asserted as a claim standard. The labeling of “Vitamin E Fed” or “Vitamin E Enhanced” are not allowed by FSIS because consumers do not receive a supplemental level of Vitamin E by consuming it. Meat products should be completely natural, not disguised with Vitamin E additives that restore product color, or preserve shelf life. This is nothing more than deceiving the consumer on the meat products they are purchasing.

**Claim and Standard for “Aged Meat”** (21 days) for wet aged beef and (35) days for dry aged beef, should be a universal standard for processors to follow and label meat products accordingly. This claim should stand as is.

**Claim and Standard for “Electrical Stimulation” of Meat** should be voided and discontinued. Electrical Stimulation being used as a means of tenderizing, accelerating the aging process, increasing enzyme activation and accelerating the onset of rigor mortis is unwarranted. Tenderizing is not a necessity if proper nutrition, genetics and animal husbandry are practiced. Accelerating the aging process, enzyme activation and speeding up rigor mortis from Electrical Stimulation is nothing more than a maneuver by packers and processors to move more products at a faster pace through their processing lines.

**Claim and Standard for “Tenderness”** could be considered another marketing ploy in which vertically integrated producers could obtain this claim, while independent producers couldn't. Listed below is the criteria listed as controlled elements:

1. Genetics
2. Age of Livestock
3. Feeding management
4. Electrical stimulation
5. Aging
6. Ingredients added to enhance tenderness
7. Instrumented assessment (e.g., validated carcass sorting system, ph values. etc)
8. Mechanical (e.g., blade tenderization, etc.)

Of the eight items listed above, only the first three would relate to independent producers. This claim and standard is biased and self serving to vertical integrators and conveys no merits toward independent producers in this country. The claim standard for “Tenderness” should not be allowed as a marketing strategy or standard.

In conclusion, USDA’s legacy has been to serve “all Americans”, and to be committed to helping and assisting American Farmers and Ranchers across the United States. Independent farmers and ranchers continue to struggle and compete against the corporate industrialization of agriculture. It is evident that the meat claims and standards drafted in Docket No. LS-02-02 has deviated from USDA’s legacy of helping farmers and ranchers in achieving the fundamental markets that are vital for their future existence in agriculture. USDA’s must redefine a marketing strategy that is fair and just to all farmers, and ranchers, not a strategy that solely justifies the wants and needs of corporate industry.

Sincerely,

Terry Spence  
GRACE Factory Farm Project