

AFBF Fact Sheet -- Mandatory Country of Origin Labeling

Background: COOL was first included in the 2002 Farm Bill but Congress delayed implementation of the provision several times with one exception. Mandatory COOL was implemented for fish and shellfish in 2005. Mandatory COOL requires retailers that have a Perishable Agriculture Commodity Act (PACA) license, to notify their customers of the country of origin of covered agricultural products. Food service establishments, such as restaurants, are specifically exempted as are covered commodities that are ingredients in a processed food item.

Current Activity: The Agricultural Marketing Service (AMS) within USDA published an interim final rule (IFR) on COOL on August 1, 2008 with a 60-day comment period following. Comments should be sent through <http://www.regulations.gov> or written comments can be submitted to: Country of Origin Labeling Program; Room 2607-S; Agricultural Marketing Service; USDA,; Stop 0254; 1400 Independence Avenue, S.W.; Washington, D.C. 20250-0254. The law will go into effect on Sept. 30, 2008.

The Food Safety and Inspection Service (FSIS) issued an IFR on August 28, with a 30-day comment period, simply stating that FSIS is conforming its regulations to the AMS regulations.

2008 Farm Bill enhancements to COOL:

- 1) The addition of chicken, goat, ginseng, pecans and macadamia nuts to the requirements for beef, lamb, pork, fish/shellfish, perishable commodities and peanuts as covered commodities.
- 2) Recordkeeping provisions stating that records maintained in the course of normal business including animal health papers, import or customs documents, or producer affidavits, may serve as verification. Under the 2008 Farm Bill, the secretary is prohibited from requiring the maintenance of additional records other than those maintained in the normal conduct of business.
- 3) The notice of country of origin for all ground meat products will include a list of all of the countries of origin contained or reasonably contained in the product and added a fourth label for meat from animals that are immediately slaughtered upon entry into the U.S.

Covered Commodities:

Fresh beef (including veal), pork, fish, lamb, peanuts, fruits, vegetables, chicken, goat meat, macadamia nuts, pecans and ginseng. Wild and farm-raised fish and shellfish country of origin labeling was enacted in 2005.

Exempted Commodities:

- The rule provides examples of products that are exempt from COOL because they are further processed: meatloaf, meat balls, fabricated steak, breaded veal cutlets, corned beef, sausage, breaded chicken tenders, teriyaki flavored pork loin, salad mix that

along with the use of producer affidavits and/or forms of current recordkeeping; and animal identification systems that are recognized under the USDA National Animal Identification program should all help make compliance with the COOL law less burdensome and costly to producers.

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