

Alternative ways to keep COOL

Springtime is a great time for outdoor grilling here in East Tennessee. The temperature is just right and the mosquitoes have not arrived in any significant numbers. You can pull out your grill with the “Made in USA” label on it and grab your “Made in China” utensils as you put your “Grown and processed in ???” steaks over the heat. It has always struck me as funny that I can easily find out where things like the grill, my cooking apron and the utensils were made, but not much of the food that I put in my mouth.

Granted, it is more difficult to keep track of growing animals than inanimate objects. My “beefsteak” could have wandered over more than one country border as a cow-calf operator sold his stockers and the stockers ended up in feedlots. In fact, one of the points of contention during the debate on the 2002 Farm Bill was the question of Country of Origin Labeling (COOL). Some Senators wanted it in and the House leadership did not want to touch it with a ten foot pole. Some cattle producers saw COOL as the savior of U.S.-raised-and-processed meat while others declared that the legislation would significantly raise costs, putting them as a disadvantage with respect to importers. In the end COOL provisions were included in the bill that was signed into law.

The COOL provisions cover “muscle cuts of beef, lamb, and pork; ground beef, ground lamb, and ground pork; farm-raised fish and shellfish; wild fish and shellfish; perishable agricultural commodities; and peanuts.” For this article, I wish to focus on beef lamb and pork. The label “United States country of origin” can only be used “if the product is from an animal that was exclusively born, raised, and slaughtered in the United States.”

The definition is clear enough. The question is how to track the millions of head of cattle, lamb and swine through the production, slaughter and marketing process so that U.S. products can be identified. A recent report, “Country of origin labeling: A legal and economic analysis,” from the International Agricultural Trade Policy Center IATPC at the University of Florida identified three means of tracking animals.

The most comprehensive system that would provide nearly absolute certainty of where the meat comes from is to require third party verification. Third party verification would require record keeping at every step of the process and proof would have to be provided to third party

entities to verify that the animal was born, raised and slaughtered in the United States. The critics of COOL are correct when they argue that this system would impose an onerous burden on producers, retailers, and processors alike. This is the system that the critics use for calculating the cost of the program.

A less intrusive system of determining which animals and meat products qualify for the “United States country of origin” label is to use a self-verification rule in which each party in the chain of commerce certifies to the next the origin of the animal or resulting product. This system is, in principle, similar to the self-verification process by which the government collects income tax. Under this system it would not be necessary to verify the truthfulness of every transaction.

The simplest system is known as the “presumption of U.S. origin rule.” Under this system all livestock is presumed to be of U.S. origin unless it carries a mark from another country. Existing regulations cover most of the animals and meat brought into the U.S. from another country. According to the IATPC report, new processes would have to be put in place for only 1.7 percent of all sheep and lambs and 0.6 percent of all cattle and calves. No new regulations would have to be put in place for swine.

While the separation of U.S. meat from the non-U.S. product might require some additional work on the part of the processor, it is similar to the process they now use for grade separations and certification programs like that used for Angus beef.

Just as I do not require an affidavit of proof that my grill was made in the U.S., I personally wouldn’t need one for my beefsteak either. If it is possible to tag onto existing systems that already mark meat brought into the country to distinguish U.S. and non-U.S. beef at the retail counter, that’s good enough for me and, according to the seasoned lawyers who co-authored the IATPC report, such an operation would be in full compliance with both the COOL legislation and current international trade obligations.

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