

PolicyPennings by Dr. Daryll E. Ray

With meat packer applause, USDA undermines the legislative intent of COOL

The uproar over some of the regulations regarding the implementation of Country of Origin Labeling (COOL) has caught the attention of the USDA and on Friday September 26, 2008 they revised the COOL "Frequently Asked Questions" (FAQ) sheet <http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5071922>.

The concern of many proponents of the legislation is the stated intent of many large packers to engage in the open-ended use of a mixed origin label (Product of the US, Canada, and Mexico) for all of the beef they process, even when the animals are born, raised, and slaughtered in the US.

One of the two questions in the FAQ that was printed in bold face type reads: "Can a packer or intermediary supplier that processes whole muscle meat products derived from both mixed origin animals (e.g., Product of U.S., Canada and Mexico) and U.S. origin animals commingle and label these products with a mixed origin label?" The other bold face question deals with the same issue at the retail level.

The response, also in bold, reads; "If meat covered commodities derived from U.S. and mixed origin animals are commingled during a production day, the resulting product may carry the mixed origin claim (e.g., Product of U.S., Canada, and Mexico). Thus, it is not permissible to label meat derived from livestock of U.S. origin with a mixed origin label if solely U.S. origin meat was produced during the production day."

That means that if a packer processes 1,000 animals in a given day and 999 are born, raised, and slaughtered in the US-with the other one of mixed US, Canadian, and Mexican origin, or two one from Canada and one from Mexico-the packer can label all muscle meat from those animals with a label that reads: Product of the US, Canada, and Mexico.

That sounds to us like a loophole big enough one could drive a Kenworth pulled cattle trailer through it.

The first thing we thought is, if we were packer who did not want to mess with using different labels, we would set aside one pen for a few Canadian cattle and another pen for a few Mexican cattle. Then in each day's slaughter we would mix in one

Canadian animal and one Mexican animal and use the mixed origin label every day.

It appears that there is nothing in the regulations that will stop a major packer who is determined to use one mixed origin label for all of its production.

In the days before computers we would understand the difficulties of keeping track of the origin of the various cuts of meat taken from a given animal. However given the advanced product tracking systems of today, it would seem that technologies could be put into place that could code each animal and its status-US, Canadian, Mexican or a combination thereof-that comes into the yard and then duplicate that code onto each cut as it comes off the carcass.

With computers and hand-held scanners that should be a relatively straightforward process. Even with boxed meat, each muscle cut could have its own COOL label.

Congress has twice voted for COOL and set a now-passed target date for COOL implementation. The US-based meat industry has fought COOL at every turn, partly because it wants to be known as a North American rather than a US industry.

Even the September 26th revision of COOL rules suggests that major packers continue to put pressure on the USDA to fashion rules that arguably would allow packers and retailers to avoid the clear intention of the legislation.

Recently the Secretary of Agriculture indicated that the use of the mixed label was not appropriate for cattle born, raised, and slaughtered in the US.

Time will tell if the USDA's final rules and regulations for COOL will codify the Secretary's assertion and if the USDA will deploy sufficient resources to ensure its enforcement.

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