

Chronological History of Country-of-Origin (COOL) Labeling

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Congress

May 13, 2002: The Farm Security and Rural Investment Act of 2002 (2002 Farm Bill) and the 2002 Supplemental Appropriations Act (2002 Appropriations), amended the Agricultural Marketing Act of 1946 (Act) to require retailers to notify their customers a covered commodity's origin with a country of origin label (COOL). Commodities subject to the COOL law include beef, lamb, pork, fish, perishable agricultural commodities (fruits and vegetables), and peanuts. The COOL law was to be implemented beginning September 30, 2004. The fine for violating COOL was set at not more than \$10,000 for each violation.

Administration

October 11, 2002: AMS published voluntary guidelines for COOL (country-of-Origin Labeling) (67 FR 63367) providing a 180-day comment period.

November 21, 2002: AMS published a notice requesting emergency approval of a new information collection (67 FR 70205) providing a 60-day comment period on AMS' burden estimates associated with the recordkeeping requirements as required by the Paperwork Reduction Act of 1995 (PRA).

January 22, 2003: AMS published a notice extending the comment period for the request for emergency approval of a new information collection (68 FR 3006) an additional 30 days.

October 30, 2003: AMS published a proposed rule for mandatory COOL (68 FR 61944) providing a 60-day comment period.

Congress

January 23, 2004: The FY 2004 Consolidated Appropriations Act (Pub. L. 108–199) delayed the applicability of mandatory COOL for all covered commodities except wild and farm-raised fish and shellfish until September 30, 2006.

Administration

October 5, 2004: AMS published an interim final rule with request for comments for the mandatory COOL program for fish and shellfish only (69 FR 59708) providing a 90-day comment period. AMS stated it was requesting comments due to the changes the agency made as a result of comments received and the costs associated with this rule.

Congress

November 10, 2005: The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2006 (Pub. L. 109–97) further delayed the applicability of mandatory COOL for all covered commodities except wild and farm-raised fish and shellfish until September 30, 2008.

Administration

November 27, 2006: AMS reopened the interim final rule’s comment period for 90 days (71 FR 68431) to request comments regarding the costs and benefits for the interim final rule.

June 20, 2007: AMS reopened the comment period for fish and shellfish (72 FR 33851) for 60 days and specifically sought comments on the general aspects of the interim final rule for fish and shellfish.

June 20, 2007: AMS simultaneously reopened a 60-day comment period for the 2003 proposed rule published Oct. 5, 2003 (72 FR 33917) and specifically requested comments on all aspects of the proposed rule.

Congress

May 22, 2008: The Food, Conservation and Energy Act of 2008 (2008 Farm Bill) further amended COOL by adding additional commodities (e.g., chicken, goat meat and certain nuts) and by defining what the country of origin would be based on where the various production steps for meat animals took place. The full list of covered commodities include muscle cuts of beef (including veal), lamb, chicken, goat, and pork; ground beef, ground lamb, ground chicken, ground goat, and ground pork; wild and farm-raised fish and shellfish; perishable agricultural commodities; macadamia nuts; pecans; ginseng; and peanuts. Also, the fine for violating the COOL law was reduced to not more than \$1,000 per violation.

Administration

August 1, 2008: AMS published the interim final rule (73 FR 45106) for the remaining covered commodities (not including fish and shellfish). The effective date for the interim final rule was Sept. 30, 2008.

January 15, 2009: AMS published the final COOL rule (74 FR 2658) that established March 16, 2009, as the effective date for the final COOL rule.

February 20, 2009: Agriculture Secretary Tom Vilsack sent a letter asking meatpackers and retailers to voluntarily inform consumers as to where animals were born, raised, and slaughtered and to apply labels even to food items exempted under the processed food item exemption.

World Trade Organization

November 18, 2011: The WTO issued its initial ruling stating that COOL was inconsistent with international trade law because it accorded less favorable treatment to imported livestock than to like domestic livestock.

July 23, 2012: The WTO adopted the ruling by the WTO appellate body that COOL accorded less favorable treatment to imported livestock than to like domestic livestock. The WTO gave the United States until May 23, 2013 to implement the WTO's recommendations and rulings.

Administration

March 12, 2013: AMS published a proposed COOL rule (78 FR 15645) to amend the Jan. 15, 2009 final COOL rule and provided a 30-day comment period, until April 11, 2013

May 23, 2013: AMS published a final COOL rule (78 FR 31367) that retroactively established May 23, 2013 as the effective date; but, that further stated the agency would engage in education and outreach for six-months, thus establishing November 23, 2013 as the date after which the final rule would be enforced.

U.S. Court

July 8, 2013: Meatpacker trade associations, the National Cattlemen's Beef Association (NCBA), the National Pork Producers Council (NPPC), and Canadian and Mexican cattle associations filed a lawsuit in U.S. District Court for the District of Columbia alleging the COOL law was unconstitutional and unlawful.

September 11, 2013: The U.S. district court upholds the COOL law by rejecting the request by the meatpackers and their allies for a preliminary injunction against the May 23, 2013 amendments to the COOL rule.

July 29, 2014: The U.S. Court of Appeals for the District of Columbia Circuit, in an en banc review, upholds the COOL law by upholding the lower court's denial of a preliminary injunction against the COOL law.

World Trade Organization

October 20, 2014: The WTO compliance panel ruled that the changes the United States made to its COOL regulations on May 23, 2013, were inadequate.

U.S. Court

February 9, 2015: The meatpacker trade associations, NCBA and other plaintiffs agree to dismiss their lawsuit against COOL.

Administration

April 2015: Agriculture Secretary Vilsack issued a report on COOL to Congress in which he informed Congress that the cost of COOL would cause consumers to eat less beef.

May 1, 2015: Agriculture Secretary Tom Vilsack sent a letter to Congress stating that Congress will need to repeal the COOL law or else change it if the final WTO ruling were to go against the United States

World Trade Organization

May 18, 2015: The WTO appellate body upheld the earlier decision by the WTO's compliance panel that found that the May 23, 2013 changes made to the COOL regulations were inadequate.

Congress

May 18, 2015: Although the WTO arbitration process had not yet begun, Representative Michael Conaway (R-TX), along with 82 cosponsors, introduced H.R. 2393, a bill to repeal mandatory COOL.

June 10, 2015: The U.S. House of Representatives voted overwhelmingly (300 to 131) to repeal mandatory COOL for beef, pork and chicken.

World Trade Organization

December 7, 2015: The WTO authorizes Canada and Mexico to institute retaliatory tariffs against the United States in the amount of approximately \$1.1 billion based on the WTO's determination that the COOL law violated U.S. trade obligations.

Congress

December 18, 2015: The passage of the Consolidated Appropriations Act, 2016 (Pub. L. 114-113) amended the COOL law to remove mandatory COOL requirements for muscle cut beef and pork, and ground beef and pork.

Administration:

March 2, 2016: AMS issued a Final Rule that removed from its regulations mandatory COOL requirements for muscle cut beef and pork, and ground beef and pork.