

# United States Senate

WASHINGTON, DC 20510

January 24, 2014

The Honorable Debbie Stabenow  
Chairwoman  
Senate Agriculture Committee  
328A Russell Senate Office Building  
Washington, DC 20510

The Honorable Thad Cochran  
Ranking Member  
Senate Agriculture Committee  
328A Russell Senate Office Building  
Washington, DC 20510

The Honorable Frank Lucas  
Chairman  
House Agriculture Committee  
1301 Longworth House Office Building  
Washington, DC 20515

The Honorable Collin Peterson  
Ranking Member  
House Agriculture Committee  
1301 Longworth House Office Building  
Washington, DC 20515

Dear Chairwoman Stabenow, Ranking Member Cochran, Chairman Lucas, and Ranking Member Peterson:

We write with respect to a critically important issue to livestock producers in our states and across the country, as well as consumers everywhere. The United States' Country of Origin Labeling (COOL) program has served as a key tool for our ranchers to market their products and for consumers to have access to information about the source of their food. We urge you to reject any efforts that would repeal or inhibit implementation of COOL until the United States receives a final ruling on whether or not the latest rule implementing COOL is consistent with our trade obligations.

The current COOL law has been in development for well over a decade. Initially created in the 2002 Farm Bill, COOL underwent several Administration and Congressionally-imposed delays and was subsequently subjected to considerable examination, revisions, and improvements in the 2008 Farm Bill, the final product of which arose out of a careful negotiation involving a wide variety of stakeholders. It wasn't until 2009 before USDA finally began implementation of COOL.

Unfortunately, the governments of Canada and Mexico challenged our COOL program before the World Trade Organization (WTO), which, following a lengthy review and appeal, ultimately found that some components of our COOL program were inconsistent with our international trade commitments. The WTO Dispute Settlement Panel (DSP) issuing the ruling found that the United States does indeed have the right to require the labeling of the origin of certain foods; however, it found that the manner in which the program was implemented treated imported livestock and hogs unfairly in some instances.

While we were disappointed and disagreed with the ruling, we acknowledge the authority and review process of the WTO. As such, we were also pleased that USDA Secretary Tom Vilsack subsequently took steps to revise the COOL program in a way to convey more accurate

information to consumers by requiring the labeling of where each production step occurs and by eliminating the commingling allowance which had previously enabled meat to be labeled with misleading information. As the WTO ruling found that our non-compliance stemmed from requirements for maintaining information that wasn't ultimately conveyed to consumers, USDA took this step to enhance the quality and accuracy of the information on the label.

The government of Canada has the ability to request that a WTO compliance review panel determine whether the new program is appropriate under our international trade commitments and to determine whether the revisions do in fact correct the violations of the initial COOL program. Canada has initiated that process, which is ongoing. To preempt that review process would degrade the legitimacy of the WTO and would unnecessarily deny consumers access to important information about their food.

In response to the outcome from the first dispute resolution panel, the Department of Agriculture issued the new rule confident that the new program addresses the issue raised by Canada and Mexico that the previous iteration of the program didn't convey enough accurate information to consumers to justify the cost of the program. The new program requires more specific information on the label.

For Congress to make statutory changes before the WTO review process is exhausted undermines the current efforts by U.S. officials to defend the laws passed by Congress. Now is not the time to preempt the ongoing WTO review of this program. As such, we urge you to reject any efforts to undermine COOL.

Sincerely,

  
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