

Fighting for the U.S. Cattle Producer!



R-CALF United Stockgrowers of America
P.O. Box 30715
Billings, MT 59107
Fax: 406-252-3176
Phone: 406-252-2516
Website: www.r-calfusa.com
E-mail: r-calfusa@r-calfusa.com

October 21, 2015

United States President Barack Obama
The White House
1600 Pennsylvania Ave., NW
Washington, DC 20500

The Honorable Tom Vilsack
United States Secretary of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

The Honorable Michael Froman
U.S. Trade Representative
Office of the U.S. Trade Representative
600 17th Street NW
Washington, DC 20508

Re: Canadian Election Presents New Opportunity to Preserve Mandatory COOL

Dear President Obama, Secretary Vilsack, and Ambassador Froman:

On behalf of the thousands of cattle-producing members of R-CALF USA¹ - the largest producer-only cattle trade association in the United States – I urge you to expeditiously formulate and offer a plan to newly elected Canadian Prime Minister Justin Trudeau that would resolve his country's ongoing dispute over our mandatory Country-of-Origin Labeling (COOL) law. Canada's election affords the United States with a new and unique opportunity to amicably resolve Canada's dispute in a manner that preserves mandatory COOL for U.S. livestock producers and U.S. consumers.

Under the leadership of Prime Minister Stephen Harper, Canada's long-serving Agriculture Minister, Gerry Ritz, was so vehemently opposed to our mandatory COOL law that he repeatedly and appallingly threatened U.S. industries with financial sanctions. He did this long before Canada even bothered to seek permission from the World Trade Organization (WTO) to institute retaliatory actions.

It is quite likely that newly elected Prime Minister Trudeau will not be as fanatical as were Prime Minister Harper and Agriculture Minister Ritz. In fact, it is entirely possible that Prime Minister Trudeau's administration will not be fanatical at all and will instead be receptive to resolving the mandatory COOL matter in a way that respects the need of U.S. farmers and

¹ Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America

ranchers to distinguish their beef products in the marketplace and the desire of U.S. consumers to be accurately informed as to the country-of-origins or origins of their beef, pork and chicken.

You may be aware that R-CALF USA members expended tens of thousands of dollars to assist the U.S. Department of Agriculture (USDA) in defending our mandatory COOL law against the 2013 legal attack mounted by Canadian livestock organizations, among others. Their lawsuit was filed in the U.S. District Court for the District of Columbia and subsequently appealed to the U.S. Court of Appeals for the District of Columbia Circuit. The government of Canada joined in this case as an *amici* and essentially reiterated the same arguments in our U.S. appellate court that they were then making before the WTO tribunal: mainly that mandatory COOL was burdensome on Canada because it necessitated segregation and Congress did not intend to empower consumers to use mandatory COOL for food safety purposes.

The Canadians lost that case and the constitutionality and lawfulness of our U.S. mandatory COOL law were conclusively upheld by our second-highest court in our land. It would be shameful, if not outright treacherous, for the United States to do nothing while unelected and unappointed panels of international jurists – including the blatantly conflicted Mexican-national jurist whose country to which he was a loyal citizen was a party to the complaint – empower the governments of Canada and Mexico to undermine, negate and otherwise overturn the decision by our U.S. Constitution-based court system.

Even if the United States is incapable or unwilling at this time to address the serious erosion of our nation's sovereignty implicit in allowing the WTO to circuitously dismantle important, U.S. Constitution-based laws, that does not in any way impinge the obligation of this Administration to do everything else possible to defend and preserve for the citizens of the United States such an important domestic law as mandatory COOL.

Numerous polls and surveys show that mandatory COOL is widely popular among U.S. consumers. Domestic livestock producers need mandatory COOL now more than ever given that your Administration is attempting to invite more and more fresh meat imports into the United States by lowering domestic tariffs on imported meat as proposed in the Trans-Pacific Partnership Free Trade Agreement (TPP), and by relaxing longstanding U.S. animal health standards for foot-and-mouth disease (FMD) affected countries like Argentina, Brazil and Namibia.

There are numerous, if not unlimited, country-to-country matters between the United States and Canada that could be used to amicably persuade newly elected Prime Minister Trudeau to cease Canada's saber-rattling against mandatory COOL. Further, the United States could use its inherently greater economic and political negotiating leverage to convince Canada that it is in its best interest to end its tirade over our U.S. mandatory COOL law, if Prime Minister Trudeau, like his predecessors, remains unreasonably defiant against our very reasonable mandatory COOL law.

Time is of the essence regarding this request as reports indicate the WTO could empower Canada to retaliate against U.S.-based industries as a means of compelling Congress to repeal or

President Obama, Secretary Vilsack, and Ambassador Froman

October 21, 2015

Page 3

weaken mandatory COOL sometime after November 27, 2015. Interestingly, this barbaric WTO-sanctioned method of achieving political ends would, in virtually all other circles, be defined as unlawful extortion or blackmail.

To be clear, R-CALF USA strongly opposes any concession that would repeal the current mandatory COOL law or weaken it in any way, such as by converting it to an ineffectual voluntary program. Instead, we believe the law must remain unchanged for now so that, in a more favorable Congress, it can be amended to include more meat items under the law's jurisdiction, a change that would actually redress one of the chief criticisms leveled against the law by the WTO.

I have purposely refrained from providing a list of specific issues or matters available to your Administration with which to persuade Prime Minister Trudeau to achieve a beneficial concession for his country in return for supporting the right of U.S. livestock producers and U.S. consumers to preserve, in its entirety, their hard-fought mandatory country-of-origin labeling law. However, I would be pleased to share with you a list of such items, as well as to bring other agricultural leaders and consumer leaders to a meeting with any or all of you to help formulate an effective plan to preserve mandatory COOL.

Please let me know how R-CALF USA can be of further help in this urgent matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Bullard". The signature is stylized and cursive.

Bill Bullard, CEO

Cc: Select Members of Congress
Select U.S. Presidential Candidates