



TEXAS AND SOUTHWESTERN CATTLE RAISERS ASSOCIATION

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Country-of-Origin Labeling Program
Room 2607-S
Agricultural Marketing Service (AMS)
United States Department of Agriculture
STOP 0254
1400 Independence Avenue, SW
Washington, DC 20250-0254

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AND

Officer for Agriculture,
Office of Information and Regulatory Affairs,
Office of Management and Budget (OMB)
New Executive Office Building
725 17th Street, NW, Room 725
Washington, DC 20503

RE: Docket No. AMS-LS-06-0081; LS-04-04

Dear Reviewing Officer:

Please accept these comments on behalf of Texas and Southwestern Cattle Raisers Association (TSCRA) regarding the proposed rule for mandatory country of origin labeling (COOL). TSCRA is a 131-year-old trade organization whose 15,000 members manage approximately 4 million head of cattle on 51.5 million acres, primarily in Texas and Oklahoma.

TSCRA played an active role in the industry working group that met in Kansas City on August 26, 2008, to discuss the implementation details of the mandatory COOL regulations. On September 5, 2008, USDA Under Secretary for Marketing and Regulatory Programs Bruce Knight and his staff were provided with copies of those documents for review. During that meeting, Secretary Knight approved the use of the concepts and documents outlined by the working group. We believe these procedures represent the most efficient, cost-effective method of implementing COOL requirements for cattle producers. TSCRA does not support any change to the rule that would significantly alter these concepts.

As USDA considers final approval of the COOL provisions, these issues remain of interest and/or concern to TSCRA members:

1. TSCRA has more than 25 special rangers commissioned by the Texas Department of Public Safety and/or the Oklahoma Bureau of Special Investigations who investigate and recover stolen cattle and other ranch-related equipment and livestock in Texas and Oklahoma. Texas law allows stray cattle that are not claimed at a county sheriff's office to be sold with the proceeds going to the sheriff's office. A visual inspection affidavit is necessary to initiate the affidavit process on these unclaimed cattle so these animals may enter the supply chain. Other brand-law states may have similar statutes.

Visual inspection also provides flexibility, which will reduce costs to producers. The industry has recognized visual inspection to support affidavits of origin because there is no other viable, and in some cases possible, cost-effective means of verifying an animal's origin.

Use of visual inspection is particularly important during the time between publication of the interim final rule and publication of the final regulation. Thousands of animals have entered the supply chain since July 15, 2008. The origin of those animals may or may not have been conveyed to subsequent purchasers. Without the use of visual inspection to support affidavits of claims of origin, those animals may be unmarketable.

Visual inspection avoids conflicts with our trading partners because all classes are treated similarly. In summary, use of visual inspection to support affidavits of country of origin labeling is a cost-effective and reliable means of meeting the requirements of the law.

2. TSCRA continues to support a continuous affidavit process whereby affidavits may be used without the need for renewal or resubmission. TSCRA does not feel that it is necessary for a producer to have to file a new affidavit every year if nothing has changed in relation to the original origin information provided by a seller to a buyer. The language that TSCRA has provided to its members requires the producer to notify holders of their continuous affidavits if anything changes. The burden of communication is with the producer and more paperwork should not be required if nothing has changed.
3. TSCRA supports the use of composite affidavits by livestock marketing agents or others who may aggregate cattle from multiple sources or origin. The origin claim in a composite affidavit would be derived from knowledge gained by review of other affidavits. Composite affidavits would be used to substantiate the origin of animals from one or more sources.
4. TSCRA objects to any attempt to classify livestock producers as "persons engaged in the business of supplying a covered commodity to a retailer, whether directly or indirectly". Nothing in the COOL regulations authorize USDA to regulate "indirect" suppliers. The term "indirect suppliers" is not included in the law, but is used and is not defined in the interim final rule. To avoid further confusion, we strongly encourage USDA to strike this reference in the final rule.
5. TSCRA encourages USDA to allow the use of all recognized official identification systems to support country of origin claims. The TSCRA staff has been assured by

USDA that PVP and QSA programs, which require origin information, are recognized official identification systems and can be used to comply with COOL. However we encourage USDA to clarify this point in the final rule to avoid future confusion. We believe it is necessary to specifically list PVP and QSA programs in the final rule.

6. We also ask USDA to make it clear that violations of COOL will not result in an assertion of mislabeling constituting a federal recall of meat products. The IFR notes that "COOL is a retail labeling program and as such does not provide a basis for addressing food safety" (73 FR 45123). We agree. However, to avoid confusion in the marketplace about what does and does not justify a product recall, we encourage USDA to make clear in the final regulation that a violation of COOL will not justify any type of product recall.

Again, we appreciate to comment on the Interim Final Rule for COOL.

Sincerely,



Eldon White
Executive Vice President/CEO