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USDA issues final rule on mandatory COOL labeling

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Details of the final regulation for the mandatory Country of Origin Labeling (COOL) program required by the 2002 and 2008 farm bills were announced Monday by the U.S. Department of Agriculture. The full text of the final rule will be published in the Jan. 15, 2009 Federal Register. The rule becomes effective on March 16, 2009, 60 days after the date of publication. Copies of the final rule and additional information are on display on line at <http://www.ams.usda.gov/COOL>.

The rule covers muscle cuts and ground beef, lamb, chicken, goat and pork; wild and farm-raised fish and shellfish; perishable agricultural commodities (specifically fresh and frozen fruits and vegetables); macadamia nuts; pecans; ginseng and peanuts.

Commodities covered under COOL must be labeled at retail to indicate its country of origin. For fish and shellfish, the method of production – wild or farm-raised – must be specified. Commodities are excluded from mandatory COOL if the commodity is an ingredient in a processed food item.

The definition of a processed food item remains unchanged from the Aug. 1, 2008, interim final rule. Excluded from COOL labeling are items derived from a covered commodity that has undergone a physical or chemical change – such as cooking, curing, or smoking – or that has been combined with other covered commodities or other substantive food components such as chocolate, breading and tomato sauce.

Also exempt are food service establishments, such as restaurants, lunchrooms, cafeterias, food stands, bars, lounges and similar enterprises.

The final rule outlines the requirements for labeling covered commodities and the recordkeeping requirements for retailers and suppliers. The law provides for penalties of up to \$1,000 per violation for both retailers and suppliers not complying with the law.

The rule prescribes specific criteria that must be met for a covered commodity to bear a “United States country of origin” declaration. In addition, the rule also contains provisions for labeling covered commodities of foreign origin, meat products from

multiple origins, ground meat products, as well as commingled covered commodities.

USDA plans to make funding available to accelerate and expand training of state cooperator employees, initiate development of an automated review tracking system, conduct a retailer survey, conduct audits of the retail supply chain and continue conducting education and outreach activities.

Currently, USDA has cooperative agreements with 42 states to conduct retail surveillance reviews. USDA will conduct the retail reviews in the states not covered by a cooperative agreement and perform the supply chain audits.

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