Policy Position: Truth in Labeling

Beef and Pork

The requirements for listing the country of origin for beef and pork products were specifically outlined in the 2009 and 2013 COOL law. Congress voted to repeal COOL on beef and pork in 2015. The requirements have since been altered and repealed through the evolution of the proposed regulations and litigation with the World Trade Organization. The original regulations provided that if the product had not undergone a substantial transformation in the United States, its country of origin was the country declared to the U.S. Customs and Border Protection.

In December of 2008, the multinational packers encouraged Canada and Mexico to file against the United States' COOL requirements for beef and pork. In November 2011, the World Trade Organization (WTO) panel found that the COOL requirements were inconsistent with the United States’ obligations under the WTO Agreement on Technical Barriers to Trade (TBT). The panel reasoned that COOL was a violation of the agreement because the regulations accorded less favorable treatment to imported cattle and hogs than domestic products and did not fulfill its legitimate objective of providing consumers with information on origin. This decision was still being appealed by the USA when the Packers and their lobbying group the NCBA lobbied to kill COOL with the help of Farm Bureau and the Stockgrowers Association.

Under the threat of retaliatory tariffs of a $1 billion from Canada and Mexico, the USDA was negotiating different versions of labels to satisfy WTO concerns. The amended COOL rules required processors of meat to be more specific, and to include information about three production steps. For example, labels for animals born, raised, and slaughtered exclusively in the United States would read, “Born, Raised, and Slaughtered in the United States.” Other labels might read, “Born and Raised in Canada, Slaughtered in the United States” or “Born in Mexico, Raised and Slaughtered in the United States.” At the time the amendments became effective, processors were given a six-month compliance window. Canada and Mexico didn’t agree. The $1 billion dollars sound like a lot until you put in perspective, Montana alone lost $1 billion/year since COOL was removed by congress.

Throughout the WTO challenges, several bills were presented in the House and Senate that aimed to change the COOL requirements, but none were successfully passed into
law. However, in 2015, Congress passed the 2016 Consolidated Appropriations Act, an omnibus spending bill, Pub. L. NO. 114-114, that repealed all COOL requirements from muscle cuts of beef and pork, and ground beef and pork. USDA Secretary Vilsack also sent out guidance that the USDA will no longer enforce the COOL regulations for beef and pork in accordance with the law.

Since the repeal of COOL requirements for beef and pork in 2015, some consumer advocates and livestock producers have called for reinstituting labeling requirements. In 2017, National Farmers Union joined the Ranchers-Cattlemen Action Legal Fund (R-CALF USA) and the Cattle Producers of Washington (CPoW) in suing the United States Department of Agriculture (USDA), alleging that current regulations harm consumers and producers by allowing foreign meat “to be passed off as domestic product.” However, the court found that the challenge did not fall within the applicable statute of limitations and concluded that COOL regulations “followed Congress’s clear intent.” Recently, some state legislatures have also attempted to reinstitute country of origin labeling requirements for beef and pork but have so far been unsuccessful.

Rep. Joes Kretz in Washington State recently introduced House Bill 2712, requiring retailers to indicate the country of origin on beef sold to the public. If enacted by the legislature this year, a retailer who sells beef or offers beef for sale must use a conspicuous placard that is clearly visible and readily viewable by the public and placed in the immediate vicinity of the beef to designate and display the beef as either: (a) “U.S.A. beef” if the beef is derived exclusively from animals that are either: (i) Born, raised, and slaughtered exclusively in the United States; or (ii) Born and raised exclusively in the United States and transported for a period of time not more than sixty days through any other country and slaughtered in the United States; or (b) “Imported” if the beef does not meet the criteria described in (a) of this subsection. The placard for imported beef must indicate each country in which the animal was born, raised, and slaughtered.

In 2018, Arizona food company JBS Tolleson Inc. recalled more than 12 million pounds of beef that might be contaminated with salmonella. The recall is an expansion of a previous recall a month earlier of 6.5 million pounds of non-intact and ground beef packaged according to the US Department of Agriculture’s Food Safety and Inspection Service (FSIS). The beef is linked to nearly 246 cases of salmonella illness in 26 states. 2012 and 2013 the USA had a total beef recall of just of 300,000 pounds each year. It is difficult to calculate the number of violations that have caused major food borne illnesses since COOL was dismantled but JBS Tolleson is a foreign owned company that seems to have an unusual amount of bad luck.
