September 29, 2008

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

and

Desk 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: Document ID: AMS-LS-07-0081-0510

Dear Sir / Madam:

The National Livestock Producers Association (NLPA) appreciates this opportunity to comment on the Interim Final Rule regarding Country of Origin Labeling for Beef, Pork, Lamb, and other perishable agricultural products. NLPA is the national organization of livestock marketing cooperatives and livestock credit corporations and represents over 150,000 livestock producers who market their livestock through these cooperative structures.

The Country of Origin Labeling (COOL) law will have significant impacts on the livestock marketing industry and it must be implemented and administered in a manner that will least impact the functioning of the markets while ensuring the intent of the law is observed. To that end, NLPA strongly urges USDA/AMS to consider the following comments:

1. Use of the producer country of origin affidavits/declarations as developed and agreed to by the various industry segments, from producer to packer, must be considered satisfactory evidence for meat packers/processors to rely upon when making a claim of origin. Specifically, NLPA supports the following affidavit forms for use by producers and handlers of covered commodities in making a declaration of origin:
Continuous Country of Origin Affidavit/Declaration: (The following affidavit statement could be used by any operation in the livestock chain attesting to the Country of Origin of livestock but particularly for first-level producers.)

As an affidavit is deemed by USDA as an official record of Country of Origin, I attest through first-hand knowledge, normal business records, or producer affidavit(s) that all livestock referenced by this document or other communications specific to the transaction and transferred are of ____________________ origin. Should the origin of my livestock become other than that described above, I agree to notify the buyer/agent when this occurs.

This affidavit/declaration shall remain in effect until revoked in writing by the undersigned and is delivered to _____________________ (agent/buyer).

Signature __________________ Date __________ Business/Farm/Ranch Names/Location

Country of Origin Declaration Language for Seller/Buyer Invoices and Other Sales Documents with a Continuous Declaration on Record or as a Stand-Alone Declaration of Origin: (The following declaration of Country of Origin statement would be used as a supporting declaration of origin specific to transactions involving livestock from persons with a continuous affidavit on file, or as a stand alone affidavit/declaration on specific transaction(s) on invoices, check-in sheets and other sales documents.)

I attest that all livestock referenced by this document and transferred are of ____________________ origin.

Signature __________________ Date __________

Appended Declaration Statement for Immediate/Direct Supplier Transactions to Packers: (Some packers may request that their immediate/direct suppliers add the following language to the continuous or sales record affidavit/declaration statements to affirm the period of time in which Country of Origin records would be maintained by their immediate suppliers. This may be necessary as packers are required by law to maintain Country of Origin records for one-year and they must be able to obtain records from their immediate suppliers within that one-year period to substantiate country of origin claims)

I attest that ____________________ (Insert business name) has, and will maintain records of livestock origin for one year from the date of delivery of the livestock to the packer/buyer.
I attest that these records reflecting specific transactions are available for inspection for the sole purpose of compliance with an audit as described by the country-of-origin labeling provisions contained in the Farm Security and Rural Investment Act of 2002 as amended. (P.L. 108-767, USCA section 1638a, 2003).

____________________________  ____________________
Signature                              Date

2. It is imperative that Composite Affidavits by livestock marketing agents for groups of livestock from more than one production source or origin, sold or transferred to a single buyer, be acceptable provided that country-of-origin is listed for each animal or lot of animals included on the affidavit. Such Composite Affidavits would contain language stating that the agent has on file proof of origin based on first-hand knowledge, normal business records, or producer affidavit(s); and, a statement saying that the Agency will retain those records for one year, and will make them available for inspection for the sole purpose of compliance with an audit as described by the country-of-origin labeling provisions contained in the Farm Security and Rural Investment Act of 2002 as amended. (P.L. 108-767, USCA section 1638a, 2003).

3. It is imperative that packers/processors may rely on the Country of Origin Declaration Language for Seller/Buyer Invoices and Other Sales Documents with a Continuous Declaration on Record or as a Stand-Alone Declaration of Origin affidavit from a marketing agency regardless of whether the agency acts as a traditional market, a dealer, or as only an agent in the transaction.

4. It should be made clear by USDA’s Agricultural Marketing Service and USDA’s Food Safety Inspection Service that any incidences of mislabeling in relation to COOL will not result in a recall of products since COOL is not a food safety law.

5. Visual inspection for verification of origin is particularly important to the trade during the period of July 15, 2008 (the date that technically declared all livestock present in the U.S. as U.S.-origin) and whenever the final regulation is published. Producers have placed livestock, particularly cattle, without all of the origin documentation that may be necessary. It would be very difficult and in some cases impossible to recreate the paper trail on many of these animals. We do not want livestock to become unmarketable because of a lack of paper trail on animals that were in the trade while the regulators and industry were working to outline what level of verification is necessary. Therefore, we strongly urge USDA to allow the use of any brands, health markings, or any other official markings as verification of country of origin.

Again, we appreciate the opportunity to comment on the Interim Final Rule for Country of Origin Labeling and stand ready to answer any questions you may have.

Sincerely,

[Signature]

R. Scott Stuart, President and CEO
National Livestock Producers Association
On behalf of:

Empire Livestock Marketing, Inc
Syracuse, NY

Equity Cooperative Livestock Sales Association
Baraboo, WI

National Livestock Commission Association
Oklahoma City, OK

Producers Livestock Marketing Association
N. Salt Lake, UT

Producers Livestock Marketing Association
Omaha, NE

Tennessee Livestock Producers, Inc.
Columbia, TN

Equity Livestock Credit Corporation
Baraboo, WI

National Livestock Credit Corporation
Oklahoma City, OK

Producers Livestock Credit Corporation
Omaha, NE

Tri-State Livestock Credit Corporation
Sacramento, CA