

Mandatory Country of Origin Labeling

Mandatory Country-of-Origin Labeling (COOL) became law as part of the 2002 Farm Bill and was amended in the 2008 Farm Bill. The law is set to become effective on September 30, 2008, and a rule implementing COOL was published in the *Federal Register* on August 1, 2008.¹

COOL requires a retailer to provide origin information about a variety of meat products it offers for sale. The law also requires a packer that supplies those products to provide origin information to the retailer and keep records about that origin. Because the packer often does not possess origin information, livestock producers who buy or sell livestock, auction markets, order buyers, and others in the marketing channel also must begin to prepare for COOL.

The rule requires the “initiating supplier” (the packer) of a “covered commodity” (certain meat products) to possess or have legal access to origin information about the livestock it obtains. Livestock sellers need to provide information about the origin of their animals and should be able to provide some form of documentation to support that origin claim in the event of an audit or investigation. The following are suggestions that will assist livestock sellers and their customers in complying with the requirements imposed by COOL.

1. Buyers should request a signed affidavit from the seller identifying the date of sale, number of animals, seller contact information, and the country where the animals were born and raised prior to sale (see sample form attached).
2. Buyers should maintain the some or all of the records listed below and be able to provide the documents if requested.
3. Auction markets, order buyers, and other market intermediaries may want to take ownership of and maintain records, or pass or be able to pass if requested, the seller's information to the buyer.
4. Persons signing an affidavit are responsible for maintaining adequate records to support country-of-origin claims and should be able to provide them if audited. These records should include beginning and ending inventories, additions, and removals.
5. Participation in NAIS can serve as the basis for origin claims.²

¹ 73 *Fed. Reg.* 45106-45151 (August 1, 2008). <http://edocket.access.gpo.gov/2008/pdf/E8-17562.pdf>

² The interim final rule provides that “[P]ackers that slaughter animals that are part of a NAIS compliant system or other recognized official identification system (e.g., Canadian official system or Mexico official system) may rely on the presence of an official ear tag and/or the presence of any accompanying animal markings (*i.e.*, ‘Can,’ ‘M’) as applicable, on which to base their origin claims.” 73 *Fed. Reg.* 45151 (August) 1, 2008).

Examples of documents to maintain for at least one year to provide an audit trail.

Buyers of livestock	Original producers of livestock
<ul style="list-style-type: none">• Signed affidavit from livestock seller• Bill of sale• Health papers• Brand inspection• Supporting documents identified by USDA³	<ul style="list-style-type: none">• Birth records (Personal records, <i>etc.</i>)• Inventory records that reconcile• Purchase and sales receipts• Supporting documents identified by USDA²

³ Balance sheet, income statement, other financial records, scale tickets, and purchase and sales receipts, closeout records and/or feed records or bills, health papers, vaccination or other health treatment records or receipts, shipping records, breed association registered pedigrees. See <http://www.ams.usda.gov/cool/records.htm> for details.

Country of Origin Declaration

Date: _____

Seller contact information

Name: _____

Address: _____

City and State: _____

Phone Number: _____

Premise Number (if applicable): _____

Number of animals: _____

General description: _____

Based on documents in my possession these animals were born in
_____ and were raised in _____.

Signed: _____, Seller