

History of Voluntary COOL Programs

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Updated October 26, 2021

- Prior to the 2002 passage of today's COOL law, the U.S. Department of Agriculture's (USDA's) Food Safety and Inspection Service (FSIS) and Agricultural Marketing Service (AMS) offered a voluntary labeling program for meat products. During its first three years of operation, no suppliers participated in the program. 68 Fed. Reg., at 61,956, col. 1 (Oct. 30, 2003).
- The 2002 COOL law was initially implemented by USDA as a voluntary COOL program that went into effect on October 11, 2002. 67 Fed. Reg., at 63,367, col. 2 (Oct. 11, 2002). The program reserved the USA label only for meat derived from animals that were exclusively born, raised, and slaughtered in the United States. *Id.*, at 63,373, cols. 2-3. By mid-2005, the Congressional Research Service reported that few if any retailers opted for the voluntary program. CRS Report, 97-508 ENR, June 3, 2005, at CRS-3. The voluntary program remained in effect for six years, until September 30, 2008, which was the date that the voluntary COOL program became mandatory. 73 Fed. Reg., 45106, (Aug. 1, 2008).
- In 2005 opponents to Mandatory COOL introduced legislation to convert Mandatory COOL to voluntary COOL for meat and they adopted the same born, raised, and slaughtered requirement contained in USDA's voluntary program. H.R. 2068 109th Congress. This legislation to convert COOL from Mandatory to voluntary was introduced by Representative Goodlatte (R-Va.) and did not pass largely because of R-CALF USA's strong opposition.
- When it issued its final COOL rule in 2009, USDA reaffirmed that there was a lack of widespread participation in voluntary labeling programs. 74 Fed Reg, at 2,682 (Jan. 15, 2009).
- Thus, the U.S. had already implemented a voluntary COOL program using the very "Born, Raised, and Slaughtered" standard for the USA label that is now included in Senator Mike Rounds (R-S.Dak.) "U.S.A. Beef Act" (S.2623). And, this voluntary COOL program was in effect for many years. This new effort regarding voluntary labels, however, remains important because the past Administration stated it was considering allowing the "Product of U.S.A." label on beef products from animals that were merely slaughtered in the U.S.A., meaning it could be used on beef from imported cattle. The National Cattlemen's Beef Association (NCBA) has also petitioned the USDA to conduct a rulemaking to allow beef from foreign cattle to be affixed with the "Product of U.S.A. label."
- What also didn't work was the Mandatory COOL law for beef that was partially implemented in 2009 (recall this partial implementation allowed multiple labels such as "Product of U.S., Mexico, and Canada" so consumers still could not distinguish the superior U.S.A. product). In May of 2013 the COOL law was fully implemented by requiring labels that stated where the animal was born, raised, and slaughtered. When that occurred, U.S. cattle producers were finally able to compete against imported beef in their own domestic market. In 2015 Congress repealed COOL for beef and the USDA began allowing packers to voluntarily affix the "Product of U.S.A." label on foreign beef that was merely repackaged in a U.S. processing plant, an ongoing practice that is highly deceptive to consumers and harmful to U.S. cattle farmers and ranchers.
- On September 13, 2021, Senators John Thune (R-S.Dak.), Jon Tester (D-Mont.), Mike Rounds (R-S.D.), and Cory Booker (D-N.J.) introduced the "American Beef Labeling Act of 2021," (S.2716) which will reinstate Mandatory COOL for beef, thus reinstating the requirement that beef be labeled as to where the animal was born, raised, and harvested. This new legislation will effectively end the deceptive labeling practices currently occurring under today's voluntary COOL labeling regime and will accurately inform consumers of the true origins of beef.
- R-CALF USA urges swift passage of S.2716.