

TIM JOHNSON  
SOUTH DAKOTA

RAPID CITY OFFICE: (605) 341-3990  
PO BOX 1098, RAPID CITY, SD 57709

ABERDEEN OFFICE: (605) 226-3440  
PO BOX 1554, ABERDEEN, SD 57402

SIOUX FALLS OFFICE: (605) 332-8896  
PO BOX 1424, SIOUX FALLS, SD 57101

United States Senate  
WASHINGTON, DC 20510-4104

WASHINGTON OFFICE:  
324 HART SENATE OFFICE BUILDING  
WASHINGTON, DC 20510-4104  
(202) 224-5842

TDD: (202) 224-8279

TOLL FREE  
1-800-537-0025

E-MAIL: [tim@johnson.senate.gov](mailto:tim@johnson.senate.gov)  
WEB SITE: <http://johnson.senate.gov>

September 21, 2001

United States Department of Agriculture  
Food Safety Inspection Service  
Room 102 - Cotton Annex Building  
300 12th Street, SW  
Washington, DC 20250-3700

1009

Dear Food Safety Inspection Service Docket Clerk:

RE: Docket # 00-036A

I write today in response to the Food Safety Inspection Service advance notice of public rulemaking concerning the definition and labeling of "United States cattle" and "United States fresh beef products."

Fifteen Senate colleagues have cosponsored S. 280, the "Consumer Right to Know Act of 2001," legislation I authored to require country-of-origin labeling for meat and produce. In order for beef to be labeled as a product of the United States under our bill, that beef or beef product must come from an animal which was born, raised, and slaughtered in the United States. We believe this is the one definition that best explains what is meant by "United States beef." The definition in our bill is simple, truthful, and readily acceptable to most American citizens who produce or purchase beef products for consumption.

Accordingly, should the United States Department of Agriculture (USDA) issue a rule defining "United States fresh beef products," "USA beef," "Fresh American beef," "Product of the USA," "Beef: Made in the USA," or *any* other labeling terminology referring to beef, I encourage the department to select a definition consistent with the legislation I have introduced, and with the current Food Safety Inspection Service interpretations regarding the labeling of fresh beef products (9 CFR 317.8). Any definition chosen by USDA to the contrary would serve to undermine truthfulness-in-labeling and mislead American families and consumers. Simply put, beef products from cattle finished or fed in the United States, but born or raised in another country, should *not* qualify as a product of the United States for USDA labeling purposes.

Currently, approximately twenty foreign nations and the European Union either label or plan to label beef according to country-of-origin standards. Current labeling mandates in these nations have not deterred trading of agricultural products on a global scale, nor have they been alleged or found to violate World Trade Organization or North American Free Trade Agreement protocols. According to 1999 U.S. cattle slaughter figures, 95 percent of all cattle (36 million head) slaughtered were born, raised, *and* slaughtered in the U.S., and only 5 percent (around 1.9 million of these cattle) were imported from Mexico and Canada.

It is counter-intuitive to permit any labeling program to label the beef from these imported cattle as "United States beef." It is equally inappropriate to cater a "United States" labeling program to a small percentage of slaughtered beef comprised of imported cattle. The United States can enact legislation requiring country-of-origin labeling without violating trade agreements, and USDA can implement such legislation with a "born, raised, and slaughtered" standard regarding the definition of "United States beef," without concern for violating these trade agreements.

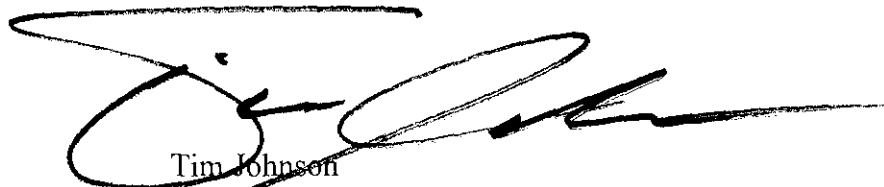
USDA should employ guidelines used for current labeling programs to ensure, verify, or certify that the labeling of "United States beef" is truthful, accurate, and not misleading. For instance, under the oversight of the Agricultural Marketing Service (AMS), slaughter plants in the U.S. currently undertake segregation plans for various beef certification programs, such as "Certified Angus Beef," to verify for consumers and restaurants that certain beef cuts are derived from beef cattle of the Angus breed. AMS also oversees a program to verify and label certain beef cuts pursuant to USDA-certified quality grades, such as "USDA Prime," that can serve as a model to implement a country-of-origin labeling program for beef. Under this beef grading system, USDA helps track quality characteristics of beef carcasses in order for retailers to market beef cuts according to certain quality grades. This verification program follows cattle from the point of slaughter, through processing steps and to the retail store shelf, where consumers may readily identify a demarkation of "USDA Prime" or "USDA Choice" on an individual cut of beef.

Coincidentally, the Congressional Budget Office has reviewed my country-of-origin labeling legislation (S. 280) and has concluded it does not result in direct federal spending. While certain costs may be borne by industry to carry out a labeling program, neither USDA nor the General Accounting Office have been able to account for such a cost. Therefore, USDA and industry can cooperatively administer a beef labeling program at a minimal and reasonable cost.

In summary, if USDA chooses to launch a voluntary beef labeling program, it should be done only if the department chooses to define "United States fresh beef" (or *any* other labeling terminology referring to beef) as that from animals born, raised, and slaughtered in the U.S. I strongly believe it is unfair and unreasonable to do otherwise.

Thank you for permitting me the opportunity to offer my views and official comments regarding this matter. Should you have questions or concerns please contact Brian Jennings of my office at 202-224-5842.

Sincerely,



Tim Johnson  
United States Senate