



National Grocers Association

October 17, 2001

FSIS Docket Clerk
Docket # 00-036A
Department of Agriculture
Food Safety and Inspection Service
Room 102 Cotton Annex Building
300 12th Street, SW
Washington, DC 20250-3700

00-036A
00-036A-1000
Thomas F. Wenning

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Re: Advanced Notice of Proposed Rule Making For Product Labeling: Defining United States Cattle and United States Fresh Beef Products; Docket # 00-036A, 66 Fed. Reg. 41160 (August 7, 2001)

Dear Sir or Madam:

The National Grocers Association (N.G.A.) takes this opportunity to comment on the United States Department of Agriculture (USDA) Food Safety and Inspection Service's (FSIS) Advanced Notice of Proposed Rule Making. The FSIS requested comments on the need for regulations to clarify the definition of "United States cattle" and "United States fresh beef products" for labeling purposes.

The National Grocers Association is the national trade association representing the retail and wholesale grocers that comprise the independent sector of the food distribution industry. An independent retailer is a privately owned or controlled food retail company operating in a variety of formats. Some are publicly traded but with controlling shares held by the family. Wholesale distributors service most independent operators, while others may be partially or fully self-distributing.

The request for comments by FSIS is in response to the conference report of the Agriculture Appropriations Act for 2000 directing the secretary to promulgate regulations defining which cattle and fresh beef products are "Products of the U.S.A." The reason given for clarification of the regulations was to develop voluntary value-added programs that benefit U.S. producers, business, industry, consumers and commerce.

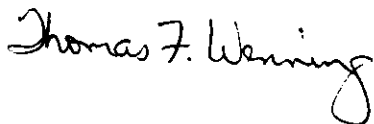
Current FSIS regulations allow the voluntary labeling of fresh beef products with terms such as “U.S. (species)”, “U.S.A. Beef” and “Fresh American Beef”, meaning that the cattle were born, raised, slaughtered, and prepared in the United States or in specific geographic locations in the United States. The Agricultural Marketing Service (AMS) also has authority to establish voluntary programs under the Agricultural Marketing Act that verifies or certifies the origin of animals reflected in labeling statements.

The food industry is well known for responding positively to consumer needs and the most flexible, efficient, and effective means is through the industry’s voluntary efforts to provide consumer country of origin information. Independent retailers and wholesalers know their clients and their consumers well. The independent sector’s value to the market arguably lies in the level of diversity and customer service/satisfaction the independent sector adds to the food market. Voluntary rules give retailers and wholesalers additional flexibility and resources, (the money and labor that is saved from meeting mandatory compliance), and judgement control for a win-win situation. Under voluntary guidelines compliance is met in an environment where retailers and wholesalers can do their business in the ways best suited to their customers.

FSIS should follow the lead and work in collaboration with the Agricultural Marketing Service and the industry to promote voluntary programs, , such as the petition which is currently pending before the Agricultural Marketing Service to develop a voluntary “Beef: Made in the U.S.A.” label.

In conclusion, N.G.A. is prepared to work with USDA to develop a workable voluntary labeling program that will benefit the industry and consumers.

Sincerely,

A handwritten signature in cursive script that reads "Thomas F. Wenning". The signature is written in black ink and is positioned above the typed name and title.

Thomas F. Wenning
Senior Vice President and General Counsel