



October 9, 2001

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

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NATIONAL  
FOOD  
PROCESSORS  
ASSOCIATION

**Re: Docket No. 00-036A Product Labeling: Defining Unites States Cattle and United States Fresh Beef Products**

Dear Sir or Madam:

The National Food Processors Association (NFPA) appreciates the opportunity to submit comments in response to the Advanced Notice of Proposed Rulemaking as published in the Federal Register (66 FR 41160, August 7, 2001) regarding the labeling of cattle and fresh beef products.

The National Food Processors Association (NFPA) is the voice of the \$500 billion food processing industry on scientific and public policy issues involving food safety, nutrition, technical and regulatory matters and consumer affairs. NFPA's three scientific centers, its scientists and professional staff represent food industry interests on government and regulatory affairs and provide research, technical services, education, communications and crisis management support for the association's U.S. and international members. NFPA members produce processed and packaged fruit, vegetable, and grain products, meat, poultry, and seafood products, snacks, drinks and juices, or provide supplies and services to food manufacturers.

The term "Product of U.S.A." is widely accepted and understood in the international trade of many types of items, including, but not limited to food products under the regulatory jurisdictions of both FSIS and FDA and the Federal Trade Commission (FTC), and U.S. Customs Service. NFPA vigorously objects to any regulatory change or policy interpretation that could disrupt or potentially confuse the current meaning of this term in international trade. As noted in the ANPR, current FSIS policy provides for use of the term "Product of U.S.A" when products meet all domestic requirements for safety and inspection and are prepared in the U.S. The term's meaning is understood by exporters and importers throughout the world. Importing nations seeking more detailed information about the origin, feeding or grazing of meat producing animals will seek such information from exporters through certification or documentation requirements.

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As FSIS currently permits distinctive labeling of fresh beef products from cattle that have been born, raised, slaughtered and prepared in the US or in a more specific geographic location within the US, we see no need for any change in existing FSIS policy or regulations.

NFPA also understands that the USDA's Agriculture Marketing Service (AMS) has proposed, but never finalized, a voluntary program to certify domestic origin of product that can be labeled as U.S. Beef. NFPA supports voluntary labeling claims about food products as long as they are truthful, non-misleading and can be verified. As long as such a scheme would not have unintended consequences such as detailed above, NFPA would have no objection to such a program.

NFPA has repeatedly urged U.S. Agencies toward consistency in origin claims and origin markings. The Federal Trade Commission (FTC) also regulates the use of the "Made in USA" or "Product of USA" labeling claim. Under FTC guidelines, the concept of last transformation is taken into consideration as well as the source of major inputs. For the NAFTA rules of origin, a tariff shift test applies. NFPA does not believe the introduction of new rules for a single product category would be helpful; adding to the inconsistencies will simply worsen the confusion for consumers, industry, regulatory and Customs officials.

In addition, NFPA expresses concern that born, raised, fed requirements for USA beef products would set a very undesirable precedent for further processed products and for other types of products. Will the country of origin for vegetable beef soup be determined by the birthplace of the beef? Why not, then, the farm on which the carrots were grown? If advanced, the precedent established could lead to a resource intensive recordkeeping burden for the food industry and enforcement authorities with no scientific justification or food safety benefit derived.

Finally, NFPA expresses concern that promulgating unnecessary regulations such as suggested in this ANPR unnecessarily burdens FSIS' resources that would be more beneficially directed to the many critical food safety issues currently before the Agency.

In conclusion, NFPA does not support advancing such a proposed regulation in this regard and believes the ANPR should be withdrawn. Thank you for consideration of these comments.

Sincerely,



Peggy S. Rochette  
Sr. Director of International Policy