

Dr. Dave. My state (Montana) just passed a Country of Origin Labeling Act (COOL). What does COOL do? Why are the states involved? Isn't this a federal matter?

A: Since 1930, most goods imported into the United States—including foods—have had to bear a label informing the “ultimate purchaser” of their country of origin.

The law exempted some articles “economically prohibitive” to label: livestock, vegetables, fruits, nuts, live or dead animals and fish. However, the “immediate containers” in which fruits and vegetables are packed must be labeled. Thus cartons containing limes from Chile or mangoes from Mexico have to be labeled, but the individual limes or mangoes from those cartons do not.

That's why your dress contains a label that tells you where it was made, but your oranges do not.

In 2002, as part of the Farm Bill, Congress made COOL mandatory for beef, lamb, pork, fish, fresh and frozen fruits and vegetables and peanuts. Congress directed the U.S. Department of Agriculture to issue rules to enable the mandatory program to go into effect by September 2004. The USDA issued draft rules in October 2003.

In January 2004, after a vote to repeal COOL failed, Congress voted to delay its implementation until September 2006, with the exception of a seafood-labeling program.¹

Interestingly, while Congress delays implementation of COOL, a number of federal programs already require suppliers to maintain records on the country of origin of their products. For example, for the National School Lunch and Breakfast programs the USDA requires that fresh fruits and vegetables purchased be domestically grown, processed and packed, and that meats be from domestic livestock. Under its Subsistence Prime Vendor program the Department of Defense requires that food purchased for US troops be grown or raised domestically.

A coalition of food processors, wholesalers and retailers is seeking to repeal the mandatory aspect of COOL for foods. They argue that it imposes burdensome and expensive paperwork on American farmers and businesses. They argue that if Americans are unwilling to cover these administrative costs by paying a premium for domestic foods, COOL could have the perverse effect of making American farm products less

¹ The House originally voted to include COOL in the Farm Security and Rural Investment Act of 2002 by a margin of 296-121. Republicans supported the provision by a small margin, 119-92. The Democratic vote in favor was more lopsided, 175-29. In January 2004, there was a vigorous debate over whether to delay implementation of COOL. The ultimate vote was a result of a cloture vote. The vote to cut off debate on COOL gained the support of 61 Senators (60 are needed). Republicans voted 45-3 in favor of cloture. Democrats voted 27-16 against.

competitive with imports. (For a full and footnoted discussion of the Pros and Cons of COOL, see [American Voice 2004, Country of Origin Labeling.](#))

Florida has had a country of origin labeling program in place for fresh produce since 1979 and the administrative costs appear very low. According to the Florida Department of Agriculture, compliance costs supermarkets 1-2 labor hours per store a week.

Surveys indicate an overwhelming support by consumers for labeling, and a significant concern by consumers about where their food is produced. Although still modest, the proportion of imported fresh foods is increasing. The share of imported fruits has grown from 6 percent in 1980 to 23 percent in 2001. Vegetable imports have risen from 6 to 17 percent over the same period.

The seafood-labeling requirement of the federal COOL act took effect nationwide on April 4, 2005. Processors and retailers are required to tell customers the country of origin of the seafood, and whether it is farm raised or wild. By all accounts U.S. fish processors are happily complying with the law. They see it as a way to regain some ground lost to imported catfish and shrimp.

Some customers want country of origin labeling so they can support domestic farmers and producers, or because they want to minimize the “food miles” their groceries travel.² Others want COOL out of concerns about pesticide and other residues on imported fruits and vegetables, or mad cow disease.

The U.S. is among only 5 of 37 countries surveyed by the United States Department of Agriculture that do not require country of origin labeling on processed meat. Thirty-five of 46 countries surveyed require country of origin labeling for fresh fruits and vegetables.

States like Montana have stepped into the vacuum left by federal procrastination. Wyoming, Kansas, North Dakota and South Dakota require all meat retailers to clearly label imported meat with the country of origin. Montana’s law requires retailers to identify the origin of beef, pork, poultry and lamb products.³

A number of states have gone one step further, establishing voluntary labeling programs for in-state products. Florida’s COOL regulations allow growers to use “Produced in Florida” labels. This year South Dakota added a branded beef program that applies only to cattle born, raised and slaughtered in the state. Cattle would have to carry electronic ID tags. Qualified beef would carry an official seal featuring an image of Mount Rushmore. Shoppers will be able to visit an internet site, enter a tracking number and learn which ranch, feedlot and packing house their meat came from. Montana’s COOL

² For more information about regional food systems and “food miles”, visit the web site of the [Leopold Center for Sustainable Agriculture](#) at the University of Iowa.

³ Montana’s law will not go into effect until October 2006, and only if Congress again delays the implementation of the federal COOL law.

law also establishes a program under which farmers could label their product “Made in Montana”.

For more information, see the New Rules Agriculture Sector – [Place of Origin Labeling](#).

© 2005 – The New Rules Project – www.newrules.org