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Myth Buster #24

An ongoing Land Stewardship Project series on ag myths and ways of deflating them.

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Myth: Country of Origin Labeling will make it impossible for farmers to market their products through local stores and restaurants.

Fact:

Country of Origin Labeling, also known as COOL, is a federal law that requires retailers to inform their customers of the country where certain agricultural products originated from.

Family farm, consumer, environmental and health advocacy groups have long called for such a requirement, arguing that eaters deserve to know more about the source of their food. Recent food recalls and health scares have made such labeling even more imperative.

After years of delays, COOL was implemented in March 2009. Products covered by COOL include: muscle cuts of beef, lamb, chicken, goat and pork; ground beef, ground lamb, ground chicken, ground goat and ground pork; perishable agricultural commodities (generally fruits and vegetables); peanuts; macadamia nuts; pecans; ginseng; and wild and farm-raised fish and shellfish.

There have been a lot of misconceptions about the impact of COOL on the farm level. For example, one myth being propagated is that COOL will create an insurmountable regulatory/paperwork nightmare for farmers who want to direct-market to consumers, local retailers or even restaurants.

In fact, under COOL farmers are not considered “retailers” with respect to the sale of products they raise themselves. So farmers who sell only their own products do not have to label the country of origin. Farmers who sell directly to consumers, including at farmers’ markets, are not subject to regulations under COOL. And COOL does not apply to “food service establishments” — restaurants, cafeterias, lunchrooms, food stands, saloons, taverns, bars, lounges, salad bars, delicatessens, etc. So a farmer selling tomatoes or beef to the local café will not be affected.

However, nothing in COOL prevents retailers such as grocery stores from requiring a farmer to pre-label his or her products as a condition of doing business. And if a farmer has livestock processed at a custom facility, for example, and then sells the resulting meat products to a retailer, then COOL regulations apply.

But documenting where, for example, a steer or hog came from should not be a paperwork quagmire

for most farmers. It can be done through a relatively simple affidavit system. And COOL allows the use of “continuous affidavits” which are valid for an indefinite period of time until they are cancelled by the producer, helping to reduce the paperwork load.

Under the COOL law, USDA cannot require farmers to keep records other than those maintained in the normal course of business to prove the country of origin of their products. For example, for livestock, animal health papers, import or customs documents, birth records, purchase records and sales receipts are considered acceptable documentation under COOL. For fruits and vegetables, country of origin can be verified via sales records, harvest records, delivery tickets, purchase records, production and sales contracts, and pick tickets, among other documents.

It should be noted that as part of COOL documentation, USDA cannot require a farmer to participate in the National Animal Identification System (NAIS), a trace-back initiative that is controversial for many producers. But — and this is a big but — as part of their efforts to comply with COOL, packers may insist that farmers providing livestock to their plants participate in NAIS.

More information

- Farmers’ Legal Action Group has developed a fact sheet called, “The Country of Origin Labeling Program: A Snapshot of How the Program Affects Farmers” (www.flaginc.org/topics/pubs/arts/COOL_FactSheet20090423.pdf). For more information, call 651-223-5400.

- Additional examples of the types of documents that may be used to verify a product’s country of origin are available at www.ams.usda.gov/cool.

This Myth Buster is brought to you by the members and staff of the Land Stewardship Project, a private, nonprofit organization devoted to fostering an ethic of stewardship for farmland and to seeing more successful farmers on the land raising crops and livestock. For more information, call 612-722-6377 or visit www.landstewardshipproject.org.

