Congress of the United States
Washington, DC 20510

December 14, 2011

Secretary Tom Vilsack
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250

Ambassador Ron Kirk
Office of the U.S. Trade Representative
600 17th Street, NW
Washington, DC 20508

Dear Secretary Vilsack and Ambassador Kirk:

We write regarding the November 18, 2011, World Trade Organization (WTO) Dispute Settlement Panel (DSP) finding affirming arguments made by Canada and Mexico over the implementation of the United States Country of Origin Labeling (COOL) law. The DSP validated the statutory authority for the United States to require such labeling; however, the panel also found that the manner in which the program was implemented treats cattle and hogs from those countries less favorably than U.S.-origin livestock. While we are pleased that the DSP affirmed our right to require such labeling, we are concerned about the impact that the DSP's ruling will have on our ability to continue providing such information to consumers.

As you are aware, included in the Food, Conservation, and Energy Act of 2008 (Farm Bill) was a common sense plan for implementing a food labeling program to provide consumers with information about the origins of the food they purchase. It was the intention of Congress in developing this provision that such labeling would be nondiscriminatory in its treatment of imported products by requiring the labeling of both domestic as well as imported products.

With that goal in mind, we appreciate the thoughtful rulemaking process undertaken by the Agricultural Marketing Service (AMS) and the Food Safety Inspection Service (FSIS) of USDA in developing the rule implementing COOL. While we believe that improvements should have been made to the final rule, we believe that it appropriately establishes a labeling system which provides important and useful information to consumers while not placing an undue burden on the industry. Additionally, we believe that the labeling system continues to provide the same opportunity for imported livestock to compete in the domestic marketplace as was the case prior to USDA's implementation of COOL.

We appreciate the work you have done in defending both the COOL statute and its implementation before the WTO's dispute settlement proceedings. As you know, many of our major trading partners, including Canada and Mexico, themselves impose their own country of origin labeling requirements for imported meats. As such, it is clear that it is within our authority under our WTO obligations to implement such a program.

We request that your agencies take appropriate actions to appeal the DSP's ruling and to work to ensure that our COOL program both meets our international trade obligations while continuing to provide such information to consumers. We appreciate your attention to this matter, and we look forward to working with you moving forward.

Sincerely,

U.S. Senator Tim Johnson

U.S. Senator Michael Enzi

U.S. Senator Sherrod Brown

U.S. Senator Jon Tester

U.S. Senator Charles Grassley

U.S. Senator Carl Levin

U.S. Senator Dianne Feinstein

U.S. Senator Tom Udall

U.S. Senator Ron Wyden

U.S. Senator Kent Conrad

U.S. Senator Claire McCaskill

U.S. Senator Mary Landrieu

U.S. Senator John Barrasso

U.S. Senator Michael Bennet

U.S. Senator Jeff Merkley

U.S. Senator Tom Harkin

U.S. Senator John Hoeven

U.S. Senator Amy Klobuchar

U.S. Senator John Thune