United States Senate

WASHINGTON, DC 20510

January 31, 2013

The Honorable Tom Vilsack
Secretary
Department of Agriculture
1400 Independence Ave. SW
Washington, D.C. 20250

The Honorable Ron Kirk
United States Trade Representative
Executive Office of the President
600 17th St. NW
Washington, D.C. 20508

Dear Ambassador Kirk and Secretary Vilsack,

We are writing regarding the decision by the World Trade Organization (WTO) on December 4, 2012 that the United States must implement the Dispute Settlement Body (DSB) decision on Country of Origin Labeling (COOL) by May 23, 2013.

While we disagree with the DSB decision and the June 29, 2012 Appellate Body decision, we appreciate that the WTO recognized the United States' legitimate authority to require country of origin labeling for beef and pork products. Following a deliberative and thorough process which has lasted more than 10 years, Congress enacted COOL in response to demand from consumers and livestock producers that reliable information be available about where their meat and seafood come from.

It is now critical that the U.S. Trade Representative and U.S. Department of Agriculture work together to find a regulatory solution that can be implemented by the livestock industry and serves consumers as Congress intended. Given that the COOL regulation is highly technical in nature, it is increasingly important that both agencies work with stakeholders to find an acceptable remedy while ensuring that any changes to COOL meet the intent of Congress.

As you work toward implementing the WTO decision to avoid retaliation, we request that you focus on remedies that meet three critical principles.

- Focus on a regulatory fix to the rules that implement the COOL statute. The WTO Appellate Body found that providing consumer information on the origin of meat is a "legitimate objective" as was intended by the U.S. law. Instead, it was the implementation of the 2009 final COOL rule that was inconsistent with the Agreement on Technical Barriers to Trade (TBT) Agreement.

- Ensure that a regulatory fix provides accurate information about the origin of all meat cuts to consumers. Congress intended that COOL provide as much information as possible about the origin of the meat that consumers purchase. Some flexibility is needed so that COOL can be reasonably implemented but such flexibility cannot come at the expense of providing reliable information to families about the national origin of meat products.

- Work actively with industry stakeholders when crafting new regulations and allow the opportunity for public comment from consumers, livestock producers, and industry representatives. We also request that you keep interested Members of Congress informed on any progress to a regulatory fix to COOL.

Thank you very much for your work on behalf of Country of Origin Labeling and we look forward to working with you to resolve this issue.

Sincerely,

U.S. Senator Jon Tester

U.S. Senator Michael B. Enzi

U.S. Senator Tim Johnson

U.S. Senator Charles Grassley

U.S. Senator Ron Wyden

U.S. Senator John Barrasso

U.S. Senator John Thune

U.S. Senator Martin Heinrich

U.S. Senator Heidi Heitkamp

U.S. Senator Tom Udall

U.S. Senator Barbara Boxer

U.S. Senator Amy Klobuchar

U.S. Senator Al Franken

U.S. Senator Jeff Merkley

U.S. Senator Dianne Feinstein

U.S. Senator Barbara A. Mikulski

U.S. Senator Claire McCaskill

U.S. Senator Benjamin L. Cardin

U.S. Senator David Vitter

U.S. Senator Richard Blumenthal

U.S. Senator Mary L. Landrieu

U.S. Senator Lisa Murkowski

U.S. Senator Richard J. Durbin

U.S. Senator Sherrod Brown

U.S. Senator Sheldon Whitehouse

U.S. Senator Tom Harkin

U.S. Senator Mark Begich

U.S. Senator John Hoeven

U.S. Senator Carl Levin

U.S. Senator Patrick J. Leahy

U.S. Senator Kirsten Gillibrand