

November 14, 2008



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Docket Clerk
U.S. Department of Agriculture
Food Safety and Inspection Service
Room 2534
1400 Independence Avenue, SW
Washington, DC 20250

RE: Docket No. FSIS-2008-0026

Texas Cattle Feeders Association (TCFA) appreciates the opportunity to provide comments regarding the United States Department of Agriculture (USDA) Food Safety and Inspection Service' (FSIS) review of its policies for evaluating and approving animal raising claims on labels, as published in the Federal Register on October 10, 2008 (Volume 73, Number 198, Pages 60228-60230) titled "Product Labeling: Use of the Animal Raising Claims in the Labeling of Meat and Poultry Products," Docket No. FSIS-2008-0026. TCFA appreciates the opportunity to review and comment on this important topic.

TCFA represents cattle feeders in Texas, New Mexico and Oklahoma—an area that markets almost 7 million head of fed cattle every year, or 30% of the nation's fed beef. Our members recognize the need by both industry as well as consumers, to have well-defined and U.S. government-wide consistent rules in order to establish a clear and transparent, uniform standard for the voluntary marketing of a specific production method. We are fortunate to live and produce beef in a country that has the ability to utilize the latest advances in veterinary medicine, animal husbandry/animal science and product development that the beef industry has made over the years in genetics, quality, and food safety. It is this foundation that enables us to deliver to consumers what they want. Consumers expect and deserve, and we consistently deliver, high-quality, safe, wholesome and affordable beef.

TCFA recognizes that today's consumers are more demanding than ever and that over the last decade, niche markets have become a reality of an evolving society. Our feedyard members work on a daily basis to find the best market for their cattle. The marketplace has and will continue to provide an incentive for producers and production systems to deliver a product in a niche market that satisfies the demands of consumers. TCFA not only respects but also welcomes consumers' demands on the marketplace.

TCFA supports marketing or labeling claims that distinguish the uniqueness of a product aimed towards a particular consumer desire – including product characteristics that are based on production methods. TCFA does not support claims that are either false or misleading to the consumer or claims that disparage one type of beef product for the perceived gain of another. All U.S. beef is safe, wholesome and of the highest quality, and the Department should defend all products equally.

If the federal government is going to establish marketing/labeling criteria for a specific production practice or processing practice, then it should be clear across the federal government. TCFA encourages our government to harmonize this effort across all agencies and Departments that have jurisdiction over meat product marketing labels. Additionally government labels should not create inequities between species or within species. This can be achieved by clearly defined parameters for animal raising claims.

Any labeling on meat and meat products should be scientifically correct and not misleading. There must be very clear articulation of what each government agency that regulates such labels and marketing claims provides (USDA AMS versus USDA FSIS versus FDA CFSAN). We urge all agencies to work toward standardization of similarly named labels across the federal government.

FSIS' authority for labeling is in regards to misbranding. AMS' authority however, is in regards to process verified programs and marketing claims. Therefore it would seem appropriate to have each agency coordinate and work together, while staying within their respective authorities. FSIS should concentrate on ensuring food safety of products produced under the Federal Meat Inspection Act and access AMS' expertise in establishing voluntary standards for production and marketing claims.

FSIS's intent to have multiple certifying entities establish their own standards is not consistent with clarifying the current confusion in regards to animal raising claims labels nor does it consistent with creating a level playing field. In this notice FSIS states that "The certifying entity would define and publish its standards." More information is needed in regards to FSIS's thoughts on certifying entities and multiple standards. Would this lead to similar labels with multiple meanings? Would this lead to greater confusion? Does this mean the U.S. government would have one or more label(s) depending on the agency (FSIS or AMS) and private entities could potentially have the same label and all of them have different standards? Would AMS and private entities "standards" be the same? Or would AMS/FSIS standards provide the baseline and allow private entities to have clearly defined "additional" parameters? There needs to be a clearly defined and transparent process so that consumers will know exactly what the animal raising claims labels mean.

There is value to both consumers, producers and private entities in having a clear and consistent government voluntary marketing or labeling claim in regards to labels relating to production and marketing. There is also value to having AMS operate under its current authority in regards to process verification and quality system assessment. USDA should provide for flexibility by allowing inclusion of raising claims in existing public and private certification programs offered by universities, livestock organizations and private companies that are successfully implementing other certification programs, such as age and source verification and animal care and handling. The process must also allow for these existing public and private programs to adopt affidavit-based recordkeeping systems as a means of establishing a traceable, auditable and verifiable program.

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AMS currently offers verification services through Quality Systems Verification Programs (QSVPs) to substantiate claims that cannot be determined by direct examination of livestock, their carcasses, component parts or the finished product; and AMS currently establishes voluntary performance standards for Process Verified Programs (PVPs). If companies choose to market under this voluntary standard, then compliance is mandatory. FSIS should not attempt to repeat this AMS function, but should instead focus on ensuring food safety and *something from misbranding section of FMIA*. Having each agency adhere to their current authorities would be helpful in clarifying some of the current confusion regarding FSIS labels.

TCFA appreciates FSIS and AMS conducting the public meeting on this topic and appreciates the opportunity to provide comments. In addition to these comments, TCFA supports the comments submitted by the National Cattlemen's Beef Association.

Sincerely,

A handwritten signature in black ink that reads "Ross Wilson". The signature is written in a cursive style with a large, prominent "R" at the beginning.

Ross Wilson
President & CEO