



Colorado Proud and Country of Origin Labeling (COOL) Frequently Asked Questions

Q. What products must follow COOL?

A. Covered commodities included in this rulemaking are muscle cuts of beef (including veal), lamb, chicken, goat, and pork; ground beef, ground lamb, ground chicken, ground goat, and ground pork; wild and farm-raised fish and shellfish; perishable agricultural commodities (fresh and frozen fruits and vegetables); peanuts; pecans; ginseng; and macadamia nuts. Only firms licensed as a retailer under the Perishable Agricultural Commodities Act (PACA) of 1930 are subject to the law and are required to label covered commodities for country of origin and method of production.

Q. What stores are required to comply with COOL?

A. The COOL legislation defines “retailer” as having the meaning given that term in section 499a (b) of the Perishable Agricultural Commodities Act of 1930 (PACA). Under PACA, a retailer is any person engaged in the business of selling any perishable agricultural commodity at retail. Retailers are required to be licensed when the invoice cost of all purchases of perishable agricultural commodities exceeds \$230,000 during a calendar year. The term perishable agricultural commodity means fresh and frozen fruits and vegetables. For purposes of COOL, the definition of “retailer” generally includes most grocery stores and supermarkets. Retail stores such as fish markets and butcher shops as well as other stores that do not invoice the threshold amount of fresh produce (fruits and vegetables) are exempt from this regulation.

Q. Does using the Colorado Proud logo cover me for COOL?

A. The 2008 Farm Bill and the January 15, 2009, published Final Rule expressly authorized the use of State, regional, or locality label designations in lieu of country of origin for perishable agricultural commodities (fresh and frozen fruits and vegetables), peanuts, pecans, ginseng, and macadamia nuts grown in (harvested in) Colorado. ***Such designations are not authorized for meat and ground meat or fish and shellfish commodities.*** State marketing program designations may be used for COOL notification purposes provided covered commodities meet the requirements to bear a U.S. origin declaration as specified in the Final Rule.

Q. Do processed food items require country of origin labels?

A. The COOL law contains an express exclusion for an ingredient in a processed food item. Thus, retail items that meet the definition of a processed food item do not require labeling under the COOL final rule.

Q. What is considered a “processed food item?”

A. AMS has defined a processed food item for all covered commodities as a retail item derived from a covered commodity that has undergone specific processing resulting in a change in the character of the covered commodity, or that has been combined with at least one other covered commodity or other substantive food component (e.g., chocolate, breading, or tomato sauce). Specific processing that results in a change in the character of the covered commodity includes cooking (e.g., frying, broiling, grilling, boiling, steaming, baking, roasting), curing (e.g., salt curing, sugar curing, drying), smoking (hot or cold), and restructuring (e.g., emulsifying and extruding).

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Q. What are my responsibilities as a supplier?

A. Any person engaged in the business of supplying a covered commodity to a retailer, whether directly or indirectly (i.e., including but not limited to growers, distributors, packers, and processors), must make information available to the buyer about the country(ies) of origin of the covered commodities. Records that identify the immediate previous source (if applicable) and immediate subsequent recipient must be maintained for 1 year from the date of the transaction.

Q. Are “Food Service Establishments” required to label the items they sell for country of origin?

A. No, food service establishments are exempt from COOL requirements. The term “food service establishment” means a restaurant, cafeteria, lunch room, food stand, saloon, tavern, bar, lounge, or other similar facility operated as an enterprise engaged in the business of selling food to the public. Similar food service facilities include salad bars, delicatessens, and other food enterprises located within retail establishments that provide ready-to-eat foods that are consumed either on or outside of the retailer’s premises.

This document is considered a guide only. For complete information on COOL regulations, visit www.ams.usda.gov/cool/.

Other Questions?

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