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Martin E. O'Connor
Chief, Standardization Branch
Livestock and Seed Program
USDA-AMS
Room 2607-S
1400 Independence Ave., SW
Washington, DC 20250-0254
Via E-mail: Marketingclaim@usda.gov

Dear Mr. O'Connor;

Pursuant to the notice and request found at 71 Fed. Reg. 27662 (May 12, 2006), the Center for Food Safety (CFS) provides the following comments on the United States Standard for Livestock and Meat Marketing Claim, Grass (Forage) Fed Claim. CFS is a non-profit, membership organization that works to protect human health and the environment by curbing the proliferation of harmful food production technologies and by promoting organic and other forms of sustainable agriculture. See generally <http://www.centerforfoodsafety.org>. CFS and its True Food Network represents over 40,000 members of the public.

CFS strongly supports the USDA's revision of the grass fed labeling claim so that it requires that grass and/or forage shall be 99 percent or higher of the energy source for the lifetime of the animal. The requirement ensures that the benefits of a grass fed diet are passed onto consumers.

Additionally, CFS represents many consumers that will assume that other values are encompassed in the grass fed label. Among these values are access to pasture and restriction on the use of certain feed types. In order to ensure that consumers are not misled by the grass fed label, CFS believes the standard should also include the following requirements:

- (1). Access to Pasture. CFS believes that the grass fed label should include a requirement that a significant percentage of the grass or forage must come from grass and forage consumed by animals while pasturing. To that end, CFS believes that the grass fed label should also require that all animals graze pasture during the months of the year that can provide edible forage and such pasturing shall, at a minimum, not be for less than 120 days per year. This standard would eliminate some consumer confusion that USDA itself acknowledges may occur from the grass

fed label. It would also be equivalent to the pasture recommendation for organic production. See National Organic Standards Board, Final Recommendation for Guidance of Pasture Requirements for the National Organic Program (August 16, 2005), available at <http://www.ams.usda.gov/nosb/FinalRecommendations/Aug05/PastureGuidance.pdf> (last visited July 27, 2006) (requiring minimum 120 days pasture and 30% dry matter intake). As such, the standard would eliminate one element of the confusion consumers may confront when comparing the grass fed label and the national organic label.

(2). Prohibit the use of genetically engineered forage. CFS believes that the grass fed label should ensure that the grass or forage used as feed is not sourced from pasture or harvested from grasses using genetically engineered varieties of alfalfa, bahiagrass, tall fescue, Italian ryegrass or other such grasses. Currently, genetically engineered alfalfa has been deregulated by the USDA and genetically engineered versions of bahiagrass, tall fescue and Italian ryegrass are all being field trailed. See 70 Fed Reg 36917 (June 27, 2005)(deregulation of glyphosate tolerant alfalfa); 71 Fed. Reg 19477 (Apr. 14, 2006)(genetically engineered tall fescue and Italian ryegrass); 71 Fed Reg 29606 (May 23, 2006)(genetically engineered bahiagrass). The growth in markets for alternative production standards such as grass fed has been fueled by consumers that do not want their food produced using genetically engineered technologies. USDA should ensure that the grass fed standard is consistent with this consumer desire.

(3). Include dairy products. CFS also believes that the standard should be written so as to clearly indicate that dairy products derived from livestock meeting the grass fed standard can be marketed using grass fed claims.

Respectfully submitted,
/s/
Joseph Mendelson III
Legal Director