

HJR

6



Representative Beth Kerttula

Alaska State Legislature District 3

HJR 6

Labeling of Fish Products

Sponsor Statement

As Alaskans, we all know that Alaskan fish tastes better and is healthier than farmed fish. Alaskans have long shown their support of country-of-origin labeling (COOL) and labeling of farmed or wild fish. These national labeling standards will help maintain the vitality of Alaska's fishing industry by allowing consumers to make informed choices in the marketplace.

Under the Farm Security and Rural Investment Act of 2002, COOL requirements for fish were to be implemented on September 30, 2004. However, the United States Department of Agriculture (USDA) has pushed the effective date to April 2005 and extended the comment period on proposed regulations to February 2, 2005. Included in the proposed regulations is an exclusion for processed food items, which would include canned and smoked fish. Many Alaskan fish products are processed in some way and sometimes these are the only products available to many Americans.

House Joint Resolution supports the timely implementation of COOL and opposes the exclusion of processed food items from the requirements.



Alaska Trollers Association

130 Seward St., No. 211
Juneau, Alaska 99801
(907) 586-9400
(907) 586-4473 Fax

February 2, 2004

Representative Gabrielle LeDoux, Co-Chair
Representative Bill Thomas, Co-Chair
House Special Committee on Fisheries
Alaska State Legislature
Juneau, AK 99811

Dear Representatives LeDoux, Thomas, and Committee Members:

I am writing to express the Alaska Trollers Association's (ATA) support for HJR6, which advocates labeling of canned and smoked seafood products for country of origin, as well as distinguishing between wild and farm raised.

ATA has long supported reasonable labeling programs, as a means to provide consumers with information they need and want to make informed choices about the foods they eat. Recent passage by Congress of Country of Origin Labeling (COOL) is a substantial step toward that end.

Unfortunately, the USDA chose during the regulatory drafting process to omit simple canned and smoked seafood products from the list of covered commodities. The USDA considers those foodstuffs to be "processed". While much of Alaska's seafood is canned and smoked, it is not significantly altered and still retains its natural characteristics. It is difficult to believe that those items are what most people consider "processed food" - as they would the protein in some TV dinners, or other products that are blended with other foods, sauces, or chemicals.

Consumers are becoming much more discerning when it comes to selection of seafood, but in the marketplace it is often hard to distinguish where it comes from or how it is harvested. And, this is becoming increasingly difficult as a greater number of species are being raised in more countries around the world. Labeling will provide a service to those people who care to know. And, Alaska seafood is likely to fare well in their purchasing decisions, which is why the state should care.

While ATA strongly supports labeling of seafood, we also appreciate some of the concerns that have been expressed by those who will have to implement the program. Therefore, we support working with others in the food service industry where necessary, to ease unnecessary burdens.

Please don't hesitate to contact me if I can be of assistance on this or other matters.

Best Regards,

Dale Kelley
Executive Director

01/23/2004 03:30

Southeast Alaska Fishermen's Alliance

9369 North Douglas Highway
Juneau, AK 99801



Phone 907-586-6652

Fax 907-523-1188

E-mail: seaf@aol.net

January 25, 2004

House Special Committee on Fisheries
House Resource Committee
State Capitol
Juneau, AK 99801-1182

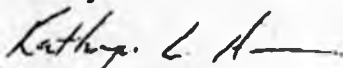
RE: Support for HJR 6

The Southeast Alaska Fishermen's Alliance supported the federal Country of Origin Labeling (COOL) legislation that requires labeling of fish and shellfish and distinguishes between wild and farmed fish and shellfish. We support HJR 6 that has the Alaska legislature supporting the implementation of COOL regulations. It is important that the federal government understand during this comment period that the regulations be extended to cover labeling of canned, smoked, and cured products and reverse the current decision that exempts these products.

We appreciate that the legislature would be willing to send a resolution during this comment period supporting labeling and asking that the labeling be extended to canned and smoked products. Consumers are asking for wild salmon again it is important that the products be labeled so they can make informed choices and receive the product they wish to buy.

The Southeast Alaska Fishermen's Alliance is a non-profit membership based fishermen's organization representing permit holders involved in the salmon, crab, shrimp and longline fisheries of Southeast Alaska.

Sincerely,


Kathryn E. Hansen



OCEANA

175 SOUTH FRANKLIN STREET, SUITE 418 JUNEAU, ALASKA 99801 907.586.4050 WWW.OCEANA.ORG

January 25, 2005

The Honorable Beth Kerttula
Alaska State Legislature
State Capitol, Room 430
Juneau, AK 99801-1182

Dear Representative Kerttula:

Thank you for introducing House Joint Resolution 6 (HJR 6), a resolution relating to the labeling of fish products and processed food items containing fish to identify the country of origin and to distinguish between wild and farmed fish and fish products. Oceana, a global non-profit organization dedicated to restoring and protecting the health of the world's oceans, strongly supports this resolution.

Alaska's salmon fisheries are crucial to our economy and to a sustainable existence. Labeling wild Alaska salmon—including canned, smoked, and pouched—is a win-win situation all around. It is good for the health of American consumers in that it allows them to make informed choices about their seafood selections. It is good for Alaska and will help us maintain a strong market for the vibrant fisheries that are so important to our livelihoods and economy. Additionally, it is good for the environment. It is well documented that salmon farms are a source of pollution and allow for foreign invasive Atlantic salmon to escape into Pacific waters. There is no substitute for healthy wild Alaska salmon, whether fresh, frozen, smoked, canned, or pouched.

Oceana fully supports HJR 6. This resolution supports the long-term viability of our critically important salmon fisheries. Thank you for supporting Alaska's fishermen and sustainable oceans.

Sincerely,

Jim Ayers
Director, Pacific Region



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UNITED FISHERMEN OF ALASKA

January 24, 2005

211 Fourth Street, Suite 110
Juneau, Alaska 99801-1172
(907) 586-2820
(907) 463-2545 Fax
E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

Representative Bill Thomas, Co-Chair
Representative Gabrielle LeDoux, Co-Chair
House Fisheries Committee
Alaska State Legislature
State Capitol (Mail stop 3100)
Juneau, AK 99801-1182

Dear Representative Thomas,

United Fishermen of Alaska supports the CS for HJR 6 relating to the labeling of fish products and processed food items containing fish. Americans have expressed their desire to know whether their seafood product is farmed or wild caught as well as to distinguish what country it was harvested in. UFA has been working diligently for the last five years on such regulations which will benefit the northwest commercial fishing salmon industry along with many others.

United Fishermen of Alaska represents 31 Alaska Commercial fishing organizations and hundreds of individual fishermen and fishing related businesses. We support the CS for HJR 6 and thank you for your attention to this matter.

Sincerely,

Mark Vinsel
Executive Director

CC: Representative Bill Kerttula

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Aleut Producers Association • Alaska Longline Fishermen's Association • Alaska Trollers Association • Anwarung Kula • At Sea Processors Association • Bristol Bay Resource
Concerned Area Fishermen • Cordova District Fishermen Union • Crab Risk Mitigation and Buyback Group • Douglas Island Pink and Chum • Fishing Vessel Owners Association • Groundfish Forum
Kahal Piarikwan Fishermen's Association • Kodiak Regional Aquaculture Association • Kodiak Seiners Association • North Pacific Fishermen's Association • North Pacific Scallop Cooperative
Northwest Alaska Fishermen's Association • Oyster Growers Association • Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation
Puro Selva Vessel Owners Association • Seafood Producers Cooperative • Southeast Alaska Morning Seiners Marketing Association • Southeast Alaska Regional Dredge Fisheries Association
Southern Southeast Regional Aquaculture Association • Ured Caribou Boats • United Salmon Association • United Southeast Alaska Gillnetters
Vessel Fishermen's Association • Vessel Fishermen's Association • Vessel Fishermen's Association • Vessel Fishermen's Association



United Southeast Alaska Gillnetters

P.O. Box 23370, Ketchikan, AK 99801 Phone & Fax (907) 247 2471 Email USA Gillnetters@aol.net

January 21, 2005

The Honorable Beth Kerttula
House of Representatives
State Capitol, Room 430
Juneau, AK 99801

Send Via Fax to: 465-1748.

Dear Representative Kerttula,

The United Southeast Alaska Gillnetters (USAG) is an association of about 150 small business owners who catch salmon by drift gillnetting in Southeast Alaska and market salmon throughout the United States. Many of our members also participate in other fisheries such as crab, shrimp, longline, and dive fisheries. USAG supports HJR 6 which supports the application of the federal country of origin labeling legislation (COOL) to processed as well as unprocessed seafood items. We believe the American consumer wants to know and has the right to know if the fish and seafood products they are purchasing are wild or farm raised. This is particularly important if we are to realize the maximum benefit from ASMI's "wild" Alaska seafood marketing efforts. In trade publication articles, salmon farmers have written that ASMI's "wild" salmon marketing has increased the sales of all salmon because the consumer cannot distinguish the difference between farmed and wild salmon in retail outlets. This is a totally unacceptable situation and we wholeheartedly support your efforts to encourage the federal government to apply the COOL regulations to all seafood products.

We also believe the State of Alaska should continue to work with other agriculture states to have the COOL regulations apply to all food items consumed in this country. Again, thank you for introducing this resolution and for your continuing support of our Alaska seafood industry.

Yours truly,

Kenneth Duckett
Executive Director

cc Representative Bill Thomas
Co-chair House fisheries Committee

Via Fax to: 465-2652

Cordova District Fishermen United



Celebrating 70 Years of Service to Commercial Fishermen in Cordova, Alaska
P.O. Box 939 Cordova, Alaska 99574 Telephone 907.424.3447 Fax 907.424.3430
E-mail: cdfu@ak.net

January 25, 2005

Representative Gabrielle LeDoux, Co-Chair
Representative Bill Thomas, Co-Chair
House Fisheries Committee
Alaska State Legislature
State Capitol (Mail stop 3100)
Juneau, AK 99801-1182

Dear Representative LeDoux,

Cordova District Fishermen United (CDFU) supports the CS for HJR 6 relating to the labeling of fish products and processed food items containing fish. CDFU, along with United Fishermen of Alaska, has been working for several years to have these type of federal regulations implemented. The American public would like to have their seafood products identified as farmed or wild as well as know what country their seafood was harvested in.

Cordova District Fishermen United represents hundreds of commercial fishermen in Area E Copper River and the Prince William Sound. We support the CS for HJR 6 and appreciate your attention to this matter.

Sincerely,

Diane Platt
Executive Director

CC: Representative Beth Kertula



Representative Beth Kerttula

Alaska State Legislature District 3

HJR 6

Labeling of Fish Products

Sponsor Statement

As Alaskans, we all know that Alaskan fish tastes better and is healthier than farmed fish. Alaskans have long shown their support of country-of-origin labeling (COOL) and labeling of farmed or wild fish. These national labeling standards will help maintain the vitality of Alaska's fishing industry by allowing consumers to make informed choices in the marketplace.

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House Joint Resolution supports the timely implementation of COOL and opposes the exclusion of processed food items from the requirements.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HJR 6
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
 Title: Labeling of Fish Products RDU: _____
 Component: _____
 Sponsor: Representative Kerttula
 Requester: House Special Committee on Fisheries Component No: _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Passage of this legislation would have no fiscal impact.

Prepared by: Sarah Gilbertson Phone 465-6137
 Division: Legislative Liaison Date/Time 1/25/05 11:47 AM
 Approved by: Acting Commissioner Wayne Regelin Date 1/25/2005
 Agency: Alaska Department of Fish & Game

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HJR 6
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Environmental Conservation
 Title Labeling of fish products RDU Environmental Health
 Component Food Safety and Sanitation
 Sponsor Rep Karttula
 Requester House Fisheries Component No. 2343

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This House Joint Resolution has no fiscal impact on the department.

Prepared by: Kristin Ryan, Director Phone (907) 269-7644
 Division: Environmental Health Date/Time 1/25/05 11:59 AM
 Approved by: Kurt Fredriksson Date 1/25/2005
 Agency: Department of Environmental Conservation



Federal Register

Tuesday,
October 5, 2004

Part IV

**Department of
Agriculture**

Agricultural Marketing Service

7 CFR Part 60

**Mandatory Country of Origin Labeling of
Fish and Shellfish; Interim Rule**

maintained for a period of 1 year from the date the origin and production designations are made at retail.

How Does This Regulation Impact Existing State Country of Origin Labeling Programs?

To the extent that State country of origin labeling programs encompass commodities which are not governed by this regulation, the States may continue to operate them. For those State country of origin labeling programs that encompass commodities that are governed by this regulation, these programs are preempted.

Can Food Products That Are Not Covered by This Regulation Be Voluntarily Labeled With COOL Information?

Yes. Such voluntary claims must be truthful and accurate and adhere to existing Federal labeling regulations.

Prior Documents in This Proceeding

This interim final rule is issued pursuant to the Farm Bill, the 2002 Appropriations, and the 2004 Appropriations, which amended the Act.

On October 11, 2002, AMS published Guidelines for the Interim Voluntary Country of Origin Labeling of Beef, Lamb, Pork, Fish, Perishable Agricultural Commodities, and Peanuts (67 FR 63367) providing interested parties with 180 days to comment on the utility of the voluntary guidelines.

On November 21, 2002, AMS published a notice requesting emergency approval of a new information collection (67 FR 70205) providing interested parties with a 60-day period to comment on AMS' burden estimates associated with the recordkeeping requirements as required by the Paperwork Reduction Act of 1995 (PRA). On January 22, 2003, AMS published a notice extending this comment period (68 FR 3006) an additional 30 days.

On October 30, 2003, AMS published the proposed rule for the mandatory COOL program (68 FR 61944) with a 60-day comment period. On December 22, 2003, AMS published a notice extending the comment period (68 FR 71039) an additional 60 days.

Overview of the Law

Section 1081E of Public Law 107-171 (7 U.S.C. 1638--1638d) amended the Act (7 U.S.C. 1621 *et seq.*) to require retailers to inform consumers of the country of origin of covered commodities beginning September 30, 2004.

The intent of this law is to provide consumers with additional information on which to base their purchasing decisions. COOL is a retail labeling program and as such does not provide a basis for addressing food safety. Seafood products, both imported and domestic, must meet the food safety standards of the Food and Drug Administration (FDA). The law defines the term "covered commodity" as muscle cuts of beef (including veal), lamb, and pork; ground beef, ground lamb, and ground pork; farm-raised fish and shellfish; wild fish and shellfish; perishable agricultural commodities; and peanuts. The law excludes items from needing to bear a country of origin declaration when a covered commodity is an "ingredient in a processed food item." The law defines the terms "retailer" and "perishable agricultural commodity" as having the meanings given those terms in PACA. The law defines the term "wild fish" as naturally-born or hatchery-raised fish and shellfish harvested in the wild and excludes net-pen aquacultural or other farm-raised fish.

The law specifically outlines the criteria a covered commodity must meet in order to bear a "United States country of origin" declaration. In the case of farm-raised fish and shellfish, the covered commodity must be derived from fish or shellfish hatched, raised, harvested, and processed in the United States. In the case of wild fish and shellfish, the covered commodity must be derived from fish or shellfish harvested in the waters of the United States or by a U.S. flagged vessel and processed in the United States or aboard a U.S. flagged vessel. In addition, the law also requires that fish and shellfish covered commodities be labeled to indicate whether they are wild or farm-raised.

To convey the country of origin information, the law states that retailers may use a label, stamp, mark, placard, or other clear and visible sign on the covered commodity or on the package, display, holding unit, or bin containing the commodity at the final point of sale to consumers. Food service establishments, such as restaurants, cafeterias, food stands, and other similar facilities are exempt from these labeling requirements.

The law makes reference to the definition of "retailer" in section 1(b) of PACA as the meaning of "retailer" for the application of the labeling requirements under the COOL law. Under this interim final rule, 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 produce exceeds \$230,000 during a calendar year. Since fish markets and similar specialty shops do not generally sell fruits and vegetables, they do not meet the PACA definition of a retailer and therefore are not covered by this rule.

The law requires any person engaged in the business of supplying a covered commodity to a retailer to provide the retailer with the product's country of origin information. In addition, the law states the Secretary of Agriculture may require that any person that prepares, stores, handles, or distributes a covered commodity for retail sale maintain a verifiable recordkeeping audit trail. The law prohibits the Secretary from using a mandatory identification system to verify the country of origin of a covered commodity and provides examples of existing certification programs that may be used to certify the country of origin of a covered commodity. The law contains enforcement provisions for both retailers and suppliers that include civil penalties of up to \$10,000 for each violation. The law also encourages the Secretary to enter into partnerships with States with enforcement infrastructure to the extent possible to assist in the program's administration.

II. Highlights of This Interim Final Rule

Covered Commodities

The term "covered commodity" includes: farm-raised fish and shellfish (including fillets, steaks, nuggets, and any other flesh) and wild fish and shellfish (including fillets, steaks, nuggets, and any other flesh).

Exclusion for Ingredient in a Processed Food Item

Items are excluded from labeling under this regulation when a covered commodity is an ingredient in a processed food item. Under this interim final rule, a "processed food item" is defined as: a retail item derived from fish or shellfish 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 (breeding, tomato sauce), except that the addition of a component (such as water, salt, or sugar) that enhances or represents a further step in the preparation of the product for consumption, would not in itself result in a processed food item. 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 (cold or hot), and restructuring (e.g., emulsifying and extruding, compressing into blocks and cutting into portions). Examples of items excluded include fish sticks, surimi, mussels in tomato sauce, seafood medley, coconut shrimp, soups, stews, and chowders, sauces, pates, salmon that has been smoked, marinated fish fillets, canned tuna, canned sardines, canned salmon, crab salad, shrimp cocktail, gefilte fish, sushi, and breaded shrimp.

Labeling Covered Commodities of United States Origin

The law prescribes specific criteria that must be met for a covered commodity to bear a "United States country of origin" declaration. The specific requirements for each commodity are as follows:

(a) **Farm-raised Fish and Shellfish**—covered commodities must be derived exclusively from fish or shellfish hatched, raised, harvested, and processed in the United States, and that has not undergone a substantial transformation (as established by U.S. Customs and Border Protection) outside of the United States.

(b) **Wild Fish and Shellfish**—covered commodities must be derived exclusively from fish or shellfish either harvested in the waters of the United States or by a U.S. flagged vessel and processed in the United States or aboard a U.S. flagged vessel, and that has not undergone a substantial transformation (as established by U.S. Customs and Border Protection) outside of the United States.

Labeling Country of Origin for Imported Products That Have Not Been Substantially Transformed in the United States

Under this interim final rule, an imported covered commodity shall retain its origin as declared to U.S. Customs and Border Protection at the time the product enters the United States, through retail sale, provided it has not undergone a substantial transformation (as established by U.S. Customs and Border Protection) in the United States.

Covered commodities imported in consumer-ready packages are currently required to bear a country of origin declaration on each individual package under the Tariff Act of 1930 (Tariff Act). This interim final rule does not change these requirements.

Labeling Imported Products That Have Been Substantially Transformed in the United States

Under this interim final rule, in the case of wild fish and shellfish, if a covered commodity was imported from country X and substantially transformed (as established by U.S. Customs and Border Protection guidelines and policies) in the United States or aboard a U.S. flagged vessel, the product shall be labeled at retail as "From [country X], processed in the United States." The covered commodity must also be labeled to indicate that it was derived from wild fish or shellfish.

In the case of farm-raised fish, if a covered commodity was imported from country X at any stage of production and substantially transformed (as established by U.S. Customs and Border Protection guidelines and policies) in the United States, the product shall be labeled at retail as "From [country X], processed in the United States." The covered commodity shall also be labeled to indicate that it was derived from farm-raised fish or shellfish.

Defining Country of Origin for Blended Products

Under this interim final rule, the country of origin declaration of blended or commingled retail food items comprised of the same covered commodity (e.g., bag of shrimp) having different origins, shall indicate the countries of origin for covered commodities in accordance with existing Federal legal requirements when the commingled product contains imported covered commodities that have not subsequently been substantially transformed in the United States. When the retail product contains imported covered commodities that have subsequently undergone substantial transformation in the United States commingled with other imported covered commodities that have subsequently undergone substantial transformation in the United States (either prior to or following substantial transformation in the United States) and/or U.S. origin covered commodities, the declaration shall indicate the countries of origin contained therein or that may be contained therein.

Remotely Purchased Products

For sales of a covered commodity in which the customer purchases a covered commodity prior to having an opportunity to observe the final package (e.g., Internet sales, home delivery sales, etc.) the retailer may provide the country of origin and method of production information (wild and/or

farm-raised), either on the sales vehicle or at the time the product is delivered to the consumer.

Markings

Under this interim final rule, the country of origin declaration and method of production (wild and/or farm-raised) designation may be provided to consumers by means of a label, stamp, mark, placard, band, twist tie, pin tag, or other clear and visible sign on the covered commodity or on the package, display, holding unit, or bin containing the commodity at the final point of sale to consumers. The country of origin declaration and method of production (wild and/or farm-raised) designation may be combined or made separately. Except as provided in § 60.200(g) and § 60.200(h)(2) of this regulation, the declaration of the country(ies) of origin of a product shall be listed according to existing Federal legal requirements. Abbreviations and variant spellings that unmistakably indicate the country of origin, such as "U.K." for "The United Kingdom of Great Britain and Northern Ireland" are acceptable. The adjectival form of the name of a country may be used as proper notification of the country(ies) of origin of imported commodities provided the adjectival form of the name does not appear with other words so as to refer to a kind or species of product. Symbols or flags alone may not be used to denote country of origin.

With respect to the production designation, various forms of the production designation are acceptable, including "wild caught," "wild," "farm-raised," "farmed," or a combination of these terms for blended products that contain both wild and farm-raised fish or shellfish provided it can be readily understood by the consumer and is in conformance with other Federal labeling laws. Designations such as "ocean caught," "caught at sea", "line caught," "cultivated," or "cultured" do not meet the requirements of this regulation. Alternatively, the method of production (wild and/or farm-raised) designation may also be in the form of a check box. However, the labeling requirements under this rule do not supersede any existing Federal legal requirements, unless otherwise specified, and any such country of origin and method of production (wild and/or farm-raised) notification must not obscure or intervene with other labeling information required by existing regulatory requirements.

In order to provide the industry with as much flexibility as possible, this rule does not contain specific requirements

Rules and Regulations

Federal Register

Vol. 69, No. 248

Tuesday, December 28, 2004

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 69

(No. 15-03-04)

RIN 0581-AC28

Mandatory Country of Origin Labeling of Fish and Shellfish

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule; extension of comment period.

SUMMARY: On October 5, 2004, the Agricultural Marketing Service (AMS) published an interim final rule (69 FR 59708) for the mandatory country of origin labeling (COOL) program for fish and shellfish as mandated by the Farm Security and Rural Investment Act of 2002 (Farm Bill) and the 2002 Supplemental Appropriations Act (Appropriations Act), which amended the Agricultural Marketing Act of 1946 (Act) to direct the Secretary of Agriculture to promulgate regulations by September 30, 2004, requiring retailers to notify their customers of the country of origin of covered commodities. The FY 2004 Consolidated Appropriations Act (Public Law 108-199) delayed the applicability of mandatory COOL for all covered commodities except wild and farm-raised fish and shellfish until September 30, 2006. AMS is extending the comment period to February 2, 2005, at the request of industry trade associations to provide interested parties with additional time to file comments.

DATES: Comments must be submitted on or before February 2, 2005, to be assured of consideration.

ADDRESSES: Send written comments to: Country of Origin Labeling Program, Room 2092-S; Agricultural Marketing

Service (AMS), USDA; STOP 0249; 1400 Independence Avenue, SW., Washington, DC 20250-0249, or by facsimile to (202) 720-3499, or by e-mail to cool@usda.gov. Comments received will be posted to the AMS Web site at: <http://www.ams.usda.gov/cool/>. Comments sent to the above location that specifically pertain to the information collection and recordkeeping requirements should also be sent to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street, NW., Room 725, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: William Sessions, Associate Deputy Administrator, Livestock and Seed Program, AMS, USDA, by telephone on (202) 720-5707, or via e-mail to: william.sessions@usda.gov.

SUPPLEMENTARY INFORMATION: The Farm Bill and the Appropriations Act amended the Act to direct the Secretary of Agriculture to promulgate regulations by September 30, 2004, requiring retailers to notify their customers of the country of origin of covered commodities. The FY 2004 Consolidated Appropriations Act (Public Law 108-199) delayed the applicability of mandatory COOL for all covered commodities except wild and farm-raised fish and shellfish until September 30, 2006.

On October 5, 2004, AMS published an interim final rule (69 FR 59708) for the mandatory country of origin labeling program for fish and shellfish. The comment period was originally scheduled to end on January 3, 2005. However, two industry trade organizations have requested additional time for retailers to examine their systems in light of the requirements of the interim final rule in order to provide more meaningful comments. Further, the Food and Drug Administration (FDA) recently published the final rule to implement the Bioterrorism Act's recordkeeping requirements and more time is needed for the industry to compare the FDA regulation recordkeeping requirements with the recordkeeping requirements under the COOL interim final rule. Therefore, AMS has determined that there is sufficient justification for extending the

comment period 30 days until February 2, 2005.

Authority: 7 U.S.C. 1621 *et seq.*

Dated: December 22, 2004.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 04-28349 Filed 12-27-04; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF AGRICULTURE

Rural Housing Service

7 CFR Parts 1806, 1822, 1902, 1925, 1930, 1940, 1942, 1944, 1951, 1955, 1956, 1965, 3560, and 3565

RIN 0575-AC13

Reinvention of the Sections 514, 515, 516 and 521 Multi-Family Housing Programs

AGENCY: Rural Housing Service, USDA.

ACTION: Interim final rule; extension of comment period.

SUMMARY: The comment period for the interim final rule is being extended an additional 30 days from December 27, 2004, in order to provide opportunities for further comment on this rule and its criteria. This interim final rule was published in the Federal Register on November 26, 2004. (69 FR 69032)

DATES: Comments on the interim final rule must be received on or before January 26, 2005, to be assured of consideration.

ADDRESSES: You may submit comments to this rule by any of the following methods:

- Agency Web Site: <http://rdinit.usda.gov/regs/>. Follow the instructions for submitting comments on the Web site.
- E-Mail: comments@usda.gov. Include the RIN number (0575-AC13) in the subject line of the message.
- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Mail: Submit written comments via Federal Express Mail or another mail courier service requiring a street address to the Branch Chief, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, 300 7th Street, SW, 7th Floor, Suite 701, Washington, DC 20024.

