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Group files complaint alleging USDA COOL study submitted to congress is biased

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Written by R-CALF

Washington, D.C. -In a **formal complaint** filed today under the U.S. Data Quality Act and the U.S. Department of Agriculture's (USDA's) Quality Information Guidelines, R-CALF USA challenges the accuracy, objectivity and integrity of the report that USDA submitted to Congress regarding the economic impact of the United States country of origin labeling (COOL) law. The complaint urges the recall of the USDA COOL report and calls for a new economic analysis.

Congress directed the USDA to conduct an economic analysis of COOL in the 2014 Farm Bill. The complaint alleges that the resulting USDA COOL report fails to comply with the study specifications established by Congress, which resulted in grossly overstated costs and understated benefits.

Passed by Congress in 2001, the Data Quality Act requires information disseminated by federal agencies to be accurate, reliable and unbiased. Under the act, federal agencies are also required to maintain the integrity of information as well as ensure their information has utility.

According to the complaint, the USDA COOL report is blatantly biased and lacks both utility and integrity. The complaint alleges that at least two of the three researchers commissioned by the USDA to conduct the study - Ted Schroeder, PhD, and Glynn Tonsor, PhD, both of Kansas State University - were predisposed to faulting COOL because they were already invested in a broad public campaign to promote and disseminate their 2012 claims that the costs of COOL exceeded benefits. These earlier claims, the complaint states, were used to support the 2013 federal lawsuit filed by the multinational meatpacking lobby against COOL.

The hard-hitting complaint does not stop there. It also alleges that the firm that provided the USDA with cost estimates for its study, Sparks Companies, Inc., now Informa Economics, Inc., "has a long and sordid history of providing grossly exaggerated, sky-is-falling-type economic studies to benefit the self-interests of industrialized agriculture conglomerates."

The complaint explains that Sparks/Informa had used exaggerated claims to help the meatpacking lobby defeat the 2002 U.S. Senate-passed prohibition against packer ownership and feeding of livestock, delay the implementation of the COOL law in 2003, and scuttle the USDA's proposed rules that would have prohibited meatpackers from engaging in retaliatory, discriminatory and deceptive practices against individual livestock producers.

As evidence that the USDA's COOL report lacks integrity, the complaint alleges that the USDA misrepresented the findings of a 2014 survey by Oklahoma State University and then omitted the survey's most relevant finding, namely that results indicate that "consumers valued beef that was born or born and raised in Canada \$0.89 and \$1.05 less, respectively, than beef that was born, raised, and slaughtered in the U.S." It also alleges the COOL report contradicts the USDA's 2010 COOL investigation that found that, "Packers were not able to sell beef with 'Canada' or 'Mexico' labels for the same price as beef produced entirely within the United States."

The complaint states that because of the deficiencies plaguing the COOL Report, "it is more likely that the true cost of COOL is closer to zero than it is to the overly inflated costs highlighted in the COOL Report."

The complaint concludes: "Unfortunately, COOL detractors are now wringing their hands in anticipation of using this work of fiction to leverage their congressionally-focused efforts to repeal COOL. This at the expense of the far more numerous COOL supporters, which consist of consumers who want to know where their food was born, raised and slaughtered and U.S. farmers and ranchers who want to differentiate their U.S.-origin product from among the growing tide of imported products."

In 2013, R-CALF USA successfully filed a complaint under the Data Quality Act that resulted in the withdrawal of an erroneous audit report completed by the USDA Office of Inspector General (OIG). R-CALF USA had challenged the

OIG's conclusions that national Beef Checkoff Program funds were being properly expended and relationships between checkoff recipients and the USDA complied with the law. The OIG re-investigated the matter, corrected its erroneous conclusions, and subsequently issued a revised audit report.

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Source: R-CALF USA (Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America) is the largest producer-only cattle trade association in the United States. It is a national, nonprofit organization dedicated to ensuring the continued profitability and viability of the U.S. cattle industry. For more information, visit www.r-calfusa.com or, call 406-252-2516.

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