

February 13, 2024

The Honorable Bernie Sanders
Chairman
U.S. Senate Committee on Health,
Education, Labor & Pensions
428 Dirksen Senate Office Building
Washington, DC, 20510

The Honorable Bill Cassidy, M.D.
Ranking Member
U.S. Senate Committee on Health,
Education, Labor & Pensions
428 Dirksen Senate Office Building
Washington, DC, 20510

The Honorable Debbie Stabenow
Chairwoman
U.S. Senate Committee on Agriculture,
Nutrition and Forestry
328 Russell Senate Office Building
Washington, DC 20510

The Honorable John Boozman
Ranking Member
U.S. Senate Committee on Agriculture,
Nutrition and Forestry
328 Russell Senate Office Building
Washington, DC 20510

The Honorable Cathy McMorris Rodger
Chairwoman
U.S. House Committee on Energy and
Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Frank Pallone
Ranking Member
U.S. House Committee on Energy and
Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable GT Thompson
Chairman
U.S. House Committee on Agriculture
1301 Longworth House Office Building
Washington, DC 20515

The Honorable David Scott
Ranking Member
U.S. House Committee on Agriculture
1301 Longworth House Office Building
Washington, DC 20515

Dear Chairman Sanders, Chairwoman McMorris Rodger, Chairwoman Stabenow, Chairman Thompson, Ranking Member Cassidy, Ranking Member Pallone, Ranking Member Boozman, and Ranking Member Scott:

As Congress reviews and reauthorizes critical programs in the Farm Bill, the undersigned food industry partners respectfully request that you work across committees of jurisdiction to clarify a date-labeling standard that applies to any food products in the United States that have date labels. Research shows confusion over date labels accounts for 8 percent of consumer food waste, costing the country around \$30 billion per year.¹ In the United States about 40 percent of all food goes unsold or uneaten² while 1 in 8 Americans experience food insecurity.³ Additionally, farmers, manufacturers, households, and businesses across the country spend over \$444 billion every year to grow, process, transport and dispose of food that is never eaten.⁴

¹ *Insights Engine*, REFED, https://insights-engine.refed.org/food-waste-monitor?break_by=cause&indicator=us-dollars-surplus&view=detail&year=2021 (last visited June 28, 2023).

² *Food Waste Facts*, REFED, <https://refed.org/food-waste/the-problem> (last visited June 27, 2023).

³ *Food Security and Nutrition Assistance*, U.S. DEPARTMENT OF AGRICULTURE (Oct. 18, 2022), <https://www.ers.usda.gov/data-products/ag-and-food-statistics-charting-the-essentials/food-security-and-nutrition-assistance/>.

⁴ *Food Waste Facts*, REFED, <https://refed.org/food-waste/the-problem> (last visited June 27, 2023).

Standardizing and clarifying date labels on food is one of the most cost-effective ways to ensure that usable food is not wasted. Research shows that many consumers incorrectly think that date labels indicate the date after which food is no longer safe to eat. In reality, date labels are often a manufacturer's estimate of a product's optimal quality. With almost 60 different labeling terms across the United States, 37% of consumers usually or always discard food because of the date and 84% of consumers do so at least occasionally.⁵ To save consumers money and limit the amount of food unnecessarily thrown away, action needs to be taken to clear up consumer confusion about the meaning of date labels.

We support clarifying date-labeling, as proposed in the bipartisan Food Date Labeling Act of 2023 (H.R. 3159; S. 1484), in the Farm Bill. This commonsense legislation would:

- Clarify that if a food business chooses to include a date label on their food product, they must use one of two date labels: They may select either a quality label indicating the date after which a food product's quality may deteriorate using the phrase "BEST If Used By" or a discard label indicating the date after which a food product should be discarded using the phrase "USE By."
- Require the USDA and the FDA to work together to provide education on the meaning of the standardized date labels.
- Make donations of food past the quality date universally permissible, provided it meets safety specifications.

Current date label regulation consists of a patchwork of state laws that would be streamlined by this proposal. Standardizing and clarifying date labels is one of the most practical ways to reduce food waste nationally, save households money, and ensure more food reaches the people who need it.

We the undersigned organizations and businesses strongly support streamlining food date labels across the United States to clear up consumer confusion and reduce wasted food.

Zero Food Waste Coalition

Amazon

ALDI Inc.

BJ's Wholesale Club

Bon Appetit Management Company

Danone North America

DoorDash, Inc.

FoodMaven

Goodr

Grubhub

Hellmann's

Kipster

Leanpath

⁵ Roni Neff et al., Misunderstood food date labels and reported food discards: A survey of U.S. consumer attitudes and behaviors, 86 WASTE MANAGEMENT 123–132 (March 2019) (available at: <https://www.sciencedirect.com/science/article/pii/S0956053X19300194>).

Mill Industries Inc.
Nestlé USA
Spoiler Alert
Sustainable Food Policy Alliance
The Kroger's Co
Too Good To Go
Unilever
Upcycled Food Association
Walmart
Whole Foods Market
Winnow