

September 9, 2024

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: AB 660 (Irwin): Streamlining Food Date Labeling – REQUEST FOR SIGNATURE

Dear Governor Newsom,

The California Product Stewardship Council (CPSC) writes to request your signature on **AB 660 (Irwin)**, which will standardize date labels on packaged foods. This bill will require manufacturers to use the same format for quality and safety dates, using “BEST if Used By” and “Use By,” respectively. By streamlining labeling practices, AB 660 would reduce consumer confusion and the environmental and socio-economic impacts of food waste. Further, by reducing this confusion, less food waste will need to be processed/composted as jurisdictions continue to strive to meet the requirements of SB 1383 (Lara, 2016).

CPSC is a 501(c)(3) organization with an extensive network of local governments, non-government organizations, businesses, and individuals supporting policies and projects where producers share in the responsibility for managing problem products at end-of-life. CPSC strives to provide greater support for waste prevention. AB 660 fits squarely into our mission and is in the best interests of our large network of supporters, our communities, and all California residents.

Consumer confusion on when to discard food items stems from lack of clarity on phrases such as “Sell By,” “Expires On,” “Freshest Before,” “Please Enjoy By,” etc. Defining a standard for producer- and consumer-targeted labels provides clarity on when food is past the recommended quality date for consumption versus unsafe to eat. Additionally, prohibiting consumer-facing “Sell By” dates, which inform retailers’ stock rotation, will reduce the likelihood of confusing “Sell By” dates with quality or safety dates. Implementing coded “Sell By” dates retains this information for retailers while preventing consumers from rejecting or prematurely disposing of wholesome, nutritious food.

AB 660 serves to address the estimated 20% of avoidable household food waste caused by consumer confusion over labelingⁱ. Decomposing food and other organic waste in landfills accounts for 41% of the state’s point-source methane emissionsⁱⁱ. Minimizing food waste, and organics waste at large, is integral to the success of meeting existing greenhouse gas reduction goals established in the state’s landmark short-lived climate pollutant law, SB 1383 (Lara, 2016). Tackling this issue is additionally critical considering the cost to households – the average American loses approximately \$1,300 annually to wasted foodⁱⁱⁱ.

In 2017, the legislature adopted the FDA-supported phrases^{iv} “Use By” and “Best if Used By” labels set forth in AB 954 (Chiu, 2017), which outlined voluntary expiration date standards for brands. The Food Date Labeling Act, introduced both in 2019 and 2021, aimed to implement these standards at the federal level. In the years following AB 954, adoption of these standards has been supported by producers and proven commercially viable for producers to undertake. In comparison to other food waste preventing strategies, standardizing date labels is estimated to have the greatest value per economic ton while incurring negligible costs to implement^v.

A Consumer Brands Association report, *Best if Clearly Labeled*, published in 2018, discusses industry recognition of the benefits consumers would receive with streamlined labeling, touting support for the use of the aforementioned phrases^{vi}. The Consumer Brands Association, which represents seventy-four companies and an estimated 2,000 brands^{vii}, reported 87% implementation in 2018, and anticipated 100% implementation by 2020. However, data collected from a 2018 consumer fridge study showed an estimated 43% compliance with the voluntary labeling standards endorsed by the Association, and a related 2019 store shelf study found only 36% of products displayed these recommended labels^{viii}. This demonstrates the need for mandated standardization of date labeling.

LET'S END THE CONFUSION

AB 660 simply requires that manufacturers use current voluntary standards, which are the same terms that they, themselves, have identified to reduce consumer confusion and are supported by the Food and Drug Administration and the United States Department of Agriculture. This bill, coupled with additional consumer education will provide a streamlined and widespread understanding of food date labels, resulting in less food waste and increased consumer confidence in the safety of their food.

State action is crucial to reduce food waste and its impacts on the environment and keep money in the pockets of Californians. Your leadership has positioned California as a leader in environmental policy and protection of natural resources. California has the chance to lead the country once again by passing the first in the nation food date labeling reform bill.

For these reasons, we are proud to support this measure and respectfully request your signature on AB 660.

Sincerely,



Doug Kobold
Executive Director

- ⁱ Lyndhurst, Brook. "Consumer Insight: Date Labels and Storage Guidance." *WRAP* (2011). <https://wrap.org.uk/resources/report/consumer-insight-date-labels-and-storage-guidance>.
- ⁱⁱ Duren, R.M., Thorpe, A.K., Foster, K.T. et al. "California's methane super-emitters." *Nature* 575, 180–184 (2019). <https://doi.org/10.1038/s41586-019-1720-3>
- ⁱⁱⁱ Conrad, Zach. "Daily cost of consumer food wasted, inedible, and consumed in the United States, 2001–2016". *Nutrition Journal* 19, Article no. 35 (2020). <https://doi.org/10.1186/s12937-020-00552-w>.
- ^{iv} Yiannis, Frank. "Date Labeling." *U.S. Food and Drug Administration*. (2019). <https://www.fda.gov/media/125114/download>
- ^v ReFED. "A Roadmap to Reduce U.S. Food Waste by 20 Percent". (2016). https://refed.org/downloads/ReFED_Report_2016.pdf
- ^{vi} Consumer Brand Association. "Best if Clearly Labeled : How the Consumer Packaged Goods Industry is Reducing Confusion and Food Waste." (2019). https://consumerbrandsassociation.org/wp-content/uploads/2019/11/ConsumerBrands_ClearlyLabeled.pdf.
- ^{vii} Gelski, Jeff., "Membership jumps over 30% for Consumer Brands Association." *Food Business News* (2021). <https://www.foodbusinessnews.net/articles/18040-membership-jumps-over-30-for-consumer-brands-association>.
- ^{viii} Roe, Brian E., Danyi Qi, Kathryn E. Bender, and Julia Hilty. "Industry versus Government Regulation of Food Date Labels: Observed Adherence to Industry-Endorsed Phrases" *Sustainability* 11, no. 24: 7183 (2019). <https://doi.org/10.3390/su11247183>