



March 12, 2024

The Honorable Chair Isaac Bryan
 Assembly Natural Resources Committee
 1020 N Street, Room 164 Sacramento, CA 95814

RE: AB 2577 (Irwin): Organic waste: reduction regulations– SUPPORT

Dear Assembly Member Bryan,

The undersigned organizations are writing to express strong support for AB 2577 (Irwin), which would require CalRecycle to promulgate regulations requiring food labels to reduce food waste. This reduction in food waste will help California reach its mandated goals of rescuing 20% of surplus food by 2025 and reducing methane emissions from organic waste.

One of the ways that CalRecycle can reduce food waste is to streamline date labels. Consumer confusion when it comes to the right time to dispose of food stems from lack of clarity with phrases such as “Sell By”, “Expires On”, “Use By”, and “Best if Used By”. Defining a standard for producer- and consumer-targeted labels provides clarity on when food is at recommended quality for consumption versus unsafe to eat. In addition, by prohibiting consumer-facing “Sell By” dates, which inform retailers’ stock rotation, consumers will be less likely to confuse these with quality or safety dates. Implementing coded “Sell By” dates retains this information for retailers while preventing consumers from rejecting or prematurely disposing of products.

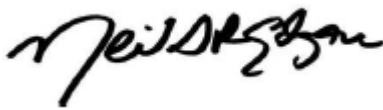
Minimizing food waste, and organics waste at large, is also integral to the success of meeting existing greenhouse gas reduction goals established in SB 1383. Such actions will limit needless consumer food waste and the stream of organic waste being landfilled. Food and other organic waste decomposing in landfills accounts for 41% of the state’s point-source methane emissions [3].

In 2017, the legislature adopted the FDA-supported phrases [4] “Use By” and “Best if Used By” labels set forth in AB 954 (Chiu, 2017), which outlined voluntary expiration date standards for brands. In the years following AB 954, adoption of these standards has been supported by producers – a Consumer Brands Association report, *Best if Clearly Labeled*, published in 2018, displays industry recognition for the

benefits consumers would receive with streamlined labeling [5]. The Consumer Brands Association, which represents 74 companies and an estimated 2,000 brands[6], 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 [7]. Action to reform date labels is crucial, Given recent federal and brand support towards streamlining labels, state action to reduce food waste, methane emissions, and the added benefit to save consumers money. For these reasons, we urge you to support AB 2577.

Sincerely,



Neil Edgar, Executive Director
California Compost Coalition



Joe La Mariana, Executive Director
RethinkWaste



Doug Kobold, Executive Director
California Product Stewardship Council



Andrea Collins, Senior Specialist, Sustainable Food Systems
Natural Resources Defense Council



Todd Weber, Chair
Elders Climate Action, NorCal



Richard Burke, Chair
Elders Climate Action, SoCal



Timothy Burroughs, Executive Director
StopWaste



Erica Donnelly-Greenan, Executive Director
Save Our Shores



Jessica Toth, Executive Director
Solana Center for Environmental Innovation



Jenn Engstrom, State Director
California Public Interest Research Group



Alejandra Warren, Executive Director
Plastic Free Future



Leslie Lukacs, Executive Director
Zero Waste Sonoma



Melissa Romero, Senior
Legislative Affairs Manager
**California Environmental
Voters**



Lauren Ahkiam, Climate
Co-Director
**Los Angeles Alliance for a
New Economy (LAANE)**



Ezer Pamintuan, Policy
Advocate
**Alameda County
Community
Food Bank**



Tracy Weatherby, VP Strategy
and Advocacy
**Second Harvest of Silicon
Valley**



Krystal Raynes, Policy Associate
**Californians Against Waste
(Sponsor)**

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- [1] Lyndhurst, Brook. "Consumer Insight: Date Labels and Storage Guidance." *WRAP* (2011). <https://wrap.org.uk/resources/report/consumer-insight-date-labels-and-storage-guidance>.
- [2] 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>.
- [3] 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>.
- [4] Yiannis, Frank. "Date Labeling." *U.S. Food and Drug Administration*. (2019). <https://www.fda.gov/media/125114/download>.
- [5] 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.
- [6] 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>.
- [7] 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>.