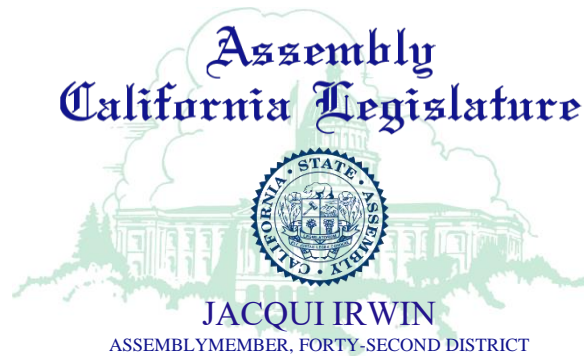


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Director Rachel Machi Wagoner
California Department of Resources Recycling and Recovery
1001 I Street
Sacramento, CA 95814

July 10, 2023

Re: Food Product Date Labels

Director Wagoner:

I request the California Department of Resources Recycling and Recovery (CalRecycle) to promulgate regulations which would standardize food product expiration date labels, reducing food waste and increasing consumer understanding about the quality and safety of their food.

SB 1383 (Lara, Chapter 395, Statutes of 2016) gave CalRecycle far-reaching authority to adopt regulations to both reduce the overall amount of organic waste going to landfills and to specifically recover edible food for human consumption.

EPA's most recent review of food waste projects that 40% of food waste comes from households. While it is important to divert this waste from landfills, better greenhouse gas outcomes can be derived through preventing this waste from occurring before it hits the bin. In order to meet the requirement that 20% of edible food be recovered for human consumption, CalRecycle should address major contributors to household wasted food as well as business generated wasted food. A staggering 20% of avoidable household food waste can be attributed to misunderstanding the meaning of food date labels. CalRecycle could make huge strides in both keeping good food out of landfills and addressing food insecurity for California residents through mandating consistent and uniform date labels and educating residents about their meaning.

Food waste makes up about 6 million tons of California's annual waste stream. The rotting food in landfills generates methane, which is a potent greenhouse gas up to 86 times more powerful than carbon dioxide. The wide variety of date labels featured on packaged foods is a primary contributor. Over 50 different labels can be found on food products across the nation, confusing consumers with their various meanings. Cautious consumers employ the "when in doubt, throw it out" strategy, leading them to throw away still-edible food. Addressing food waste at the source would directly impact a leading source of landfill methane and allow consumers to make informed decisions about their food.

To address this, I introduced AB 660 earlier this year, which would require the use of uniform terms on food products which use date labels. These standards include:

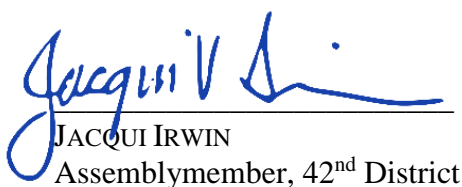
- (1) “BEST if Used by” or “BEST if Used or Frozen by” to indicate the quality date of a product.
- (2) “USE by” or “USE by or Freeze by” to indicate the safety date of the product.

These uniform terms, endorsed by the USDA, FDA, and CDFA, are voluntary standards codified by AB 954 (Chiu, Ch. 787, Statutes of 2017) in Food and Agriculture Code 82001, and they are also reflective of the proposed standards in the federal Food Date Labeling Act of 2023 (HR 3159, Pingree). Despite these voluntary standards, consumers continue to prematurely dispose food due to confusion surrounding date labels.

Additionally, three weeks ago, the FY 23-24 state budget included funding for the creation of a Zero Waste Plan was passed by the Legislature and signed by the Governor. In part, the Legislature directed the department to “identify additional strategies needed to achieve ... the edible food recovery goal established by paragraph (2) of subdivision (a) of Section 42652.5 of the Public Resources Code.” Multiple studies have shown that standardizing expiration dates is among the most cost-effective ways of both preventing food waste and supporting food recovery efforts, and I would urge you to prioritize the use of this strategy to achieve the state’s food recovery target.

While I remain committed to passing AB 660, I believe CalRecycle has the statutory authority, and mandate, to act without awaiting the passage of additional legislation. **I request CalRecycle adopt regulations to standardize food product date labels in order reduce food waste and eliminate the confusion everyday consumers experience.** I appreciate your consideration of this request and I look forward to the opportunity to provide comments on this important regulation.

Sincerely,



JACQUI IRWIN
Assemblymember, 42nd District

CC: Christine Aurre, Deputy Legislative Secretary to Governor Newsom
James Barba, Office of Pro Tem Atkins
Kip Lipper, Office of Pro Tem Atkins
Miles Horton, Office of Speaker Rivas
Erin Rodriguez, Deputy Director of Legislative Affairs for CalRecycle