

Congress Continues Efforts to Combat Food Waste



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Tuesday, August 6, 2019

As previously reported on this [blog](#), food waste is a major issue in the United States. We also have reported on previous attempts by Congress to curb food waste through legislation. The most recent effort to reduce food waste was made by Representatives Chellie Pingree (D-Maine) and Dan Newhouse (R-Wash.) when they re-introduced the Food Date Labeling Act, [H.R. 3981](#) on July 25, 2019. The legislation is designed to end consumer confusion by creating a national standard for date marking of food. Currently, there are no federal regulations related to date labels on foods products other than for infant formula.

The national date labeling standard under the Food Date Labeling Act would allow food manufacturers to use either a quality date or a discard date.

- “BEST If Used By” would let consumers know that the quality of the food product may begin to deteriorate after the date provided.
- “USE By” would indicate the end of the estimated shelf life, after which the product should not be consumed.

Noting that 90% of American prematurely throw out safe food while 38.4 million Americans are food insecure, Rep. Pingree, stated in a [press release](#) that this bill can help ensure that “food is being used and eaten, rather than thrown out due to confusion.” The bill also allows food to be sold or donated after the quality-based date.

The Food Date Labeling Act was referred to the Committee on Energy and Commerce

and the Committee on Agriculture. On July 30, Senator Richard Blumenthal (D-Conn.) introduced a companion bill in the Senate, [S 2337](#), which was referred to the Committee on Health, Education, Labor, and Pensions.

FDA addressed this issue a few months ago in a [May 23, 2019 letter](#) to food companies, in which the Agency endorsed the voluntary use of the “Best If Used By” label for food. The letter also pointed out that while industry has recommended the phrase “Use By” to apply to perishable products that should be consumed by the date on the package, FDA was not addressing the use of a “Use by” product date label for safety reasons at that time. (See our [May 24 blog](#).)

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