



1152 FIFTEENTH STREET NW, SUITE 430  
WASHINGTON, DC 20005  
PHONE: 202-296-2622

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Rachel A. Edelstein  
Assistant Administrator  
Office of Policy and Program Development  
Food Safety and Inspection Service  
1400 Independence Avenue SW  
Jamie L. Whitten Building, Room 350-E  
Washington, DC 20250-3700

Re: Docket No. FSIS-2024-0021: Food Date Labeling

Dear Ms. Edelstein,

The National Chicken Council (NCC) appreciates the opportunity to comment on the *Food Date Labeling* Request for Information (RFI) issued jointly by the U.S Department of Agriculture (USDA) Food Safety and Inspection Service (FSIS) and the Food and Drug Administration (FDA) (together, "the Agencies"). NCC is the national, non-profit trade association that represents vertically integrated companies that produce and process more than 95 percent of the chicken marketed in the United States. Minimizing food waste is a priority of the broiler chicken industry. We believe that clear and consistent date labeling will minimize consumer confusion and, subsequently, aid in minimizing food waste.

NCC appreciates the actions FDA and FSIS have taken to date related to food date labeling, and their willingness to engage stakeholders on this important topic. A federally led approach to food date labeling is critical to minimizing consumer confusion and the potential for food waste. To that end, we offer the following comments:

### **NCC Encourages FDA and FSIS to Work Together Toward a Unified Approach to Food Date Labeling**

We encourage FSIS and FDA to continue to work in collaboration to ensure that any changes in regulatory requirements are consistent between both Agencies. Consistency will allow for better understanding of the meaning of food date labels by customers and streamline label changes that may be required by companies that produce products regulated by both FSIS and FDA.

Some states across the U.S. either have or are considering specific date labeling requirements. As these state-based initiatives continue, the patchwork of state requirements may lead to additional consumer and industry confusion, additional compliance costs, and food waste. As such, both the food industry and consumers need consistency across date labels – whether on product regulated by FSIS or FDA. A uniform approach to date labeling at the federal level will ensure national consistency and prevent these harms.

It will also be important that any future date labeling requirements do not interfere with the industry's robust international trade. Labeling requirements will need to be understood and accepted by our trading partners, and if necessary to comply with foreign market requirements, products for export should be able to deviate from any state or federal labeling requirements.

### **Date Labeling Changes Should be Limited to Consumer-Facing Products**

NCC also requests that any future changes in labeling requirements be focused on consumer-ready products only. Products intended for use in food service, hotels, restaurants, and institutions or for further processing should not be subject to any new date labeling requirements, as date codes in these contexts may have specific meanings worked out between the supplier and customer.

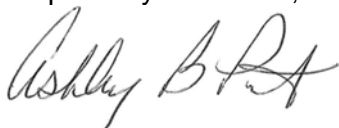
### **Any Date Labeling Requirements Must be Accompanied by an Adequate Implementation Period**

Finally, should any date labeling updates be required, we respectfully ask that companies have adequate time to utilize all packaging material currently in inventory prior to making the required label changes (e.g., 3 years). This time will allow companies to conduct necessary stability testing and update their labels across product portfolios. This is important not only from an economic standpoint but to also support the industries and Agencies' shared sustainability goals. Notably, supply chain storages experienced by the industry during COVID-19 prompted NCC member companies to stock extra packing materials. As such, industry should be afforded adequate time to implement any necessary changes and avoid unnecessary disposal of current packaging inventory.

### **Conclusion**

In conclusion, we encourage both FSIS and FDA to coordinate on any regulatory changes pertaining to food date labeling. This will aid in the implementation of any potential new requirements, avoid customer confusion and support the Agencies' goal to reduce food waste. NCC appreciates the opportunity to provide comments on the agencies RFI and looks forward to continued dialog on this subject.

Respectfully submitted,



Ashley B. Peterson, Ph.D.  
Senior Vice President, Scientific and Regulatory Affairs  
National Chicken Council