

November 12, 2024

USDA Food Safety and Inspection Service
1400 Independence Avenue SW
Washington, DC 20250-3700

Comment on USDA FSIS Guideline on Substantiating Animal-Raising or Environment-Related Labeling Claims (Docket No. FSIS-2024-0010)

This guideline provides information on how to use and substantiate animal-raising and environment-related claims on meat and poultry products regulated by the United States Department of Agriculture (USDA) Food Safety and Inspection Service (FSIS). The comments below from the Center for Science in the Public Interest (CSPI) and the Environmental Working Group (EWG) will be limited to the environment-related claims, defined by FSIS as claims that “describe how the producer maintains or improves the land or otherwise implements environmentally sustainable agricultural practices.”¹

CSPI is a non-profit consumer education and advocacy organization that has worked since 1971 to improve the public’s health through better nutrition and safer and more sustainable food. The organization does not accept corporate donations and is supported by subscribers to its Nutrition Action magazine and grants from individuals and private foundations. CSPI has a long history of advocating for policies that leverage food labeling to support public health, including health warnings on alcoholic beverages, the mandatory Nutrition Facts panel, rules requiring the disclosure of allergens, calorie counts on chain restaurant menus, and more. Further, we prioritize advocacy efforts that support sustainable food production and consumption patterns.

The Environmental Working Group, or EWG, is a nonprofit research and policy organization with offices in Washington, D.C., Minneapolis, San Francisco and Sacramento, California.

The updated guideline strongly encourages establishments 1) to provide USDA FSIS with data or studies to support environment-related claims on product labels and 2) to use third-party certification to help review and evaluate environment-related claims, and recommends that establishments 3) coordinate with the FSIS Labeling and Program Delivery Staff to discuss the development of environment-related claims and supporting documentation.² The fundamental flaw in this schema is its voluntary nature, which will likely fail to ensure that environment-related claims are truthful and not misleading for the consumer. Moreover, the guideline stops short of defining relevant terms and standards for making specific environmental-related claims.

Climate change poses an existential threat to all facets of life and can be mitigated by reducing greenhouse gas (GHG) emissions, including from agriculture, which accounts for 10% of U.S. GHG emissions.³ Environment-related claims on meat and poultry labels and labeling could encourage both the production and consumption of more environmentally sustainable products, but only if such claims are trustworthy and properly regulated. Failure to adequately regulate these claims will leave consumers susceptible to greenwashing (*i.e.*, false or misleading claims about the environmental impacts of a product).⁴

To ensure that environment-related claims are truthful, not misleading, and promote more environmentally sustainable production and consumption, we recommend the following:

- FSIS should make it mandatory, not voluntary, for establishments to provide documentation to support environment-related claims prior to approval.
- FSIS should establish standards and definitions for specific environment-related claims and prohibit any environment-related claims, including “climate-smart” or other emissions-related claims, that do not meet those standards and definitions.
- FSIS standards for claims related to emissions reductions should require that these claims be accompanied by an on-package numerical carbon disclosure and specify a standardized methodology for calculating product-level emissions.
- Third-party organizations should not be used to establish standards and definitions for specific claims because such certifications are not sufficient for ensuring that claims are truthful and not misleading. Third-party organizations should only be used to verify compliance with FSIS standards or to signify that a product making a FSIS-approved claim meets even more rigorous standards than are required by FSIS for that claim.

Background: Environment-related claims could either encourage or undermine more environmentally sustainable production and consumption, depending on how they are regulated

Globally, food systems are responsible for about one third of GHG emissions caused by humans.⁵ In the United States, the agricultural sector is a top contributor of GHG emissions, and animal production has an outsized contribution to the environmental impact of agriculture, contributing roughly twice the GHG emissions of plant-based foods, globally.^{6,7} Changing practices related to production and consumption of meat and poultry could help mitigate the effects of climate change.

Meanwhile, climate change poses challenges to the U.S. agricultural industry in a variety of interconnected ways, from an increase in heavy precipitation to erosion to saltwater intrusion, all of which can negatively impact agricultural productivity.⁸ Reducing GHG emissions from agriculture and finding more environmentally sustainable ways to produce food is essential for ensuring a sustainable and resilient global food supply.

Environment-related labeling claims are becoming more common as U.S. consumers become increasingly interested in leveraging their purchasing power to support environmentally sustainable business practices and as producers seek to cater to that demand. There are now hundreds of environment-related labeling claims for consumer goods, including many related to food.⁹ In a 2024 survey, 40% of consumers said “knowing that the food or beverage is produced in a way that minimizes its carbon footprint/climate impact” is very important or somewhat important to them when deciding to purchase a food or beverage.¹⁰ Companies are eager to create the impression that their products have environmental benefits to attract this consumer segment, and market research suggests that consumers are shifting their spending towards products with environment-related claims.¹¹

Labeling is an effective tool to drive consumer behavior. Sixty out of 76 interventions included in a 2021 systematic review examining the effects of labels that convey information about a product’s environmental impact found that the presence of such labels was associated with increased selection, purchase, or consumption of labeled food and drink products.¹² A large international survey in 2023 asked participants to imagine there are two otherwise identical versions of a product available—one manufactured with environmental sustainability in mind and another that’s a “regular” version—and found that 53% of U.S. consumers were willing to spend up to 10% more for the “sustainable versions” of packaged food and drinks.¹³

Environment-related labeling claims present an opportunity for consumers to leverage their purchasing power to support environmentally sustainable business practices, but they are only impactful if those claims are truthful and not misleading. Without proper oversight, companies may use these claims for financial gain without providing substantial environmental benefits. For example, the largest animal protein-producing company in the world (JBS) was using advertising claims such as “Net Zero by 2040” until the National Advertising Review Board of the Better Business Bureau recommended JBS discontinue all net zero goal claims on the grounds that JBS did not have a plan to achieve them.¹⁴ Companies may also use environment-related claims to make products appear more nutritious or wholesome than they really are. For example, in one study, consumers viewed cookies labeled “organic” as having fewer calories than conventional cookies and felt they could be eaten more frequently.¹⁵ Companies may use other production-related claims perceived similarly to “organic” to create misleading “health halos” on unhealthy foods.

The Federal Trade Commission acknowledges the potential for consumers to be misled by unsubstantiated environmental marketing claims and cautions against making “unqualified general environmental benefit claims.”¹⁶ But consumers can be misled by more specific environment-related claims as well. For example, research shows that consumers have a hard time understanding labels that quantify the GHG emissions linked to a food product in the

absence of other information or visual cues.¹⁷ Environment-related claims may incorporate various environmental metrics, such as GHG emissions, land use, and water use. How each of these metrics is measured and what practices qualify a product as environmentally sustainable requires careful consideration. If different companies make the same claim but use different definitions or ways of measuring environmental impacts, consumers cannot compare across products to make informed choices. Uniform standards for environment-related claims are necessary to ensure transparency, consistency, and reliability in the marketplace.

Recommendation 1: FSIS should require establishments to provide environmental data to substantiate environment-related claims prior to label approval

The new draft guidance encourages companies “to provide FSIS with data or studies to support environment-related claims on their label” on a voluntary basis,¹ but this should be mandatory, not voluntary, and apply to both labels (information on a product’s immediate container) and labeling (which includes any accompanying information).^{18,19} FSIS has the authority to determine what documentation is required for making claims on meat and poultry labels. The Federal Meat Inspection Act,²⁰ Poultry Products Inspection Act,²¹ and Egg Products Inspection Act²² allow FSIS to develop and implement regulations to ensure meat and poultry labels and labeling are truthful and not misleading.²

Under the current system, FSIS pre-approves all meat and poultry labels and has a responsibility to ensure the claims on these labels are truthful and not misleading. For environment-related claims, the agency cannot fulfill this responsibility if substantiating documentation is not provided. Companies making such claims should bear the burden of providing scientific evidence including data and studies that prove their claims are accurate and not misleading. FSIS should require such environmental data and studies to verify that the production methods used will have a substantial positive environmental impact (compared to traditional production) prior to approving a claim. FSIS should define what constitutes a substantial benefit for each type of claim (*see* Recommendation 2).





To promote transparency for consumers, FSIS should also be required to keep this documentation on file and make it available to the public (with the potential exception of certain confidential commercial information).



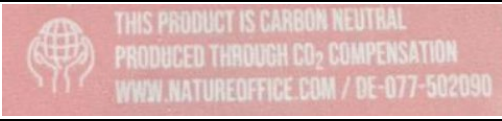
Recommendation 2: FSIS should develop standardized definitions for key environment-related claims, and prohibit all other environment-related claims on meat and poultry labels and labeling

As previously discussed, consumers cannot trust environment-related claims if different companies can make the same claim using different definitions or standards. Third-party

certification cannot remedy this because there may still be multiple third-party certifiers that apply different standards for similar or identical claims. For example, there are several “carbon neutral” claims currently on the market citing certifications from a variety of third-party companies (*see* Figure 1). These companies sell services to help food manufacturers measure and track carbon emissions, set reduction goals, and purchase offsets. The company webpages often provide little detail about the methods they use for measuring and tracking emissions, and what standards must be met for a product to use the carbon neutral claim. The only way to ensure that consumers can trust environment-related claims on meat and poultry products is for FSIS to develop uniform standards for specific claims and to prohibit any similar claims that do not meet those standards. FSIS should work in partnership with FDA to adopt standards that are consistent across the U.S. food supply.

Figure 1. Examples of Third Party-Certified “Carbon Neutral” Claims on U.S. Foods, 2024

Certifying Company or Organization	Example Product	Claim/Logo
Agendi (agenda.co)	Talia Margherita Pizza	
Carbon Trust (carbontrust.com)	Ivy’s Reserve Tangy Red Cheese	
Climate Impact Partners (carbonneutral.com)	Lemon Perfect Zero Sugar Peach Raspberry Enhanced Water Beverage	
Climate Partner (climatepartner.com)	Misfits Chocolate S’Mores Vegan Chocolate Protein Bars	

ClimeCo [formerly Carbonfund.org Foundation] (climeco.com/ carbonfund.org)	evol. Five Cheese Alfredo Mac with Chicken	
GreenFeet (greenfeet.com)	Icoco Peruvian Milk Chocolate	
Nature Office (natureoffice.com)	Sweet Haven Vanilla Strawberry Filled Chocolate Truffles	

Images sourced from: Nielsen IQ Product Explorer

FSIS should develop rigorous definitions and standards for a specific set of claims expected to be the most common or with the greatest potential to promote environmentally sustainable production practices. The agency could start with those referenced as examples in the draft guideline (and their variations), including: “Sustainably/Regeneratively Farmed/Raised/Grown/Produced,” “Farmed/Raised/Grown/Produced with Environmental Stewardship/Using Regenerative Agriculture Practices,” “Restoring Land,” “Carbon Neutral,” “Carbon Zero,” “Environmentally Responsible,” and “Reduction of Greenhouse Gases.” FSIS should prohibit any environment-related claims that do not meet or exceed these standard definitions to prevent companies from using different terminology to convey similar messages as a way of circumventing regulation. We note that many methods for certifying such claims are unreliable because they rely on unproven assumptions about the impact of various production practices. If the agency cannot develop an enforceable definition for a claim, such a claim should be precluded.

FSIS should only define and allow claims that will convey truthful and non-misleading information. As such, FSIS should not allow any climate or emissions-related claims on any product until a reliable system for defining and regulating such claims can be developed. This is particularly important for beef because the practice of raising beef contributes far more carbon emissions than virtually any other food, producing roughly 9 times more CO2 equivalents per gram of protein than poultry and 60 times more than beans.⁷ Absent a major reduction in GHG emissions, even “lower impact” beef is likely to be associated with greater GHG emissions than average emissions from producing pork, chicken, and plant-based proteins (*see* Figure 2), and there is not strong evidence that consumers reliably understand this context when interpreting positive climate claims on beef.^{7,23}

Figure 2: Emissions in kilograms of GHG per serving by food item

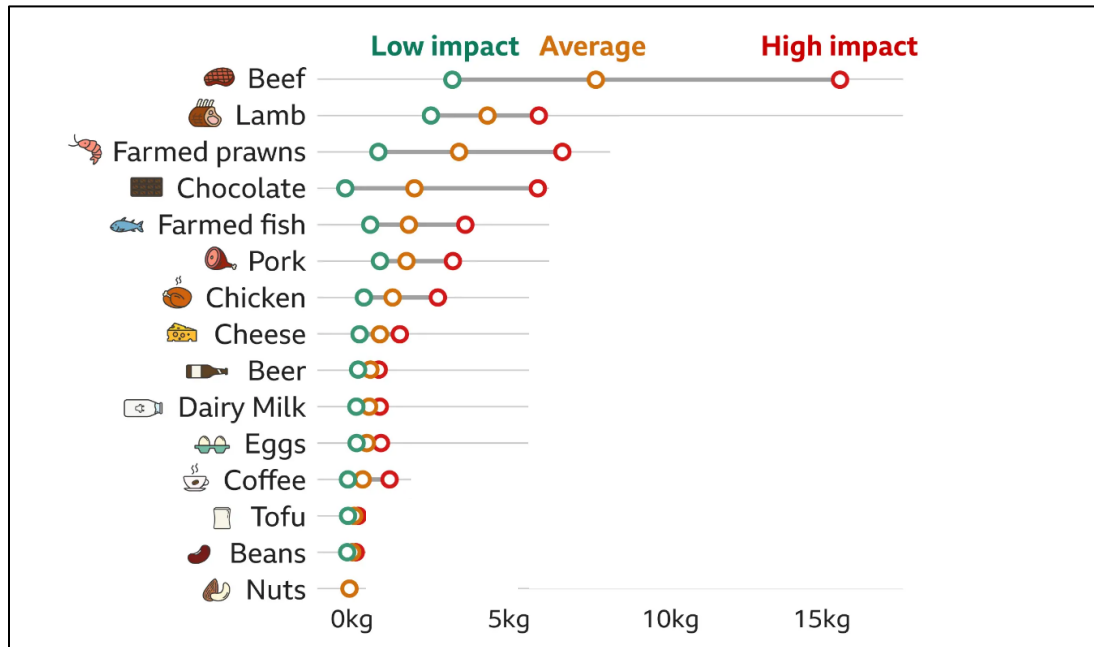


Image source: <https://www.bbc.com/news/science-environment-46459714>, adapted by CSPI

FSIS has allowed beef products with claims like “climate-friendly” and “carbon neutral” to enter the market (see Figure 3). The agency should rescind approval of these labels and prohibit such claims on beef products going forward.²⁴

Figure 3: Examples of climate and emissions-related claims on FSIS-approved beef products

A. Brazen Beef ground beef burgers with “Climate Friendly” claim



Image source: Nielsen IQ Product Explorer

B. Forward Farms tenderloin steak with “100% Carbon Neutral Raised” claim



Image source: Nielsen IQ Product Explorer

Recommendation 3: FSIS standards for claims related to emissions reductions should require that these claims be accompanied by an on-package numerical carbon disclosure and specify a standardized methodology for calculating product-level emissions.

For any product making an FSIS-defined claim related to emissions reductions (e.g. “Lower Carbon,” “Reduced Carbon,” or “Reduction of Greenhouse Gases”), FSIS should require that such claims be accompanied by on-package numerical carbon disclosures (e.g., Lower Carbon: Xg CO₂). FSIS should only allow such claims to be made on products with substantially lower life-cycle emissions (e.g., at least 25%) than the industry average for the product category (which should be regularly updated, e.g., every 3 years). FSIS could model this policy on its existing policy allowing nutrient content claims using the term “reduced.” For example, FDA allows a “reduced fat” claim if a product “contains at least 25 percent less fat per reference amount customarily consumed than an appropriate reference product.”²⁵ FSIS should also specify a standardized methodology for calculating product-level emissions and require companies to use that method to develop numerical carbon disclosures for their labels.

Recommendation 4: Third-party certifications should only be used to verify compliance with FSIS standards or to signify that a product making a FSIS-approved claim meets even more rigorous standards than are required by FSIS for that claim

The draft guideline encourages companies to partner with third-party organizations to certify environment-related claims, stating: “Third-party certification of animal-raising or environment-related claims helps ensure that such claims are truthful and not misleading by having an independent organization verify that standards are being met on the farm, which is outside of FSIS jurisdiction, for the raising of animals and environment-related practices.”¹ We agree that third-party organizations can play a role in verifying compliance with standards, but those standards should be set by FSIS and FSIS should have final approval of each claim.

Currently, third-party organizations are setting their own criteria which can vary among certifying organizations. This puts the burden on the consumer to fully research the criteria from each certifying body and to differentiate between third-party certifications, thus diminishing whatever value the claim might otherwise provide the consumer. If FSIS sets definitions and standards, third-party organizations could continue to play a role in assessing companies’ production practices, verifying on-farm compliance, and helping produce the documentation required for FSIS approval. However, FSIS should adopt a policy to protect against conflicts of interest between companies and the third-party organizations they employ. A conflict of interest policy is crucial given the clear financial incentive for certifiers to grant companies’ claims to generate further business. Such a policy could be modeled on the National Organic Program’s conflict of interest policy,²⁶ which precludes anyone with a conflict of interest from “work, discussions, and decisions in all stages of the certification process” and gives companies recourse to file legal complaints when a conflict of interest is suspected (for example Organic Eye filed a recent legal complaint against Oregon Tilth alleging Oregon Tilth improperly accepted contributions from clients they certified as organic).²⁷ Third-party certification programs should only be allowed to endorse label claims that meet FSIS standards, with the option of signifying that a product goes beyond those standards. For example, the products in Figure 1 (were they regulated by FSIS) would need to meet FSIS standards for “carbon neutral,” but the third-party certifiers (Agendi, Carbon Trust, Climate Impact Partners, Climate Partner, ClimeCo, GreenFeet, and Nature Office) could set additional standards for “carbon neutral” claims that include, but go above and beyond, the FSIS standards.

This model is already used in the context of “organic” claims. The National Organic Program will not allow “organic” claims that do not meet USDA Organic standards,²⁸ however third-party certifications and label claims exist that signify a product goes above and beyond USDA’s minimum standard.^{29,30}

FSIS should make clear that it will only approve environment-related claims based on third-party certifications if those claims also meet the standards for a FSIS-defined claim. USDA should also establish transparency requirements for companies using third-party organizations to verify on-farm compliance, including public documentation from any audits that result in information on a product's label or labeling.

Conclusion

The draft guideline does not do enough to protect consumers from misleading environment-related claims. The best way to ensure truthful environment-related claims on USDA products is for FSIS to clearly define key claims and require documentation in support of these claims to be provided to the agency and made publicly available. Third-party certifications could then be used as proof of meeting and or going above and beyond the FSIS standards.

Sincerely,

Christina LiPuma, MPH, RDN
Policy Associate
Center for Science in the Public Interest
clipuma@cspinet.org

Eva Greenthal, MS, MPH
Senior Policy Scientist
Center for Science in the Public Interest
egreenthal@cspinet.org

Geoff Horsfield, MPP
Policy Director
Environmental Working Group
geoff.horsfield@ewg.org

References

1. U.S. Department of Agriculture Food Safety and Inspection Service. FSIS Guideline on Substantiating Animal-Raising or Environment-Related Labeling Claims. August 2024. Accessed October 18, 2024. https://www.fsis.usda.gov/sites/default/files/media_file/documents/FSIS-GD-2024-0006.pdf
2. 89 Fed. Reg. 73253 Availability of FSIS Guideline on Substantiating Animal-Raising or Environment-Related Labeling Claims.
3. U.S. Environmental Protection Agency. Sources of Greenhouse Gas Emissions. July 8, 2024. Accessed October 18, 2024. <https://www.epa.gov/ghgemissions/sources-greenhouse-gas-emissions>
4. Natural Resources Defense Council. What Is Greenwashing? February 9, 2023. Accessed October 18, 2024. <https://www.nrdc.org/stories/what-greenwashing>
5. Crippa M, Solazzo E, Guizzardi D, Monforti-Ferrario F, Tubiello FN, Leip A. Food systems are responsible for a third of global anthropogenic GHG emissions. *Nat Food*. 2021;2(3):198-209. doi:10.1038/s43016-021-00225-9
6. Xu X, Sharma P, Shu S, et al. Global greenhouse gas emissions from animal-based foods are twice those of plant-based foods. *Nat Food*. 2021;2(9):724-732. doi:10.1038/s43016-021-00358-x
7. Poore J, Nemecek T. Reducing food's environmental impacts through producers and consumers. *Science*. 2018;360(6392):987-992. doi:10.1126/science.aaq0216
8. U.S. Environmental Protection Agency. Climate Change Impacts on Agriculture and Food Supply. September 23, 2024. Accessed October 18, 2024. <https://www.epa.gov/climateimpacts/climate-change-impacts-agriculture-and-food-supply>
9. All ecolabels. Ecolabel Index. n.d. Accessed October 18, 2024. <https://www.ecolabelindex.com/ecolabels/>
10. International Food Information Council. *2024 IFIC Food & Health Survey.Pdf.*; 2024. Accessed October 18, 2024. <https://foodinsight.org/wp-content/uploads/2024/06/2024-IFIC-Food-Health-Survey.pdf>
11. Am JB, Noble S, Doshi V, Malik A, Frey S. Consumers care about sustainability—and back it up with their wallets. McKinsey.com. February 6, 2024. Accessed October 18, 2024. <https://www.mckinsey.com/industries/consumer-packaged-goods/our-insights/consumers-care-about-sustainability-and-back-it-up-with-their-wallets>
12. Potter C, Bastounis A, Hartmann-Boyce J, et al. The Effects of Environmental Sustainability Labels on Selection, Purchase, and Consumption of Food and Drink Products: A Systematic Review. *Environ Behav*. 2021;53(8):891-925. doi:10.1177/0013916521995473
13. Simeon L. Sustainability premium: 53% of consumers willing to pay 10% extra for sustainable food and drink. YouGov. April 12, 2024. Accessed October 18, 2024. <https://business.yougov.com/content/49155-sustainability-premium-53-of-consumers-willing-to-pay-10-extra-for-sustainable-food-and-drink>

14. Better Business Bureau. NARB Recommends JBS Discontinue “Net Zero” Emissions by 2040 Claims. June 23, 2024. Accessed November 8, 2024. <https://bbbprograms.org/media-center/dd/narb-jbs-net-zero-emissions>
15. Schuldt JP, Schwarz N. The “organic” path to obesity? Organic claims influence calorie judgments and exercise recommendations. *Judgm Decis Mak*. 2010;5(3):144-150. doi:10.1017/S1930297500001017
16. 16 C.F.R. § 260.4.
17. Cook B, Costa Leite J, Rayner M, Stoffel S, van Rijn E, Wollgast J. Consumer Interaction with Sustainability Labelling on Food Products: A Narrative Literature Review. *Nutrients*. 2023;15(17):3837. doi:10.3390/nu15173837
18. 21 U.S.C. § 453(s).
19. 21 U.S.C. § 601(o).
20. 21 U.S.C. § 601-695, at 601(n), 607.
21. 21 U.S.C. § 451-470, at 453(h), 457.
22. 21 U.S.C. § 1031-1056.
23. Stylianou N, Guibourg C, Briggs H. Climate change food calculator: What’s your diet’s carbon footprint? *BBC News*. <https://www.bbc.com/news/science-environment-46459714>. November 27, 2023.
24. Forward Farms. Introducing Forward Farms—a new line of beef products that are moving farming (and the planet) forward. 2024. Accessed November 5, 2024. <https://www.forwardfarmsusa.com>
25. 21 C.F.R. § 101.62(b)(4).
26. 7 CFR 205.501(a)(11).
27. Kastel M. Letter from OrganicEye to USDA Agricultural Marketing Service RE: Legal complaint and request for action regarding clear conflict of interest exhibited by Oregon Tilth (certifying under Oregon Tilth Certified Organic – OTCO). OrganicEye. March 12, 2024. <https://organiceye.org/wp-content/uploads/2024/03/OTCO-Complaint-re-Conflict-of-Interest-V3.pdf>
28. 7 C.F.R. 205.102.
29. Real Organic Project Standards Board. Standards. Real Organic Project. January 2024. Accessed November 5, 2024. <https://realorganicproject.org/get-certified/standards/>
30. Regenerative Organic Alliance. Becoming Regenerative Organic Certified®. Regenerative Organic. 2024. Accessed November 7, 2024. <https://regenorganic.org/becoming-regenerative-organic-certified/>