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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

To direct the Administrator of the Environmental Protection Agency to establish a voluntary food climate labeling program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CASTEN introduced the following bill; which was referred to the Committee on _____

A BILL

To direct the Administrator of the Environmental Protection Agency to establish a voluntary food climate labeling program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Voluntary Food Cli-
5 mate Labeling Act”.

6 **SEC. 2. VOLUNTARY FOOD CLIMATE LABELING PROGRAM.**

7 (a) IN GENERAL.—

1 (1) ESTABLISHMENT.—The Administrator of
2 the Environmental Protection Agency shall carry out
3 a voluntary food climate labeling program.

4 (2) CONSULTATION.—The Administrator shall
5 establish and operate the labeling program in con-
6 sultation with the Secretary of Agriculture and the
7 Federal Trade Commission.

8 (b) ADMINISTRATION OF PROGRAM.—

9 (1) PROHIBITION.—A person manufacturing,
10 importing, distributing, or selling food may not place
11 the food climate label developed under subsection (c)
12 on the food or its labeling unless the Administrator
13 has authorized such person to do so under para-
14 graph (3).

15 (2) APPLICATIONS.—An applicant shall submit
16 to the Administrator an application at such time, in
17 such manner, and containing such information as
18 the Administrator may require.

19 (3) REVIEW OF APPLICATIONS.—The Adminis-
20 trator shall review all applications submitted under
21 paragraph (2) and approve any such application—

22 (A) on the basis of whether the applicant
23 provides assurances satisfactory to the Adminis-
24 trator that the applicant will adhere to the re-
25 quirements of the labeling program; and

1 (B) not on the basis of an assessment of
2 the benefits to the environment associated with
3 the food.

4 (4) PLACEMENT OF LABEL.—If the Adminis-
5 trator approves an application under this subsection
6 with respect to a food, the Administrator may speci-
7 fy where on the food or its labeling the food climate
8 label shall be placed.

9 (c) DEVELOPMENT OF FOOD CLIMATE LABEL.—

10 (1) IN GENERAL.—The Administrator shall
11 specify—

12 (A) the visual form of the food climate
13 label, as described in paragraph (3);

14 (B) the information to be included on the
15 food climate label, as described in paragraph
16 (4); and

17 (C) the method by which the information
18 to be included on the food climate label shall be
19 verified, as described in paragraph (5).

20 (2) CONSULTATION.—In specifying the visual
21 form, information to be included, and method for
22 verification referred to in paragraph (1), the Admin-
23 istrator—

24 (A) shall consult with food industry stake-
25 holders; and

1 (B) may perform such consultation—

2 (i) by establishing a Federal advisory
3 committee under chapter 10 of title 5,
4 United States Code (commonly referred to
5 as the “Federal Advisory Committee
6 Act”); or

7 (ii) through a negotiated rulemaking
8 under the Negotiated Rulemaking Act of
9 1990 (Public Law 101–648).

10 (3) VISUAL FORM.—The visual form of the food
11 climate label shall—

12 (A) convey the information described in
13 paragraph (4) to the consumer in a manner
14 that is determined by the Administrator to be
15 most useful to the consumer at the point of sale
16 in making food purchasing decisions;

17 (B) not convey that any given food is ac-
18 ceptable or unacceptable, but instead provide to
19 the consumer a numerical quantification of the
20 information described in paragraph (4);

21 (C) employ words, numbers, and imagery,
22 as specified by the Administrator;

23 (D) convey that the information on the
24 food climate label has been verified under re-

1 quirements established by the Environmental
2 Protection Agency;

3 (E) include a logo (or other identifier) to
4 help the consumer identify the food climate
5 label; and

6 (F) include a quick response code (com-
7 monly known as a “QR code”) or similar mech-
8 anism that provides electronic access to the con-
9 sumer at the point of sale to the information
10 described in paragraph (4)(B).

11 (4) INFORMATION TO BE INCLUDED.—

12 (A) LABEL.—The food climate label shall
13 include two numerical summaries of the best
14 available information regarding the total green-
15 house gas emissions released throughout the
16 lifecycle of the food and its input materials as
17 follows:

18 (i) The first numerical summary shall
19 include the information on the greenhouse
20 gas emissions released during—

21 (I) the growing of ingredients;

22 (II) the manufacture of the
23 nonfood input materials;

24 (III) processing;

25 (IV) packaging; and

1 (V) distribution.

2 (ii) The second numerical summary
3 shall include the information on the green-
4 house gas emissions released during—

5 (I) storage;

6 (II) presentation in a retail food
7 establishment;

8 (III) consumer use, including the
9 energy used to store the food after
10 purchase;

11 (IV) end-of-life reuse, recycling,
12 composting, treatment, and disposal
13 of the food and its packaging; and

14 (V) any other aspect of the
15 lifecycle of the food and its input ma-
16 terials.

17 (B) VALIDATION OF SUMMARIES.—

18 (i) VALIDITY OF FIRST NUMERICAL
19 SUMMARY.—The participant shall be re-
20 sponsible for the validity of the numerical
21 summary required by subparagraph (A)(i).

22 (ii) VALIDITY OF SECOND NUMERICAL
23 SUMMARY.—The Administrator shall—

1 (I) be responsible for the validity
2 of the numerical summary required by
3 subparagraph (A)(ii); and

4 (II) develop such numerical sum-
5 mary in consultation with the partici-
6 pant referred to in clause (i) and the
7 advisory committee established under
8 paragraph (2)(B).

9 (C) QR CODE.—The QR code (or similar
10 mechanism) referred to in paragraph (3)(F)
11 shall provide access to the following informa-
12 tion:

13 (i) If the food is subject to a vol-
14 untary commitment under subsection (d),
15 an indication that such food is subject to
16 such commitment and a summary of the
17 information reported pursuant to such
18 commitment under such subsection.

19 (ii) The database established under
20 subsection (e).

21 (5) METHOD OF VERIFICATION.—

22 (A) IN GENERAL.—The Administrator
23 shall specify the method by which the informa-
24 tion included on the food climate label shall be
25 verified. Such method shall include—

1 (i) adhering to uniform standards for
2 the collection and analysis of such informa-
3 tion;

4 (ii) adhering to requirements for enti-
5 ties (certified by the Administrator for
6 such purpose) to measure, monitor, verify,
7 and report such information; and

8 (iii) using the best available scientific
9 information.

10 (B) INTERNATIONAL STANDARDS.—In de-
11 veloping the method under subparagraph (A),
12 the Administrator shall consider the established
13 international standards for carbon accounting
14 for product lifecycle assessment, including—

15 (i) the ISO 14040 and ISO 14044
16 standards of the International Organiza-
17 tion for Standardization; and

18 (ii) protocols established under the
19 Greenhouse Gas Protocol (commonly
20 known as the “GHG Protocol”) program
21 of the World Business Council for Sustain-
22 able Development and the World Resources
23 Institute, including—

1 (I) the GHG Product Life Cycle
2 Accounting and Reporting Standard;
3 and

4 (II) Publicly Available Specifica-
5 tion 2050 (commonly known as “PAS
6 2050”).

7 (C) ALIGNMENT WITH CURRENT BEST
8 PRACTICES OF FOOD INDUSTRY.—The Adminis-
9 trator shall ensure that the method under sub-
10 paragraph (A) is informed by, and generally
11 aligned with, the current best practices of the
12 food industry for validating the information in-
13 cluded on the food climate label.

14 (d) VOLUNTARY COMMITMENTS.—Not later than 2
15 years after the date of enactment of this section, the Ad-
16 ministrator shall establish a program under which a man-
17 ufacturer, importer, distributor, or seller of a food bearing
18 the food climate label may, on a voluntary basis—

19 (1) make and report a voluntary commitment to
20 reduce the greenhouse gas emissions associated with
21 such food; and

22 (2) report sustainability information pertaining
23 to the food based on the best available scientific in-
24 formation.

1 (e) DATABASE.—Not later than 2 years after the date
2 of enactment of this section, the Administrator shall estab-
3 lish and make publicly accessible a database under an
4 open license to provide consumers with easy access to in-
5 formation pertaining to the labeling program, including—

6 (1) explanations of the objectives and the meth-
7 odologies of the Administrator in developing the food
8 climate label and in specifying the visual form, infor-
9 mation to be included, and method for verification
10 referred to in subsection (c)(1);

11 (2) the information described in clauses (i) and
12 (ii) of subsection (c)(4)(B) with respect to each food
13 in the labeling program;

14 (3) the voluntary commitments and sustain-
15 ability information reported under subsection (d);
16 and

17 (4) as the Administrator determines appro-
18 priate, any sustainability information pertaining to
19 food bearing the food climate label, based on the
20 best available scientific information.

21 (f) REPORTS.—Not later than 7 years after the date
22 of enactment of this section, and every 5 years thereafter,
23 the Administrator shall—

24 (1) publish a report on the labeling program's
25 effectiveness in—

1 (A) providing consumers information that
2 consumers find useful; and

3 (B) reducing the greenhouse gas emissions
4 associated with food throughout the lifecycle of
5 the food and its input materials, as described in
6 subsection (c)(4)(A); and

7 (2) submit to Congress a report containing any
8 recommendations for legislative action that would
9 improve the labeling program's effectiveness in
10 achieving the objectives described in subparagraphs
11 (A) and (B) of paragraph (1).

12 (g) REGULATIONS.—

13 (1) IN GENERAL.—Not later than 2 years after
14 the date of enactment of this section, the Adminis-
15 trator shall finalize regulations to carry out the la-
16 beling program.

17 (2) UPDATES.—Not later than 7 years after the
18 date of enactment of this section, and every 5 years
19 thereafter, the Administrator shall update the regu-
20 lations for carrying out the labeling program to in-
21 crease the labeling program's effectiveness, as deter-
22 mined by the Administrator with regard to the ob-
23 jectives described in subparagraphs (A) and (B) of
24 subsection (f)(1).

25 (h) TECHNICAL ASSISTANCE.—

1 (1) ESTABLISHMENT.—The Administrator shall
2 establish a technical assistance advisory board with-
3 in the Environmental Protection Agency to provide
4 technical assistance to—

5 (A) entities participating in or seeking to
6 participate in the labeling program;

7 (B) entities certified or seeking to become
8 certified under subsection (c)(5)(A)(ii);

9 (C) entities making a voluntary commit-
10 ment or seeking to make such commitment
11 under subsection (d); and

12 (D) retail food establishments.

13 (2) COMPOSITION.—The technical assistance
14 advisory board under paragraph (1) shall be com-
15 prised of subject matter experts and academics,
16 trade associations, consultants, leaders of the De-
17 partment of Agriculture, and representatives of in-
18 dustry and appropriate organizations.

19 (i) CONSUMER OUTREACH.—Not later than 3 years
20 after the date of enactment of this section, the Adminis-
21 trator shall establish a program to inform consumers
22 about the labeling program by—

23 (1) providing retail food establishments edu-
24 cational materials and other information to be con-
25 veyed to consumers regarding the labeling program,

1 which materials and information shall display the
2 logo (or other identifier) described in subsection
3 (c)(3)(E); and

4 (2) reaching the public through a wide range of
5 venues, including public service announcements and
6 advertising.

7 (j) PENALTIES FOR FRAUDULENT USE OF LABEL.—

8 (1) IN GENERAL.—Any person that violates a
9 requirement of this section shall be subject to a civil
10 penalty of not more than \$10,000 for each such vio-
11 lation.

12 (2) SEPARATE VIOLATIONS.—Each separate
13 violation of a requirement of this section with re-
14 spect to a given type of food shall be a separate of-
15 fense, except that in a case of a violation through
16 continuing failure to obey or neglect to obey an
17 order by the Administrator under this section, each
18 day of continuance of such failure or neglect shall be
19 deemed a separate offense.

20 (3) EQUITABLE RELIEF.—In a civil action
21 brought under this section, the United States dis-
22 trict courts are empowered to grant mandatory in-
23 junctions and such other equitable relief as such
24 courts deem appropriate.

25 (k) DEFINITIONS.—In this section:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Environ-
3 mental Protection Agency.

4 (2) APPLICANT.—The term “applicant” means
5 a person that—

6 (A) manufactures, imports, distributes, or
7 sells food; and

8 (B) has an application pending under sub-
9 section (b) to participate in the labeling pro-
10 gram.

11 (3) FOOD INDUSTRY STAKEHOLDERS.—The
12 term “food industry stakeholders” means—

13 (A) entities that—

14 (i) grow, raise, process, prepare, man-
15 ufacture, or otherwise add value to a food
16 product;

17 (ii) store, package, repackage, trans-
18 port, or distribute a food product for
19 wholesale;

20 (iii) sell a food product directly to
21 consumers;

22 (iv) provide a food-related service to
23 entities that engage in any of the activities
24 described in clauses (i) through (iii);

1 (v) measure, monitor, verify, and re-
2 port the type of information to be included
3 on the food climate label under subsection
4 (c)(4); or

5 (vi) represent consumers of food prod-
6 ucts; or

7 (vii) study and analyze the food indus-
8 try; and

9 (B) other relevant stakeholders, as deter-
10 mined by the Administrator.

11 (4) GREENHOUSE GAS.—The term “greenhouse
12 gas” includes—

13 (A) carbon dioxide;

14 (B) methane;

15 (C) nitrous oxide;

16 (D) sulfur hexafluoride;

17 (E) any hydrofluorocarbon;

18 (F) any perfluorocarbon;

19 (G) nitrogen trifluoride;

20 (H) any fully fluorinated linear, branched,
21 or cyclic—

22 (i) alkane;

23 (ii) ether;

24 (iii) tertiary amine; or

25 (iv) aminoether;

- 1 (I) any perfluoropolyether;
- 2 (J) any hydrofluoropolyether; and
- 3 (K) any other fluorocarbon, except for a
- 4 fluorocarbon with a vapor pressure of less than
- 5 1 millimeter of mercury absolute at 25 degrees
- 6 Celsius.

7 (5) GREENHOUSE GAS EMISSION.—The term

8 “greenhouse gas emission” means the release of a

9 greenhouse gas into the ambient air.

10 (6) LABELING PROGRAM.—The term “labeling

11 program” means the voluntary food climate labeling

12 program established under this section.

13 (7) OPEN LICENSE.—The term “open license”

14 means any legally binding instrument that grants

15 permission to access, reuse, and redistribute a work

16 with few or no restrictions.

17 (8) PARTICIPANT.—The term “participant”

18 means, with respect to food, the person authorized

19 pursuant to subsection (b) to place the food climate

20 label developed under subsection (c) on the food or

21 its labeling.