



09/03/2024

The Honorable Thomas Vilsack  
1400 Independence Ave., S.W.  
Washington, D.C. 20250

Dear Secretary Vilsack,

We appreciate the great work you have overseen on behalf of consumers at the Department of Agriculture, including many key nutrition and food safety initiatives. However, two important initiatives have received less attention from your agency in recent years: the final rule “Revision of the Nutrition Facts Labels for Meat and Poultry Products and Updating Certain Reference Amounts Customarily Consumed” and the proposed rule “Changing the Labeling Requirements for Processed Products That Contain Nitrate or Nitrite.” Both have been delayed multiple times and are currently slated for release in April 2025 and October 2024, respectively. We write to request a meeting to understand what is causing these delays and help facilitate the timely release of these two rulemakings affecting transparency and consumer health.

#### *Nutrition Labeling Rule*

In order to be consistent with FDA’s revisions to the Nutrition Facts label and ensure all nutrition labels are aligned with the latest science, USDA issued a proposed rule with revisions to the Nutrition Facts label in January of 2017.<sup>1</sup> The proposed rule requires a declaration of added sugars, vitamin D, and potassium, and updates the Daily Reference Values and Reference Daily Intake values, among other changes to labeling requirements, for USDA-regulated foods that already bear Nutrition Facts labels.

These updates to the Nutrition Facts label are needed to promote transparency for consumers. Information on added sugars is particularly important because the average American adult consumes about 72 grams of added sugar daily, roughly 40% more than the recommended daily limit.<sup>2</sup> Overconsumption of foods and beverages high in added sugars is linked to increased risk of type 2 diabetes<sup>3,4,5</sup> and cardiovascular disease,<sup>6,7,8</sup> in part by increasing the risk of weight gain,<sup>9</sup> and can contribute to dental decay.<sup>10</sup> Requiring declaration of added sugars, and other updates to labeling that improve clarity, will allow consumers to make informed decisions about their health when consuming meat and poultry products. Until this information is required, consumers of meat and poultry products containing sugar (e.g. InnovAsian Orange chicken) will remain unaware of what portion of sugars listed on the label come from added sugars (*Figure 1*).

**Figure 1: InnovAsian Orange Chicken: Box, Nutrition Facts Label, and Ingredients List**



Photos: InnovaAsian Website [<https://eatinnovasian.com/products/orange-chicken>], adapted by CSPI

The White House has called on federal agencies to explore policies that will “empower consumers with updated and more accessible food labeling.”<sup>11</sup> The Nutrition Facts revisions will empower consumers with new information, yet this rule has not been moved forward since publication of the White House report. Instead, it has been delayed eight times since it first appeared in USDA’s Spring 2020 Unified Agenda, resulting in a total delay of 4 years and 7 months (*Table 1*).

**Table 1: Unified Agenda Dates for Expected Release of USDA’s Final Rule Revising the Nutrition Facts Label and Proposed Rule on Labeling of Nitrates and Nitrites**

Unified Agenda	Date listed for Final Rule on Nutrition Facts	Date listed for Proposed Rule on Nitrate/Nitrite
<i>Spring 2024</i>	April 2025	October 2024
<i>Fall 2023</i>	April 2024	June 2024
<i>Spring 2023</i>	September 2023	November 2023
<i>Fall 2022</i>	June 2023	July 2023
<i>Spring 2022</i>	February 2023	September 2022
<i>Fall 2021</i>	June 2022	May 2022
<i>Spring 2021</i>	December 2021	-
<i>Fall 2020</i>	May 2021	-
<i>Spring 2020</i>	September 2020	-

## *Nitrate Labeling Rule*

Regarding the delayed proposed rule for labeling nitrates and nitrites, in August of 2019 Center for Science in the Public Interest along with Consumer Reports filed a petition<sup>12</sup> asking the USDA Food Safety and Inspection Service (FSIS) to prohibit the use of misleading terms such as “Uncured” and “No Nitrate or Nitrite Added\*” on products that have been processed using non-synthetic sources of nitrate and nitrite, such as celery powder. The petition argued that current labeling of processed meats is confusing and misleading since, according to the International Agency for Research on Cancer (IARC), nitrates and nitrites are probable human carcinogens regardless of their source.<sup>13</sup> FSIS responded to the petition in December of 2020, expressing intent to conduct rulemaking to propose to prohibit these statements on products that have been processed using any source of nitrates or nitrites.<sup>14</sup> The proposed rule first appeared in the Fall 2021 Unified Agenda, but has been delayed five times since it first appeared there, resulting in a total delay of 2 years and 5 months (*Table 1*).

In the interest of public health, and to ensure consumers have the information needed to make informed choices about their health, it is important that USDA prioritize releasing both the updated Nutrition Facts label and nitrate/nitrite rules. We request a meeting to discuss the importance of these rulemakings and the reasons for their delays.

Sincerely,

American Cancer Society Cancer Action Network

Association of State Public Health Nutritionists

Center for Science in the Public Interest

Consumer Reports

Healthy Food America

## References

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