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May 29, 2024

Julie Wise

Office of Management and Budget; Office of Information and Regulatory Affairs (OIRA)
725 17th St. NW
Washington DC 20503

RE: Executive Order 12866 Meeting 0583-AD89; Labeling of Meat and Poultry Products Made Using Animal Cell Culture Technology

Dear Ms. Wise:

The Good Food Institute (GFI) appreciates having the opportunity to meet regarding OIRA's review of USDA-FSIS's proposed rule: "Labeling of Meat and Poultry Products Made Using Animal Cell Culture Technology." GFI is a 501(c)(3) nonprofit organization focused on creating a more sustainable, secure, and just protein supply by advancing alternative proteins through scientific, industry-focused, and policy initiatives. Below we summarize the key issues raised in our meeting.

Consumer understanding is a primary consideration in crafting any food labeling scheme. However, cultivated meat products are not yet available for consumers to purchase in stores, so understanding is necessarily limited at this early stage. Labeling rules for these products should be flexible enough to accommodate the continued creation of new products and the gradual development of consumer understanding. Furthermore, common or usual names for foods are typically developed through usage over time, not through top-down mandates. The agency should consider reviewing and revising its rules once these products have been available for retail purchase for a sufficient period and consider whether different or additional nomenclature options may be appropriate once we understand how real consumers refer to these products. There can also be more than one common or usual name for a single food.¹ Allowing more than one nomenclature option for cultivated meat—so long as allergenicity is clearly

¹ See, e.g., USDA-FSIS, Food Standards and Labeling Policy Book, p. 15 (explaining that Boeuf Bourguignonne can also be called "Beouf A La Bourguignonne," "Beef Burgundy Style," "Beef Burgundy," or "Burgundy Beef").

communicated—could be a fruitful way to determine which terms consumers prefer and understand.

Concerning current nomenclature, seventy-five percent of companies surveyed by GFI use the term “cultivated” to refer to these products.² The term is simple, neutral, describes the process used to create these products, and is not commonly used in other food-making processes. Preliminary consumer studies have shown that “cultivated” and “cell-cultured” score equally in terms of differentiation from conventional meat but that consumers *prefer* the term cultivated over the term “cell-cultured.”³

A restrictive labeling rule that does not permit the use of terms consumers prefer could stifle innovation in the sector and put cultivated meat companies at an unfair disadvantage in the marketplace. This would be a detriment to consumer choice, as many cultivated meat companies are expected to create products specifically designed to meet a diverse array of consumer preferences, diets, and nutritional needs.

Creating an unfair playing field or constraining innovation in the cultivated meat sector would also undercut the Biden Administration’s climate goals. The President has announced a goal of reducing greenhouse gas pollution by fifty percent by 2030 as part of the country’s commitments under the Paris Agreement.⁴ But even if fossil fuel emissions were halted tomorrow, emissions from the global food system would prevent the world from staying below the Paris Agreement’s maximum warming targets.⁵ Conventional meat from ruminants is the food source with the single greatest impact in terms of both greenhouse gas emissions and land use.⁶ Compared to conventional beef, cultivated meat has a lower carbon footprint and uses significantly less land and water.⁷

Additionally, as part of the Global Methane Pledge, the Administration has pledged to reduce methane emissions by thirty percent and has recognized that methane emissions from the

² The Good Food Institute, [Cultivated meat: A growing nomenclature consensus](#) (2021).

³ The Good Food Institute, [New Research Supports the Term, “Cultivated Meat”](#) (2023).

⁴ The White House, [Fact Sheet: President Biden Sets 2030 Greenhouse Gas Pollution Reduction Target Aimed at Creating Good-Paying Union Jobs and Securing U.S. Leadership on Clean Energy Technologies](#) (2021).

⁵ Clark, M.A. et al., [Global food system emissions could preclude achieving the 1.5° and 2°C climate change targets](#). *Science* 370,705-708 (2020).

⁶ IPCC. (2019) Climate Change and Land: an IPCC special report on climate change, desertification, land degradation, sustainable land management, food security, and greenhouse gas fluxes in terrestrial ecosystems, [Chapter 5: Food Security](#).

⁷ Odegard, I., & Sinke, P. [LCA of cultivated meat: future projections for different scenarios](#). CE Delft (2021).

agricultural sector in particular must decline.⁸ Livestock is the primary driver of methane emissions within the U.S. agriculture industry, while cultivated meat and poultry products are not a significant source of methane. Accordingly, any rule that incidentally limits innovation or consumer adoption of cultivated meat would frustrate the country’s climate goals and hamper our ability to achieve a sustainable agricultural system.

An additional consideration is the global harmonization of labeling rules. The United States is not the only country with a growing cultivated meat industry. USDA-FSIS should consider how other countries will label these products and how restrictive labeling rules could potentially inhibit free trade. Although few countries have published nomenclature rules to date, over thirty industry stakeholders in the Asia Pacific region have signed a memorandum of understanding, aligning on the term “cultivated” as the preferred English-language descriptor for these products.⁹ And companies in other regions, such as Europe, are using this term as well. Singapore, the first country to approve the sale of cultivated meat, has indicated that multiple differentiating terms are allowed, including “cultivated.”

Finally, a restrictive or overly burdensome labeling scheme may violate the First Amendment. Any restrictions placed on food labels must directly alleviate, to a material degree, a real harm that would otherwise exist without the restriction.¹⁰ At least one court has already held that restrictive labeling rules for cultivated meat are unnecessary, finding that a label that includes meat terms along with an appropriate qualifier like “cultivated” would not confuse the average consumer.¹¹

GFI urges USDA-FSIS to adopt a sensible and fair approach to labeling that neither discriminates against cultivated products nor sows consumer confusion. A flexible regulatory framework that allows companies to truthfully describe their products using accurate terms that consumers prefer would put cultivated meat products on a level playing field with their conventional counterparts. Furthermore, allowing rules to evolve as cultivated meat products develop and as consumer understanding expands will be necessary to keep regulation at pace

⁸ The White House, [Fact Sheet: President Biden Tackles Methane Emissions, Spurs Innovations, and Supports Sustainable Agriculture to Build a Clean Energy Economy and Create Jobs](#) (2021).

⁹ The Good Food Institute - Asia Pacific, [Leading APAC Cellular Agriculture Stakeholders Announce Historic Agreement in Singapore](#) (2022).

¹⁰ See, e.g., *Miyoko’s Kitchen v. Ross*, No. 20-CV-00893-RS, 2021 WL 4497867, at *5 (N.D. Cal. Aug. 10, 2021); *Turtle Island Foods SPC v. Soman*, 632 F. Supp. 3d 909, 932–35 (E.D. Ark. 2022); see generally *Central Hudson Gas & Elec. Corp. v. Public Serv. Comm’n of New York*, 447 U.S. 557, 566 (1980).

¹¹ *Turtle Island Foods, SPC v. Thompson*, No. 2:18-CV-04173, 2024 WL 1342597, at *11 (W.D. Mo. Mar. 26, 2024).

with this growing industry. Developing a framework that allows for sustained innovation will help ensure America continues to be a leader in sustainable agriculture.

Sincerely,

A handwritten signature in cursive script that reads "Madeline J. Cohen".

Madeline Cohen, Senior Regulatory Attorney