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November 12, 2024

Mrs. Sandra Eskin  
Deputy Under Secretary for Food Safety  
U.S. Department of Agriculture  
Food Safety and Inspection Service (FSIS)  
1400 Independence Avenue SW  
Washington, DC 20250-3700

Dear Deputy Under Secretary Eskin,

Thank you for opportunity to comment on the “Guideline on Substantiating Animal-Raising or Environment-Related Labeling Claims.” The Johns Hopkins Center for a Livable Future (CLF) is an interdisciplinary academic center focused on food systems and public health based in the Bloomberg School of Public Health’s Department of Environmental Health and Engineering. Since 1996, CLF has actively researched the public health implications of industrial food animal production, including the public health concerns related to the use of antibiotics in animal production and the planetary health implications of food production and consumption.

We appreciate FSIS’ recognition for the need to update its guidelines for environment-related and animal-raising claims on animal products. Because substantiation of such label claims is not required, we are concerned that the updated guidelines will not sufficiently ensure the veracity of label claims. For FSIS to fulfill its mandate to ensure such products are not misbranded, false, or misleading, we strongly recommend that FSIS update these guidelines to require verification for 1) antibiotic use claims and 2) environment-related claims on meat and poultry products.

**Recommendation #1: Require verification for antibiotic use claims.** There are clear issues with the reliability of antibiotic use claims, as FSIS has acknowledged. The request for comment summarizes the results of an exploratory sampling study conducted by FSIS and Agricultural Research Service (ARS) which found antibiotic residues in 20% of the animals sampled from the raised without antibiotics market. A separate study found antibiotic residues in 15% of cattle in operations claiming to not use antibiotics, leading the authors to conclude that “raised without antibiotics” claims on meat products in the US lack integrity.<sup>1</sup> USDA must remedy this concerning discrepancy and restore trust that meat sold with “raised without antibiotics” labels comes from animals that were never treated with antibiotics and is thus free of antibiotic drug residues.

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The growing public health threat of antimicrobial resistance—and its relationship to animal agriculture uses— is difficult to overstate. The Centers for Disease Control and Prevention notes that more than 2.8 million antimicrobial-resistant infections occur in the U.S. each year, resulting in 35,000 deaths.<sup>2</sup> Worldwide, 1.27 million deaths were attributable to bacterial antimicrobial resistance in 2019.<sup>3</sup> Resistant infections in humans are more difficult and expensive to treat and more often fatal than infections with non-resistant strains.<sup>4</sup> About 66% of medically-important antibiotics sold in the U.S. are for animal agriculture as of 2022.<sup>5</sup> Routine antibiotic use in animal agriculture contributes to the generation and propagation of antibiotic-resistant bacteria.<sup>6</sup> The continued misuse of antibiotics in food animal production threatens the effectiveness of these lifesaving resources for combating disease.

Given the urgent public health threats from routine antibiotic use in animal production, and valid concerns about the accuracy of these label claims, we recommend that FSIS strengthen the guidelines to require producers to verify negative antibiotic use label claims. If FSIS chooses not to make this a requirement, it should establish its own evidence-based verification system. This would entail instituting a mandatory routine sampling program to test for antibiotic residues. When antibiotic residues are detected, it should be tracked in a public dataset and meat from that lot should be sold *without* “raised without antibiotics” labels, as recommended by Price, Rogers, and Lo.<sup>7</sup>

**Recommendation #2: Require verification for environment-related claims on animal products.** Under the updated guidance, producers are strongly recommended to use studies or documentation to substantiate their environment-related claims (which describe environmentally sustainable agricultural practices used by the producer, including improvements to the land). They still will not be required to substantiate their claims, however, and evidence suggests that oversight of label claims is minimal at best. An Animal Welfare Institute review of USDA’s application files for label claims found that 85% (82/97) of the applications lacked sufficient substantiation.<sup>8</sup> We are concerned with this for two reasons. First, without verification that the claims are evidence-based, consumers will continue to be misled by unclear and inaccurate labels.<sup>9,10</sup>

Secondly, we are concerned that environment-related label claims for animal products lack appropriate context about the true impact. For example, claims such as “climate-friendly” beef and “low-carbon” burger communicate that beef products are aligned with climate mitigation goals. However, beef production is an outsized contributor to global temperature rise<sup>11</sup>, and even under the best of circumstances beef is still far more greenhouse gas intensive to produce than most other foods. For example, per gram of protein, beef is nine times more greenhouse gas intensive to produce compared to poultry, and 60 times more greenhouse gas intensive than pulses.<sup>12</sup> While modest numbers of cattle can have important roles in a sustainable food system, current levels of beef production and

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consumption are incompatible with climate mitigation goals, and labels suggesting otherwise are wholly misleading.

Researchers have found that greenhouse gas emissions from the food system alone could prevent us from staying below catastrophic levels of climate change.<sup>13</sup> Further, climate and food systems experts agree that high-income countries must drastically lower consumption of animal products.<sup>14</sup> While there are several technological strategies that could lower methane emissions from intensive animal agriculture, such as the use of feed additives, there is mixed evidence on the effectiveness of these strategies and many barriers to wide implementation have been identified.<sup>15</sup> For example, the Intergovernmental Panel on Climate Change reports that these strategies, implemented at scale, can only address up to 10% of enteric methane emissions.<sup>16</sup>

As such, it is essential that environment-related claims on animal products undergo third-party verification based on validated methodologies, e.g., life cycle assessment following international standards, to ensure accuracy. To reduce the potential for greenwashing and exaggerated benefits, vague claims such as "climate friendly" should be required to be paired with supporting quantitative benchmarks for justification. These could include greenhouse gas emissions per serving compared to other common foods, to provide context for consumers, or per-serving greenhouse gas emissions compared against food system climate mitigation targets.

**In conclusion**, we strongly urge FSIS to ensure the transparency and accuracy of animal-raising and environment-related claims by requiring verification. FSIS is obligated to ensure labels are not false or misleading. In requiring verification of these claims, FSIS will protect both the interests of consumers and the producers who are using the labels fairly and accurately.

Sincerely,

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- <sup>1</sup> Lance B. Price, Laura Rogers, and Kevin Lo, “Policy Reforms for Antibiotic Use Claims in Livestock,” *Science*, April 8, 2022, <https://doi.org/10.1126/science.abj1823>.
  - <sup>2</sup> Richard E Nelson et al., “National Estimates of Healthcare Costs Associated With Multidrug-Resistant Bacterial Infections Among Hospitalized Patients in the United States,” *Clinical Infectious Diseases* 72, no. Supplement\_1 (January 15, 2021): S17–26, <https://doi.org/10.1093/cid/ciaa1581>.
  - <sup>3</sup> Christopher J. L. Murray et al., “Global Burden of Bacterial Antimicrobial Resistance in 2019: A Systematic Analysis,” *The Lancet* 399, no. 10325 (February 12, 2022): 629–55, [https://doi.org/10.1016/S0140-6736\(21\)02724-0](https://doi.org/10.1016/S0140-6736(21)02724-0).
  - <sup>4</sup> Gregory A. Filice et al., “Excess Costs and Utilization Associated with Methicillin Resistance for Patients with Staphylococcus Aureus Infection,” *Infection Control & Hospital Epidemiology* 31, no. 4 (April 2010): 365–73, <https://doi.org/10.1086/651094>; Rebecca R. Roberts et al., “Hospital and Societal Costs of Antimicrobial-Resistant Infections in a Chicago Teaching Hospital: Implications for Antibiotic Stewardship,” *Clinical Infectious Diseases* 49, no. 8 (October 15, 2009): 1175–84, <https://doi.org/10.1086/605630>.
  - <sup>5</sup> David Wallinga et al., “A Review of the Effectiveness of Current US Policies on Antimicrobial Use in Meat and Poultry Production,” *Current Environmental Health Reports* 9, no. 2 (April 27, 2022): 339, <https://doi.org/10.1007/s40572-022-00351-x>.
  - <sup>6</sup> PEW Commission on Industrial Farm Animal Production, “Putting Meat On The Table: Industrial Farm Animal Production In America,” 2008.
  - <sup>7</sup> Price, Rogers, and Lo, “Policy Reforms for Antibiotic Use Claims in Livestock.”
  - <sup>8</sup> Erin Sutherland et al. “Deceptive Consumer Labels: How the USDA’s Failure to Oversee its Label Approval Program Allows the Meat Industry to Co-Opt Humane and Sustainable Claims.” Animal Welfare Institute, 2023.
  - <sup>9</sup> Melissa Thibault, Sharon Pailler, and Daisy Freund, “Why Are They Buying It?: United States Consumers’ Intentions When Purchasing Meat, Eggs, and Dairy With Welfare-Related Labels,” *Food Ethics* 7, no. 2 (June 18, 2022): 12, <https://doi.org/10.1007/s41055-022-00105-3>.
  - <sup>10</sup> F. Kuchler et al., “Evidence from Retail Food Markets That Consumers Are Confused by Natural and Organic Food Labels,” *Journal of Consumer Policy* 43, no. 2 (June 1, 2020): 379–95, <https://doi.org/10.1007/s10603-018-9396-x>.
  - <sup>11</sup> Catherine C. Ivanovich et al., “Future Warming from Global Food Consumption,” *Nature Climate Change* 13, no. 3 (March 2023): 297–302, <https://doi.org/10.1038/s41558-023-01605-8>.
  - <sup>12</sup> J. Poore and T. Nemecek, “Reducing Food’s Environmental Impacts through Producers and Consumers,” *Science* 360, no. 6392 (June 2018): 987–92, <https://doi.org/10.1126/science.aaq0216>.
  - <sup>13</sup> Michael A. Clark et al., “Global Food System Emissions Could Preclude Achieving the 1.5° and 2°C Climate Change Targets,” *Science* 370, no. 6517 (November 6, 2020): 705–8, <https://doi.org/10.1126/science.aba7357>.
  - <sup>14</sup> Fredrik Hedenus, Stefan Wirsenius, and Daniel J. A. Johansson, “The Importance of Reduced Meat and Dairy Consumption for Meeting Stringent Climate Change Targets,” *Climatic Change* 124, no. 1 (May 1, 2014): 79–91, <https://doi.org/10.1007/s10584-014-1104-5>.
  - <sup>15</sup> Eric Toensmeier, “Are Livestock Feed Additives the Future or Folly?,” Project Drawdown, *Drawdown Insights* (blog), August 1, 2024, <https://drawdown.org/insights/are-livestock-feed-additives-the-future-or-foolly>.
  - <sup>16</sup> Assem Abu Hatab et al., “Agriculture, Forestry and Other Land Uses (AFOLU),” in *IPCC, 2022: Climate Change 2022: Mitigation of Climate Change*, 1st ed. (Cambridge University Press, 2023), 747–860, <https://doi.org/10.1017/9781009157926.009>.