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Re: CCFL-Session 47-CL 2022/12-FL - Request for information on sustainability labelling

Dear Mme. Gauthier:

Please consider the following comments in deciding the position and approach of the Government of Canada on proposed guidance on sustainability labelling at the Codex Committee on Food Labelling. The [Circular Letter CL 2022/12-FL](#) request for input invites comments in the form of information about existing sustainability systems that are predominantly voluntary labelling systems that are poorly suited to help achieve greenhouse gas emission targets by their failure to compel disclosure of the greatest food risks of GHG emissions and being prone to trivialize those risks with similar-sounding sustainability claims. Instead, consider the following early in the stock-take exercise.

1. The importance of environmental impact labels, especially revealing the impact of cattle.

I trust that Canada will play a positive leadership role on this work considering its stated commitment to reducing greenhouse gas emissions. As the Government of Canada and Prime Minister Trudeau so-often assert, climate change is pressing global threat that requires urgent corrective action. According to the Liberal Government's 2021 Liberal election platform (at page 42), Greenhouse Gas emissions from the oil and gas sector have risen since 2005 to comprise 26% of Canada's total emissions, making it the largest emitting sector in Canada.¹ The election platform was silent on the contribution of food systems or livestock to climate change.

However, the United Nations Intergovernmental Panel on Climate Change (IPCC) estimates that 21–37% of total global greenhouse gas (GHG) emissions are attributable to food systems and that climate change will have important negative impacts on food security.² The food system rivals the energy sector for contributions to greenhouse gas emissions according to the IPCC, which contributed 35% of GHGs in 2010.³ Consumers in high-income countries (like Canada) are still consuming high levels of red and processed meat; although the downward shifts in some socioeconomic and demographic groups is encouraging, consumption in low- and middle-income countries is rising, especially in China and Brazil, and in urban areas.⁴

However, a recent study conducted by researchers at Johns Hopkins University and New York University concluded that the conventional method for calculating methane gas contributions by livestock underestimate its impact on climate in high-income countries like Canada and the United States to the extent the true methane contributions of meat and dairy production may be 39% to 90% higher.⁵ Methane accounts for 14% of total global greenhouse gas emissions and is 67 times more potent than CO₂ in temperature change potential after 20 years according to the UN IPCC.⁶

The EAT-Lancet Commission stressed that there is an urgent need to mandate eco-labelling on food products to help reduce the environmental impact of food systems, particularly Greenhouse Gas Emissions, which seems more urgent⁷ than the tentative commitment to “to explore possible work on sustainability labelling within the mandate of CCFL” referenced in the Circular Letter.

Fortunately, there is great potential for improvement. A 2016 systematic review found that of 14 common sustainable dietary patterns across reviewed studies, reductions in greenhouse gas emissions from food by as much as 70-80% is possible by adopting sustainable dietary patterns and that reductions in environmental footprints were generally proportional to the magnitude of animal-based food restriction. Dietary shifts modelled also yielded modest benefits in all-cause mortality risk.⁸

2. Conflict of interest safeguards and, concomitantly, mandatory labelling should be central considerations in Codex analysis and guidance.

Promoting labelling schemes the primary purpose of which is increasing sales through voluntary use is skirting the main issue. Companies will have little incentive to participate in labelling systems that impugn the environmental (or human rights) pedigree of their own products, but mandating them to do so is the only truly effective means of effectively incentivizing sustainable production and consumption practices. Adding new voluntary labelling measures to Codex guidance may simply encourage governments to help companies inflate the prices of foods touted by environmentally sustainable claims. The main lesson for the proliferation of voluntary self-serving systems is the need to create, in each country, a single publicly designed system. As a report of the French government to its Parliament noted:

*...observing a proliferation of private environmental labeling initiatives in this sector, France wishes to move forward with the development of a harmonized public system.*⁹

Climate change is a pressing, time-sensitive, global emergency requiring a proactive, decisive, and prompt response from the Codex Committee on Food Labelling and an ambitious global commitment to meet time-delimited greenhouse gas emission reduction targets. It is not a problem that is suited to years of deference to food industry expectations of regulatory forbearance, like the approach that the Committee indulged for so many years while negotiating back-of-pack and front-of-pack nutrition labelling guidance.

In the 2019 meeting, the Observer World Obesity Federation proposed new work on “labels describing environmental impact,”¹⁰ which includes the possibility of mandatory labelling. Restricting the scope of the proposal to sustainability “claims” (as the United Kingdom New Zealand did at [paragraph 14 of the Discussion Paper on Future Work and Direction for CCFL](#) prepared with the assistance of the Canadian Secretariat) implies only placing some controls on voluntary environmental impact labelling designed by food manufacturers.

As with nutrition labelling, the need for disclosing risk-related information does not always align with commercial incentives to do so. For example, when manufacturers of products that have high negative impacts on the environment—like beef and (especially cow’s milk-based) breastmilk substitutes—can escape disclosing that risk to consumers simply by voluntarily refraining from doing so. Consumer behaviour will not be fully informed and could be undermined by voluntary environmental impact labelling, resulting in harm to the environment and public health. Presently, consumers are generally unaware of unstated risks.

3. Where a food is not certified to be compliant with United Nations human rights laws, the record of implementing and enforcing relevant laws should be used as a proxy on label.

As for unsafe foods, foods produced by unlawful means (such as through the use of child labour, forced adult labour, or dangerous or corrupt practices) should not be available for sale. However, where national laws permit the manufacturer or sale of foods produced by illegal means and no reliable, traceable product-specific information is available to demonstrate the contrary, independent assessments of the relevant legal requirements and the adequacy of enforcement practices could be mandated for labels as a proxy. For instance, UNICEF and the World Health Organization routinely grade the performance of national governments in the implementation of national laws for ethical marketing of breastmilk substitutes to disclose weak standards in Canada and in the United States (from where most breastmilk substitutes purchased in Canada are imported).¹¹

4. Beware over-complicating the methodology.

Historically, obstacles to Codex and its parent organization achieving consensus on some food issues are sometimes stymied even when the science is clear, especially when large adversely affected industries are headquartered in certain member states. For instance, World Health Organization guidance on nutrition was at least temporarily jeopardized by the United States and several sugar-exporting countries in 2004.¹² The seven largest exporters of beef—[Brazil, the United States, Australia, India, New Zealand, Argentina, and Canada](#)—might delay or obstruct efforts on environmental impact labelling if their governments' allegiance to those industries exceeds their dedication to reducing greenhouse gas emissions.

As the Intergovernmental Panel on Climate Change indicates, the vast majority of food-related contributions to harmful greenhouse gas emissions emanate from cattle; as such, haggling over an algorithm to make fine distinctions among relative risks of other products may be a low-yield effort. For instance, in one analysis of the greenhouse gas emissions per kilogram of 94 foods sold in the United Kingdom, Oxford University Researchers found that meat and fat from cattle and goats emitted 35-64 kgCO₂e per kg of food. Coffee, at approximately 10 kgCO₂e/kg was a distant second place and all other foods ranged from near-zero to 5 kgCO₂e per kilogram of food.¹³ While some of those foods would generally be consumed in very small amounts (such as honey and coffee, much smaller than 100 grams in a sitting), this further underscores the point that beef and goat-related foods are much more GHG-emission-intensive than the rest of the food supply. Likewise, a recent study published in the prestigious scientific journals *Nature Food* estimated that 57% of GHG emissions from the food system comes from livestock.¹⁴

Aspiring to create a methodology for an all-encompassing sustainability metric that addresses climate change, and considers the use of hundreds or thousands of food additives and residues, land rights, workers rights, human rights, etc. could presume a system of such technical complexity that might take many years to develop even if member states had high political will to agree. Also, there are other platforms for ensuring that international human rights laws are respected by food supply chains, including enforcing national human rights legislation and supporting the United Nations Human Rights Council's draft *Legally Binding Instrument to Regulate, in International Human Rights Law, the Activities of Transnational Corporations and Other Business Enterprises*.¹⁵ Canada could support that effort more than it has to date.¹⁶

5. A good system based on the best available evidence will need to be refined regularly (e.g., every five years).

A good system can't begin perfect, but should not be systematically biased in favour of self-serving interests inherent in voluntary systems. Because it is virtually impossible to simulate the impact of mandatory environmental impact labelling on the food choices available in a regular grocery store without first promulgating mandatory regulations, relying artificial laboratory experiments and research considering manufacturer-crafted labelling systems designed to increase sales should be tempered. Likewise, regular amendments to regulations (based on studied experience) should be contemplated and scheduled as frequently as every five years. By analogy, it is customary to amend National Building Code in Canada approximately every five years to reflect health, safety, performance, energy efficiency knowledge accumulated during the intervening years.

6. Avoid duelling labelling systems, especially if some are self-serving.

As the final 2021 guidance for Codex front-of pack nutrition labelling advises, there should be a single labelling system for environmental impact labelling. For instance, allowing organic beef¹⁷ labelling to undermine labelling that alerts consumers to the greenhouse gas emitting impact of livestock would not be in the public interest.

7. Label information reflecting the sustainability of packaging can be reported by simple weight of packaging per net contents information.

Simple package-weight information can effectively and concisely signal the importance of reducing unsustainable packaging, especially non-compostable materials (e.g., single-use plastics) to manufacturers, retailers, and consumers.

8. Price per 100 grams (but not food safety and other factors) should be included in sustainability labelling.

In 2012, the Food and Agriculture Organization defined sustainable diets as:

Sustainable Diets are those diets with low environmental impacts which contribute to food and nutrition security and to healthy life for present and future generations. Sustainable diets are protective and respectful of biodiversity and ecosystems, culturally acceptable, accessible, economically fair and affordable; nutritionally adequate, safe and healthy; while optimizing natural and human resources.

Unsafe food should not be made available for sale to the public for human consumption. In any case, food may be contaminated in the supply chain after it is labelled which would make such labelling misleading. Also, future Codex work on sustainability need not address nutrition directly (ref. [Front-of-Pack Nutrition Labelling 2021 guidance](#)), and other label information and shelf information is sufficient to address the aspect of cultural acceptability.

However, mandating that the price per 100 grams be provided in large enough text also be mandated would be helpful for consumers shopping with budgetary constraints. Such information would help ensure that the potentially price-inflating environmental impact labelling is also kept in check. All major food retailers provide price-per-100-gram information on shelf tags, but often this information is too small to read or notice and it is typically missing from grocery store websites.

Food that is objectively more valuable to consumers—especially better for human health or the environment—should be labelled in a way that helps consumers effectively compare the impact of that on their household finances.

Respectfully submitted,



Bill Jeffery, BA, LLB, Executive Director
Centre for Health Science and Law

Endnotes

¹ Forward, for Everyone. 2021 Election Platform. Liberal Party of Canada. Available at: <https://liberal.ca/wp-content/uploads/sites/292/2021/09/Platform-Forward-For-Everyone.pdf>

² Intergovernmental Panel on Climate Change (IPCC). Special Report: Special Report on Climate Change and Land, CH05, Food Security. Executive Summary. 2019. Available at: <https://www.ipcc.ch/src/cl/chapter/chapter-5/>

³ Intergovernmental Panel on Climate Change. Energy Systems. 2020. Available at: https://www.ipcc.ch/site/assets/uploads/2018/02/ipcc_wg3_ar5_chapter7.pdf

⁴ Clonan A, Roberts KE, Holdsworth M. Socioeconomic and demographic drivers of red and processed meat consumption: implications for health and environmental sustainability. *Proceedings of the Nutrition Society*, Cambridge University Press. 2016 Aug;75(3):367-73. doi: 10.1017/S0029665116000100. Epub 2016 Mar 29. PMID: 27021468; PMCID: PMC4974628. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4974628/pdf/S0029665116000100a.pdf>

⁵ Matthew N Hayek, Scot M. Miller. Underestimates of methane from intensively-raised animals could undermine goals of sustainable development. *Environmental Research Letters*, 2021; DOI: [10.1088/1748-9326/ac02ef](https://doi.org/10.1088/1748-9326/ac02ef) Available at: <https://iopscience.iop.org/article/10.1088/1748-9326/ac02ef/pdf>

⁶ Intergovernmental Panel on Climate Change. *Climate change 2014: Synthesis report. Contribution of Working Groups I, II and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change*. Geneva: Intergovernmental Panel on Climate Change, 2014 at page 87. Available at: https://www.ipcc.ch/site/assets/uploads/2018/05/SYR_AR5_FINAL_full_wcover.pdf

⁷ Willett, W., Rockstrom, J., Loken, B., Springmann, M., Lang, T., Vermeulen, S., Garnett, T., Tilman, D., DeClerck, F., Wood, A., Jonell, M., Clark, M., Gordon, L. J., Fanzo, J., Hawkes, C., Zurayk, R., Rivera, J. A., De Vries, W., Sibanda, L.M., . . . Murray, C. J. L. (2019). Food in the anthropocene: The EAT–lancet commission on healthy diets from sustainable food systems. *The Lancet*, 393(10170), 447–492, including for example at p. 478 and Table 6. Available at: <https://www.thelancet.com/action/showPdf?pii=S0140-6736%2818%2931788-4>

⁸ Aleksandrowicz L, Green R, Joy EJ, Smith P, Haines A. The Impacts of Dietary Change on Greenhouse Gas Emissions, Land Use, Water Use, and Health: A Systematic Review. *Public Library of Science (PLoS One)*. 2016 Nov 3;11(11):e0165797. doi: 10.1371/journal.pone.0165797. PMID: 27812156; PMCID: PMC5094759. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5094759/pdf/pone.0165797.pdf>

⁹ *Rapport du Gouvernement au Parlement. Affichage Environnemental des Produits Alimentaires. Bilan de l'Expérimentation et Enseignements Synthèse.* Paris, France. Janvier 2021. Available at: <https://librairie.ademe.fr/consommer-autrement/5465-affichage-environnemental-des-produits-alimentaires.html>

¹⁰ REP19/FL Joint FAO/WHO Food Standards Programme Codex Alimentarius Commission Forty-Second Session Geneva, Switzerland 8 - 12 July 2019 Report of the Forty-Fifth Session of the Codex Committee on Food Labelling Ottawa, Ontario, Canada 13 - 17 May 2019 at para. 128. Available at: https://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FMeetings%252FCX-714-45%252FFinal%252520Report%252FREP19_FLe.pdf

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¹⁴ Xu, X., Sharma, P., Shu, S. *et al.* Global greenhouse gas emissions from animal-based foods are twice those of plant-based foods. *Nature Food* 2, 724–732 (2021). <https://doi.org/10.1038/s43016-021-00358-x> Available at: <https://www.fao.org/3/cb7033en/cb7033en.pdf>

¹⁵ Third Revised Draft, 17.08.2021. Available at: <https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/WGTransCorp/Session6/LBI3rdDRAFT.pdf>

¹⁶ See, for instance, Canada's note in a civil society conference during the same month that a United Nations Human Right Council hosted negotiations on the proposal in which Canada did not participate. Available at: https://static.sched.com/hosted_files/10unforumbhr2021/c7/Canada%27s%20Written%20Submission%20Forum%20session%202021.pdf

¹⁷ FAO. *Sustainable Diets and Biodiversity Directions and Solutions for Policy, Research and Action.* 2012. Rome at 7. Available at: <https://www.fao.org/3/i3004e/i3004e.pdf>