

Rep. Joseph R. Pitts
Opening Statement
Energy and Commerce Subcommittee on Health
Hearing on “Examining H.R. 2017, the Common Sense Nutrition Disclosure
Act of 2015”
June 4, 2015

The Subcommittee will come to order.

The Chairman will recognize himself for an opening statement.

Today’s Health Subcommittee hearing will be examining the costly and burdensome regulations regarding menu-labeling requirements as proposed by the Administration, and scheduled to be implemented by December 1, 2015. The subject of our hearing – H.R. 2017, the Common Sense Nutrition Disclosure Act, is sponsored by our Subcommittee colleague and Republican Conference Chairman, Cathy McMorris-Rodgers (R-WA) and Rep. Loretta Sanchez (D-CA).

The legislation will help small business owners, franchisees, as well as consumers who want easy access to accurate nutrition information. Covered establishments, including pizza delivery businesses and grocery stores, will be subject to a cumbersome, rigid and costly regulatory compliance process to avoid violations and possible criminal prosecution.

H.R. 2017 seeks to improve and clarify the final rule promulgated by the Food and Drug Administration (FDA) implementing the menu-labeling requirements of Section 4205 of the Affordable Care Act (ACA). The FDA issued a nearly 400-page final rule establishing a one-size-fits-all national, nutrition-disclosure requirement for restaurants and “similar retail food establishments.” The concern is that this final rule goes well beyond what was intended by the ACA.

The obligations are imposed not only on chain restaurants – including delivery establishments, but also on any other chain retailer that sells

non-packaged food, such as grocery store salad bars, and convenience stores' meals to go.

Small businesses that are not chain restaurants but are indeed subject to the rule will face a dramatic increase in regulatory compliance costs. Consumers most assuredly will see higher food costs, and perhaps fewer choices. Some retailers may find it more advantageous to stop selling restaurant-type food altogether. So instead of purchasing fresh sandwiches, consumers may have to buy pre-packaged sandwiches since those will not require the retailer to comply with labeling requirements.

Fixing this burdensome regulation could benefit tens of thousands of restaurants, grocery stores, convenience stores and small business owners that otherwise would be burdened with regulations that will be costly and hurt job creation.

According to the Office of Management and Budget, FDA's menu labeling proposal would be the third most burdensome regulation proposed in 2010 – 14,536,183 hours to comply.

The objective of this legislation is to provide clarity, flexibility, certainty for these companies, while also ensuring consumers have access to the information they need to make informed nutritional decisions.

I look forward to the testimony today and yield the balance of my time to Rep. Morgan Griffith.