

# Array of Congressional Options

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## CONGRESSIONAL OPTIONS

This chapter provides a detailed explanation of the interaction among the various issues surrounding open shelf-life dating. As stated in this report, there are many possible combinations, each of which represents a congressional option. The interaction among these is detailed below.

The issues discussed in this report that give rise to congressional options are:

1. Whether open shelf-life dating will be implemented by regulation through an executive branch agency or required through a specific law;
2. Whether open shelf-life dating should be voluntary, voluntary/mandatory, or mandatory;
3. Which products or product categories will be exempt from open shelf-life dating or will have a voluntary/mandatory or mandatory date established;
4. The method chosen for open shelf-life dating.

There are important aspects of these issues that interact to create an open shelf-life dating system for food products. This is illustrated by the decision tree of figure 1.

The first branch, path A, illustrates the distinction between regulation through the appropriate executive branch agency or requiring specifics through statutory law. This is a basic option that underlies each issue specific to open shelf-life dating.

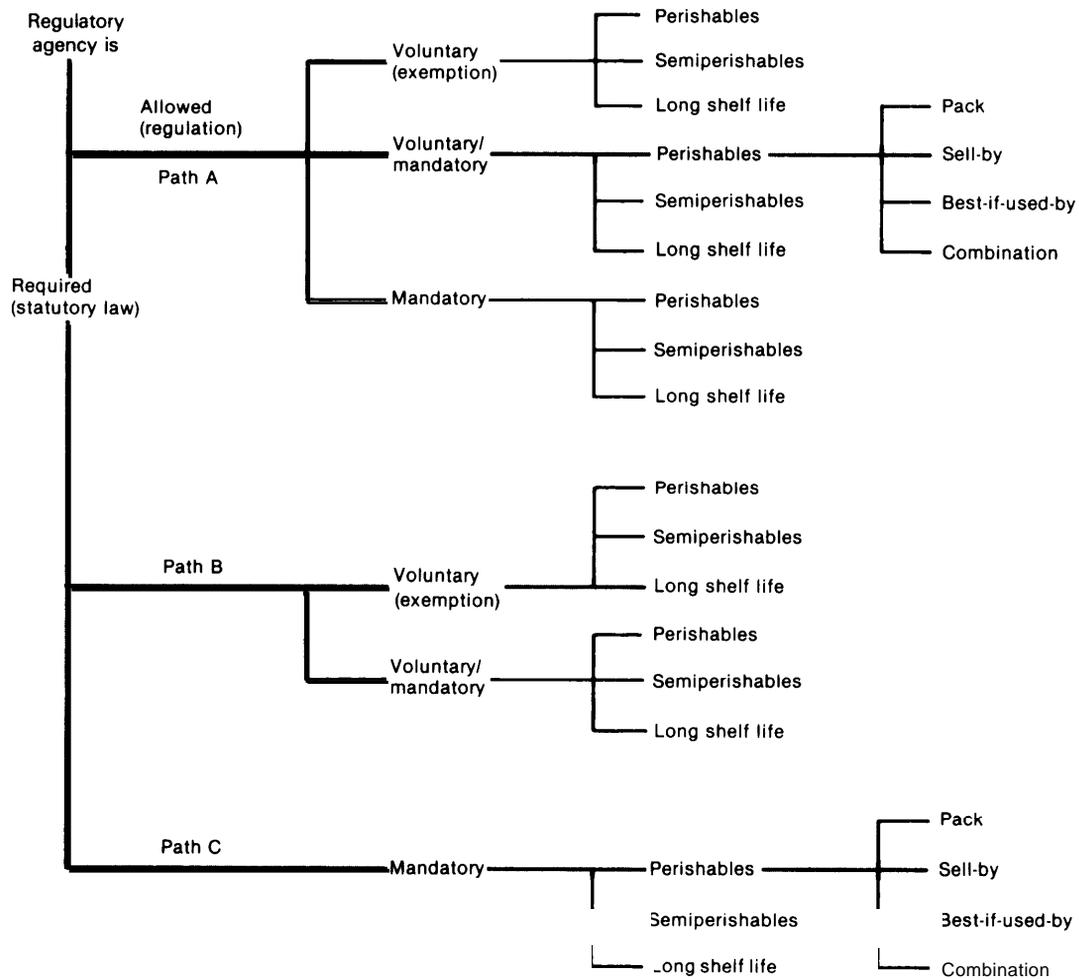
The second branch, path B, illustrates the three possibilities for the degree to which open shelf-life dating would be mandatory. One possibility is to specifically exempt certain products or product categories or to allow present voluntary dating to continue. Another possibility is to opt for a voluntary/mandatory program for certain products or product categories. A third possibility is to make open dating mandatory for certain products or product categories.

The third branch, path C, illustrates that any of the previous options could be applied to product categories such as perishables, semiperishables, or long shelf-life products. Of course, specific products or more narrowly defined product categories also would be appropriate at this point in the decision tree. As an example, a branch could be “strawberries” or “bulk fresh fruits and vegetables,” rather than “perishables.”

The extreme right-hand side of the decision tree illustrates the options for the method used to convey an open shelf-life date. These include pack, sell-by, best-if-used-by, and combination dates. Each of these methods of dating represents an option by product or product category.

The decision tree clearly illustrates the interactive nature of the options. That is, if a particular option is chosen under one of the four issues, the impact of it will be different depending on which options under the other issues are chosen.

**Figure 1.—Example of Interaction of Congressional Options**



To clarify the interactions among the options, several examples are given using figure 1 as the basis for the example. These examples will follow specific paths of the decision tree.

Congress might opt to allow the appropriate executive branch agency to set voluntary/mandatory open shelf-life dating on perishables using a sell-by designation for the date (denoted as decision path “A” in figure 1). This particular path through the decision tree would mean that the specific decisions likely would be made by the appropriate executive branch agency. Also, the specifics of the open-dating system such as the products

or product categories and the method for designation of the date would be accomplished by regulation issued by the executive branch agency rather than written into the law by Congress. Congress can stop at any point in the decision tree once the decision is made to allow an executive branch agency to put open dating in place via regulation rather than statutory law.

Note that the alternative paths through the decision tree are not mutually exclusive. One path may be chosen for a particular product category or method for dating while an entirely different path is chosen for another product category or method.

Another specific path through the decision tree is for Congress to write a law that would specifically exempt long shelf-life products from open dating (denoted as decision path “B” in figure 1). This would mean that manufacturers of many canned or frozen products would be exempt from a Government program but could still voluntarily open date their products, as some presently do.

A final example is that Congress could write a law that would place mandatory open dates on perishable products using a sell-by designation (denoted as decision path “C” in

figure 1). The implementation would be the responsibility of an executive branch agency, but the law would be specific with regard to product category and method used to designate the open date.

Similar open shelf-life dating systems are depicted by following the various decision paths through the decision tree. Several paths may be combined to form the basis of an open-dating system. The consequences of the various options are found in the main text.