

Minutes from February's FMI State Association/Federal Issues Call

Menu Labeling:

The Administration recently released its fall 2011 Regulatory Agenda, which outlines planned initiatives for the agencies over the next few months. In the report, FDA outlined its planned timeline for publishing a final rule on the chain restaurant nutrition labeling requirement. While FDA cited November 2012 as possible timing for the final rule, FMI expects the agency to miss this deadline and release the rulemaking some time in 2013. For more information, contact Erik Lieberman, elieberman@fmi.org.

On the legislative side, FMI has participated in a number of visits with congressional offices alongside Domino's Pizza to seek an exemption or a fix to the menu labeling regulation. We believe we are close to finding a potential lead sponsor to a bill that exempts grocers from the regulations by defining "similar retail food establishments" in a manner similar to the FDA's Option 2. The legislation would also seek to fix Domino's Pizza's issue relating to the inclusion of nutrition information on its advertising door flyers. For more information, contact Rob Rosado, rosado@fmi.org.

Grocery Employment Ordinance:

The U.S. Supreme Court recently declined to hear a challenge to the L.A. Grocery Worker Retention Ordinance, which requires a grocery store to retain the employees of an acquired store for a 90 day transition period before making decisions regarding the hiring or firing of employees in the newly acquired store. The California Grocers Association has been involved in the legal process and filed a lawsuit challenging the Ordinance, stating that the Ordinance is preempted by the National Labor Relations Act because of its interference with negotiations between employers and employees, among other reasons. For more information, contact Erik Lieberman, elieberman@fmi.org, or Pat Davis, pdavis@fmi.org.

Payroll Tax Discussions:

The conference committee tasked with negotiating a long-term payroll tax holiday extension will hold a meeting this week to seek an agreement among House and Senate lawmakers before the February 29 deadline. While negotiations have been going rather leisurely, for the most part, they are going as expected. The inclusion of additional tax extenders, such as the Work Opportunity Tax Credit and the enhanced food donation tax credit, has been a contentious issue among the lead negotiators. FMI will seek the passage of these tax extenders this year, but it remains uncertain whether the payroll tax bill will serve as the legislative vehicle for the extension of these tax cuts. For more information, contact Andy Harig, aharig@fmi.org.

FASB:

The Financial Accounting Standards Board (FASB) has been making strides to incorporate new accounting methods with international standards in a number of key areas, including lease accounting. FMI has been working with its coalition partners, including the U.S. Chamber of Commerce, but it appears that our industry has a number of unique interests outside the realm of general business issues and will be seeking input to form an industry group. FMI will be circulating a new proposal within the next few weeks, and we would appreciate it if you can share the announcement with the appropriate contacts within your companies (tax lawyers, accountants, real estate experts, etc.) when it becomes available. For more information, contact Andy Harig, aharig@fmi.org.