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## **Comments on Proposed Rule for National Bioengineered Food Disclosure Standard**

### **Question #1:**

Biotechnology, Genetic Engineering, Recombinant DNA Technology

### **Question #4:**

Highly refined ingredients such as oils and sugar should not be required to have the bioengineered genetic material disclosure since this material is not present at detectable levels. These ingredients are indistinguishable from their non-bioengineered counterparts and therefore have no adverse consequences to consumers.

### **Question #7:**

Food derived from an animal which solely consumed feed produced from, containing or consisting of a bioengineered substance is exempt from the National Bioengineered Food Disclosure Standard.

Yeast should be in this exemption because it solely consumes food produced from, containing or consisting of a bioengineered substance.

Fermentation by-products and yeast by-products should also be in this exemption since these items are derived from the organisms that solely consume food produced from, containing or consisting of a bioengineered substance.

### **Question #8:**

Over 2% of the total weight of the food should be considered bioengineered since descending predominance is not required for ingredients in amounts of 2% or less by weight. All ingredients above this threshold must be listed in order of predominance which means that they are the major constituents of the food.

### **Question #9:**

Yes, two of the proposed disclosure categories should be considered. Clear guidance will be needed on how to assign a product to a category.

"Contain ingredient derived from bioengineered ingredients crops or animals" should not be one of the categories because highly refined ingredients are in this category. It would also include the items included in Question #7. This category would not be all inclusive causing confusion since highly refined products and animal products, where bioengineered substances are only used as feed, are or should be exempt.

### **Question #12:**

If AMS uses more than 1 disclosure category as outlined in Question #9 than more than 1 text disclosure language should be developed to reflect the different categories.

The disclosure should be placed on the information panel with the other mandatory information.



**Question #13:**

There should be a separate symbol for each category of food.

**Question #15:**

AMS should indicate in the regulation that the digital or electronic disclosure must be a technology that is not obsolete. To the point made in the context of Question #15, if a list of specific technologies is put into the regulations they will eventually be obsolete. The regulations will need to be updated to reflect current technologies.

**Question #17:**

Yes, mirroring the current regulation is appropriate.

**Question #18:**

Disclosure could be met on very small packages using an address or phone number to obtain bioengineering information.

**Question #24:**

Using the same language as in Question #12 would make the messaging more consistent.

Guidance on text size should be given so the information from different companies are consistent. The text size can be determined using the rules outlined in 21CFR101.1 and 21CFR101.2.

**Question #30:**

Imported food should have the same disclosure as domestic products. Imported products would have a competitive advantage over domestic products if they do not have the same disclosure.