From:	Brian Gardener
To:	AMS - GMO Labeling
Subject:	Answer to USDA Questions on GE labeling rule
Date:	Wednesday, July 12, 2017 10:10:58 PM

Dear USDA officials,

With respect to the GE labelling rule, I would like to first assert that consumers have a right to know what is in their food, how it is processed, and what systems and technologies are used for its production. While there are too many facets to consider in a single label, production systems and country of origin are of substantial interest to many Americans. To that end, simple, clear, and concise labelling of both should be considered responsible additions to food labelling rules and laws of the USA.

Now regarding the specific questions for which you are requesting feedback:

1. What terms should AMS consider interchangeable with 'bioengineering'? (Sec. 291(1)) GMO, Genetically Engineered

2. Which breeding techniques should AMS consider as conventional breeding? (Sec. 291(1)(B)) Only those that involve cross pollination and phenotypic selection.

3. Which modifications should AMS consider to be found in nature? (Sec. 291(1)(B)) Only those that have been identified through phenotypic selection prior to genotypic analyses.

4. Will AMS require disclosure for food that contains highly refined products, such as oils or sugars derived from bioengineered crops? (Sec. 291(1)(A)) Yes

5. Although the Law states that the definition of bioengineering shall not affect any other definition, program, rule, or regulation of the Federal government, could there be potential areas of confusion between the definition of bioengineering as used in the Law and other similar terms used by the Federal government? If so, what are the potential remedies that could be added to this regulation to alleviate any confusion between this definition and others by the Federal government? (Sec. 292(b)) "Bioengineering" is widely used in the medical field to refer to technologies developed by mechanical and electrical engineers and inserted into the bodies of people and animals. As such the term as it is being considered by USDA appears to be another attempt to redefine the debate around technologies, systems, and processes that involve direct manipulation of DNA.

6. Meat, poultry, and egg products are only subject to a bioengineered disclosure if the most predominant ingredient, or the second most predominant ingredient if the first is broth, stock, water, or similar solution, is subject to the labeling requirements under the Federal Food, Drug, and Cosmetic Act. How will AMS determine the predominance of ingredients? (Sec. 292(c)) Labelling should reflect content of >5% by weight of packaged product.

7. How should AMS craft language in the regulations acknowledging that the Law prohibits animal products from being considered bioengineered solely because the animal consumed feed products from, containing, or consisting of a bioengineered substance? (Sec. 293(b)(2)(A)) Language should not contradict the current application of NOP regulatory language.

8. What is the amount of a bioengineered substance present in a food that should make it be considered bioengineered? (Sec. 293(b)(2)(B)) A minimum of 5% w/w is reasonable.

9. Should AMS consider more than one disclosure category? (Sec. 293(b)(2)(D)) All three of the proposed categories are reasonable though a single category based on weight of contents would be simplest to follow.

10. What other factors or conditions should AMS consider under which a food is considered a bioengineered food? (Sec. 293(b)(2)(C)) All of the factors cited are relevant for disclosure.

11. Could AMS consider whether a type of food is considered a bioengineered food under the determination process? (Sec. 293(b)(2)(C)) There is no sound reason to make exclusions as noted.

12. If a manufacturer chooses to use text to disclose a bioengineered food, what text should AMS require for a text disclosure? (Sec. 293(b)(2)(D)) A single phrase, such as "Contains GMO Ingredients" or "Contains Genetically Engineered Ingredients" is sufficient.

13. If a manufacturer chooses to use a symbol to disclose a bioengineered food, what symbol should AMS require for disclosure? (Sec. 293(b)(2)(D)) It would be easier if multiple designs were proposed and then one selected. The advocates and manufacturers of bioengineered crops and foodstuffs should design the logo OR it can be simplified to text similar to the USDA Organic label but be of a different color and shape.

14. If a manufacturer chooses to use an electronic or digital link to disclose a bioengineered food, what requirements should AMS implement for an electronic or digital link disclosure? (Sec. 293(b)(2)(D)) Digital links are NOT the primary need. Rather, immediately understood, clear and concise labelling is. No requirements should be made for electronic links that discriminate against those that choose not to use such technologies during their food purchasing activities.

15. Should AMS specify in the regulations the type of electronic or digital disclosure manufacturers, e.g. QR code, can use to disclose bioengineered food? What steps should AMS take if an electronic or digital disclosure method becomes obsolete? (Sec. 293(b)(2)(D)) See answer to question 14.

16. What kind of text, symbol, or electronic or digital disclosure should AMS require for bioengineered food that is not purchased from a grocery store shelf,

such as food for sale in bulk (such as fresh produce in a bin or fresh seafood at a fish counter), in a vending machine, or online? (Sec. 293(b)(2)(D)) See answer to question 14.

17. The Law offers special provisions for disclosure on very small or small packages. How should AMS define very small or small packages? (Sec. 293(b)(2)(E)) FDA rules are an appropriate guide.

19. How should AMS define small food manufacturers? (Sec. 293(b)(2)(F)) FDA rules are an appropriate guideline.

21. The Law excludes restaurants and similar retail food establishments from disclosure requirements. How should AMS define similar retail food establishment to exclude these establishments from the requirements of the regulation? (Sec. 293(b)(2)(G)(i)) Guidelines consistent with NOP rules are appropriate.

22. How should AMS define very small food manufacturers to exclude these manufacturers from the requirements of the regulation? (Sec. 293(b)(2)(G)(ii)) Guidelines consistent with NOP rules are appropriate.

23. Is there other equivalent on-package language that AMS should consider to accompany an electronic or digital disclosure besides "Scan here for more food information"? (Sec. 293(d)(1)(A)) See answer to question 14.

24. How should AMS ensure that bioengineered food information is located in a consistent and conspicuous manner when consumers use an electronic or digital disclosure? (Sec. 293(d)(2)) See answer to question 14.

25. How should AMS ensure that an electronic or digital disclosure can be easily and effectively scanned or read by a device? (Sec. 293(d)(5)) See answer to question 14.

26. What types of records should AMS require to be maintained to establish compliance with the regulations? (Sec. 293(g)(2)) Guidelines similar to those applied to Certified Organic labelling requirements would be appropriate.

27. How should AMS obtain information related to potential non-compliance with these regulations? Is there information USDA should request prior to conducting an examination of non-compliance? (Sec. 293(g)) Response to accusations of non compliance should be handled similarly to accusations of non compliance for Certified Organic labelling.

29. How should AMS make public the summary of any examination, audit, or similar activity? (Sec. 293(g)(3)(C)) Guidelines similar to those applied to Certified Organic labelling would be appropriate.

30. What should the requirements for imports into the United States of products covered by the Law/regulation be? (Sec. 294(a)) The same as for

products produced in the USA.