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To: [AMS - GMO Labeling](#)
Subject: Comments to AMS USDA on Bioengineered Food Labeling (embedded and attached)
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Attachments: [NFFC AMS GMO rules.July172017.pdf](#)

NATIONAL FAMILY FARM COALITION

RESPONSE TO USDA AGRICULTURE MARKETING SERVICES' REQUEST FOR PUBLIC COMMENTS REGARDING THE NATIONAL MANDATORY BIOENGINEERED FOOD DISCLOSURE STANDARD ("the Standard") UNDER PUBLIC LAW 114-216, 7 USC 1639, et. seq.

SUBMITTED VIA EMAIL: GMOlabeling@ams.usda.gov

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The undersigned organizations submit the following comments and highly suggests that each comment be included in the National Mandatory Bioengineered Food Disclosure Standard. These comments are intended to amplify the intent and purposes of this labeling law while clarifying definitions and enhancing consumer choice and protection.

Agency Question 1. "What terms should AMS consider interchangeable with Bioengineering under 7 USC 1639 Section 291 (1)?" Various categories of consumers will encounter food purchasing events that will require choices based on price, source and manufacturer of food, and particularly food ingredients. Consumers may be familiar with certain bioengineering terms or concepts but not others. Consumers must have ease of access to the most relevant information at the time of purchase. Therefore, the Agriculture Marketing Service must consider the following terms or phrases to be interchangeable with Bioengineering: (i) "food product contains enhanced end use traits," (ii) Genetically Modified Foods, (ii) modification of cell culture; and (iv) cloning plants and animals.

Agency Question 2. "Which breeding techniques should AMS consider as conventional breeding under 7 USC 1639 Section 291 (1) (B)?" The grafting of plants that make up certain food products is an acceptable conventional farming practice. However, inserting a foreign or mutated gene into an existing plant or seed is not and

therefore should be considered bioengineered for purposes of the Standard. Conventional breeding techniques must be limited to the following or similar techniques:

- The major activities of plant breeding, collection of variation, selection, evaluation, release, multiplication, distribution of the new variety.
- Seeking selection of plants that possess the desired traits, collection of seeds from those plants and the replanting and cultivation of those seeds.
- Seeking selected food plants with particular desirable characteristics, and employed these as progenitors for subsequent generations, resulting in an accumulation of valuable traits over time. Another technique is the deliberate interbreeding or crossing of closely or distantly related individuals to produce new crop varieties or lines with desirable properties. This is called hybridization.
- Cross breeding plant species that are genetically compatible but which may not hybridize in nature for various reasons, including geographical isolation, differences in flowering period, or differences in pollinators.
- Breeding that relies largely on [homologous recombination](#) between chromosomes to generate [genetic diversity](#).
- Breeding whereby interspecific and intergeneric hybrids are produced from a cross of related species or genera that do not normally [sexually reproduce](#) with each other. These crosses are referred to as *Wide crosses*. The cells in the plants derived from the first generation created from the cross contained an uneven number of chromosomes and as result was sterile. The [cell division](#) inhibitor [colchicine](#) was used to double the number of [chromosomes](#) in the [cell](#) and thus allow the production of a fertile line. (Example triticales)
- Breeding whereby fertilization is possible between two species or genera, although the hybrid [embryo](#) may abort before maturation. If hybrid abortion does occur the embryo resulting from an interspecific or intergeneric cross can sometimes be rescued and cultured to produce a whole plant.
 - Chemical [mutagens](#) like [EMS](#) and [DMS](#), [radiation](#) and [transposons](#) are used to generate [mutants](#) with desirable traits to be bred with other [cultivars](#) - a process known as *Mutation Breeding*. Although

this is currently considered a part of "traditional" plant breeding irradiating and deliberately mutating seed and other plant material is not a standard breeding technique nor is it found in nature.

Agency Question 4. *"Will AMS require disclosure for food that contains highly refined products, such as oils and sugars derived from bioengineered crops under 7 USC Section 291 (1)(A)?"* Yes, AMS should require such disclosure because disclosure would enhance the intent and purposes of "the Standard". In almost all food products such as oils and sugars, the bioengineered ingredient would not be the predominate ingredient nor the 2nd most predominant ingredient as explained in 7 USC 292 (c) (2)(A),(B), the section of the law mandating the labeling of a food product containing bioengineered products. As a practical matter, in many cases food products presented to consumers in a particular marketable form, such as broth, stock, water or a similar solution, would not exist without the presence of the oil or sugar derived from bioengineered crops. Since soybean oil, canola oil, corn oil, cotton oil and sugar beets are all bioengineered, disclosure should be required.

Agency Question 6. Meat, Poultry, and egg products are only subject to a bioengineered disclosure if the most predominant ingredient, or second most predominant ingredient if the first is broth, stock, water, or similar solution, is subject to the labeling requirements und the Federal Food, Drug, and Cosmetic Act. How will AMS determine the predominance of ingredients? Sec. 292 (c).

According to Shannon Eldredge, Commercial fisherman and Northwest Atlantic Marine Alliance board president, "Seafood consumers are under constant pressure to buy what is considered the most sustainable seafood. In addition, mislabeling of seafood has created a major morass for seafood buyers. On top of that, our catch is often confused with seafood that is farmed on land or at sea. Therefore, in order for the consumer to make choices that fit their values and to ultimately make the right purchasing decisions, GMO or bioengineered fish and shellfish must be labeled."

Agency Question 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)). In response to this requirement, the USDA has suggested the use of QR Codes. The adoption of QR Code Technology as a means of disclosing Genetically Engineered product labeling is a blatant means of discrimination along racial and social lines by the

United States Government. Based on data collected regarding the current ownership and use of smartphone technology, it is evident that a large portion of U.S. citizens, especially low-income, senior, and minority citizens, will not have access to Genetically Engineered product labeling if QR Codes are utilized as means of disclosure. Therefore, we urge AMS to use a means of labeling which all consumers, regardless of economic status, age, or location are able to access.

According to a study conducted by the Pew Research Center, only 64% of Americans own a smartphone, leaving 46% of the United States population without such a device.^[1] Furthermore, out of that 64%, who are economically able to purchase the device, 48% are unable to maintain constant services due to financial constraints.¹ In fact, “23% of smartphone owners must cancel or suspend their service in the past due to financial constraints.”¹ Despite the rapid adoption of smartphone usage in young adults, seniors adopt such technology at a much slower rate. Only 27% of America’s senior citizens (65 years and older) own a smartphone.¹ In addition, it is crucial to be aware that, “along with lower-income users, African Americans and Latinos are around twice as likely as whites to have canceled or cut off their smartphone services.”¹

The issue proceeds further with the discussion of rural broadband and connectivity issues. Rural America should have equal access to labeling information as urban areas. However, rural broadband remains to be solved and as of 2016, the FCC reported that 35% of rural Americans (23 million people) lacked access to sufficient broadband speeds (25Mbps/3 Mbps broadband).^[2] This information is significant because it not only highlights the disparity in information accessibility, but it also underscores the fact that data packages for smartphone owners in these areas will be more expensive and service to be able to download a QR App will be much harder to obtain. These concerns build on top of the original condition that only 64% of U.S. citizens have smartphone technology in the first place.¹

In conclusion, the use of QR Code technology, currently dependent on the ownership of a smartphone, is discriminatory to low-income citizens, which, according to the Economic Research Service, are largely made up of minority citizens. As of 2015, nonmetro African Americans had the highest incidence of poverty (33.8%), nonmetro American Indians and Alaskan natives had the second highest rate (32.4%), and nonmetro Hispanics had the third highest rate (25.9%).^[3] A collection of the aforementioned data conclusively states that QR Code of labeling, by means of an individual application, discriminates

against low-income people, minorities, and rural citizens. Therefore, to prevent against such violations and the potential for the technology to become obsolete, NFFC strongly urges the USDA to adopt labeling on the package of a Genetically Modified product or the shelving of unpackaged products, as utilized by the European Commission, with language that states "this product contains genetically modified materials." [4] In addition to the QR Code, each store must be equipped with a QR Code reader to address inequalities related to smartphone ownership and access.

Respectfully submitted,

[1] Smith, Aaron. "Chapter One: A Portrait of Smartphone Ownership." *Pew Research Center: Internet, Science & Tech*. Pew Research Center, 01 Apr. 2015. Web. 14 July 2017.

[2] "2016 Broadband Progress Report." *Federal Communications Commission*. Federal Communications Commission, 29 Jan. 2016. Web. 14 July 2017.

[3] "Poverty Demographics." *USDA ERS - Poverty Demographics*. N.p., n.d. Web. 14 July 2017.

[4] "Traceability and Labelling - Food Safety - European Commission." *Food Safety*. European Commission, n.d. Web. 17 July 2017.
https://ec.europa.eu/food/plant/gmo/traceability_labelling_en

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