



July 14, 2017

The Honorable Sonny Perdue  
Secretary of Agriculture  
U.S. Department of Agriculture  
1400 Independence Ave., S.W.  
Washington, DC 20250

Re: Implementation of the National Bioengineered Food Disclosure Standard (Pub. L. 114-216)

Dear Secretary Perdue,

Nature's Path is proud to be America's leading organic breakfast and snack food company. With operations in Washington and Wisconsin, and distribution across the country and in 50 countries worldwide we have been committed to organics for over 30 years. We have been supporters of consumer transparency since our inception and have supported consumers right to know for the entirety of that time. Since 2011 we have supported disclosure rights for consumer through a clear, easy to understand, on label disclosure of the contents of their food.

Nine out of ten Americans consistently report they want the right to know if their food is produced with genetic engineering – the same right held by consumers in 64 other countries. Recognizing the consumer's right to know about GMO foods, last summer Congress passed the National Bioengineered Food Disclosure Standard (Pub. L. 114-216) to require the Secretary of Agriculture establish a mandatory, national disclosure standard for GMO foods.

As your department moves forward with implementation, Nature's Path Foods believes it is critical that the U.S. Department of Agriculture (USDA) create a meaningful disclosure standard for GMO foods that is based on Congress' clear intent to cover all GMO foods and GMO technologies, is consistent with international norms and is inclusive of all Americans – including consumers without smartphones, rural residents and the elderly.

We feel strongly that the following items should be at the core of the final standards your department issues over the next 13 months:

- 1. All GMO foods should carry a disclosure.** Consumers will expect the mandatory GMO disclosure standard to apply to all foods produced with genetic engineering, including foods which contain ingredients like highly refined sugars and oils as well as foods produced with new forms of genetic engineering like CRISPR and RNAi. The addition of new methods of altering the genetic code of foods should not excuse companies from disclosing their use. It is our belief that if the methods



used, or the outputs from the methods could not be recreated through breeding and natural selection then disclosure is necessary.

2. **USDA should avoid conflict with the organic standards.** The use of “excluded methods,” which includes the use of genetically modified organisms (GMOs), is strictly prohibited in organic production and handling. As described in section 299 (f)(2) of Pub. L. 114-216 and further clarified through USDA’s Policy Memorandum on “Consistency with the AMS National Organic Program,” USDA should ensure that any proposed rules for GMO food disclosure will not require any modifications be made to the USDA organic regulations.
3. **Failure to include GMO sugars and oils would ignore Congressional intent.** Congress was clear in its intent that 25,000 more products carry a GMO disclosure than what was required in any state level GMO disclosure bill. A failure of the rules to include highly refined sugars and oils in the GMO disclosure requirement would betray that clear intent. According to analysis from the Environmental Working Group, as many as 63,000 GMO food products could be excluded from the disclosure requirement if a special loophole is created for highly refined GMO sugars and oils.
4. **The GMO disclosure standard should be consistent with international regulations and standards.** As a company, Nature’s Path Foods understands the value of harmonizing our standards with those of our trading partners. As noted above, we distributed product made in the USA to over 50 countries around the world. To be consistent with as many countries as possible, as well as the standards set by the U.N.’s Codex Alimentarius, the GMO disclosure standard should apply to all GMO foods, it should be an ingredient by ingredient disclosure and have a GMO threshold level of at minimum 0.9%.
5. **We feel strongly that digital disclosure is not what consumers want and it insults consumers to deny them clarity.** While the legislation does provide for digital disclosure, we believe that the right thing to do for consumer understanding is a simple disclosure statement on the packaging. This meets the intent of the law and allows all consumers, regardless of age or economic status to access the information they seek. Any other choice than label disclosure allows companies with GMO ingredients to obfuscate that fact from the consumer who wants it.
6. **Consumers should not have to wait to see GMO disclosures on packages.** USDA must finalize the GMO disclosure standard by July 28, 2018 as Congress directed. Many companies are already labeling their products that contain GMOs and it is not unreasonable to expect that all companies not bound by the small business provisions of the law will be able to do so by the end of 2018.

Nature’s Path Foods is proud of our long commitment to transparency in our labelling and in our communication with consumers. We believe strongly that this transparency, of both beneficial and



opportunity areas in our products, has been a contributor to our success as a business. The AMS, as part of this rulemaking process, has an opportunity to similarly create the pre-conditions for all food companies in the United States to provide transparency to consumers, transparency that 9 in 10 consumers want.

Sincerely,

Darren Mahaffy  
Vice President – Marketing  
Nature's Path Foods