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U.S. Department of Agriculture
Agricultural Marketing Service
Washington, DC

To whom it may concern:

Our non-profit organization, Our Family Farms (OFF), works to create thriving communities by promoting and protecting family farms and traditional seeds from the threats of genetically engineered (GE) crops. We have been actively involved in seeking legislation to support the complete labeling of our foods that contain GE derived materials for all Americans because we know first-hand that this is supported by nearly 90% of the polled American shoppers.

Although not a perfect bill, we support the intentions of the U.S. Congress who last year passed the “National Bioengineered Food Disclosure Standard Act of 2016 (GE labeling law). It is long past the time that Americans should have had the same food labeling information provided to them that citizens of 64 other countries like the 28 nations in the European Union, Japan, Australia, Brazil, Russia and even China already have. This bill provides a catch-up opportunity for American consumers to have clear, on-package labeling disclosures that fully describe not only the nutritional content of the food, but also describe whether such foods are derived from bioengineering technologies. However, a lot of the decisions about what foods would be labeled, and how they would be labeled, were left up to the U.S. Department of Agriculture (USDA). The law includes labeling options

other than on-package labeling, such as QR codes and websites, which would only serve to hide the information this law was passed to provide.

Polls consistently show that Americans want to know from clear, on-package labeling disclosures whether the foods they purchase are produced using genetic engineering from clear, on-package labeling disclosures. Congress recognized the public's right to know in passing the GE labeling law. Now, it is critical that the USDA regulations and implementation of the GE labeling law accurately reflect the intent of Congress when they passed the law, provide consistency with international standards, and provide easy access to this information for all Americans.

As such, we request that the regulations guiding the disclosure law include the following provisions:

1. **A requirement for On-Package Labeling.**

   The law includes potential options other than on-package labeling such as QR codes, 1-800 phone in, and websites, but only on-package labeling provides the easiest access for all Americans. It was not the intent of Congress to discriminate against those that do not understand how to use a smart phone to access information if QR codes and websites are used for the "food labeling" approach favored by industry.

   Studies show that over one-third of Americans do not own a smart phone; also half of low-income people do not own smartphones. Almost half of rural people do not own smart phones. Minorities are a disproportionate percentage of low-income and rural Americans. Two-thirds of the elderly do not own smart phones. Only 16% of Americans have ever scanned a QR code and only 3% of those people do it regularly. As such, allowing labeling based on QR codes is discriminatory against the poor, rural Americans, minorities, the elderly and other groups less likely to own a smart phone or know how it is used.

   Proposals to use QR code technology in lieu of on-package labeling also raise serious questions about the privacy of consumer data including issues on how industry might use such information. For instance, would a company be able to determine which customers are viewing their products through QR codes or websites, and could they use that data to target consumers in advertisements?

2. **Require labeling of all bioengineered/genetically engineered Foods.**

The regulations must account for current and potential future changes in biotechnology. Terms related to “bioengineered” such as genetically engineered should be considered interchangeable. The regulations should also ensure that any GE foods made with newer forms of genetic engineering – such as gene editing (e.g. CRISPR-Cas9) and gene silencing (e.g. RNA interference or RNAi) – are covered. All Synthetic Biology (Syn Bio) products such as food additives involve “modern biotechnology” genetic engineering techniques that currently involve a genetically engineered microbe. Foods containing materials derived from Syn Bio technologies must also be labeled.

Overly narrow interpretations, creating loopholes to exempt some GE foods from labeling requirements, would be contrary to Congress’s express intent and to USDA’s own statements in the legislative process. The labeling should provide specific, unambiguous information (“genetically engineered”, “produced with genetic engineering” but not “may be produced with genetic engineering”). If a symbol is used it should be similarly unambiguous and easily recognizable by Americans (“GE” or “GMO”).

All foods produced through genetic engineering must be labeled and include those with ingredients derived from genetically engineered sources, such as highly refined sugars and oils and processed corn and soy ingredients. This should be the case even if such processed foods are so highly processed that the genetic material of the GE ingredient is presently undetectable in the final product: they are still GE foods.

In its definition and scope, the new GE labeling standard should be consistent with and aligned with other U.S. national and international standards. For example, the Food and Drug Administration has stated that its definition of “bioengineering” is the same as the definition of “modern biotechnology”(Ref. 1).

This definition of “modern biotechnology” is the same as the definition in the Principles for Risk Analysis of Foods Derived From Modern Biotechnology adopted by the Codex Alimentarius Commission in 2003. It should be noted that deviating from this standard would needlessly complicate international trade. Documents and standards developed by Codex are referenced by the World Trade Organization in trade disputes involving food, and constitute a globally accepted standard. In addition, the Codex definition of “modern biotechnology” is also the same as that

used in the Cartagena Biosafety Protocol under the Convention on Biological Diversity, which also clearly shows it to be the globally accepted standard. Therefore, USDA should adopt the definition of "modern biotechnology" employed by the NOSB, FDA and Codex Alimentarius Commission because it is the globally accepted standard.

If the agency is to set a threshold, it should also be consistent with international standards, where the most common standard is mandatory disclosure when levels equal or exceed 0.9%, by individual GE ingredient.

3. **Require Almost All Manufacturers to Label.**

   USDA should not unreasonably exempt any manufacturers from the GE labeling requirements. Congress intended to only exempt "cottage foods" and very small companies from the disclosure requirement.

4. **Require Labeling In a Timely Fashion.**

   Congress established explicit deadlines in the GE Labeling Law for issuance of USDA's regulations. USDA must issue its proposed rule in a timely manner, allowing time for public comment, such that a final rule is published by July 29, 2018. USDA must meet these Congressional deadlines.

In addition, USDA should not give manufacturers more than a short period of a few months after that date for the labeling regulations to become effective. Manufacturers have already had years' worth of notice and preparation to develop and provide labeling information. American manufacturers are already labeling their products exported to the 64 countries that already require such labels. At most the labels will only need to be modified/translated for the U.S. consumers.

Respectfully submitted,

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1. Food and Drug Administration. 2015. Guidance for Industry: Voluntary Labeling Indicating Whether Foods Have or Have Not Been Derived from Genetically Engineered Plants. At: www.fda.gov/RegulatoryInformation/Guidances/ucm059098.htm
2. Food and Agriculture Organization of the United Nations, Codex Alimentarius Commission. 2003. Principles for the Risk Analysis of Foods Derived from Modern Biotechnology (CAC/GL 44-2003) At www.fao.org/input/ download/standards/10007/CXG_044e.pdf
3. Convention on Biological Diversity. 2000. Text of the Cartagena Protocol on Biosafety. At: bch.cbd.int/protocol/text

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