From: Todd Larsen
To: AMS - GMO Labeling
Subject: GMO Labeling Standards -- Comments from Green America Monday, July 17, 2017
Date: 11:53:10 AM

This comment is submitted on behalf of Green America, a non-profit organization based in Washington, DC that represents over 400,000 individuals and businesses. Americans have called upon the U.S. government to label GE foods for many years, to give Americans the same information provided to the citizens of 64 other countries around the world. Polls consistently show that nearly 90% of Americans want to know whether the foods they purchase are produced using genetic engineering, through 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 to all Americans.

Response to Question 1:
Related terms to "bioengineered" such as genetically engineered should be considered interchangeable

Response to Question 4:
More specifically, the "bioengineered" definition and scope of the labeling law should ensure that all foods produced through genetic engineering are labeled; including 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 the GE ingredients are present only at undetectable levels in the final product: they are still GE foods.

Response to Question 5:

In its definition and scope, the new GE labeling standard should be consistent with and aligned with other U.S. national and international standards such as the U.N. Codex Alimentarius, a collection of standards, guidelines and codes of practice from around the world that have been adopted by the Codex Alimentarius Commission, a central part of the Joint Food and Agriculture Organization and the World Health Organization of the United Nations.

Response to Question 8:

If the agency is to set a threshold, it should also be consistent with international standards, where the most common standard is mandatory disclosure of 0.9%, by individual GE ingredient. This is an important threshold to maintain in order to create consistency in the market place and prevent consumer confusion.

Response to Question 10:

Similarly, the regulations must account for current and potential future changes in biotechnology. Related terms 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 CRISPR and RNA interference (RNAi), are covered.

AMS must include all methods of bioengineering under the law. This includes substances ingredients that have been modified using recombinant in vitro DNA techniques, CRISPR technology, synthetic biology, gene editing, and traditional genetic engineering, regardless of if these changes could occur in nature. It is essential that the law be updated and that forms of bioengineering that have yet to be established fall under the regulation.

Response to Question 12:

Such on-package labeling should provide specific, unambiguous information (“genetically engineered”, “produced with genetic engineering” but not “may be produced with genetic engineering”).

AMS should set a list of allowed standard terminology for manufacturers to use. Allowing manufacturers to use any language will create confusion in the market place and will not create the needed transparency that consumers are looking for. The disclosure label should be places on the front of package where consumers can clearly see it.

Response to Question 13:

If a symbol is used it should be similarly unambiguous and easily recognizable by Americans (“GE” or “GMO”).

Response to Question 14:

While the law includes potential options other than on-package labeling, such as QR codes and websites, only on-package labeling provides easy access to all Americans. Anything else is simply discriminatory.

Studies show that 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. In fact only 64 percent of Americans own a smart phone. Electronic disclosure is inherently discriminatory against all of these demographics.

Smart phones and data plans are expensive and nearly half of those who have smart phones have had to cancel or shut off their cell phone service for a period of time because the cost of maintaining that service was a financial hardship. Even those who have the phones and service plans are not guaranteed consistent access to the internet, and far fewer than that have ever used a QR code – only 16% 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, the elderly and other groups less likely to own a smart phone or know how it is used.

In addition, electronic labeling disclosures put an undue burden on the shopper. Even if

supermarkets were required by law to include QR scanners in every aisle (an absurdly expensive proposition that would burden many small retailers), it is completely unrealistic for a shopper to scan all of the many items s/he is shopping for on any given shopping trip (which for a family of 4 could easily amount to more than 50 items). This would be an undue burden on the consumer and not provide him/her with the easy access to information that is currently required for all other forms of food labeling. On-package labeling is simple, quick and effective. QR codes, websites, and 1-800 numbers are not.

Proposals to use QR code technology in lieu of on-package labeling also raise serious questions about the privacy of consumer data. There are many questions that are concerns for constituents: What data would be exchanged and how might companies be able to use that data? Could they use that data to target consumers through advertising? Would any personal data be exchanged? The government thus far has a poor track record of protecting consumer data and curbing the massive marketing machines of the food industry. This system only opens consumers up to further exploitation.

The GE labeling law provides that if and when USDA determines that electronic and digital disclosure methods do not provide "sufficient access" to Americans, which it should, the regulations must provide additional options. That solution is straightforward: **The only option that provides sufficient, equal, and consistent access to all Americans is on-package, express labeling**, the way labeling has always been done.

Response to Question 22:
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.

The Food and Drug Administration defines "very small business" as businesses averaging less than $1 million in sales and it provides special considerations and exemptions for small businesses in regulations for nutrition labeling, which it defines as averaging less than $500,000 in gross annual sales.

For farms, small businesses are defined as farms with an average annual monetary value of produce sold during the previous 3-year period as no more than $500,000. For farms that are very small businesses the limit is $250,000.

UDSA should follow precedent set by these relevant definitions of small and very small businesses.

Response to Questions 23-25:

AMS should avoid all uses of an electronic or digital disclosure as it prevents equal access to information for all consumers. As discussed in detail the above response to question 14 the use of an electronic or digital disclosure would be discriminatory to much of the population that does not have access to a smartphone. This type of disclosure also puts an undue burden on consumers. We encourage the AMS to solely use on-package labeling.

Require Labeling In a Timely Fashion.

Americans have already waited a long time for GE food labeling. Recognizing this, Congress placed explicit deadlines in the GE Labeling Law for USDA's regulations.

USDA must complete its study on the efficacy of any digital disclosures by July 29, 2017 and publish it for public comment. USDA must issue its proposed and then final rules 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 provide this information, at the state and federal level. Indeed, many major food companies are *already* labeling and have been for some time. It would be unfair to Americans, and unnecessary given the recent history of GE labeling, to give more than a short effective date.

Thank you for your consideration of these comments.

Sincerely,

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