



Sent via Email

August 25, 2017

Agricultural Marketing Service
US Department of Agriculture
1400 Independence Ave SW
Washington, DC 20250

RE: Proposed Rule Questions Under Consideration (National Bioengineered Food Disclosure Standard)

Dear Sir or Madam:

The International Food Additives Council (IFAC), representing manufacturers of high-quality substances sold worldwide as food ingredients and additives, submits these comments to the US Department of Agriculture's (USDA) Agricultural Marketing Service (AMS) with regard to the proposed questions under consideration for the National Bioengineered Food Disclosure Standard. IFAC's specific comments on some of the questions put forward by AMS are noted below.

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))

Highly refined oils do not contain amplifiable DNA. Therefore, there would be no detectable DNA when tested via polymerase chain reaction (PCR). The inability to detect the DNA would result in a lack of traceability, which is required at the industry level to authenticate their claim(s).¹ Thus, IFAC believes that highly refined oils should be exempt from labeling.

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))

Historically, the term "material" as written in 201(n) of the Food, Drug & Cosmetic Act has not included processing. Bioengineered ingredients are modified to a certain degree to enhance specific properties. Public perception may have a critical impact on the nation's food supply and a potential remedy is to specify in the disclosure that the intent is to promote transparency and that bioengineered foods do not create a food safety risk for consumers.

8. What is the amount of a bioengineered substance present in a food that should make it considered bioengineered? (Sec. 293(b)(2)(B))

IFAC believes the disclosure threshold should be based on finished product testing. If the percentage of the cumulative ingredients derived from genetically modified sources does not exceed the threshold, then there should be no requirement for mandatory disclosure. Further, AMS should consider international standards when proposing a threshold for disclosure.

¹ Mafra I, Ferreira IMPLV, Oliveira MBPP. (2008) *Eur Food Res Technol*; 227: 649–665.

10. What other factors or conditions should AMS consider under which a food is considered a bioengineered food? (Sec. 293(b)(2)(C))

IFAC believes that animal-based food ingredients (e.g., milk proteins) from animals which have consumed genetically engineered crops as feed should not be classified as bioengineered and encourage AMS to make this distinction clear in any proposed regulations or draft guidance.

Further, IFAC requests clarification from AMS regarding whether food ingredients which are produced by enzymatic reactions using enzymes that are nourished by bioengineered sugars should be classified as bioengineered.

Additionally, AMS should effectively address the fact that crops in the US often co-mingle and the supply of non-bioengineered identity preserved crops is not as great as the supply of those crops which are bioengineered.

We appreciate the opportunity to provide feedback to AMS prior to drafting proposed regulations or guidance to implement the National Bioengineered Food Disclosure Standard. We commend AMS and support the efforts to provide consumers with truthful and accurate information. However, it is critical that any regulations and guidance allow for flexibility so that the scientific community and manufacturers can continue to support the safety of the nation's food supply and does not unintentionally prohibit a food product from benefiting from expected advancement that is likely to be achieved in the near future. Please let us know if there are any questions.

Sincerely,



Robert Rankin
Executive Director