

As a vehicle for comprehensive GMO labeling, the National Bioengineered Food Disclosure Standard appears woefully inadequate from several standpoints: it is administered by USDA, an agency not historically involved in food labeling, outside of meat, poultry and eggs (which are all excluded from disclosure by virtue of unlabeled GMO feed consumption only). Second, the law might allow digital links to substitute for text on a label, depending on results of a study by the Secretary, with public comment solicited and considered. This could add extra steps to forthright disclosure. Yet AMS is even now soliciting comment in advance of the statutory timeframe for the study, without apparent benefit of its results. Thirdly, foods marketed under the National Organic Program are apparently exempt from disclosure by virtue of their certification only, when there is no assurance or testing for unwanted presence of GMO. And fourth, there appears to be no penalty for non-compliance. Considering the weaknesses in the law and proposals therefore, it is important that what the law can do, it does very well.

The Secretary is charged with determining the level of bioengineered substance in a food product which would trigger a label. An international standard of no more than 0.9 per cent is already in use in the European Union, Australia and other places. That is a level I would have considered, in the aggregate, imprudent to exceed. Recently however, EPA has apparently cleared the first plant with any kind of animal gene for commercialization in the US, with its approval of Smartstax Pro (MON87411 utilizes a corn rootworm derived DvSnf7 gene for RNAi in the corn rootworm pest). So now it is not possible to advocate non-disclosure of any level of GMO, to protect the interests of vegetarians, vegans, or anyone adhering to a plant-based diet. Each particular bioengineered ingredient, at any level whatsoever, must be disclosed.

No ingredient that is a product of bioengineering should receive exemption based on non-existence of content in the final stage of its refinement. No ingredient that could have evolved in nature, but whose development was stimulated through means of bioengineering, should receive exclusion. And the definition of a bioengineered food should follow that developed for the National Organic Program by the National Organic Standards Board, to include newer techniques such as CRISPR and RNAi. .

