



August 25, 2017

United States Department of Agriculture
Agricultural Marketing Service
Via electronic submission to GMOLabeling@ams.usda.gov

Re: Proposed Rule Questions Under Consideration; National Bioengineered Food Disclosure Standard of July 29, 2016

To Whom It May Concern:

The National Pork Producers Council (NPPC) appreciates the opportunity to provide comments to the Agricultural Marketing Service (AMS) on the Proposed Rule Questions Under Consideration pursuant to the National Bioengineered Food Disclosure Standard of July 29, 2016. NPPC conducts public-policy outreach on behalf of its 43 affiliated state pork association members. U.S. pork producers see tremendous potential in new and emerging bioengineering techniques to address significant animal health issues, as well as assisting the industry in making continuous improvement in areas such as animal welfare, responsible antibiotic use, and sustainability. An appropriate and practicable regulatory environment—including labeling requirements across the food and agriculture sector—is critical to ensuring that this promise can be realized. It is in this spirit that we ask the AMS to consider the following answers to select questions when drafting this rule:

- 1. What terms should AMS consider interchangeable with “bioengineering”?** It is crucial that AMS make the distinction that “bioengineering” is a process and not a product. There are several terms in common usage that should be considered synonymous with bioengineering. These are “genetic engineering” and “genetic modification”. Consequently, the terms “product of bioengineering”, “product of genetic engineering”, “product of genetic modification”, and “genetically modified organism” should be considered interchangeable when referring to the products of these processes. This will also alleviate the concern expressed by AMS in Question 5; failure to consider these terms interchangeable will lead to considerable confusion in both the regulatory sphere and the marketplace.
- 2. Which breeding techniques should AMS consider as conventional breeding?** NPPC does not believe that a list of conventional breeding techniques is necessary to implement this rule. Rather, AMS should look simply to the nature of the genetic modification and determine if such modification results in a genotype that is known to exist in the species of concern or a species with which it is sexually compatible, or is reasonably likely to occur in such. If these conditions are met it is evident that the

modified genotype could have been achieved through conventional breeding methods. To provide further clarity on this matter, AMS can look to the 2017 National Academies of Sciences, Engineering and Medicine’s publication Preparing for the Future Products of Biotechnology (NAS Report) to help set criteria to manage this exemption. The NAS Report’s elegant classification system of biotechnology products as “familiar and noncomplex,” “unfamiliar or complex,” or “unfamiliar and complex” can be adapted to the question of conventional breeding. “Familiar and Noncomplex” genetic modifications—those that correspond to a genotype found in the subject or a sexually compatible species, could reasonably occur in the subject species through mutagenesis, or are a deletion—result in animals or plants that have a genome indistinguishable from non-genome edited animals that share the relevant genotype through inheritance or mutagenesis. Therefore, they could be produced through conventional animal breeding. AMS should further consider that some complex yet familiar modifications under this classification system could also be obtained through conventional breeding techniques, if they again mirror a genotype found in the subject or a sexually compatible species. ***NPPC proposes the rule reflect that any bioengineering process that results in a genetic modification that corresponds to a genotype found in the subject or a sexually compatible species, or that could reasonably occur in the subject species through mutagenesis including deletion, be considered achievable through conventional breeding techniques.***

3. **Which modifications should AMS consider to be found in nature?** The language proposed above offers the advantage of also satisfying this exemption under the National Bioengineered Food Disclosure Standard. A modification that corresponds to a genotype found in the subject or a sexually compatible species, or that could reasonably occur in the subject species through mutagenesis including deletion, could be found in nature.

6. **Meat, poultry, and egg products are only subject to a bioengineered disclosure if the most predominant ingredient, or the second most predominant ingredient if the first is broth, stock, water, or similar solution, is subject to the labeling requirements under the Federal Food, Drug, and Cosmetic Act. How will AMS determine the predominance of ingredients?** Both the Food and Drug Administration and the Food Safety and Inspection Service already have clear and harmonized protocols for determining the predominance of ingredients in food products. AMS should defer to these methodologies. There is no directive or reason for AMS to develop an alternative under the National Bioengineered Food Disclosure Standard.

7. **How should AMS craft language in the regulations acknowledging that the Law prohibits animal products from being considered bioengineered solely because the animal consumed feed products from, containing, or consisting of a bioengineered substance?** The National Bioengineered Food Disclosure Standard clearly states that the regulation shall “prohibit a food derived from an animal to be considered a bioengineered food solely because the animal consumed feed produced from, containing, or consisting of a bioengineered substance”. NPPC strongly recommends that this language be used verbatim in the regulation.
9. **Should AMS consider more than one disclosure category?** NPPC does not support multiple disclosure categories. There are not sufficient distinctions between the categories proposed by AMS to avoid confusion in the marketplace.

Thank you for your attention to our comments. Please let us know if you have any questions about our position on this matter, or would like any additional information.

Sincerely,



Ken Maschhoff
President