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**Stakeholder response to Proposed Rule Questions Under Consideration found at
<https://www.ams.usda.gov/rules-regulations/gmo-questions>**

To Whom It May Concern:

The National Turkey Federation (NTF) appreciates the opportunity to share our thoughts to assist the U.S. Department of Agriculture's (USDA's) Agriculture Marketing Service (AMS) as it works to develop a National Bioengineered Labeling Standard. It is our understanding that USDA will use this input in drafting a proposed rule.

NTF represents nearly 100 percent of all turkey processors, growers, breeders, hatchery owners and allied companies. It is the only national trade association representing the turkey industry exclusively. The turkey industry's top priority is to produce safe, nutritious, affordable food for consumers around the world.

NTF strongly believes Congress was quite clear in the National Bioengineered Disclosure Law (public law 114-214) as it relates to meat and poultry labeling. We support the provisions as stated in the law and will answer the questions accordingly.

NTF has identified seven of the 30 questions that we feel directly relate to turkey products. Please find our input on these questions below.

1. What terms should AMS consider interchangeable with 'bioengineering'? (Sec. 291(1))

AMS is considering the advantages and disadvantages of allowing the use of other terms to provide for disclosure. The definition of "bioengineering" was very clearly defined within the law and NTF believes that additional terms would vastly increase consumer confusion. According to the Act, the term "bioengineering" "with respect to a food, refers to a food—

- (A) that contains genetic material that has been modified through in vitro recombinant deoxyribonucleic acid (DNA) techniques; and
- (B) for which the modification could not otherwise be obtained through conventional breeding or found in nature."¹

The purpose of defining “bioengineering” in Section 291 is to identify which foods shall be labeled. The use of one term with the definition stated in the law is sufficient to identify which foods fall under the mandatory disclosure law.

Other terms that may be considered “interchangeable” by some for actual labeling purposes may include terms such as “genetically engineered,” “genetically modified,” or “GMO.” If USDA determines these are appropriate for labeling purposes, NTF members feel that the terms need to be adequately defined within the regulation and distinguished as terms to be used on the label in order to avoid consumer confusion that could be caused with this new labeling scheme.

2. Which breeding techniques should AMS consider as conventional breeding? (Sec. 291(1)(B))

As defined in the law, conventional breeding is any modification that could be found in nature; therefore, we will answer questions 2 and 3 together. Rather than a “laundry list” of “acceptable” methods that may confuse consumers and could become rapidly outdated as science evolves, NTF believes AMS should utilize a more straightforward evaluation: Can the modification be done through conventional breeding, or could it conceivably be done if breeders were to identify the appropriate genetic traits within a plant or animal species? With regard to animals, does the animal contain only genetic material specific to that species? If it does, then the resulting animal could be achieved through conventional breeding and thus would not be bioengineered. If DNA from another species is introduced *in vitro* and that genetic material could not be introduced through conventional breeding, then the animal would be considered bioengineered.

3. Which modifications should AMS consider to be found in nature? (Sec. 291(1)(B))

See response to question #2.

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 FFDCA. How will AMS determine the predominance of ingredients? (Sec. 292(c))

We do not fully understand why AMS is considering how to evaluate predominance to determine how the Law will apply to multi-ingredient food products given the FDA and USDA already have a method to determine predominance of ingredients on the ingredient panel. Accordingly, we believe that AMS should determine the predominance of the ingredients based upon the order of the ingredients presented on the ingredients list. Per 21.CFR.101.4, [Food; designation of ingredients] (a)(1) Ingredients required to be declared on the label or labeling of a food, including foods that comply with standards of identity, except those ingredients exempted by 101.100, shall be listed by common or usual name in descending order of predominance by weight on either the principal display panel or the information panel in accordance with the provisions of 101.2. NTF members believe that it is clear that using this method to determine predominance of an ingredient was the congressional intent. Using this method, if the first ingredient listed would fall under FDA jurisdiction for labeling under FFDCA, or if the first ingredient is broth, stock, water, or similar solution and the second ingredient on the "ingredient list" would fall under FDA labeling jurisdiction under FFDCA, then the product would have to be labeled

under the mandatory bioengineered labeling regulations. Similarly, looking at 9 CFR 317.2(f)(1), 9 CFR 381.118(a), and A Guide to Federal Food Labeling Requirements for Meat, Poultry and Egg Products, AMS will find that USDA FSIS uses the same method as FDA in determining ingredient predominance. As such, if it is a meat or poultry product under USDA jurisdiction, it would NOT be labeled under the mandatory bioengineered disclosure regulations. To do otherwise, would cause confusion.

7. How should AMS craft language in the regulations acknowledging that animals consuming bioengineered feed are exempt from the disclosure requirements as bioengineered solely because they fed on bioengineered feed? (Sec. 293(b)(2)(A))

Again, we are not clear on why this question is being asked. The law specifically states that the Secretary shall promulgate rules that "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." Accordingly, we believe the proposed and final rules should clearly exempt from bioengineering labeling those meat and poultry products derived from animals fed bioengineered feed, as long as there are no other changes obtained through bioengineering. The regulation should also clearly state that this exemption should also apply to products derived from animals treated with drugs or biologics produced through bioengineering.

9. Should AMS consider more than one disclosure category? (Sec. 293(b)(2)(D))

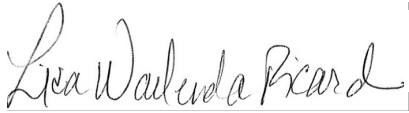
NTF members strongly believe, simply, that more categories will lead to more confusion. The idea of developing various categories for disclosure differentiating between those products that a) are bioengineered, b) contain ingredients that are bioengineered, or c) contain ingredients derived from bioengineered crops or animals would contribute to vast misunderstandings throughout the marketplace. Additionally, the cost of record keeping for either different categories or different sets of disclosures for categories of bioengineered foods for those products that, due to changes in sourcing, include bioengineered ingredients for part of the year, and non-bioengineered ingredients during other parts of the year, would be tremendous. Though NTF believes strongly that with more terms comes more confusion, we also believe that better understanding the consumers perspective and perceptions would help inform which terms would be most helpful to consumers. It is critical that whatever term(s) and categories is/are used convey to consumers the safety of bioengineered ingredients.

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

NTF members understand bioengineering is a complex issue and would strongly urge the industry to adhere closely to the language in the statute and Congress' clear intent. We would urge the Agency to develop very clear guidelines that minimize excessive costs or burdens that would be borne by the industry to abide by this regulation, such as excessive recordkeeping. One way to do this would be to exempt ingredients categorically, such as processing aids, or to allow for categories of ingredients, such as all ingredients allowed under the organic program. This would allow for ease of understanding and implementation and thereby reduce the potential for even further costs than this regulation is already expected to incur.

In conclusion, NTF appreciates the opportunity to comment on these important issues. Ensuring that labels are truthful and not misleading is a priority for NTF members and we are committed to continued improvement as scientific evidence indicates. If you have any questions or concerns, please do not hesitate to contact Lisa Picard at lpicard@turkeyfed.org or 202-898-0100.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lisa Wallenda Picard". The signature is enclosed in a thin black rectangular border.

Lisa Wallenda Picard
Vice President, Regulatory and Scientific Affairs

ⁱ Public Law – 114-214. National Bioengineered Disclosure Law