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**From:** Andrew Sanford [REDACTED]  
**Sent:** Wednesday, July 12, 2017 11:27 AM  
**To:** AMS - GMO Labeling  
**Subject:** Proposed Rule Questions Under Consideration

**As a citizen of the United States of America, here is my input on the Proposed Rule Changes for the AMS.**

**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))**

-the AMS should absolutely require full disclosure for food that contains highly refined products that contain GMOS/Bioengineered crops. To not do so would be deceptive and grant industry a loop hole in the reporting process. The ubiquity of such products in highly processed food should not be a reason to not require disclosure, rather it should give more weight and reason to why such highly processed foods should be labeled as having GMOS/bioengineered byproducts. The American consumer deserves to know how widespread the usage of bioengineered crops have become, so that they can make informed decisions about what they purchase for consumption. To not do so is to fail to respect a person's right to full disclosure.

**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? (Sec. 292(c))**

-AMS should consider all ingredients, regardless of how much is present, in a food product and if any of those ingredients contain any trace of GMO's/bioengineered crop they should be labeled and regulated as such. My position on this is similar to the above argue from question #4- it will create a loophole for industry and fail to respect the American consumer's right to full disclosure so they can make informed decisions about their food.

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

-Any amount present should be consider a GMO/bioengineered food.

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

-The AMS should consider more than one disclosure category that way companies are not lumped together who have products with 100% GMO/Bioengineered products and companies who have products with 1% GMO/Bioengineer products. This differentiation would hopefully satisfy company concerns about the labeling process as the labels themselves would be more honest as to what a product actually contains and companies would not have to worry about misrepresentation.

## **Proposed Rule Questions Under Consideration**

The National Bioengineered Food Disclosure Standard was enacted on July 29, 2016. AMS has two years to establish a national standard and the procedures necessary for implementation. Below are 30 questions for

consideration by interested stakeholders. USDA will use this input in drafting a proposed rule. There will also be an opportunity for interested parties to comment on the proposed rule during the rulemaking process. Input related to the questions below should be sent to [GMOLabeling@ams.usda.gov](mailto:GMOLabeling@ams.usda.gov)

**1. What terms should AMS consider interchangeable with ‘bioengineering’? (Sec. 291(1))**

**Context:** The disclosure standard would be a mechanism to inform consumers about their food. AMS is considering the advantages and disadvantages of allowing the use of other terms to provide for disclosure.

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

**Context:** AMS is considering what would be defined as modifications that could otherwise be obtained through conventional breeding because these modifications would be exempt from mandatory disclosure.

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

**Context:** AMS is considering what would be defined as modifications that could otherwise be found in nature because these modifications would be exempt from mandatory disclosure.

**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))**

**Context:** Many processed foods may contain ingredients derived from bioengineered crops, such as highly refined oils or sugars that contain undetectable levels of bioengineered genetic material such that they are indistinguishable from their non-engineered counterparts. AMS is considering whether to require disclosure for foods containing those derived ingredients that may be undetectable as bioengineered.

**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))**

**Context:** AMS recognizes that other Federal agencies have different terms to describe organisms created through recombinant DNA techniques. AMS is considering areas of potential overlap or confusion over terms, as well as potential language to add to this regulation to ensure the term bioengineering does not affect any other definition, program, rule, or regulation.

**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? (Sec. 292(c))**

**Context:** AMS is considering how to evaluate predominance to determine how the Law will apply to multi-ingredient food products.

**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? (Sec. 293(b)(2)(A))**

**Context:** AMS is considering regulatory language similar to the wording in the Law and if the Agency should provide clarity that food derived from any animal, including invertebrates such as crickets or bee products, would not require disclosure as a bioengineered food solely because their nutrition came from food with bioengineered ingredients.

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

**Context:** The Law authorizes the Secretary to determine the amount of a bioengineered substance present in food in order for the food to be disclosed as a bioengineered food. The amounts of a bioengineered substance that may be present in food in order for the food to be a bioengineered food might be determined in a variety of ways: if a bioengineered substance is near the top of the list of ingredients, by determining the percentage of bioengineered ingredients in a food product, or by listing any ingredient that was produced through bioengineering, among others. AMS is considering how to determine the amount of bioengineered

food or ingredient needed for a product to require a bioengineered disclosure, as well as the advantages and disadvantages of various methods.

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

**Context:** AMS is considering if it should develop various categories for disclosure and if it should differentiate between those products that a) are bioengineered, b) contain ingredients that are bioengineered, or c) contain ingredients derived from bioengineered crops or animals. Additionally, AMS is considering the creation of a set of disclosures for a category of bioengineered foods for those products that, due to changes in sourcing, include bioengineered ingredients for part of the year, and non-bioengineered ingredients for other parts of the year. AMS is considering the advantages and disadvantages, based on cost, clarity, and other factors, of using a single disclosure category or multiple disclosure categories.

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

**Context:** AMS must develop a process to help stakeholders determine whether a food is subject to bioengineered disclosure. AMS anticipates the process would include considering factors such as: whether a food contains a substance that has been modified using recombinant in vitro DNA techniques (Sec. 291(1)(A)), whether the modification could not be obtained through conventional breeding or found in nature (Sec. 291(1)(B); [Question 2 and 3](#)), , and whether a food requires disclosure based on the predominance of ingredients (Sec. 292(c); [Question 6](#)), among others. The outcomes of these determination requests might be publically posted on a Web site. The process to implement Sec. 293(b)(2)(C) is not intended to be an investigation or enforcement process (see [Questions 26-29](#)); instead, the implementation would likely be framed for manufacturers or developers of bioengineered food or ingredients who have a question on whether their food is subject to disclosure. AMS is considering the factors to be considered, the way to inform the public about the outcome of the requests, and ideas regarding the process to be used to make the determination.

**11. Could AMS consider whether a type of food is considered a bioengineered food under the determination process? (Sec. 293(b)(2)(C))**

**Context:** AMS is considering if it could exclude certain food types such as medical food and dietary supplements, among others from requiring disclosure as bioengineered.

**12. If a manufacturer chooses to use text to disclose a bioengineered food, what text should AMS require for a text disclosure? (Sec. 293(b)(2)(D))**

**Context:** Currently, some food manufacturers use language compliant with the Consumer Protection Rule 121 from the State of Vermont to identify their food products as bioengineered (“Produced with Genetic Engineering,” “Partially Produced with Genetic Engineering,” or “May be Produced with Genetic Engineering”). AMS is considering whether to allow manufacturers to continue using these disclosures under the new national bioengineered disclosure standard and if their language is appropriate. Further, AMS is considering what phrases could be used as a text disclosure for bioengineered food that consumers would find informative, truthful, and not misleading.

AMS is also considering whether there should be one standard text disclosure language, or whether manufacturers should be allowed flexibility to choose from more than one acceptable phrase and where the bioengineered food disclosure should be placed on food packages.

**13. If a manufacturer chooses to use a symbol to disclose a bioengineered food, what symbol should AMS require for disclosure? (Sec. 293(b)(2)(D))**

**Context:** AMS needs to ensure that the symbol designed for the bioengineered disclosure is not disparaging toward bioengineering. As with the text disclosure, AMS must develop criteria for placement of the symbol to ensure consumers can readily locate the symbol, the symbol is scalable for different sized packages, and the symbol is a meaningful representation of bioengineered foods. AMS is considering what the symbol should look like and guidance on its use.

**14. If a manufacturer chooses to use an electronic or digital link to disclose a bioengineered food, what requirements should AMS implement for an electronic or digital link disclosure? (Sec. 293(b)(2)(D))**

**Context:** [See Questions 23-25.](#)

**15. Should AMS specify in the regulations the type of electronic or digital disclosure manufacturers, e.g. QR code, can use to disclose bioengineered food? What steps should AMS take if an electronic or digital disclosure method becomes obsolete? (Sec. 293(b)(2)(D))**

-Companies should not be able to hide behind QR codes, full disclosure for all consumers (many of whom do not have access to QR Code readers) requires that the text and symbol be present on food product labels.

**19. How should AMS define small food manufacturers? (Sec. 293(b)(2)(F))**

**21. The Law excludes restaurants and similar retail food establishments from disclosure requirements. How should AMS define similar retail food establishment to exclude these establishments from the requirements of the regulation? (Sec. 293(b)(2)(G)(i))**

-Restaurants and Small Food manufactures should not be exempt from regulation of GMO's/Bioengineered foods. Consumers deserve full disclosure regardless of any other factors whether of not GMO's/bioengineered ingredients are in their food.

**30. What should the requirements for imports into the United States of products covered by the Law/regulation be? (Sec. 294(a))**

-Imports should also be subject to the same legislation as all other foods and businesses in the United States. Consumers deserve full disclosure.

Thank you for considering my opinions on this matter. It is important to me that these matters are taken seriously as a citizen of the United States.

Sincerely,

Andrew J Sanford