From: Randy Green <rgreen@watsongreenllc.com>
Sent: Friday, August 25, 2017 10:06 AM
To: AMS - GMO Labeling
Subject: COMMENTS FROM UNITED EGG PRODUCERS ON PRPOSED RULE QUESTIONS UNDER CONSIDERATION

The following responses to selected questions are submitted on behalf of United Egg Producers, the voice of America's egg farmers. UEP is a farmer-owned cooperative whose members independently market over 90% of all eggs in the United States.

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

The statute defines "bioengineered foods" as food intended for human consumption that contains genetic material that has been modified through *in vitro* recombinant DNA techniques and for which the modification could not otherwise be obtained through conventional breeding or found in nature. We believe it is appropriate for FDA, in writing its rule, to base its regulations on the term actually used in the statute. Some alternative terms may have slightly different meanings or include products or processes not intended by Congress. Any alternative terms should be truthful and not misleading.

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))

In general, AMS should follow Food and Drug Administration (FDA) practice and consider the weight of the ingredient in determining the predominant one. However, AMS should implement the law in such a way as to avoid consumer confusion. Since meat, poultry and egg products are exempt from disclosure requirements, retail products that are closely identified by consumers with meat, poultry and egg products might be an occasion of consumer confusion if disclosure were required.

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))

This section of the law was UEP's top priority as the legislation was being developed. Like other organizations in the meat, poultry and dairy sectors, we were conscious that more than 90% of all corn and soybean acres in the United States are planted to bioengineered crops, and that the vast majority of layers, broilers, turkeys, hogs, beef and dairy cattle consume bioengineered feed. However, animal products – meat, milk and eggs – are *not* bioengineered. Neither the animals nor the products derived from them have been subjected to genetic modification. Their genomes have not been changed. The animals' digestive processes are such that while they consume feed from genetically engineered crops, the material is not detectable in the final product. Hence, Congress unequivocally required AMS to exempt animal products from disclosure requirements. Certainly, should future technology result in the genetic modification of the animals themselves, that would be a different question. But no such modifications have been made on commercial livestock or poultry, nor do such changes seem likely in the near future.

Therefore, AMS should provide clear language in regulations that specifically exempts from disclosure animal products derived from animals that consumed bioengineered feeds. The regulations should not remain silent, but should

unequivocally state that unless the animals themselves have been genetically modified, no disclosure requirements apply to products derived from them, and that in any case, the composition of animal feed is not relevant to whether disclosure is required.

UEP appreciates AMS's consideration of our views.

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