



STATE OF VERMONT
GENERAL ASSEMBLY

July 25, 2017

U.S. Department of Agriculture
Agricultural Marketing Service

Re: National Bioengineered Food Disclosure Standard—Public Input

I am writing to provide input on the U.S. Department of Agriculture's (USDA's) rulemaking to establish a national bioengineered food disclosure standard.

I am currently Chair of the Committee on Agriculture & Forestry of the Vermont House of Representatives. I served as Chair of the Committee in 2014 when the Vermont legislature enacted Act 120, an Act Relating to the Labeling of Food Produced with Genetic Engineering (Act 120). In 2016, Vermont successfully implemented Act 120 and required food to be labeled as produced from genetic engineering if sold in state and produced entirely or in part from genetic engineering.

As you know, after intense and misguided influence from food manufacturers, the U.S. Congress preempted Vermont's successful implementation of Act 120 with the hastily enacted Public Law No. 114-216.¹ In place of Act 120 and the traditional right of states to regulate the sale of food within its borders, Congress required USDA to establish by rule "a national mandatory bioengineered food disclosure standard" for bioengineered food and food that may be bioengineered.

The USDA Agricultural Marketing Service (AMS) has been assigned the task of adopting the national mandatory bioengineered food disclosure standard by the end of July 2018—two years from enactment of Public Law No. 114-216.² In June of 2017, AMS posed to interested parties 30 questions for consideration in the development of a national mandatory bioengineered food disclosure standard. Responses were required by July 17, 2017, and later extended to August 25, 2017.³

Many of the 30 questions posed by AMS relate to specific provisions in Public Law No. 114-216, including whether to exclude certain food categories from the term bioengineered. Several of AMS's questions contemplate exclusion or exemption of certain food manufacturers or products from required labeling.

¹ Pub. L. No. 114-216, 130 Stat. 834 (2016).

² *Id.* at Sec. 1, 130 Stat. 835, enacting Sec. 293 (establishment of national bioengineered food disclosure standard).

³ See USDA Seeks Input in Developing a Proposed Bioengineered Food Disclosure Rule, at <https://www.ams.usda.gov/content/usda-seeks-input-developing-proposed-bioengineered-food-disclosure-rule>

Likewise, several questions address how a manufacturer shall provide a disclosure, such as the size of font, the use of symbols, the use of links, or digital disclosures.

I expect that the majority of food manufacturers will urge AMS to interpret the term “bioengineered” narrowly, to apply exemptions or exclusions broadly, and to allow multiple disclosure options or methods. In contrast, I urge AMS to interpret the term “bioengineered” broadly and to narrowly apply any exclusion or exemption. Most importantly, I urge AMS to require disclosure in a manner that allows an average consumer to determine that a product is bioengineered by simply reading the product label, instead of deciphering a symbol, scanning a code, visiting a manufacturer’s website, or utilizing some other method that obfuscates disclosure.

When Vermont enacted its disclosure requirements, the Vermont legislature stipulated Act 120’s specific purposes—to establish a system by which persons may make informed decisions regarding potential health effects, environmental impacts, or religious beliefs. The Vermont legislature intended Act 120 to reduce or prevent consumer deception by promoting factual information about how food is manufactured. Exempting certain manufacturers of bioengineered foods or certain bioengineered foods from disclosure creates two or more classes of food, which will only further complicate consumer decision making and foster consumer deception.

I respect AMS’s attempt to engage the public in development of the national bioengineered food disclosure standard. Unfortunately, I fear that self-interested food manufacturers will unduly drive a rulemaking process that results in an overcomplicated and ineffectual rule. I ask AMS to note that “the simple . . . produces the marvelous”, and, with that in mind, I urge AMS to adopt a simple and straightforward rule that allows a consumer to readily and easily view a product and determine whether the fact that the food is bioengineered is important to them.

Currently, at least 64 countries require some form of labeling for genetically modified or bioengineered foods. There is no reason that the United States cannot join these countries in providing consumers with clear, concise disclosures on every product produced with bioengineering. We ultimately deserve to know how our food is produced.

Sincerely,

Rep. Carolyn Partridge
Chair
House Committee on Agriculture & Forestry
Vermont General Assembly