

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. Input related to the questions below should be sent to GMOlabeling@ams.usda.gov

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

Context: GMO, don't hide this by using fancy "terminology"

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

Context: Anything other than conventionally breeding should be noted, including/especially anything resulting with an GMO traits added.

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

Context: Anything cross species should be labeled. Nature doesn't cross species except in very rare occasions.

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: YES, OF COURSE. Do you have a child highly sensitive to food ingredients? IF YOU DID, you wouldn't be asking this question. Anyone with high food allergy/sensitivities knows that it is crucial to know what your eating! Currently, amidst all the proclamations to the safety of food, I know of no studies on GMO foods showing them to be safe, especially for highly sensitive populations.

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: Call them what they are - Genetically Engineered/Modified Organisms. No confusion here!

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: I'd prefer this definition be expanded to the first two with the above provision.

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: Leave as it is.

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: I don't know. I do know this relates to #4 above.

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

Context: IF at any time a food contains bioengineered it should read "may contain" or language to that nature.

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

Context: What you decide must be on the food label, not on some website somewhere. Decisions are made in the shopping isle not taken back home/to a library to consider.

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. WHY WOULD YOU DO THAT. IF IT IS GMO IT QUALIFIES.

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: Are you trying to hide or not? Vermont is good. Label should be prominent and preceding the ingredient list.

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: Whatever symbol is used it needs to be advertised prominently as a symbol for GMO.

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: Should also be on package label.

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))

Context: Yes, I don't know

16. What kind of text, symbol, or electronic or digital disclosure should AMS require for bioengineered food that is not purchased from a grocery store shelf, such as food for sale in bulk (such as fresh produce in a bin or fresh seafood at a fish counter), in a vending machine, or online? (Sec. 293(b)(2)(D))

Context: I don't know

17. The Law offers special provisions for disclosure on very small or small packages. How should AMS define very small or small packages? (Sec. 293(b)(2)(E))

Context: use the same

18. What are the reasonable disclosure options AMS should provide for food contained in very small or small packages? (Sec. 293 (b)(2)(E))

Context: IF GMO is present that symbol must be included near ingredient listing.

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

Context: I don't know. Most state laws allow for very small vendors/companies to sell food IF produced in a certified kitchen. This allowance must be allowed to continue. Farmer Markets are not the source of food contamination and they should not be regulated out of business.

20. For disclosures by small food manufacturers, what is the appropriate language indicating that a phone number provides access to additional information? (Sec. 293(b)(2)(F)(ii)(I))

Context: I don't know

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))

Context: I don't know

22. How should AMS define very small food manufacturers to exclude these manufacturers from the requirements of the regulation? (Sec. 293(b)(2)(G)(ii))

Context: See #19 answer.

23. Is there other equivalent on-package language that AMS should consider to accompany an electronic or digital disclosure besides “Scan here for more food information”? (Sec. 293(d)(1)(A))

Context: I don't know

24. How should AMS ensure that bioengineered food information is located in a consistent and conspicuous manner when consumers use an electronic or digital disclosure? (Sec. 293(d)(2))

Context: I don't know

25. How should AMS ensure that an electronic or digital disclosure can be easily and effectively scanned or read by a device? (Sec. 293(d)(5))

Context: I don't know

26. What types of records should AMS require to be maintained to establish compliance with the regulations? (Sec. 293(g)(2))

Context: I don't know

27. How should AMS obtain information related to potential non-compliance with these regulations? Is there information USDA should request prior to conducting an examination of non-compliance? (Sec. 293(g))

Context: I don't know

28. What are the rules of practice for a hearing? (Sec. 293(g)(3)(B))

Context: I don't know

29. How should AMS make public the summary of any examination, audit, or similar activity? (Sec. 293(g)(3)(C))

Context: I don't know

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

Context: Same as for US