

National Bioengineered Food Disclosure Law

International Sweetener Colloquium



AMERICAN FARM BUREAU FEDERATION®

National Bioengineered Food Disclosure Law

- Signed into law on July 29, 2016
- Centered on strong foundation of preemption to protect interstate commerce
- USDA (not FDA) in charge
- Marketing standard – not a health, safety or nutritional issue
- Definition protects future new breeding techniques from being stigmatized as ‘GMO’

National Bioengineered Food Disclosure Law

- USDA must now interpret and implement the law
- Marketing standard – not a health, safety or nutritional issue
- Protect preemption
- Nothing should be done to disparage the technology – disclosure mechanisms, threshold, etc.
- Follow the law – definition, meat, poultry, eggs and feed
- Foods must contain BE substance

National Bioengineered Food Disclosure Law

- Regulations due by July 29, 2018
- On June 28, 2017, USDA posed 30 questions to the public to draft a proposed rule
- Currently at OMB for review
- Proposed rule expected by late-February (most likely March)

Issue 1: Refined Ingredients (Sugar)

- Definition: Must contain BE substance
- Not apply to sugar and other refined ingredients (corn, soy, canola oils, HFCS, etc.)
- Some want to expand rule to apply to foods derived from BE crops (including sugar)
- **Problem:** Implies differences where none exist (misleads consumers)
- Several foreign mandatory disclosure laws don't apply to sugar and other refined ingredients because they lack BE substance (**Japan, Thailand, Indonesia, Malaysia, Australia, New Zealand, China, and South Korea**)

Issue 2: Threshold

- Focus on ingredients that **DO** contain some level of BE
- The threshold level is of critical importance when a government is determining whether to foster the technology or suppress it
- What percentage of BE is contained in the product/shipment?
- Is BE considered a low-level presence or a contaminant?
Since there is no health, safety or nutritional issues (USDA vs FDA) a high threshold should be set

Issue 2: Threshold

- Reviewed 196 countries: 116 with no laws and 79 with labeling laws
- **There is no international standard!**
- Thresholds for disclosure range from 0.0% (suppressing) to 5% (embracing) in countries that have mandatory disclosure laws.
- USDA should adopt the low-level presence threshold of organic at 5%.
 - The organic standard does not allow 5% of BE but 5% of “non-organic”
- A 5% threshold provides consistency among low-level presence standards

Issue 2: Threshold

- Three options potentially to utilize to calculate thresholds:
 1. Raw/unrefined/milled
 2. Refined ingredients
 3. Multi-ingredient foods
- Supported by the American Soybean Association, American Sugarbeet Growers Association, National Council of Farmer Cooperatives, U.S. Canola Association, National Milk Producers Federation, Corn Refiners Association and the National Corn Growers Association

Questions & Thank You!

Andrew Walmsley

**Director, Congressional Relations
American Farm Bureau Federation®**

Phone: (202) 406-3686

andreww@fb.org