

September 14, 2017

The Honorable Sonny Perdue
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Re: Implementation of the National Bioengineered Food Disclosure Standard (Pub. L. 114-216)

Dear Secretary Perdue,

On behalf of the undersigned organizations, representing millions of members across the country, we urge you to create a meaningful disclosure standard for GMO foods that is based on Congress' clear intent to cover all GMO foods and GMO technologies, is consistent with international standards and is inclusive of all Americans – including consumers without smartphones, rural residents and the elderly.

Nine out of ten Americans consistently report they want the right to know if their food is produced with genetic engineering – the same right held by consumers in 64 other countries. Recognizing the consumer's right to know about GMO foods, last summer Congress passed the National Bioengineered Food Disclosure Standard (Pub. L. 114-216), which requires the U.S. Department of Agriculture (USDA) establish a mandatory, national disclosure standard for GMO foods by July 28, 2018.

As your department moves forward with drafting rules for the GMO disclosure standard, we urge you to consider the following recommendations.

First, consumers will expect the mandatory GMO disclosure standard to apply to all foods produced with genetic engineering, including GMO foods which contain ingredients derived from GMO crops like highly refined sugars and oils as well as foods produced with new forms of genetic engineering like CRISPR and RNAi. In a letter dated July 1, 2016, USDA General Counsel Jeffrey Prieto clarified that the law provides USDA with the legal authority to do that.

In addition, the GMO disclosure standard should be consistent with international regulations and standards. To be consistent with the greatest number of countries,

as well as the standards set by the U.N. Codex Alimentarius, the GMO standard should apply to all GMO foods, it should be an ingredient-by-ingredient disclosure and the GMO threshold should be set at 0.9%.

Second, while we hope that companies will disclose the presence of GMOs in their food using the on-package text, some will likely use the electronic or digital disclosure option. Therefore, USDA needs to have strong rules to make sure that digital disclosures made using QR codes consistently scan every time and in all conditions, are the first thing a customer sees when they scan a product, and respect the privacy concerns that Congress recognized in the law.

Third, the law directs the Secretary to provide additional and comparable options so that consumers who don't have smartphones or live in parts of the country without reliable cellular service can access the GMO disclosure, if USDA determines that they will not have sufficient access to the GMO disclosure through electronic or digital methods. The comparable options provided by the Secretary need to be just as convenient as it would be for someone to pull out their phone to scan a product. We believe this could most easily be achieved by requiring that electronic scanners be placed in every aisle.

Fourth, in providing additional considerations for small food manufacturers and exempting very small food manufacturers from having to comply with the disclosure requirements of Pub. L. 114-216, we believe that Congress intended to only exempt "cottage foods" and very small companies. FDA defines "very small business" in food safety regulations as businesses averaging less than \$1 million in sales and it provides special considerations and exemptions for small businesses in regulations for nutrition labeling, which it defines as averaging less than \$500,000 in gross annual sales. For farms, small businesses are defined as farms with an average annual monetary value of produce sold during the previous 3-year period as no more than \$500,000. For farms that are very small businesses the limit is \$250,000. USDA should follow precedent set by these relevant definitions of small and very small businesses.

Fifth, USDA should ensure that the GMO disclosure standard avoids any conflict with existing organic standards and will not require any modifications to be made to the USDA organic regulations as described in the law and further clarified through USDA's Policy Memorandum on "Consistency with the AMS National Organic Program."

Finally, consumers have waited long enough to see GMO disclosures on packages. USDA must finalize its GMO disclosure standard by July 28, 2018.

Thank you for your consideration.

Sincerely,

As You Sow

Care2

Consumer Federation of America

Earthjustice

Environmental Working Group

Food Policy Action

Food Revolution Network

Just Label It

New England Farmers Union

National Sustainable Agriculture Coalition

U.S. Public Research Interest Group