National Bioengineered Food Disclosure Standard

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The legislation amends the Agricultural Marketing Act of 1946 to address the following:

1. Definition of “bioengineered” food.
2. Preemption of state food labeling standards.
3. Creation of federal mandatory disclosure standard.
5. Exclusions.
6. “Small” food manufacturers.
7. Food safety implications.
8. Organically produced foods.
Definition of “bioengineered” food

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.

- The Secretary of Agriculture shall determine the amount of bioengineered substance necessary to deem the food as bioengineered.
Definition of “bioengineered” food

A food that is derived from an animal that consumed feed containing bioengineered substances shall not be considered bioengineered because of the feed. Thus, meat, poultry, dairy, and eggs products from animals that have consumed GMO feed will not be subject to the labeling requirements simply because of the feed.
Preemption of state food labeling standards

No state or political subdivision may establish requirements for labeling whether a food or seed is bioengineered or contains ingredients that are bioengineered. A state may adopt a disclosure standard that is identical to the federal standard. A food may bear disclosure of bioengineering only in accordance with federal regulations arising from this law.
Vermont Labeling Law

Labeled in VT  EXEMPT in VT
Creation of federal mandatory disclosure standard

Within two years of the bill’s enactment, the Secretary of Agriculture must establish a mandatory national bioengineered food disclosure standard and the procedures necessary to implement the national standard.
Choice of disclosure

The federal standard must give a manufacturer the option of disclosing information with on-package text, a symbol or an electronic or digital link, such as a QR code. An electronic or digital link must contain access to an internet website or other type of electronic source.
Electronic or Digital Disclosure Study

The USDA must conduct a study to identify potential technological challenges of disclosure through electronic or digital means, and must provide additional options if determined that the proposed technological options do not provide sufficient access to bioengineered food disclosure information.
Exclusions

The following are excluded from the national disclosure standard:

- Food served in a restaurant or similar retail food establishment.
- “Very small” food manufacturers, to be defined through rulemaking.
- As explained earlier, meat, poultry, dairy, and egg products from animals that consume GMO feed.
- A food containing meat, poultry or eggs if the predominant ingredient would not independently be subject to Federal Food, Drug, and Cosmetic Act (FFDCA) food labeling requirements, or if the predominant ingredient is broth, stock, water or a similar solution and the second-most predominant ingredient would not independently be subject to FFDCA food labeling requirements.
Ingredients:
Pork with
Ham, Salt,
Water,
Modified
Potato
Starch,
Sugar,
Sodium
Nitrite.

INGREDIENTS: CHICKEN STOCK, CHICKEN FAT, MODIFIED FOOD STARCH, WHEAT FLOUR, COOKED CHICKEN MEAT, CREAM (MILK), WATER, SALT, COOKED MECHANICALLY SEPARATED CHICKEN, MARGARINE (CORN, COTTONSEED, CANOLA AND/OR SOYBEAN OIL), WATER, BETA CAROTENE FOR COLOR), CONTAINS LESS THAN 1% OF: DRIED WHEY (MILK), SOY PROTEIN CONCENTRATE, MONOSODIUM GLUTAMATE, YEAST EXTRACT, FLAVORING, VEGETABLE OIL, SOY PROTEIN ISOLATE, SODIUM PHOSPHATES, AUTOLYZED YEAST EXTRACT, CHICKEN FLAVOR (CONTAINS CHICKEN STOCK, CHICKEN POWDER, CHICKEN FAT, CHICKEN FLAVOR).
“Small” food manufacturers

The USDA must define “small food manufacturers” and provide such manufacturers with a grace period of at least one year for implementation of the new standards and the additional option of providing only a telephone number or internet website on a food label to disclose required information.
Food safety implications

Bioengineered foods that successfully complete the pre-market Federal regulatory review process shall not be treated as more or less safe than non-bioengineered counterparts because of bioengineering.
Organically produced foods

A food certified as “organic” under the national organic program may be labeled as “not bioengineered,” “non-GMO” or with similar language.
Enforcement

Failing to disclose a food as bioengineered is a prohibited act. The USDA Secretary will have authority to request records and conduct audits and hearings in regards to compliance and will not have recall authority for a food that does not comply with disclosure regulations.
What’s Next?

- Issue Development and Consultation
- Electronic Disclosure Study July 2017
- Proposed Rule
- Final Rule July 2018
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