

## **Update on United States GM Labelling Regulations**

May 28, 2018

Dear industry stakeholders,

As a follow up to the MAS message sent on May 9, 2018 (see below), informing you of the U.S. Department of Agriculture's (USDA) Agricultural Market Service's (AMS) [proposed rule](#) to establish the National Bioengineered Food Disclosure Standard (NBFDS), we have [attached a synopsis](#) of some areas in the proposed rule that may be of interest or concern. (Also attached is a copy of [proposed Bioengineered labels](#))

The Market Access Secretariat recommends reviewing the entire proposed rule and encourages Canadian industry stakeholders to share their views with the USDA through the [Federal Register](#). Please note the deadline for comments is **July 3, 2018**. We would appreciate receiving a copy of any direct responses.

The Market Access Secretariat also intends to submit comments on behalf of the Government of Canada. If you would like your comments taken into consideration during the preparation of the Government response, please provide your input through the [mas-sam@agr.gc.ca](mailto:mas-sam@agr.gc.ca) **by June 15, 2018**.

To obtain additional background information, we also encourage you to visit the [Federal Register](#) to access an **information webinar on the NBFDS** that will provide an overview of the provisions and potential impacts of the proposed rule. The webinar will be made available on the AMS website at <https://www.ams.usda.gov/be> by June 1, 2018.

Thank you,

Market Access Secretariat

May 9, 2018

## **Update on United States GM Labelling Regulations**

Dear industry stakeholders,

As a follow-up to the MAS messages sent July 4 and August 23, 2017, we would like to inform you that the U.S. Department of Agriculture's (USDA) Agricultural Marketing Service issued its [proposed rule](#) to establish the National Bioengineered Food Disclosure Standard mandated by Congress in July 2016 ([Bill S. 764](#)). The draft rule requires food companies to disclose information about food containing genetically modified ingredients on labels – either on the packaging or using a digital link such as a QR code. The USDA has not made a decision on some of the more difficult and controversial issues (e.g., threshold levels and whether or not highly refined products such as sugars and oils should be exempt from disclosure) and is seeking comments.

The proposed rule is open for comment for 60 days until **July 3, 2018**. Key Provisions of the proposed rule include:

- **Bioengineered (BE) Definition:** The USDA maintains the statutory definition of the 2016 law. The USDA acknowledges that there are wide differences in public opinion on the controversial question of whether or not highly refined food ingredients would be considered bioengineered food and invites comments on the two prevailing viewpoints.
- **List of Bioengineered Foods:** To determine ingredients that would be subject to disclosure, the USDA proposes the creation of two lists: "highly adopted" bioengineered food and "not highly adopted" bioengineered food. Regulated entities would only need to determine whether the consumer-facing end product, or an ingredient used in the end product, is on either of the lists or is produced using foods on either of the lists. The lists would be reviewed and revised on an annual basis.
- **Disclosure Options:** The USDA proposes three disclosure options – text, symbol, or an electronic link. Small food manufacturers (defined as a company with less than \$10 million but \$2.5 million or more in annual receipts) are provided two additional options to disclosure: a telephone number or an internet website.
- **Mutual recognition arrangements:** The proposed rule states that importers would be subject to the same disclosure and compliance requirements as domestic entities. The USDA would consider establishing recognition arrangements with appropriate foreign government entities to facilitate trade.
- **Exemptions:** The USDA is proposing that restaurants, very small food manufacturers (defined as "any food manufacturer with annual receipts of less than \$2.5 million), food from animals fed BE feed, and food certified under the National Organic Program would all be exempt from disclosure. The USDA is also seeking comment on the three threshold options.
- **Record-keeping:** Entities, including importers, responsible for disclosure would be required to maintain, for two years, records necessary to substantiate compliance with the standards for individual disclosure options.
- **Compliance:** The proposed compliance date of January 1, 2020, is intended to align with the U.S. Food and Drug Administration's [Nutrition Facts and Supplement labels final rule extended compliance date](#) and the Serving Size final rule. Small food manufacturers would be given a delayed compliance date of January 1, 2021.

The Market Access Secretariat recommends you review the proposed rule and encourages Canadian industry stakeholders to share their views with the USDA through the [Federal Register](#). To facilitate the process, we will be sharing shortly a list of questions that the USDA has included in the proposed rule to which they are seeking specific input. If you intend to respond directly to the USDA please note the deadline for comments is July 3, 2018. We would appreciate receiving a copy of any direct responses.

The Market Access Secretariat also intends to submit comments on behalf of the Government of Canada. If you would like your comments taken into consideration during the preparation of the Government response, please provide your input through the [mas-sam@agr.gc.ca](mailto:mas-sam@agr.gc.ca) **by June 15, 2018**.

Attached you will find the [Government of Canada's July 17, 2017 comments](#), submitted to the USDA on the questions under consideration related to the National Bioengineered Food Disclosure Standard.

Thank you.

Market Access Secretariat