

## UPDATE: United States GM Labelling Legislation

Dear Industry Stakeholders,

On July 29, 2016, President Obama signed into law the Genetically Modified Organism (GMO) labelling bill, officially known as the National Bioengineered Food Disclosure Standard [\(S. 764\)](#). The bill was previously passed by the United States (U.S.) Congress on July 14, 2016. The law requires the U.S. Department of Agriculture (USDA) to develop, within two years, regulations in order to clearly define and enforce the requirements outlined in the bill. The law and regulations will apply to both domestic and foreign-produced goods.

This law creates a national mandatory system in which food makers must disclose GMO data using: on-package text; a USDA-created symbol; or an internet link (e.g., QR code) directing consumers to more information. The law immediately pre-empts state-labelling initiatives, including Vermont's law which came into effect on July 1, 2016. Vermont's Attorney General released a statement on August 2, 2016, indicating that following the President's signing of the national law, Vermont will no longer be enforcing its own GM labelling law.

The main features of the law are as follows:

- **Pre-emption:** immediately prohibits states or other entities from mandating labels of food or seed that is genetically engineered.
- **National Uniform Standard:** USDA is given two years to establish, through rulemaking, a uniform national disclosure standard for human food that is or may be bioengineered. Rulemaking would ultimately determine the enforcement date of the law.
- **Disclosure:** requires mandatory disclosure with several options, including: (1) text on package; (2) a symbol; and (3) a link to a website (e.g., QR code or similar technology); small food manufacturers will be allowed to use websites or telephone numbers to satisfy disclosure requirements; restaurants and food manufacturers defined as "very small" are exempt.
- **Meat:** foods containing meat, poultry, or egg products as the main ingredient are exempt. The legislation also prohibits the Secretary of Agriculture from considering any food product derived from an animal to be bioengineered solely because the animal may have eaten bioengineered feed. Animals such as salmon that are genetically engineered would fall under the disclosure requirements.
- **GMO definition:** The definition of GMO in the bill refers to food that contains genetic material that has been modified through in vitro recombinant DNA techniques (i.e., products derived from gene editing and "RNA interference", for example, are expected to be exempt from labelling requirements, although more clarity will be provided during rulemaking).
- **Organic products:** producers of foods certified under USDA's National Organic Program can claim their products are non-GMO without having to go through separate auditing and paperwork.

Through this rulemaking process, the USDA must, among other things, implement a definition for what ingredients and breeding techniques are covered under the legislation; set definitions of "small" and

"very small" businesses; and set a limit for the amount of a biotech material in a product that makes it subject to disclosure.

The Government of Canada (GoC) will continue to follow the development of regulations by the USDA closely. While the potential impact on Canadian exports to the U.S. will not be fully known until draft regulations are published by the USDA, the GoC is seeking stakeholders' views on the law and areas of potential concern.

We invite you to share your views with us regarding the U.S. GM labelling law through the [mas-sam@agr.gc.ca](mailto:mas-sam@agr.gc.ca) account.

Your views will help to inform the GoC as we engage with our U.S. counterparts regarding the rule making process to ensure Canadian imports do not have additional regulatory burdens in comparison to U.S. products adhering to the same regulations.

Thank you.

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