



U.S. Chamber of Commerce

September 21, 2018

The Honorable Richard Shelby
Chairman
Committee on Appropriations
U.S. Senate
Washington, D.C. 20510

The Honorable Patrick Leahy
Vice Chairman
Committee on Appropriations
U.S. Senate
Washington, D.C. 20510

The Honorable Rodney Frelinghuysen
Chairman
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Nita Lowey
Ranking Member
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Shelby, Chairman Frelinghuysen, Vice Chairman Leahy, and Ranking Member Lowey:

As representatives of the U.S. food value chain, we write to express our support for Section 766 of H.R. 5961, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, FY 2019, pertaining to product disclosure consistency under the National Bioengineered Food Disclosure Law (the “Disclosure Act”, or “the Act”). This provision will ensure that all bioengineered foods are properly disclosed to consumers consistent with the Disclosure Act, helping to prevent consumer confusion and increasing the Act’s value to consumers. Similarly, we oppose a conflicting provision in the Senate passed version of this legislation that would increase consumer confusion and undermine the intent of the Act.

Congress passed the Disclosure Act in 2016 with overwhelming bipartisan support, and President Obama signed it into law. The Disclosure Act provides the framework for the United States Department of Agriculture (USDA) to provide consumers with consistent, truthful, and not misleading information they may wish to have about their food in a way that does not stigmatize the role of technology in food production. USDA has submitted its proposed final

implementing regulations to the Office of Management and Budget (OMB) for review.

When considering the Disclosure Act, Congress was explicit that the Act must prevent a patchwork of bioengineered food disclosure regulations that would likely cause widespread consumer confusion, disrupt supply chains, and increase consumer costs. Consequently, Congress set the definition of “bioengineered” food, thus establishing the scope of the uniform, mandatory disclosure standard, and assigned to USDA the sole authority to implement the Disclosure Act.

It is important that Congress fully support the framework set out in the Disclosure Act and the authority vested in USDA to implement that framework. We are, therefore, extremely concerned that proposed language in the Senate’s FY 2019 Agriculture Appropriations legislation would undermine the Act by directing the Food and Drug Administration (FDA) to implement a separate, conflicting, mandatory disclosure for a specific bioengineered food product that the Disclosure Act already covers. If this provision becomes law as written, it will undermine the congressionally-mandated USDA uniform disclosure standard and generate consumer confusion, as the proposed FDA label could mandate different disclosure language than that required by the Disclosure Act.

Section 766 of the House’s FY 2019 Agricultural Appropriations legislation mitigates this issue by ensuring that the bioengineered food products in question must be disclosed to consumers consistent with the Disclosure Act, thus preventing confusion and any risk of undermining the Act. As such, we support the House provision.

We appreciate your attention to this important matter, and your work to ensure that the implementation of the Disclosure Act provides meaningful information to consumers.

Sincerely,

Agricultural Retailers Association
American Farm Bureau Federation
American Feed Industry Association
American Seed Trade Association
American Soybean Association
Biotechnology Innovation Organization
Corn Refiners Association
National Aquaculture Association
National Association of State Departments of Agriculture
National Association of Wheat Growers
National Black Growers Council
National Corn Growers Association
National Council of Farmer Cooperatives
National Grain and Feed Association
National Milk Producers Federation
National Oilseed Processors Association
National Renderers Association
North American Millers’ Association
U.S. Chamber of Commerce