

Congress of the United States
Washington, DC 20515

August 2, 2017

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

Dear Secretary Perdue,

As the United States Department of Agriculture (USDA) works to establish a mandatory, national disclosure standard for GMO foods, we write to express our strong belief that USDA needs to meet consumer expectations, be consistent with international standards and be 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, Congress passed the National Bioengineered Food Disclosure Standard (Pub. L. 114-216), which requires the Secretary of Agriculture to establish labeling rules that will ensure all consumers can access GMO information at the marketplace. As your department moves forward with implementation, we believe it is critical that USDA create guidelines that include all GMO foods and ensure GMO information is available to all Americans.

We expect USDA's mandatory GMO disclosure standard to apply to all GMO foods, including foods which contain ingredients like highly refined sugars and oils, as well as foods produced with new genetic engineering techniques. In a letter dated July 1, 2016, USDA General Counsel Jeffrey Prieto clarified that the law provides USDA with the legal authority to do so, as Congress intended. The standard should require that GMO disclosures be consistent with those of our international trading partners, provide ingredient-level information, and be a presence claim, not a "may contain" claim.

In addition to ensuring that the scope of the GMO disclosure standard meets consumer expectations, it will be critical that GMO disclosures are accessible to all Americans, including consumers who do not have smartphones and those living in parts of the country without reliable cellular service to access GMO disclosures made through electronic or digital methods. During debate of the law, many Members of Congress expressed concern that a significant number of Americans would not be able to access GMO disclosures made through such methods.

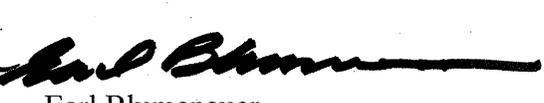
The law clearly directs the Secretary to provide additional and comparable options for consumers if USDA determines that they will not have sufficient access to the GMO disclosure through electronic or digital methods. Any additional or comparable options put forward must be just as convenient as it would be for someone to scan a product with their own personal device.

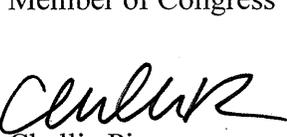
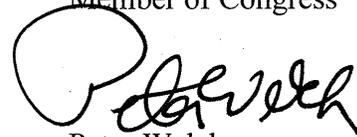
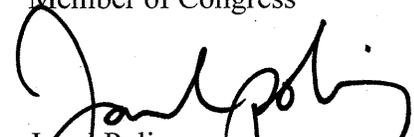
While we hope that food companies will disclose the presence of GMOs through on-package text or the USDA symbol – as consumers overwhelmingly want – we recognize that some companies may use the digital disclosure option. Therefore, USDA needs to have strong rules to make sure that digital disclosures made using QR codes consistently scan every time, work in all conditions, and that the GMO disclosure is the first thing a consumer sees on the product information page after scanning a digital disclosure.

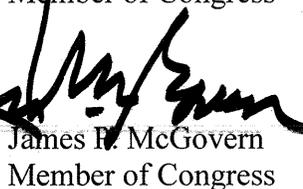
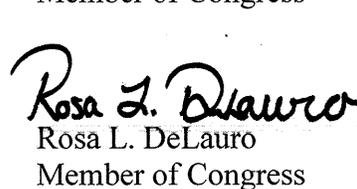
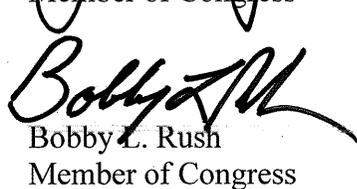
In addition, USDA rules must ensure that consumer privacy is protected and that food manufacturers are restricted from collecting personal information, such as product choices and physical location, from consumers. The law is the first time the federal government will establish rules governing consumer-facing digital or electronic disclosures. How USDA writes the rules governing these disclosures will set a precedent for how other federal agencies choose to regulate electronic disclosures in the future.

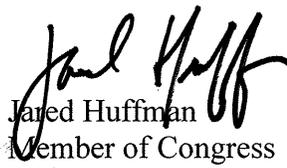
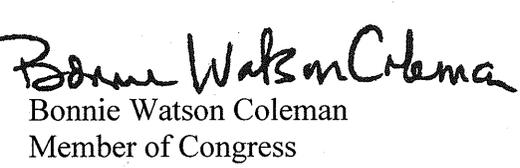
Finally, consumers have waited long enough to see GMO disclosures on packages. We urge you to finalize the mandatory GMO disclosure standard by July 28, 2018 as Congress directed.

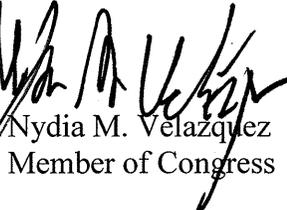
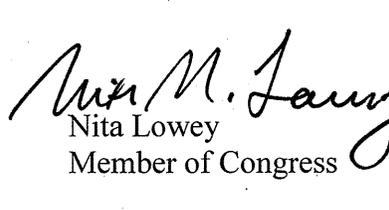
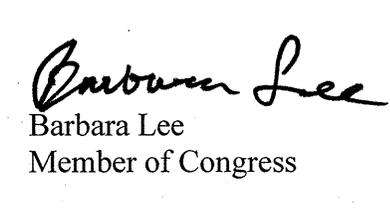
Sincerely,

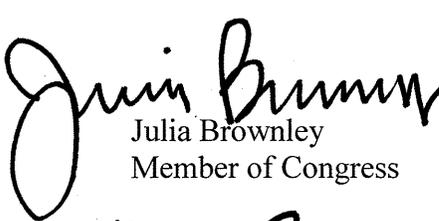
  
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