



October 24, 2016

U.S. Department of Agriculture  
Food Safety and Inspection Service  
1400 Independence Avenue SW  
Washington, DC 20250-3700

**RE: Docket No. FSIS-2016-0027; Statements that Bioengineered or Genetically Modified (GM) Ingredients or Animal Feed Were Not Used in the Production of Meat, Poultry, or Egg Products**

The National Sustainable Agriculture Coalition (NSAC) submits the following comments and recommendations on the recent Food Safety Inspection Service (FSIS) guidance governing statements that bioengineered or genetically modified (GM) ingredients or animal feed were not used in the production of meat, poultry or egg products.

NSAC is an alliance of grassroots organizations that works to advance the sustainability of agriculture, food systems, natural resources, and rural communities. Our members care deeply about ensuring the integrity of agricultural product labeling claims on behalf of consumers and producers. We therefore were quite concerned by the recent FSIS guidance regarding non-GMO labeling claims.

In particular, we dispute the agency's position that products under their jurisdiction can carry a non-GMO labeling claim despite containing materials or ingredients derived from animals that were fed GMO feed.

Under current practice, FSIS requires establishments that make non-GMO claims to comply with standards established by a third-party certifying organization. Under this guidance, FSIS could ostensibly approve a non-GMO labeling claim under a third party standard that allows products containing ingredients derived from animals fed GMO feed. We find this possibility unacceptable for consumers that expect non-GMO to mean free of GMO feed, and for the organic and GE-free farmers who have built markets based on this consumer expectation and trust.

In the guidance, FSIS states that third-party certifying organizations' standards must be publicly available on a website and the establishment must demonstrate that its claims of third-party certification are truthful and not misleading. However, the FSIS guidance specifically allows non-GMO labeling claims for meat, poultry and egg products that do not contain bioengineered ingredients *or* that are derived from livestock that do not consume bioengineered feed. This should be an "and," not an "or."

The recently passed GMO labeling disclosure law carves out an exemption from mandatory disclosure for products derived from animals fed GMO feed, but it does not grant FSIS the authority to permit such products to be labeled GMO-free. Indeed, the public outcry that resulted from the law's exemption for animals fed GMO feed serves to the underscore that the marketplace expects such products to be labeled as containing GMOs.

The fact that a product containing eggs from a chicken that was fed GMO feed is not required to be labeled as containing GMOs does not also mean that the same product could be labeled "non-GMO." This is a subversion of logic, and of consumer expectation. And it undercuts a production and marketing system that farmers have worked hard to build, reducing farming opportunities and farm income in the process.

We demand the agency correct this error and ensure that any third party certifier of a non-GMO labeling claim establish clear and verifiable standards that prevent products derived from animals fed GMO feed from carrying a non-GMO label.

We also point out that this is yet another example of the current animal raising claims labeling system being illogical and ineffective, harmful to farmers, and misleading to consumers. We urge the agency and the Department to not only make the necessary correction to this particular claim -- changing the "or" to an "and" -- but also use this moment to undertake a top to bottom review of an antiquated system that is not up to the task of serving a 21st century, increasingly sophisticated food market that demands truthful, authentic, and verifiable animal raising claim standards.

Thank you for your attention to our views.



Sophia Kruszewski  
Policy Specialist



Ferd Hoefner  
Policy Director