



American Bakers Association

The Voice of the Baking Industry

Bioengineered Food Disclosure

On December 21, 2018, the USDA's *Agricultural Marketing Service* (AMS) published its final rule implementing the *National Bioengineered Food Disclosure Standard* (NBFDS). The NBFDS preempts State and local genetic engineering labeling requirements and charges AMS with developing a national mandatory standard for disclosing the presence of bioengineered (BE) food. AMS maintains a List of bioengineered foods on its website.

What Bakers Should Know



BE Presence Threshold

Threshold for inadvertent or technically unavoidable presence of bioengineered substances of up to 5% for each ingredient with no allowance for any BE presence that is intentional.



Record Keeping

If food is, or contains, an ingredient on the List of BE foods (that is or is not accompanied by a disclosure), companies must maintain records for a least two years beyond the date food is sold or distributed for retail sale. Companies must respond within five days of an AMS record request.



Yeasts and More

For BE yeasts, enzymes and other organisms that don't qualify as incidental additives, they may require disclosure unless they meet the requirements of another provision to exempt them from disclosure *i.e.*, don't have detectable modified genetic material.



How to Disclose

Disclosure should be seen on an information panel on or near to the manufacturer/distributor details. Four options for making disclosure:

Text

On-package text, e.g. "Contains a Bioengineered Food Ingredient"

Symbol

USDA approved symbol



Electronic or Digital

Must include "Scan here for more food information" or similar language, and include a phone number

Text Message

"Text [command word] to [number] for bioengineered food information."

Timeline & Deadline



Implementation Phase-in Dates:

For most regulated entities: January 1, 2020.
For small food manufacturers: January 1, 2021.



Mandatory Compliance Date: January 1, 2022.

Last day for the voluntary compliance period: December 31, 2021.

Exemptions



Refined Ingredients

Unlikely to require BE food disclosure, but the final rule didn't prohibit voluntary declaration.



New Technologies

Does not explicitly address whether new technologies, such as gene editing techniques, would require disclosure.



Specific Food Categories

Restaurants and similar retail food establishments, and very small food manufacturers (<\$2,500,000 annual receipts).



National Organic Program

Food certified under AMS' *National Organic Program* (NOP) are exempt.

For more information, contact

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