



U.S. Congress Passes Legislation Establishing National GMO Food Labeling Standards

Todd W. Hoppe

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On July 14, 2016, the U.S. House of Representatives passed, by a 306-117 bipartisan vote, legislation that directs the U.S. Department of Agriculture (USDA) to create a national standard for food labeling that permits food producers to determine the method of disclosing the presence of genetically engineered ingredients. The legislation was passed by the U.S. Senate on July 7. The bill was signed by President Obama on July 29.

The legislation will prevent a 50 state patchwork of food labeling laws that could disrupt the food supply chain and require significant investment in compliance by agricultural producers, food manufacturers, and retailers. It does so by prohibiting states or local governments from requiring labeling of genetically engineered food or seed. In particular, it preempts Vermont's mandatory GMO labeling law, which took effect earlier this month. Connecticut and Maine also passed GMO food disclosure laws similar to Vermont's, but they had not yet gone into effect.

If the bill becomes law, as is expected, the USDA will have two years to issue rules requiring "bioengineered" foods to either display a text disclosure, symbol, QR code, telephone number or similar device directing consumers to access "additional food information" at, for example, a website. There, the consumer would receive GMO food content information in a broader context than would be possible on a product label, and in a manner that would not imply that GMO foods were unsafe. The rules would be issued under the USDA's agricultural marketing authorities, not the FDA's food safety authorities. The legislation requires the USDA to determine how much of a "bioengineered substance" must be present to require a GMO label. The USDA must provide reasonable disclosure options for food in small packages, and must give small food manufacturers additional time to comply with the regulations. The legislation also contains concessions

AUTHORS/ CONTRIBUTORS

Todd W. Hoppe

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considered favorable to producers of food certified under the USDA's National Organic Program.

Some advocacy groups oppose the legislation, arguing that symbols and QR Codes may confuse some shoppers, and that provisions in the law will override stronger state legislation. Some proponents of genetic engineering technology oppose the legislation, arguing that GMO foods have been scientifically proven safe, and that requiring labeling misleads consumers by implying otherwise. However, many agriculture, food industry, and consumer groups are lauding the legislation as a common-sense compromise.