

Colloquy on the National Bioengineered Food Disclosure Standard
July 14, 2016



Senator Baldwin: I would like to engage in a colloquy with the Senator from Michigan, Senator Stabenow, who serves as the Ranking Member of the Senate Committee on Agriculture, Nutrition, and Forestry and is a lead sponsor of the GMO labeling bill, S. 764, approved by the Senate on July 7, 2016. I would like to seek a clarification regarding the intent with regard to a provision in the bill that relates to consistency with the Organic Foods Production Act (7 U.S.C. 6501 et seq.) and related rules and regulations.

Specifically, Section 293(f) of the bill states that:

“[t]he Secretary shall consider establishing consistency between—

(1) the national bioengineered food disclosure standard established under this section; and

(2) the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.) and any rules or regulations implementing that Act. “

Given this provision, I would like clarification from my colleague that nothing in this legislation would require USDA to change the Organic Foods Production Act rules or regulations to comport with the new bioengineered food disclosure standard and definitions created by S. 764, as passed by the Senate on July 7, 2016.

Senator Stabenow: I thank the Senator from Wisconsin for engaging on this issue and seeking clarification on this point. S. 764 amends the Agricultural Marketing Act of 1946. S. 764 does amend the Organic Foods Production Act or its rules or regulations. More specifically, Section 293(f) is only intended to require that USDA consider aligning the rules and regulations of the new GMO disclosure program established under this bill with the rules and regulations of the existing National Organic Program, not the inverse. Again, I will clarify that S.764 does not provide any authority to amend the Organic Foods Production Act or its rules and regulations.

In addition, I would draw to the attention of my colleague another section of this bill, section 292(b), which states:

“(b) APPLICATION OF DEFINITION.—The definition of the term ‘bioengineering’ under section 291 shall not affect any other definition, program, rule, or regulation of the Federal Government.”

I believe this provision clarifies that nothing in the new bioengineered food disclosure standard established in this legislation would require USDA to take any action to change the existing Organic Foods Production Act rules and regulations.