



April 15, 2020

Secretary Sonny Perdue
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20260

Re: National Bioengineered Food Disclosure Standard (Docket No. AMS-TM-17-0050)

Dear Secretary Perdue:

The undersigned members of the Food and Beverage Issue Alliance (FBIA) are writing to respectfully request that the Agricultural Marketing Service (AMS) extend the compliance date for the National Bioengineered Food Disclosure Standard (NBFDS or rule). Although the current compliance date for the rule is still more than a year and a half away, the implementation date was in January 2020, and industry already is hard at work preparing for compliance with the rule. Granting an extension will allow the food industry to stay focused its efforts on ensuring an uninterrupted supply of food to consumers while the nation responds to the ongoing COVID-19 crisis.

The food industry is considered part of our nation's critical infrastructure as recognized by Department of Homeland Security's Cybersecurity and Infrastructure Security Agency's (DHS-CISA) [Guidance for Tier 1 Type of Essential Critical Infrastructure Workers](#). The food industry value chain is working tirelessly to keep shelves fully stocked but faces unprecedented challenges daily that are pushing resources to the limits.

The members of our organizations now find themselves even more limited in their ability to implement the NBFDS as resources are stretched to meet demands of responding to the evolving and dynamic COVID-19 pandemic crisis. The food and beverage companies, ingredient suppliers and retailers are dedicated to ensuring that the supply chain is flowing, protocols are being developed and implemented to protect workers' health and safety, and product is being delivered to store shelves to meet increased consumer demands.

To remain solely focus on responding to the COVID-19 pandemic, we respectfully request additional time to comply with the complex rule, both due to outstanding implementation questions and the need for AMS's draft guidance documents on validation of refining processes and detectability testing to be revised, finalized, and implemented by industry. 1/

1/ See FBIA Comments to AMS on the Draft Instruction to Ensure Acceptable Validation of Refining Processes (February 7, 2020).

Currently, finished food manufacturers are strained to provide staff resources to address the NBFDS compliance activities such as determining which products require a disclosure and seeking supporting documentation from their suppliers. Their suppliers, as well, have limited capacity to perform testing (to the extent they are able, without final guidance from AMS) or respond to questions from their customers regarding the bioengineered status of ingredients, as they also are dedicating their work to respond to covid-19 related demands for their operations.

The food industry value chain is dedicated to filling the needs of demand from consumers and are committed to being compliant with NBFDS. In light of this unprecedented crisis and list of demands on industry's time and resources, we respectfully request that AMS extend the compliance date for the NBFDS. We believe extending the compliance date to twelve months after the current compliance date or 18 months after AMS finalizes its guidance on validation of refining processing and detectability testing, whichever is later, would provide adequate time for industry to fully comply with the rule.

We thank you in advance for your consideration of this request. The food and agriculture industry appreciates the leadership USDA has demonstrated during these uncertain times. We would be pleased to provide additional information, answer any questions and talk with you to discuss our request.

Thank You,

American Bakers Association
American Beverage Association
American Frozen Food Institute
American Spice Trade Association
Calorie Control Council
Consumer Brands Association
Corn Refiners Association
Enzyme Technical Association
FMI- The Food Industry Association
Independent Bakers Association
Institute of Shortening and Edible Oils
International Food Additives Council
International Dairy Foods Association
Juice Products Association
National Confectioners Association
National Fisheries Institute
National Grocers Association
North American Millers' Association
Peanut and Tree Nut Processors Association
SNAC International
The Association for Dressings & Sauces
Vinegar Institute

Cc: Greg Ibach, Under Secretary, Marketing and Regulatory Programs
Bruce Summers, Administrator, Agriculture Marketing Service
Mike Durando, Deputy Administrator, Fair Trade Practices Program
Trevor Findley, Deputy Director, Food Disclosure and Labeling Division