



August 5, 2019

United States Department of Agriculture  
Regulatory Analysis and Development  
Plant Protection Division  
Animal and Plant Health Inspection Service  
Station 3A-03.8  
4700 River Road - Unit 118  
Riverdale, MD 20737-1238

Re: Proposed Rule – Movement of Certain Genetically Engineered Organisms  
Docket No. APHIS-2018-0034

*Submitted Electronically via [www.regulations.gov](http://www.regulations.gov)*

On June 6, 2019, USDA's Animal and Plant Health Inspection Service (APHIS) published in the *Federal Register* a proposed rule on the movement of certain genetically engineered organisms in response to recent developments in the technology of genetic engineering (GE). The Food Marketing Institute (FMI) is grateful for the opportunity to submit comments on this rulemaking and strongly encourages APHIS to engage in and prioritize consumer education and outreach as this proposal moves forward.

FMI proudly represents the food retail industry, including the entire spectrum of food retail venues – from single owner grocery stores and large multi-store supermarket chains, as well as their pharmacies, to online and mixed retail stores. In total, FMI member companies operate nearly 33,000 retail food stores and 12,000 pharmacies. Through programs in food safety, health and well-being, public affairs, research, education and industry relations, FMI offers resources and provides valuable benefits to almost 1,000 food retail and wholesale member companies, while serving 85 international retail member companies. In addition, FMI has almost 500 supplier member companies that provide products and services to the food retail industry. For more information about FMI, please visit [www.fmi.org](http://www.fmi.org).

American consumers are extremely engaged with the food they eat and are asking for increased transparency regarding where these products come from and how they are produced. This is especially true of genetically engineered foods. FMI's most recent consumer research, *U.S. Grocery Shopper Trends 2019*, found that 27 percent of shoppers in the U.S. actively seek out the “not bio-engineered” claim when deciding which products to purchase, up four points from

2018's findings.<sup>1</sup> The proposed rule acknowledges this reality, stating, "Some consumers choose not to purchase products derived from GE crops and instead purchase commodities such as those labeled 'non-GMO (Genetically Modified Organism)' or organic."

FMI members firmly believe that they have a responsibility to help provide accurate, high quality information that allows consumers to make knowledgeable choices. In the case of genetically engineered products, efforts to increase transparency and awareness of the benefits and safety of foods derived from this technology are made doubly challenging by the abundance of negative - and often unscientific - information available online. A recent study published in the journal *Nature Human Behaviour* found that:

...[A]s extremity of opposition to and concern about genetically modified foods increases, objective knowledge about science and genetics decreases, but perceived understanding of genetically modified foods increases. Extreme opponents know the least, but think they know the most.<sup>2</sup>

Overcoming uninformed skepticism can be challenging, and requires consistent, ongoing efforts from all interested parties.

Part of these efforts must include regulatory transparency and education. As noted above, there is clear evidence consumers find the science of genetic engineering confusing; how many of them find the regulatory regime that governs GE products more accessible? If we ask consumers to trust in the safety of these products, we need to make sure that we are providing them with the information necessary to have this faith. The proposed update to current regulations governing the movement of genetically engineered organisms is an important opportunity to engage consumers and start supporting trust in GE products. FMI urges USDA to make consumer outreach and education part of the process for finalizing and implementing this rule. It is undoubtedly a challenging endeavor – regulatory language can be very dense and multi-faceted. But engaging consumers also serves the developers and producers of these products; their ability to bring the benefits of genetic engineering to market can easily be undermined by consumer mistrust.

Fortunately, USDA is well-positioned to be a trusted voice to the consumer. FMI research shows that 46 percent of Americans recognize the Department as a shared partner in making responsible decisions about nutrition in their diets.<sup>3</sup> Similarly, 57 percent of Americans rely on USDA to ensure the foods they buy are safe.<sup>4</sup> Despite what we hear about loss of faith in public institutions, it is clear that USDA has maintained its status as "an honest broker" that many Americans look to for aid in making informed decisions not just about agriculture, but also their personal diets and health.

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<sup>1</sup> Food Marketing Institute, *U.S. Grocery Shopper Trends 2019*, Arlington, VA, 2019, p. 40.

<sup>2</sup> *Extreme Opponents of Genetically Modified Foods Know the Least but Think They Know the Most*. P. M. Fernbach, N. Light, S. E. Scott, Y. Inbar and P. Rozin in *Nature Human Behaviour*, Vol. 3, pages 251–256; January 14, 2019. Accessed online August 1, 2019.

<sup>3</sup> *Trends*, p. 41. This is surpassed only by "Myself" at 73 percent and "FDA" at 48 percent.

<sup>4</sup> *Ibid.*, p. 46.

This trust provides an opportunity to engage directly with consumers to help them understand the science and thinking behind the regulatory process. People want to know what a risk-based process means for the safety of the products they purchase and how new technologies are being integrated into existing regulatory procedures. But they need USDA to reach out to them directly, not place the onus on the consumer to wade through the regulation and figure out their own interpretation. People need to trust in the regulatory process, but if there is a vacuum of accurate and trusted information it will be filled with misinformation. The end result of that process is the undermining of trust in the genetically engineered products themselves.

As noted earlier, educating consumers about GE products requires consistent, ongoing efforts from all involved parties and FMI stands ready to work with USDA and our other partners in government and industry. One successful public-private model focused on consumer education is the Partnership for Food Safety Education.<sup>5</sup> This 22-year old organization was created as a result of a memorandum of understanding between government, industry and consumer partners, “pledging cooperation in the development of science-based, consumer-oriented messages to promote safe food handling practices in the United States.” A similar effort focused on genetic engineering is desperately overdue; the absence of a strong multi-stakeholder voice in this area has almost certainly helped contribute to the public skepticism around genetically engineered products.

Thank you for your attention in this matter. In closing, FMI once again urges USDA to engage and educate consumers as this new rule advances, and we are proud to partner in these efforts. If we want Americans to have trust in the genetically engineered products already on and coming to market, all stakeholders need to make sure they have the tools necessary to make informed decisions.

Sincerely,

A handwritten signature in black ink, reading "Leslie G. Sarasin". The signature is fluid and cursive, with the first name "Leslie" and last name "Sarasin" clearly legible.

Leslie G. Sarasin  
President and CEO  
Food Marketing Institute

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<sup>5</sup> <http://www.fightbac.org/>