United States Department of Agriculture

Agricultural Marketing Service

National Bioengineered Food Disclosure Standard

The National Bioengineered Food Disclosure Standard, passed by Congress in July of 2016, directed the United States Department of Agriculture (USDA) to establish a national mandatory standard for disclosing foods that are or may be bioengineered. The National Bioengineered Food Disclosure Standard (Standard) was published on December 20, 2018. This factsheet will assist you with determining what and who is subject to the Standard.

What are bioengineered foods?
A food that contains genetic material that has been modified through in vitro rDNA techniques and for which the modification could not otherwise be obtained through conventional breeding or found in nature.

What is not a bioengineered food?
• Incidental additives
• Ingredients or products in which the modified genetic material is not detectable
  • Modified genetic material is not detectable if:
    • Records verify the food is made from a non-bioengineered food,
    • Records verify the food has been refined using a process validated to render the modified genetic material undetectable, or
    • Testing records for specific foods confirm the absence of detectable modified genetic material.

Who is covered by the Standard?
• Food Manufacturers, Importers, and Retailers who package and label food for retail or bulk food sales.

Restaurants and similar retail food establishments and very small food manufacturers (<$2,500,000 of annual receipts) are exempted from the Standard.

Am I required to notify AMS of a new bioengineered food product being developed?
There is no requirement to notify AMS of a new bioengineered food product being developed. AMS will conduct an annual list review and rely on a variety of resources and public input to determine what foods should be added to the list. Updates to the list will be completed using notice and comment rulemaking.

Disclosure

Which foods require disclosure?
• Foods that are subject to the labeling requirements under the Federal Food, Drug, and Cosmetic Act (FDCA).
• Foods that are subject to the labeling requirements under the Federal Meat Inspection Act, the Poultry Products Inspection Act, or the Egg Products Inspection Act, only if:
  • The predominant ingredient would be independently subject to labeling under the FDCA, or
  • The predominant ingredient is broth, stock, water or similar solution and the second most predominant ingredient would independently be subject to labeling under the FDCA.

Where must the bioengineered food disclosure be placed?
Disclosure must be placed on:
• The information panel adjacent to the manufacturer/distributor information; or

www.ams.usda.gov
### Is Your Food Subject To Disclosure?

<table>
<thead>
<tr>
<th>Is the first ingredient subject to the Federal Meat Inspection Act (FMIA), Poultry Products Inspection Act (PPIA), or Eggs Product Inspection Act (EPIA)?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ex. Pork, Beef, Sheep, Goat, Catfish, Chicken, Turkey, Domesticated Birds, Egg Product.</strong></td>
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<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td>Is the second ingredient subject to FMIA, PPIA, or EPIA?</td>
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<th>Yes</th>
<th>No</th>
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<tr>
<td>Subject to the Standard</td>
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<th>Is there a list of bioengineered foods?</th>
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### Can an entity make voluntary disclosures?

Entities that are otherwise exempt from disclosure, such as very small food manufacturers and restaurants and similar retail food establishments, may disclose using any of the options available to regulated entities.

In limited circumstances, certain foods that do not meet the definition of “bioengineered food” but are derived from bioengineered food may be disclosed. If using the symbol for such disclosures, the USDA-approved symbol for food derived from bioengineering must be used.