



1100 New Jersey Ave., SE

Suite 910

Washington, DC 20003

Phone: (202) 842-2345

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August 24, 2020

Trevor Findley  
Deputy Director  
Food Disclosure and Labeling Division  
Fair Trade Practices Program  
Agricultural Marketing Service  
U.S. Department of Agriculture  
Washington, DC 20250

RE: Document No. AMS-FTPP-20-0057, Federal Register, Vol. 85, No. 143, July 24, 2020,  
pp. 44791-44792

Dear Deputy Director Findley:

The Sweetener Users Association (SUA) appreciates the opportunity to respond to the Agricultural Marketing Service's (AMS) July 24 request for comments entitled "National Bioengineered Food Disclosure Standard; Updates to the List of Bioengineered Foods." SUA's members are U.S. food and beverage companies that use caloric sweeteners in manufacturing their products, as well as trade associations representing those companies. The segments of the U.S. food industry that use sugar in their business operations employ some 600,000 Americans.

SUA believes it is premature to add sugarcane to the List of Bioengineered Foods. Our understanding is that the single variety of insect-resistant sugarcane approved by Brazil is only being raised in test trials and in only one region of the country, and *not* the region from which Brazilian sugar imported under tariff-rate quotas is typically sourced. Brazil is one of 40 different countries from which the United States imports sugar, in addition to our domestic cane supply, which is not bioengineered. Thus, the chance that BE sugarcane was used to produce refined sugar consumed anywhere in the United States appears to be minuscule.

In addition, it is highly likely that not a single product would be affirmatively labeled as BE due to containing cane sugar, since the refining process destroys rDNA just as is the case for beet

sugar, high fructose corn syrup, soybean oil and other foods. Indeed, our understanding from cane refiners is that the rDNA would not even survive the initial milling process whereby sugarcane becomes raw cane sugar, much less the subsequent refining process.

However, for companies making an absence claim such as “GMO-free” or something similar, addition of sugarcane to the List would likely entail significant additional cost and regulatory burden. These companies might be forced to pay for product segregation, obtain legal attestations at multiple levels, or take other steps to continue making a claim that up to now they have been able to make – a claim, incidentally, under the jurisdiction of the Food and Drug Administration, not the Agricultural Marketing Service.

We note that while the regulations require the agency to “consider” the two tests of legal approval and actual commercial production, the agency’s ultimate action is not bound by this “consideration” and therefore AMS retains discretion as to its decision.

Were the commercial production of BE sugarcane to become widespread, the decision to add it to the List would be reasonable. However, this is not the case today. Therefore, SUA respectfully requests that AMS delay any rulemaking in this area for at least one to two years in order to better determine the extent, if any, of actual commercial adoption of BE technology in the Brazilian sugarcane industry.

Thank you for your consideration of our views,

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Pasco". The signature is written in a cursive, flowing style.

Rick Pasco  
President