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September 19, 2022

Paul Lewis
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. 87, No. 140, July 22, 2022, pp. 43751-43755

Dear Mr. Lewis:

The Sweetener Users Association (SUA) appreciates the opportunity to comment on the Agricultural Marketing Service's (AMS) July 22 proposed rule to update 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 inappropriate 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.

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.

If the commercial production of BE sugarcane becomes 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 refrain from finalizing the proposed rule 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 with a long horizontal stroke at the end.

Rick Pasco
President