

# PUBLICATION

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## USDA Announces Proposed Rule for Bioengineered Food Disclosures

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**On May 4, 2018, the United States Department of Agriculture (USDA) published a long-awaited proposed rule that would require food manufacturers and other entities that label foods for retail sale to disclose information about bioengineered food and bioengineered food ingredients on all product labeling.**

According to the USDA's Agricultural Marketing Service, the proposed rule – resulting from a 2016 law requiring the USDA to establish a National Bioengineered Food Disclosure Standard – is intended to provide for the nationwide disclosure of foods that are or may be bioengineered or contain bioengineered ingredients, more commonly known as genetically modified organisms (GMOs). If finalized, the proposed rule would have sweeping effects and would impact nearly all food products sold in the United States, with limited exceptions for animal foods, prepared foods sold in restaurants and similar establishments, and those certified under the National Organic Program maintained by the USDA.

The proposed rule leaves open for debate how the department intends to treat foods that contain only negligible amounts of bioengineered ingredients, and whether ingredients from crops produced via other genetic-engineering techniques, such as certain types of gene-editing, will be considered a 'bioengineered food.' It is expected that the USDA will clarify its position on these issues, among others, after reviewing comments from industry stakeholders.

Comments on the proposed rule must be received by July 3, 2018. Those interested can submit comments online by visiting [regulations.gov](https://www.regulations.gov).

For more information about how this issue may affect your business or related matters, please contact the author of this alert, [Kyle Diamantas](#), or any member of Baker Donelson's [FDA Group](#).