

UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

FSIS NOTICE

14-20

3/26/20

**NATIONAL BIOENGINEERED FOOD DISCLOSURE STANDARD – AGRICULTURAL
MARKETING SERVICE’S FINAL RULE**

I. PURPOSE

This notice is being issued to make inspection program personnel (IPP) aware of the National Bioengineered Food Disclosure Standard (NBFDS), Agricultural Marketing Service’s (AMS’s) implementing regulations, and related enforcement activities. IPP are not to verify whether establishments meet labeling requirements related to the NBFDS.

II. BACKGROUND

A. The NBFDS, passed by Congress in July of 2016, directed the Secretary of Agriculture to establish a national mandatory standard for disclosing foods that are or may be bioengineered. On December 21, 2018, AMS published the final rule that established the NBFDS ([83 FR 65814](#)). The NBFDS became effective February 19, 2019.

B. The NBFDS defines bioengineered foods as those that contain detectable genetic material that has been modified through certain laboratory techniques and cannot be created through conventional breeding or found in nature. Unless exempted, food manufacturers, importers and certain retailers will be required to ensure bioengineered foods are appropriately disclosed on the product label at retail.

C. A food product that contains a meat, poultry or egg product (including beef broth, if identified as a composite ingredient) as the first ingredient on the ingredient list on the label would not be subject to the regulations under the NBFDS. Likewise, a multi-ingredient food product that contains broth, stock, water or similar solution as the first ingredient, and a meat, poultry or egg product as the second ingredient on the label would also not be subject to the regulations under the NBFDS. If, however, a meat, poultry or egg product is the third most predominant ingredient or lower, the food product would be subject to the regulations under the NBFDS.

D. AMS will enforce compliance with the NBFDS beginning on January 1, 2022.

III. IPP RESPONSIBILITIES

At this time, IPP are directed not to verify whether establishments meet labeling requirements related to the NBFDS. FSIS will issue instructions on these types of labels in the future, if necessary.

IV. QUESTIONS

A. If an establishment has questions about the NBFDS, IPP are to provide the following AMS contact information: e-mail befooddisclosure@ams.usda.gov, main office phone number 202-720-4486, and access the BE DISCLOSURE website at <https://www.ams.usda.gov/rules-regulations/be>.

DISTRIBUTION: Electronic

NOTICE EXPIRES: 4/1/21

OPI: OPPD

B. Refer questions regarding this notice to the Office of Policy and Program Development through [askFSIS](#) or by telephone at 1-800-233-3935. When submitting a question, use the Submit a Question tab, and enter the following information in the fields provided:

Subject Field: Enter **Notice 14-20**.
Question Field: Enter question with as much detail as possible.
Product Field: Select **Labeling** from the drop-down menu.
Category Field: Select **Labeling Regulations Policies and Claims** from the drop-down menu.
Policy Arena: Select **Domestic (U.S.) Only** from the drop-down menu.

When all fields are complete, press **Continue** and at the next screen press **Finish Submitting Question**.

NOTE: Refer to [FSIS Directive 5620.1](#), *Using askFSIS*, for additional information on submitting questions.



Acting Assistant Administrator
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