



September 15, 2016

Re: RFI-Draft PWS Suggestions (PWS)

The United States Department of Agriculture (USDA) recently released a draft Performance-Based Work Statement (PWS) as part of a Request for Information (RFI) to solicit comments on the anticipated Request for Proposal for an Electronic or Digital Disclosure Study to implement a provision included in the National Bioengineered Food Disclosure Standard (Pub. L. 114-216). The Food Marketing Institute (FMI) appreciates the opportunity to provide feedback on the PWS and looks forward to working with the agency to assist with information collection from our members on the study and throughout the rulemaking process.

The Food Marketing Institute (FMI) proudly advocates on behalf of the food retail industry. FMI's U.S. members operate nearly 40,000 retail food stores and 25,000 pharmacies, representing a combined annual sales volume of almost \$770 billion. Through programs in public affairs, food safety, research, education and industry relations, FMI offers resources and provides valuable benefits to more than 1,225 food retail and wholesale member companies in the United States and around the world. FMI membership covers the spectrum of diverse venues where food is sold, including single owner grocery stores, large multi-store supermarket chains and mixed retail stores. For more information, visit www.fmi.org and for information regarding the FMI foundation, visit www.fmifoundation.org.

As stated in the draft PWS, on July 29, 2016, the Agricultural Marketing Act of 1946 was amended to establish a National Bioengineered Food Disclosure Standard (hereafter, the Law). The Law gives the USDA Agricultural Marketing Service (AMS) the authority to establish a national disclosure standard for bioengineered food. As AMS develops the standard, section 293 of the Law also requires AMS to "conduct a study to identify potential technology challenges that may impact whether consumers would have access to the bioengineering disclosure through electronic or digital disclosure methods."

FMI appreciates the opportunity to provide feedback on the draft study and urges the agency to provide a sufficient amount of time for stakeholders to comment on the forthcoming Request for Information on the Electronic or Digital Disclosure Study. FMI members are committed to working diligently to assist the agency with information collection related to the study to help

identify potential technological challenges that may impact whether interested consumers would have access to information about bioengineered ingredients through electronic or digital disclosure methods. FMI members are dedicated to assisting the agency with specific information to help inform the study. Specifically, supermarkets are committed to gather information regarding the factors required by law to be addressed in the study. These factors are as follows:

“(A) The availability of wireless Internet or cellular networks.

“(B) The availability of landline telephones in stores.

“(C) Challenges facing small retailers and rural retailers.

“(D) The efforts that retailers and other entities have taken to address potential technology and infrastructure challenges.

“(E) The costs and benefits of installing in retail stores electronic or digital link scanners or other evolving technology that provide bioengineering disclosure information.

Supermarkets and food retailers are committed to transparency to ensure their customers have sufficient access to the product information that they desire. FMI is committed to working with USDA to identify whether there are specific challenges that consumers face in accessing the electronic disclosure, the nature or pervasiveness of the challenges, and solutions to adequately address challenges. FMI looks forward to seeing the Request for Information on the Electronic or Digital Disclosure Study and urges the agency to provide sufficient time for affected stakeholders to gather information and comment on the proposal.

We appreciate USDA’s willingness to work with food retailers and FMI supermarket members to ensure consumers have sufficient access to the electronic or digital disclosure and throughout the rulemaking and implementation of the Law. Please do not hesitate to contact me if you have any questions at sbarnes@fmi.org or (202) 220-0614.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Barnes".

Stephanie Barnes

Chief Regulatory Officer

Food Marketing Institute