



United States Department of Agriculture

Office of the Secretary  
Washington D.C. 20250

AUG 01 2016

The Honorable Andrew Cuomo  
Governor of New York  
State Capitol  
Albany, NY 12224

Dear Governor Cuomo:

On July 29, 2016, President Obama signed into law an Act amending the Agricultural Marketing Act of 1946 (Act), 7 U.S.C. § 1621 et seq., which provides for a national bioengineered food disclosure standard. Among other things, the Act requires the Secretary of Agriculture to establish a national disclosure standard for bioengineered foods, including a mandatory disclosure of foods that contain bioengineering. This new law represents the first nationwide bioengineering labeling program.

I would like to call your attention to the preemption sections in this new law, which became effective upon enactment. Sections 293(e) and 295(b) provide that no State may directly or indirectly establish or continue with any food or seed requirement relating to the labeling or disclosure of whether the food or seed is genetically engineered or was developed or produced using genetic engineering, including any requirement for claims that a food or seed is or contains an ingredient that was developed by or produced using genetic engineering. The Congress of the United States included these provisions as an integral part of bringing uniformity, consistency, and clarity to biotechnology disclosures across the nation.

I would recommend that the State of New York fully review the scope and effect of this new Federal law in advance of taking any action or considering any new state initiatives related to the regulation of labels for foods that are genetically engineered or that contain genetically engineered ingredients. Once the U.S. Department of Agriculture promulgates the national bioengineered food disclosure standard, the Act allows your state to adopt standards identical to the national bioengineered food disclosure standard.

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Thank you for your consideration of this matter. The Department looks forward to working with you as we develop a program that serves the needs of the American public.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward Avalos". The signature is fluid and cursive, with a large initial "E" and "A".

Edward Avalos  
Under Secretary  
Marketing and Regulatory Programs