

## Vermont Attorney General's Office

### GE Food Labeling Rule

#### *Frequently Asked Questions (FAQ)*

A new law in Vermont, Act 120, requires that food produced with genetic engineering (GE) be labeled as such. The law applies to raw agricultural products like corn and squash as well as processed foods such as crackers, soda, and cereals. It will affect several sectors of the food industry, including producers, processors, distributors, and retailers. The labeling requirement goes into effect on July 1, 2016.

The office of the Vermont Attorney General is responsible for drafting the rules that will implement the GE food labeling law. The office will ultimately make decisions about these rules based on multiple considerations, including legal requirements and stakeholder concerns.

The answers to the questions below will help the public understand the labeling requirements and the timeline for rulemaking and implementation. This FAQ is intended to provide general guidance about the applicability of the law but **should not be considered legal advice**.

To give input and ask questions, you can email the Attorney General's GE Food Rulemaking Team at [gefoodlabelingrule@atg.state.vt.us](mailto:gefoodlabelingrule@atg.state.vt.us). Communications submitted to this email address are subject to disclosure under Vermont's Public Records Act, 1 V.S.A. section 315, et. seq.

To sign up for the Attorney General's email updates on rulemaking developments, go to: <http://list.state.vt.us/guest/RemoteListSummary/GEFoodLabelingRule>

#### **Frequently Asked Questions:**

##### **1. What is the timeline for the rulemaking process?**

The Attorney General's Office is currently drafting the rules that will implement Act 120. We recently distributed a questionnaire to collect input from stakeholders (producers, processors, retailers, and consumers). After this informal collection of input, the Office will follow standard rulemaking procedures, which call for additional public comment, with the goal of promulgating the rules by July 2015. These rules and the requirement for labeling food produced with genetic engineering go into effect on July 1, 2016.

##### **2. Will the Vermont Agency of Agriculture, Food & Markets test my products for GE materials?**

No. The Agency of Agriculture is not responsible for testing or enforcement of the GE Labeling Law.

##### **3. Who will enforce the labeling requirement?**

The Vermont Attorney General's Office is responsible for enforcing the GE Labeling Law.

**4. When will the GE Labeling Law go into effect?**

The requirement for labeling food produced with genetic engineering goes into effect on July 1, 2016, as will the rules drafted by the Attorney General.

**5. I have a home-based business with revenue under \$10,000. Am I exempt from the law?**

No. There are no revenue-based exemptions to the labeling requirement.

**6. Does it matter where the food is sold?**

Yes. Only food offered for retail sale in Vermont is subject to the labeling law.

**7. Are any types of establishments exempt from the labeling requirements?**

Yes. Restaurants and other food establishments primarily engaged in the sale of food prepared and intended for immediate human consumption are exempt from the labeling requirement, except for the food they sell that is packaged for retail sale.

- For example, food trucks, sandwich shops, and restaurants that do not offer items for retail sale are exempt from the labeling requirement.
- However, retail items sold at a restaurant, such as a jar of pasta sauce, must be labeled if they are produced with GE.

In addition, food that is not packaged for retail sale and is prepared and intended for immediate human consumption is exempt, regardless of where it is sold.

- For example, a ready-to-eat hot dog or sausage at a convenience store, a sandwich prepared to order at a supermarket deli, or a hot slice of pizza at a general store

**8. Do I need to label my product “GE-free” if it does not contain GE materials?**

No. The law requires labeling only products that are produced or may be produced with GE.

**9. What if a product contains only trace amounts of GE materials?**

A product in which GE materials make up less than 0.9 percent of the total weight does not require a GE food label.

**10. Is there a legal defense fund to help with the costs of defending the GE Labeling Law?  
How can I learn more about the fund or make a contribution?**

Yes. The “Vermont Food Fight Fund” is an initiative of the Vermont Governor’s Office. Follow this link to learn more about the fund or make a donation: <http://www.foodfightfundvt.org/>.