

*AgBiotech Planning Committee
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International Trade and Cooperation Team
Korea Food and Drug Administration (KFDA)
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Re: KFDA Notice 2008-193 Dated October 7, 2008 Regarding Labeling Standards for Genetically Modified Foods (Draft)

Dear Sir or Madam:

The AgBiotech Planning Committee¹ (ABPC) appreciates the opportunity to respond to the notification related to regulations governing the labeling of food derived through biotechnology. The ABPC supports science and risk-based policies for the regulatory oversight, availability and commercialization of food, feed and fiber products derived from modern biotechnology.

Korea is a very important export market for the U.S. commodity, food, agriculture processor, merchandiser and technology provider industries. We are concerned that the notified labeling standards are not based on science and will be disruptive to agricultural and food products trade between the U.S. and Korea. Europe has instituted stringent, non-safety-based rules requiring traceability and labeling of biotechnology food products with no detectable presence of recombinant-DNA or protein. As a result, many safe, high quality U.S. food products that would require labeling are not exported to the EU market.

We do not support mandatory labeling for products of biotechnology if the basis for labeling is solely determined by the production process. Mandatory process-based labeling requirements are not science-based. According to the available information, the notified KFDA guidelines includes food, food additives, liquor and health/functional foods which are “grown/raised with a recombinant DNA technique by which a desired gene of an organism is taken and combined with genes of another organism.” They do

The ABPC is a coalition representing farmers, food processor and manufacturers, merchandisers and biotechnology providers that support the continued availability and marketability of products derived from biotechnology.

not specify the food safety justification for this requirement. If this is accurate, Korea's labeling rules would be among the most restrictive in the world.

Our organizations have consistently supported regulations that evaluate the safety of new biotechnology products prior to commercialization. Members of the World Trade Organization (WTO) are obligated to meet specific commitments including the international standards developed by *Codex Alimentarius* for products developed through biotechnology. Article 2.2 of the Agreement on Technical Barriers to Trade (TBT Agreement) requires WTO members to ensure that technical regulations do not create unnecessary obstacles to international trade.

It is ABPC members' view that the draft revision does not fulfill a legitimate objective under Article 2.2, since biotechnology-derived foods undergo human health and environmental safety assessments before they are commercialized. The proposed labeling guidelines would be "more trade restrictive than necessary" and are not consistent with Korea's WTO obligations.

It is also important that Korea clarify how it intends to apply the existing three percent (3%) tolerance for imported biotech products established by MIFAFF and recognized by KFDA. The conditions related to the tolerance, under the new guidelines, remain unclear. If the proposed requirements apply to products with no detectable presence of recombinant- DNA or protein, it will result in major changes to sourcing, tracing and recordkeeping of food and feed products exported to Korea. These changes could result in significantly higher costs to Korean importers and consumers.

Agricultural and food biotechnology is continuing to contribute to food security and benefit the environment. ABPC members respectfully request that, as an important trading partner, Korea recognize that regulations to this important technology be science and risk-based.

Our organizations appreciate the opportunity to submit these comments.

Sincerely,

American Seed Trade Association
American Soybean Association
Biotechnology Industry Organization
Corn Refiners Association
National Association of Wheat Growers
National Corn Growers Association
National Cotton Council
National Grain and Feed Association
National Oilseed Processors Association
USA Rice Federation
U.S. Grains Council