

Grossman abstract

In the United States, regulatory measures to govern genetically modified plants and their products were developed in light of genetic modification using rDNA. These regulatory measures were not designed for new breeding technologies, including gene editing, that offer simple, elegant paths to genetic improvement in plants. After a brief review of global and US production of GM crops, this presentation analyzes US policy and regulation of GM crops and their food products, with emphasis on the role of the US Department of Agriculture. It addresses the new US labeling law for bioengineered foods and recent policy statements that encourage modernized science-based regulation. The presentation analyzes USDA's governance of new crop varieties with a focus on the "Am I Regulated?" process, which determines whether organisms developed with new breeding technologies are subject to USDA regulation. The USDA has declined regulatory jurisdiction for a number of products of gene editing and announced its intention not to regulate crops developed with certain new breeding technologies. The presentation outlines regulatory challenges posed by advances in biotechnology and suggests some possible implications of the European Court of Justice decision in *Confédération Paysanne*. More detailed analysis is available in a book chapter: Margaret Rosso Grossman, "GE Technology in the United States: Regulation of Crops and Their Food Products," in Hans-Georg Dederer and David Hamburger, eds, *Regulation of Genome Editing in Plant Biotechnology: A Comparative Analysis of the Regulatory Framework for Genome-Edited Plants in Selected Countries and the EU* (Springer, forthcoming, 2018).