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May 7, 2021

United States Department of Agriculture, Proposed Rule: Regulation of the Movement of  
Animals Modified or Developed by Genetic Engineering  
APHIS-2020-0079-0001

**Attorneys for Animals Comment on Proposed Rule: Regulation of the Movement of  
Animals Modified or Developed by Genetic Engineering**

**Submitted Electronically via eRulemaking Portal:**

<https://www.regulations.gov/commenton/APHIS-2020-0079-0001>

Attorneys for Animals, Inc. (AFA) is a Michigan non-profit and 501(c)(3) organization that includes attorneys, law students, law school graduates, and other advocates who work to improve the lives of animals. Founded in the 1990s, our mission is to work within the legal system to encourage efforts to ensure that animals are recognized, treated, and protected as individuals with inherent value. We actively follow legislative, administrative, and policy actions related to the welfare of animals, both in Michigan and nationwide.

We write to express our strong opposition to USDA's proposed new regulatory framework to approve genetically engineered (GE) animals for food. The federal government's executive branch works best when its agencies cooperate to ensure that the agency with subject matter expertise has a role in the regulatory scheme. That is not occurring with this proposed rule.

In this case, the Food & Drug Administration is the appropriate regulatory authority and has the necessary expertise to conduct scientific evaluations of GE animals. The FDA has more rigorous standards and requires more testing. To remove FDA oversight is to capitulate to the agriculture biotech industry.

Despite its nod to science, this proposed rule is actually the product of the anti-regulatory mindset that privileges industry over safety, of both animal and human health. Further, USDA has an inherent conflict of interest because it promotes as well as regulates these products.<sup>1</sup>

This proposed regulation does not pass muster under the rigorous commitment to science announced by the current Administration. We ask that it be withdrawn and the regulation of

GE animals for human consumption be renegotiated to continue the FDA's role, thereby giving more consideration to animal welfare and less to promoting the biotechnology industry.

Very truly yours,

**Attorneys for Animals, Inc.**

By:



**Beatrice M. Friedlander, JD**  
Its President, Board of Directors+

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<sup>1</sup> In an April 21, 2021 notice “welcoming” comments on this proposed rule, the agency says, “Under the contemplated regulatory framework described in the ANPR, USDA would establish flexible, forward-looking, risk-proportionate, science-based regulations that provide a predictable pathway to commercialization for certain farm animals (cattle, sheep, goats, swine, horses, mules, or other equines, catfish, and poultry) developed using genetic engineering intended for agricultural purposes.” <https://www.aphis.usda.gov/aphis/newsroom/stakeholder-info/stakeholder-messages/biotechnology-news/anpr-outreach>