

Harvard law professor Cass Sunstein: USDA's GMO labeling proposal provides no benefits, high cost to consumers

Should a federal agency issue a regulation that will impose up to \$3.5 billion in costs next year and billions more in the coming decade — while delivering essentially no benefits?

That sounds crazy. But a few weeks ago, the Department of Agriculture proposed to do exactly that.

OK, not exactly — but pretty close. The proposal is the outgrowth of the longstanding national battle over whether to require labels for bioengineered (or genetically modified) foods. The USDA's analysis of costs and benefits deserves careful attention, even if it raises serious questions about its own proposal.

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The [USDA] was candid about the high costs of its proposal. In the first year, companies — mostly food manufacturers — would have to spend somewhere between \$600 million and \$3.5 billion in compliance costs. After a period of adjustment, the annual costs would range from \$132 million to \$330 million. In the history of federal regulation, that may not be monstrously expensive, but it's a lot.

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Skeptics might expect a federal agency in the Trump administration to highlight evidence against new regulation in any case. But the USDA's analysis is consistent with the scientific consensus; it does not depart from the views of regulators in the Obama administration.

Editor's note: Cass Sunstein is a professor at Harvard Law School

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