



HOUSE OF REPRESENTATIVES

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Heather Macklin, Clerk 287-1337
Joint Standing Committee on Marine Resources
Cross Building, Room 206
Heather.Macklin@legislature.maine.gov

Presentation to the 127th Legislature of

LD 425 An Act To Prohibit False Labeling of Marine Organisms

Senator Baker, Representative Kumiega, and other members of the Joint Standing Committee on Marine Resources, my name is Ralph Chapman from Brooksville, the State Representative for House District 133 in coastal Hancock County.

I present a simple bill that prohibits labeling of marine organisms sold for human consumption that have been genetically modified by recombinant DNA techniques with the same name as its non-genetically engineered counterpart unless it is also labeled with the words genetically engineered..

To understand the context for this bill, I will review several pertinent matters.

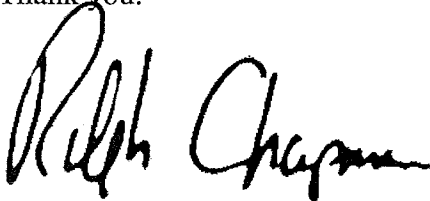
1. Alaska has a similar law enacted several years ago (accompanying two pages).
2. This law does not force speech (requiring a manufacturer to say what it doesn't want to say). It allows labeling with the phrase "genetically engineered" as an option. Therefore, it does not trigger a US Constitutional (First Amendment) challenge.
3. An example of a precedent in naming fish differently than its relatives (though not related to genetic engineering) is Splake, a portmanteau of SPeckled trout and LAKE trout used for more than a hundred twenty five years, a fish bred from a male speckled (brook) trout and a female lake trout. Splake shares some of the characteristics of both its parents, but also differs from both of them.
4. The definition of "genetically engineered" does not include organisms subject to traditional breeding techniques in the absence of recombinant nucleic acid techniques. Forced polyploidism, such as is used in the oyster seed industry is not, therefore, subject to the provisions of this bill.

District 133: Blue Hill, Brooklin, Brooksville, Castine, Sedgwick, and Surry

5. Genetically engineered fish for sale as ornamentals in aquaria (not for human consumption) are not subject to the provisions of this bill.
6. Atlantic Salmon is listed as an endangered species and therefore off limits for taking. All Maine salmon sold for food is aquaculture salmon whose licensing requirements prohibit the growing of genetically engineered salmon (so as to prevent genetic contamination of the wild/endangered salmon). Therefore, all Maine salmon is free from genetic engineering.
7. A foreign company has been developing a genetically engineered salmon, which, if sold in Maine for human consumption, would be subject to this bill. Were this bill to become law, consumers would be able to distinguish between the non-genetically engineered Maine aquaculture salmon and the genetically engineered foreign salmon.

I am happy to answer your questions, now or at any time.

Thank you.

A handwritten signature in black ink that reads "Ralph Chapman". The signature is written in a cursive, flowing style.

AK GMO fish labeling law 2013

<http://www.legis.state.ak.us/basis/statutes.asp#17.20.040>

Alaska GMO statutes Requires genetically modified fish and fish products to be labeled.
Alaska Stat. § 17.20.040 (2007)

Sec. 17.20.040. Misbranded foods. (a) Food is misbranded if

- (1) its labeling is false or misleading in any particular;
- (2) it is offered for sale under the name of another food;
- (3) it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated;
- (4) its container is made, formed, or filled so as to be misleading;
- (5) it is in package form unless it bears a label containing (A) the name and place of business of the manufacturer, packer, or distributor; and (B) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; however, under (B) of this paragraph, reasonable variations are permitted, and exemptions for small packages shall be established by regulations prescribed by the department;
- (6) a word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed with the conspicuousness (as compared with other words, statements, designs, or devices in the labeling) and in terms that make it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;
- (7) it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by AS 17.20.010, unless (A) it conforms to the definition and standard, and (B) its label bears the name of the food specified in the definition and standard and the common names of optional ingredients other than spices, flavoring, and coloring present in the food as required by regulation;
- (8) it purports to be or is represented as (A) a food for which a standard of quality has been prescribed by regulations, and its quality falls below that standard, unless its label bears, in the manner and form the regulations specify, a statement that it falls below that standard; or (B) a food for which a standard of fill of container has been prescribed by regulation as provided by AS 17.20.010 and it falls below the applicable standard of fill of container, unless its label bears, in the manner and form as the regulations specify, a statement that it falls below that standard;
- (9) it is not subject to the provisions of (7) of this subsection, unless it bears labeling clearly giving (A) the common or usual name of the food, if any, and (B) in case it is fabricated from two or more ingredients, the common or usual name of each ingredient; except that, however, spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and colorings, without naming each; however, to the extent that compliance with the requirements of (B) of this paragraph is impracticable, or results in deception or unfair competition, exemptions shall be established by regulations adopted by the department, but the requirements of (B) of this paragraph do not apply to food products that are packaged at the direction of purchasers at retail at the time of sale, the ingredients of which are

disclosed to the purchasers by other means in accordance with regulations adopted by the department;

(10) it purports to be or is represented for special dietary uses, unless its label bears information concerning its vitamin, mineral, and other dietary properties the commissioner determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for those uses;

(11) it bears or contains artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; however, to the extent that compliance with the requirements of this paragraph is impracticable, exemption shall be established by regulations adopted by the department;

(12) the food is a farmed halibut, salmon, or sablefish product, unless

(A) the product is labeled to identify the product as farmed fish raised outside the state, if the product is sold in a packaged form; or

(B) the product is conspicuously identified as farmed fish raised outside the state, if the product is sold in an unpackaged form;

(13) the labeling, advertisement, or identification of the food is inconsistent with the labeling, advertisement, or identification provisions of AS 17.20.048 or 17.20.049;

(14) the food is a genetically modified fish or genetically modified fish product unless

(A) the food is conspicuously labeled to identify the fish or fish product as a genetically modified fish or fish product if the fish or fish product is sold in a packaged form; or

(B) the food is conspicuously identified as a genetically modified fish or fish product if the fish or fish product is sold in an unpackaged form.

(b) In this section,

(1) "farmed halibut, salmon, or sablefish product" means a food product that contains halibut, salmon, or sablefish that is propagated, farmed, or cultivated in a facility that grows, farms, or cultivates finfish in captivity or under positive control but that is not a salmon hatchery that is owned by the state or that holds a salmon hatchery permit under AS 16.10.400; in this paragraph, "positive control" has the meaning given in AS 16.40.199;

(2) "genetically modified fish" means

(A) a finfish or shellfish whose genetic structure has been altered at the molecular level by means that are not possible under natural conditions or processes, including recombinant DNA and RNA techniques, cell fusion, gene deletion or doubling, introduction of exogenous genetic material, alteration of the position of a gene, or similar procedure;

(B) the progeny of a finfish or shellfish described in (A) of this paragraph;

(3) "genetically modified fish product" means a product prepared from a genetically modified fish.