Testimony in Opposition to LD 425
An Act to Prohibit False Labeling of Marine Organisms

Senator Baker, Representative Kumiega and members of the Marine Resources Committee, I am Robert Tardy on behalf of the Biotechnology Industry Organization testifying in opposition to everything about LD 425 except the title. The reason is simple. This bill is redundant in that there is already a law on the books that would make this same requirement law. Current statute requires that " Beginning 18 months after the effective date of this section, any food offered for retail sale that is genetically engineered must be accompanied by a conspicuous disclosure that states "Produced with Genetic Engineering." The statement must be located on the package for all packaged food or, in the case of unpackaged food on a card or label on the store shelf or bin in which the product is displayed.

As many of you are likely aware Maine's statute has a trigger for the effective date so it was not deemed "ripe" for a legal challenge. Not so with Vermont's labeling law and they are currently in litigation in federal court . I'm sure Maine's Attorney General would rather not be drawn into litigation and associated costs that are unnecessary for Maine to shoulder.

That said I like the title. I have included an article found while googling about a two year study by Oceana that took 1,215 seafood samples from 674 outlets in 21 states and found that 33% of them were mislabeled. Similar results have been found in several individual states. If we're going to be chasing salmon at some future time we should likely be practicing by determining what is actually in the fish case in today's supermarket.

In conclusion I would assert that the premise of this bill is already in statute and further until the Vermont litigation is resolved it is premature and until we figure out how to have compliance with existing labeling laws we should not as a state be tackling a product that very likely will not be able to be identified only by using expensive dna testing procedures if at all.
Thank you for your time.

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Testimony of the
Biotechnology Industry Organization (BIO)

Hearing of the Maine House Committee on Marine Resources
Room 206, Cross State Office Building
March 4, 2015

Opposition Statement Against HP292/LD425

The Honorable Linda Baker, Senate Chair
The Honorable Walter Kumiega, House Chair
And Members of the Maine Joint Committee on Marine Resources:

We urge Chairs Baker and Kumiega and members of the Committee to reject LD425. The Biotechnology Industry Organization (BIO) is the national trade association representing virtually all of the companies involved in R&D and commercialized agricultural biotechnology products in the US.

Over 70 percent of processed foods contain some level of genetically modified organism (GMO) -derived ingredient. No credible scientific organization, nor the FDA that regulates food labeling has seen any need for special GMO labeling. In fact, several studies have shown that such a government mandated label would be perceived by consumers as some form of a warning even though no such need exists. In the case of LD425, this would have the impact of stigmatizing a certain type of salmon not yet publicly available.

To help explain the reasons for and regulations governing GE fish, we would like to quote here from a distinguished animal scientist Alison Van Eenennaam, Ph.D. Cooperative Extension Specialist, Animal Biotechnology and Genomics, Department of Animal Science with the University of California – Davis. She testified in a few states already as a scientific expert on fish and the need for biotechnology-derived varieties:

"The global demand for fish is predicted to continue to increase from 133 million tons in 1999 to 2001 to 183 million metric tons by the year 2015. Taking into account indications that capture fisheries are close to or have already reached their potential, the world is looking toward aquaculture and its technologies to fulfill the expanding food demands: by 2020, aquaculture is expected to supply 41% of the global food fish production (compared to 3.9% in 1970 and 29.9% in 2002). A major focus of research in the aquaculture industry is on the use of biotechnology to increase food availability and reduce production costs, specifically through the precise and careful rearrangement of the genes and chromosomes of cultivated species. Examples include transgenic fish species (Atlantic, coho, and chinook salmon, rainbow and cutthroat trout, tilapia, striped bass, mud loach, channel catfish, common carp, Indian major carp, goldfish, Japanese medaka, northern pike, red and silver sea bream, walleye, and zebrafish) engineered to produce select traits including increased growth rates, feed conversion efficiency, disease resistance, cold tolerance, and improved metabolism of land-based plants.

Prior to commercialization all GE animals, including fish, are subject to a mandatory premarket regulatory review on a case-by-case basis (i.e. each species/transgene combination would be examined separately) by the U.S. Food and Drug Administration (reviewed by CAST, 2011). In a multistep scientific review process described by the FDA (2009), the agency examines the safety of the rDNA construct to the animal, the safety of food from the animal, and any environmental impacts posed, as well as the extent to which the performance claims made for the animal are met. If the GE animal is intended as a source of food, the FDA assesses whether or not the composition of edible tissues differs and whether or not its products pose more allergenicity risk than non-GE counterparts. To meet the requirements of the National Environmental Policy Act (NEPA), the FDA evaluates an environmental assessment of the GE animal and of conditions proposed for raising it. The data requirements for demonstrating environmental safety of GE animals focus on the rDNA construct, host organism, production system, physical and biological confinement measures, and receiving environment."

To date only one GE animal application for food purposes, the GE fast-growing AquAdvantage salmon, has reached the final steps at the FDA. Under the proposed conditions of use in the application to the FDA the fish would be bred in a FDA-inspected broodstock facility in Canada; and then fertilized, triploid eggs will be shipped only to a FDA inspected grow-out facility in the highlands of Panama, where they will be raised to market size in freshwater inland tanks. There are multiple, redundant containment measures in place at these two

FDA-inspected facilities. To raise these fish anywhere else, including Maine, the company would have to submit another application to the FDA."

GE-Derived Foods In General Are Safe According to Numerous Regulatory and Scientific Bodies Worldwide

- Thousands of studies have been conducted globally on the health and environmental consequences of GMOs and the **overwhelming evidence shows this technology to be safe**. Some examples include:

- The **American Medical Association** stated in June 2012: *"There is no scientific justification for special labeling of bioengineered foods, as a class, and that voluntary labeling is without value unless it is accompanied by focused consumer education."*

- The **American Association for the Advancement of Sciences** stated in October 2012:
  "The FDA does not require labeling of a food based on the specific genetic modification procedure used in the development of its input crops. Legally mandating such a label can only serve to mislead and falsely alarm consumers."

- The **European Union Directorate General For Research**: "A Decade of EU-Funded GMO Research (2001-2010)", *stated that its meta analysis of over 400 EU member countries-funded studies that collectively cost Eurodollar $300 Million, looked at environmental impacts, food safety, and risk assessments and found that GMOs are no riskier than other agricultural production methods.*

Food Labeling Regulation Already in Place and Supports Consumer Information

Maine has already passed a GE food labeling law that is yet to be enforceable. The US Food and Drug Administration (FDA) regulates food labeling. If the FDA determines that a food product that incorporates ingredients derived from genetically engineered crops are substantially the same as foods that incorporate ingredients from conventionally produced crops, no special labeling is required. The FDA has thus rejected any special labeling for current foods containing genetically engineered ingredients, determining that such a label would be inherently confusing to consumers. If there is a substantial difference, such as if the nutrition levels are different then special labeling would be necessary. The FDA's decision empowers producers to respond to the interests and concerns of consumers.

Additionally, FDA monitors the use of the USDA certified organic label, which is limited to foods that do not contain genetically modified ingredients. The freedom to promote ingredients as non-genetically modified is no different than producers' ability to promote the absence of pesticides or fertilizers, the

adoption of environmentally friendly farming practices, or the abstention from practices perceived by some consumers as inhumane. The current regulatory scheme grants producers the freedom to respond to market demands in addressing of each of these issues.

This legislation seeks to impose a state-specific, unnecessary and possibly harmful labeling scheme that would require so far unavailable genetically engineered salmon to be labeled as such.

Mandatory GE Labeling Schemes Consistently Rejected By The Vast Majority of Legislatures and Even Voters in Several States

Voters In Four States Have Rejected GE Labeling Schemes On The Ballots Since 2012!

Despite the claims of GE labeling supporters to the contrary, when consumers are educated more about GE food labeling schemes they consistently reject them. Just three months ago, the states of Colorado and Oregon both held statewide ballot initiatives on GE labeling. The voting public in both states rejected the proposals. In Colorado, the GE labeling initiative lost by a landslide of over two-thirds of all voters rejecting it.

In 2013, voters in the state of Washington rejected a similar measure.

In 2012, voters in the state of California rejected a similar measure.

These four states have a combined population of over 55 million people (or just under one-fifth of the US population) and have all rejected GE labeling. Contrary to baseless facts asserted by GE labeling proponents, US consumers are not clamoring for this law.

Congress and State Legislatures Have Rejected Hundreds of GE Labeling Bills Over the Last Decade!

Each year, GE labeling proponents spent millions of dollars to support the placement and hopeful passage of statewide ballot initiatives in parts of the country where they believed they would have good traction for their ideas. Voters in all four of these states, when they had the chance to vote on the question, rejected the premise that GE labels are needed. They did so as they believed that such labeling schemes would be costly to consumers, costly to farmers, and have no redeeming benefit other than to help support non GE food products and their manufacturers.

Additionally, the US states legislatures and Congress have seen literally hundreds of GE labeling bills over the past decade and have mostly rejected these outright. The only exceptions have been in Connecticut, Maine and Vermont. As you know, in Maine and also Connecticut, the legislatures passed labeling bills without any enforcement ability unless other states in the region also passed similar measures. The only state that has passed a mandatory GE labeling bill without any so-called trigger mechanism is Vermont (2014). This

new law would go into effect in 2016. However, it is subject to legal action at this time from food companies and its future enforcement is in question.

Respectfully submitted,

About BIO

BIO is a national trade organization, based in Washington, DC, representing more than 1,100 biotechnology companies, academic institutions, state biotechnology centers, and related organizations across the United States and 31 other nations. BIO members are involved in the research and development of healthcare, agricultural, industrial and environmental biotechnology products. Biotechnology researchers expand the boundaries of science to benefit mankind by providing better healthcare, enhanced agriculture, and a cleaner and safer environment.

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