

Testimony of Ashley Luszczki
Before the Joint Standing Committee on Agriculture, Conservation and Forestry
In Opposition to L.D. 1257, An Act Regarding Labeling of
Genetically Engineered Food Products
April 1, 2025

Senator Talbot Ross, Representative Pleucker and members of the Joint Standing Committee on Agriculture, Conservation and Forestry, my name is Ashley Luszczki. I am here on behalf of the Maine State Chamber of Commerce, representing a network of 5,000+ small to large businesses located across the state. Thank you for the opportunity to provide testimony in opposition to L.D. 1257, An Act Regarding Labeling of Genetically Engineered Food Products.

Food labeling and safety are well regulated by the U.S. Food and Drug Administration, and the Chamber believes it should remain the entity to oversee food labeling. We are testifying in opposition to this legislation because the federal government has already established a standard and we believe this proposal would put Maine businesses at a competitive disadvantage, creating an unfair playing field.

In 2013, the Legislature passed L.D. 718, An Act to Protect Maine Food Consumers' Right to Know about Genetically Engineered Food, requiring genetically engineered food products to be labeled. However, recognizing the risks of imposing a state-specific regulation, the law included a contingency clause – it would only take effect if at least five contiguous states, including Maine, enacted similar laws. Since the threshold was not met by the January 1, 2018 deadline, the law was repealed. The inclusion of this contingency clause was a deliberate recognition that a single-state labeling mandate would add requirements of businesses selling products in Maine.

Since then, federal law has established a national standard for disclosing foods that are or may be genetically engineered – it eliminates the need for state-by-state regulations. The National Bioengineered Food Disclosure Standard, which took effect on January 1, 2022, requires that foods containing detectable modified genetic material be labeled as “bioengineered” either in text, symbol, or an electronic or digital link. According to the U.S. Department of Agriculture, “The Standard defines bioengineered foods as those that contain detectable genetic material that has been modified through certain lab techniques and cannot be created through conventional breeding or found in nature.” This federal standard prevents market disruptions and ensures a level playing field for businesses across all states while still providing transparency to consumers. A Maine-specific requirement would simply create confusion and new requirements by deviating from the nationally recognized standard.

If passed, L.D. 1257 would go beyond federal requirements, leading to a costly, state-specific mandate on the food industry. The Chamber is always mindful of the unintended consequences of state-specific mandates and believes uniformity, rather than a patchwork of laws, provides consistency the business community depends on. A Maine-specific rule would have the opposite effect, requiring different labeling than those used in every other state.

Additionally, businesses selling food in multiple states would be forced to develop separate labels to comply with Maine's requirement – this would increase production and distribution costs. These costs will inevitably be passed on to consumers, raising food prices at a time when affordability is a key concern for Maine families. This concern is not theoretical – it is a key reason why Maine's 2013 law included a multi-state trigger, to avoid putting Maine businesses at a competitive disadvantage. If Maine moves forward with this, our food producers will face unfair compliance costs that their competitors in other states do not have. Furthermore, it's a disincentive for national businesses who sell their products here.

In closing, Maine has already attempted to implement a genetically engineered labeling law – the practical and economic barriers remain the same more than ten years later. Additionally, regulations regarding food labeling and safety should be addressed at the national level and with a federal standard now in place, the Chamber believes that L.D. 1257 is unnecessary. We urge the committee to recognize the federal standard as well as the economic impact this legislation would have on businesses and consumers.