



Maine Grocers &
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April 1, 2025

IN OPPOSITION – LD 1257 An Act Regarding Labeling of Genetically Engineered Food Products

Dear Senator Talbot Ross – Chair, Representative Pluecker – Chair, and members of the Committee on Agriculture, Conservation and Forestry,

My name is Christine Cummings and I am the Executive Director of the Maine Grocers & Food Producers Association (MGFPA). The Maine Grocers & Food Producers Association is a business trade association representing Maine's food community; Main Street businesses, including independently owned and operated grocery stores and supermarkets, food and beverage producers and processors, manufacturers, wholesalers, distributors, and supportive service companies.

Maine-specific GMO (genetically modified organism) labeling requirements are unnecessary and counterproductive, as they are preempted by the federal *National Bioengineered Food Disclosure Standard* enacted in 2016. The National Bioengineered Food Disclosure Standard (NBFDS) was established and passed in 2016 to create a uniform national labeling system for genetically modified (GM) foods, replacing a potential patchwork of state laws.

*'(b) FEDERAL PREEMPTION.—No State or a political subdivision of a State may directly or indirectly establish under any authority or continue in effect as to any food or seed in interstate commerce any requirement relating to the labeling of whether a food (including food served in a restaurant or similar establishment) or seed is genetically engineered (which shall include such other similar terms as determined by the Secretary of Agriculture) or was developed or produced using genetic engineering, including any requirement for claims that a food or seed is or contains an ingredient that was developed or produced using genetic engineering.'*¹

Attached for the Committee's records is the letter from the USDA to the state of Maine specifying the federal preemption of state specific GMO (now termed "bioengineered") labeling. This federal law establishes a uniform labeling system, allowing manufacturers to disclose bioengineered ingredients through on-package text, symbols, or digital links, ensuring nationwide consistency.

We stand firmly opposed to mandatory labeling requirements —particularly those isolated to one state—that would lead suppliers to bypass Maine, limiting consumer choice. By diverging from federal standards, Maine risks legal challenges, market inefficiencies, and consumer confusion without justification.

Thank you for the opportunity to testify.

Christine Cummings
Executive Director

¹ <https://www.ams.usda.gov/sites/default/files/media/Final%20Bill%20S764%20GMO%20Discosure.pdf>



United States Department of Agriculture

Office of the Secretary
Washington D.C. 20250

AUG 01 2016

The Honorable Paul LePage
Governor of Maine
1 State House Station
Augusta, ME 04333

Dear Governor LePage:

On July 29, 2016, President Obama signed into law an Act amending the Agricultural Marketing Act of 1946 (Act), 7 U.S.C. § 1621 et seq., which provides for a national bioengineered food disclosure standard. Among other things, the Act requires the Secretary of Agriculture to establish a national disclosure standard for bioengineered foods, including a mandatory disclosure of foods that contain bioengineering. This new law represents the first nationwide bioengineering labeling program.

I would like to call your attention to the preemption sections in this new law, which became effective upon enactment. Sections 293(e) and 295(b) provide that no State may directly or indirectly establish or continue with any food or seed requirement relating to the labeling or disclosure of whether the food or seed is genetically engineered or was developed or produced using genetic engineering, including any requirement for claims that a food or seed is or contains an ingredient that was developed by or produced using genetic engineering. The Congress of the United States included these provisions as an integral part of bringing uniformity, consistency, and clarity to biotechnology disclosures across the nation.

I would recommend that the State of Maine fully review the scope and effect of this new Federal law in advance of taking any action or considering any new state initiatives related to the regulation of labels for foods that are genetically engineered or that contain genetically engineered ingredients. Once the U.S. Department of Agriculture promulgates the national bioengineered food disclosure standard, the Act allows your state to adopt standards identical to the national bioengineered food disclosure standard.

Thank you for your consideration of this matter. The Department looks forward to working with you as we develop a program that serves the needs of the American public.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward Avalos".

Edward Avalos
Under Secretary
Marketing and Regulatory Programs