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ENVIRONMENT COMMITTEE TESTIMONY

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TESTIMONY IN OPPOSITION TO RB 5117: AN ACT CONCERNING CONCERNING GENETICALLY-ENGINEERED FOODS

The Connecticut Food Association is the state trade association that conducts programs in public affairs, food safety, research, education and industry relations on behalf of its 240 member companies—food retailers, wholesalers, distributors, and service providers in the state of Connecticut. CFA's members in Connecticut operate approximately 300 retail food stores and 250 pharmacies. Their combined estimated annual sales volume of \$5.7 billion represents 75% of all retail food store sales in Connecticut. CFA's retail membership is composed of independent supermarkets, regional firms, and large multi-store chains employing over 30,000 associates. Our goal is to create a growth oriented economic climate that makes Connecticut more competitive with surrounding states.

I am Stan Sorkin, President of the Connecticut Food Association. The Connecticut Food Association is opposed to RB No. 5117: An act Concerning Genetically-Engineered Foods. Mandatory state labeling of genetically-engineered foods is unnecessary public policy, and expensive for the state's farmers, retailers, and the state to implement while providing little benefit to consumers. Most likely, it is unconstitutional. I would like to make the following points:

The Food and Drug Administration's (FDA) longstanding scientific judgment is that there is no significant difference between foods produced using bioengineering, as a class, and their conventional counterparts. FDA's scientific evaluation of genetically-modified foods continues to show that these foods are as safe as their conventional counterparts. Moreover, mandatory labeling to disclose that a product was produced through genetic engineering does not promote the public health in that it fails to provide material facts concerning the safety or nutritional aspects of food and may be misleading to consumers. Requiring labeling for ingredients that don't pose a health issue would undermine both our labeling laws and consumer confidence.

The CFA supports voluntary labeling of genetically-modified foods. Voluntary labeling and marketing ensures consumer choice: Individuals who make a personal decision not to consume food containing biotech-derived ingredients can easily avoid such products. In Connecticut as well as throughout the United States, they can purchase products that are certified as organic under the USDA National Organic Program. They can also buy products which companies have voluntarily labeled as non-GMO. The FDA has published guidance to industry that voluntary labeling is permissible so long as the information is accurate, truthful and avoids misleading consumers about the food they are consuming. In short, a

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consumer can assume a food product is genetically-modified if it is not certified organic or voluntary properly non-GMO labeled.

Mandatory state labeling would be costly. If mandatory labeling became law in Connecticut, ensuring such labeling is accurate would put a huge burden on farmers, retailers and state regulatory agencies. This is unnecessary given the opportunity for Connecticut food producers to voluntarily label their products as “non-GMO.”

- Costs to farmers could include the additional cost of identifying GMO modified products which the retailers would require, record keeping, and potential legal costs.
- Costs to retailers would include the high labor costs for identifying fresh products at the point of sale, the labeling of domestic and imported packaged products if manufacturers do not label according to a Connecticut specific law, record keeping, potential legal costs, and more. At the time when the grocery industry is digesting the incremental labor costs of paid sick leave, potential minimum wage increases, the cost of federally mandated country of origin and nutritional labeling, this is not the time burden the industry with these new costs.
- Costs to the state and therefore taxpayers could include increased state administrative costs to monitor and enforce labeling requirements specified in the bill, potential one-time state capital outlay costs for the construction of facilities to test the genetic material of certain food products, and the potential costs for the courts, the Attorney General, and district attorneys due to litigation resulting from possible violations to the provisions of this bill.

RB5117 may be Unconstitutional. Requiring food companies to label their products when there is no health or safety reason to do so fails the substantial state interest test, undermines commercial free speech, most likely violates interstate commerce and is unconstitutional. In INTERNATIONAL DAIRY FOODS ASS'N v. AMESTOY, 92 F.3d 67 (1996) the court held food manufacturers could not be compelled to label dairy products as being made from the use of rBST (bovine growth hormone). “Consumer interest alone was insufficient to justify requiring a product's manufacturers to publish the functional equivalent of a warning about a production method that has no discernible impact on a final product.” “Accordingly, we hold that consumer curiosity alone is not a strong enough state interest to sustain the compulsion of even an accurate, factual statement.”

For the above reasons, we respectfully ask that the Environmental Committee vote NO on RB 5117.