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**Testimony of the  
Biotechnology Innovation Organization (BIO)**

Public Hearing of the Connecticut General Assembly's  
Committee on Children  
Thursday, March 3, 2016

**Opposition Statement Against Raised House Bill 5300 – An Act  
Concerning the Use of Genetically Modified Organisms in Children's  
Food**

Senator Bartolomeo, Representative Urban, Ranking Members Martin and Kokoruda, and Members of the Committee on Children:

I submit this testimony in opposition to Raised House Bill 5300 on behalf of the Biotechnology Innovation Organization (BIO) – a Washington, DC-based trade group representing more than 1,100 biotechnology companies, academic institutions, state biotechnology centers, and related organizations across the United States and 31 other nations that are involved in the research and development of healthcare, agricultural, industrial and environmental biotechnology products. Connecticut's biotechnology sector is comprised of 864 establishments, employing 24,194 people who earn an average annual salary of \$103,385.

In 2013, Connecticut enacted legislation requiring the labeling of food products containing genetically engineered (GE) ingredients. The law does not go into effect, however, until similar measures have been adopted by at least four other states, at least one of states borders Connecticut and the aggregate population of such states located in the northeast exceeds 20 million. Maine and Vermont have also enacted bills requiring food products containing genetically modified ingredients to be labeled, although only the latter law is not contingent upon other states' requirements. The Vermont law, which goes into effect on July 1, is the subject of pending federal litigation.

Recently, our nation's top agricultural official – U.S. Secretary of Agriculture Tom Vilsack – said that the implementation of Vermont's law will "create chaotic circumstances" for the food and agriculture industry. A recent study commissioned by the Corn Refiners Association found that Vermont's law will cost \$81.9 billion annually, or approximately \$716.04 per Connecticut family per year in the form of higher food prices.

Moreover, the U.S. Senate Committee on Agriculture, Forestry and Nutrition this week approved, in a bipartisan vote, GMO legislation that is likely to hit the Senate floor in the near future. While the contents of the measure continue to be negotiated, it will almost certainly include a provision precluding state and local governments from adopting labeling requirements for food containing GE ingredients that differ from the federal standard.

Raised House Bill 5300 would put in place labeling requirements for children's food containing GE ingredients on July 1, 2017, regardless of whether the trigger requirements are met. This would muddle an already confusing issue. Thus, BIO respectfully asks members of the committee to vote against HB 5300.

The reality is that a state by state approach to the labeling of products containing GE ingredients is untenable. One only needs to review Connecticut, Maine and Vermont's laws to recognize this truth. Such an exercise is truly head spinning. It also shows the laws to be inconsistent and extremely misleading.

For example, the laws in Connecticut and Maine exempt non-alcoholic beverages while Vermont's law does not. Vermont's law exempts dietary supplements; the Connecticut and Maine statutes do not. Vermont and Connecticut exempt cheese and milk while Maine's law does not.

Moreover, the state labeling of certain foods containing meat and poultry – an activity that is governed by the U.S. Department of Agriculture – is expressly preempted by the Federal Meat Inspection Act and Poultry Products Inspection Act, respectively. Consequently, under Connecticut, Maine and Vermont's laws, vegetable soup and SpaghettiO's would be labeled but vegetable soup with chicken and SpaghettiO's with meatballs would not be labeled. Of course, these products sit right next to each other on a store shelf, raising significant questions about the usefulness of the law to consumers.

**Consequently, over half of grocery items on shelves made with GMOs won't even be labeled, including all USDA regulated products.**

Other points to consider include:

- Passage of HB 5300 would impose substantial costs upon Connecticut consumers. A 2014 analysis conducted by Cornell University that looked at a New York legislative proposal to mandate the labeling of foods containing genetically engineered (GE) ingredients estimated annual food costs for an average-income family would increase by more than \$500. This finding is consistent with other studies conducted over the past few years that examined the financial impact of other state GMO labeling measures on average families. Additionally, the vast majority of U.S. farmers wants access to biotechnology tools and believes that GMO labeling would increase their costs while limiting choices.
- Foods and food crops produced using biotechnology are among the most reviewed, studied, scrutinized and regulated products in the world. Leading scientific and medical organizations, including the American Medical Association (AMA), American Association for the Advancement of Science and World Health Organization, maintain that foods made from crops improved through biotechnology are as safe and nutritious as conventionally grown crops. According to the AMA: "Bioengineered

foods have been consumed for close to 20 years, and during that time, no overt consequences on human health have been reported and/or substantiated in the peer reviewed literature.” Mandatory labeling of these products would therefore only frighten and confuse consumers.

- Since 1986 the U.S. Food and Drug Administration (FDA), U.S. Environmental Protection Agency, and USDA have regulated agricultural biotechnology research and commercialized products under extensive federal laws known collectively as the “Coordinated Framework.”
- Under current statutes and regulations of the FDA and USDA, changes to foods require labeling only if the product has been significantly changed nutritionally or if there have been changes in other health-related characteristics of the food (allergenicity, toxicity, or composition).
- Food labeling requirements should be science-based to give consumers meaningful information about the foods they buy and eat. U.S. law limits affirmative labeling requirements for food to situations where there is a scientifically valid and constitutionally reasonable rationale for protecting the public, such as making nutrition information available to promote healthy food choices or warning about a common food allergen to protect susceptible populations.
- Foods containing biotech-derived ingredients are compositionally the same as conventionally produced foods. Distinguishing them with a special label would mislead consumers by falsely implying differences where none exist. FDA has consistently stated that no special labeling is required under the federal law governing food labeling (The Federal Food, Drug and Cosmetic Act) if there is no significant difference between foods produced using bio-engineering, as a class.
- To require the labeling of foods that are indistinguishable from foods produced through traditional methods risks diverting attention from important safety and nutritional information. Food companies have the right to voluntarily place claims on their products and often do so. However, federal law is very clear that the burden of truthfulness and non-misleading statements of these claims fall on the food company.
- Consumers already have a choice at the grocery store: Organic certified foods and non-GMO labeled foods. FDA recognizes that some consumers may want to choose non-GMO derived foods and has explicitly stated that it supports voluntary labeling. Such foods include infant formula and other children’s food.
- Over 17 million farmers grew more than 428 million acres of biotech crops worldwide in 2013 with absolutely no negative health impact, which demonstrates that this is a safe and globally adopted farming technology. Over 170 million biotech acres grown in 2013 were in the United States alone, or half of the total land used to grow crops in the United States.)
- More than seventy percent of processed foods contain some GMO-derived ingredient. No credible national or international scientific organization that regulates food labeling, nor the FDA, 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.

- Furthermore, according to the 2012 Consumer Survey by the International Food Information Council (IFIC), consumer satisfaction with current food labels remains high, despite extensive coverage of biotech labeling and modern food production issues in traditional and social media. Seventy-six percent of consumers could not think of any additional information (other than what is already required by the FDA) that they wish to see on food labels. Only three percent of the twenty-four percent subset seeking additional information (or about five people and less than one percent of all surveyed) wanted more information about biotechnology.

House Bill 5300 is truly a solution in search of a problem, and we hope you will consider the above points and the unintended consequences of this legislation. Thus, BIO strongly urges members of the Committee on Children to vote “No” on HB 5300. I would be happy to answer questions in writing, or if you prefer, arrange for experts to visit with you in person.

Respectfully submitted,

*Gene Harrington*  
*Biotechnology Innovation Organization (BIO)*

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### **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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