

**Testimony Presented to the  
Committee on Children of the Connecticut General Assembly**

**Thursday, March 3, 2016**

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**H.B. No. 5300  
An Act Concerning the Use of Genetically Modified Organisms in Children's Food**

Good afternoon Senator Bartolomeo, Representative Urban, Senator Bye, Representative Hampton, Senator Martin, Representative Kokoruda, members of the Committee on Children.

I'm Paul Pescatello, here today in my capacity as Senior Counsel and Executive Director of the Connecticut Bioscience Growth Council and to represent the Biotechnology Innovation Organization—BIO—the national biotech association.

BIO is the world's largest trade association representing biotechnology companies, academic institutions, state biotechnology centers and related organizations across the United States and in more than 30 other nations. BIO members are involved in the research and development of innovative healthcare, agricultural, industrial and environmental biotechnology products.

I am also President/CEO of the New England Biotechnology Association and Chair of We Work for Health Connecticut.

The Connecticut Bioscience Growth Council is a committee of the Connecticut Business and Industry Association's biotech and biopharma members.

The Bioscience Growth Council was formed as a means to foster collaboration both among Connecticut biotech and biopharma companies themselves and, just as importantly, *with* our state. As you know, Connecticut – *this* General Assembly – has chosen wisely to invest in the life sciences as a foundation for Connecticut's 21<sup>st</sup> century economy and as a means to create a broad spectrum of jobs.

Monday's ribbon cutting for Alexion Pharmaceutical's world headquarters in New Haven – with labs and offices for over 1,000 employees – the strides we have made in regenerative medicine and stem cell research, and the research and economic development already being accomplished by Jackson Labs, name only a few of the dividends generated by this Connecticut investment.

I am here to speak in opposition to House Bill No. 5300, An Act Concerning the Use of Genetically Modified Organisms in Children's Food.

There are many reasons for this opposition, but perhaps most important is that we have worked hard to define Connecticut as the "bioscience state." A state that embraces science, innovation

and rational inquiry and means to build its economic base with the jobs and careers offered by our science-centered industries.

HB 5300 would be counter to the message we have sought to broadcast through our bioscience investments: that we are open for research and open for business; that there is no fear to be had in Connecticut that labs or businesses would be weighted down with policy debates the scientific community long ago put to rest.

Connecticut is a high cost state but one with much high value added intellectual property to sell to the world. The high living standards we enjoy in Connecticut depend on our creating more of that intellectual property. We must continue to be confidently known as hospitable to science and rational analysis. HB 5300 would, unfortunately, undermine that message.

More directly, I would begin by noting that though there are many views and much passion surrounding proposals to label food products containing genetically engineered (GE) ingredients, this is not the time for Connecticut to reengage on this issue.

We have a budget to balance and our fiscal house to put in order. We do not need to reopen an issue already debated. In fact, we have a law that mandates labeling of food, including “children’s food,” that contains GE ingredients.

The General Assembly’s 2013 GE labeling law recognized the economic harm inherent in Connecticut setting itself apart. The 2013 law therefore wisely linked Connecticut labeling of GE foods to at least four other states enacting similar measures (with one state bordering ours and the aggregate populations of such states located in the northeast being at least 20 million). Since 2013 Vermont and Maine have enacted such laws.

HB 5300 conflicts with the policy articulated in Connecticut’s 2013 law and this bill’s enactment could be the catalyst for litigation seeking to make sense of two discordant laws.

Ongoing litigation is another important reason to reserve judgment and refrain from adopting additional state GE legislation.

Vermont’s GE labeling law is being challenged in federal court as invalid under the First Amendment of the Commerce Clause of the U.S. Constitution and as preempted by federal law under our Constitution’s Supremacy Clause.

While the “base” case awaits trial in federal district court, the plaintiff’s motion for a preliminary injunction to block Vermont’s enforcement of the law is before a federal appeals court. The preliminary injunction could well be appealed to the Supreme Court. Of course, after a long trial the core case could itself be the subject of appeals to federal appeals court and the Supreme Court. This will likely be a protracted, messy and costly legal battle. One worth monitoring and waiting for the outcome in order to use settled law as a basis for sound public policy making.

Various and conflicting GE labeling schemes enacted or proposed in many states have, as well, been the catalyst for several federal legislative solutions to GE labeling issue. Because of the regulatory confusion and economic cost of compliance inherent in an array of conflicting and similar-but-not-identical state laws, several bills have been proposed in the United States Congress to preempt state GE labeling and give authority over the labeling to the United States Department of Agriculture and/or the Food & Drug Administration (those federal agencies, it should be underscored, already have authority to further regulate – including labeling of – GE foods should the science be indicative of such action).

Apart from all the activity in the courts and the U.S. Congress that should give us pause in Connecticut before enacting additional GE legislation there are a host of other reasons to refrain from GE labeling.

- The U.S. Department of Agriculture regulations governing the “organic” label. These USDA rules define “organic” as *not* containing GE ingredients. If a consumer wishes to avoid GM foods, including “children’s” foods, such foods are available and clearly identified through the organic label.
- Infant formula and baby foods are among the most highly regulated foods in the world. The US Food and Drug Administration has concluded that all genetically-engineered ingredients currently used in foods, including infant formulas, are safe and the same in composition, nutritional value and quality as ingredients not derived through biotechnology.
- Labeling laws will increase food costs—the actual labeling itself, but also all the rules, regulations, investigations and personnel that would be part of labeling enforcement.
- The U.S. Food and Drug Administration has consistently held that “...there is no significant difference between foods produced using bio-engineering, as a class, and their conventional counterparts.”
- The American Medical Association stated in June 2012: “There is no scientific justification for special labeling of bioengineered foods ...and *voluntary* labeling is *without value* unless accompanied by focused consumer education (emphasis added).”
- 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.”

Why the scientific consensus favoring GE/biotech foods and opposing labeling? Indeed, the recent Pew Research Center opinion survey which found 88% of scientists view GE foods as safe to eat. This 88% is greater than the proportion of scientists who believe climate change is mostly due to human activity. Foods containing biotech ingredients are compositionally the same as conventionally

produced foods. This is the crux of the argument against GE labeling. There is a disconnect to it—affixing a Scarlet Letter to imply a substantive difference between GE and non-GE foods when no such difference exists. There would be a substantive price to pay, however: scaring consumers away from GE foods, causing them to spend more on groceries than they need to.

Farmers have been genetically modifying crops for thousands of years. Use of biotechnology in plant science is a means to speed and, in fact, make safer traditional cross-breeding.

Consider this: when plants are crossbred for a particular trait the “old-fashioned way,” say a peanut plant for drought tolerance, the trait may be produced but in the process many other things may be altered. For example, unforeseen allergens may be created.

Biotechnology is much more precise. Rather than mixing and matching an entire plant genome, only the single gene or very small number of genes for a particular trait are targeted.

Biotechnology as it is applied to food production is part of a centuries-long continuum of using science—from monks employing Mendelian genetics to Nobel Laureate Norman Borlaug’s post-World War II “green revolution.” The science of food production has allowed us to feed the hungry and free most of us from the need to farm—allowing us to use our time, talents and treasure for other pursuits.

It would be a shame if some of us non-farmers in the First World, willing and able to reduce the supply of food and pay more for it, mostly to assuage our romanticized notions of what constitutes proper farming, caused food costs to rise for everyone. Higher food costs mean fewer resources for education, housing, healthcare, transportation. Should we really incur such a price and impose it on the developing world—as well as those struggling economically in our own state and country—when the science to justify it doesn’t exist?

There is so much science demonstrating the safety and value of biotechnology applied to food crops. I would be happy to supply you with any studies you may wish to review.

I’ll close my testimony with a comment about the cacophony of voices opposed to GE/biotech foods.

You have and will hear a great deal from these advocates. All I will say here is to ask you to review carefully the science proving the safety and value of biotech foods and, as importantly, to review carefully the studies and arguments put forth by opponents of biotech foods. Who are these studies’ authors? Is their expertise in science, biotechnology, food science? Are the conclusions and facts and data and analysis found in and cited by highly regarded journals of science? Are the studies reviewed, so to speak, by the choir, or impartially peer reviewed?

We should be mindful not to allow a false equivalency narrative to develop—that there’s science of equal weight on both sides of the GE issue. That is simply far, far from the case. In the recent outbreak of measles, resulting from misinformation about vaccine safety, we have seen the distortions and harm that occurs when such a false equivalency myth takes hold.

The science is overwhelmingly supportive of the value and safety of GE foods.

Thank you for the opportunity to speak before you today. I would be happy to answer any questions you may have or expand on any points I've made.