

TESTIMONY IN OPPOSITION TO

DRAFT SENATE BILL 778: “An Act concerning Health – General – Genetically Engineered Food – Labeling Requirements

MD Senate Committee on Education, Health & Environmental Affairs
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Thank you for the opportunity to testify today on the proposed legislation: “Senate Bill 778: “An Act concerning Health – General – Genetically Engineered Food – Labeling Requirements.”

The objectives proponents of this bill claim to advance – to enable consumer choice and safeguard consumer safety – are well and truly met by existing federal law and regulations. U.S. Food & Drug Administration regulations for the past 22 years (since 1992) require all food sold in the United States to be safe, provide for food safety consultations with developers of “bioengineered foods” to ensure this safety, and mandate that consumers be informed on food labels whenever there has been a change to food relevant to health, safety, or nutrition. These FDA policies alone make the proposed legislation entirely superfluous. But in addition, for those consumers who may wish to avoid bioengineered foods for reasons having nothing to do with safety and health, they have the option of buying foods carrying the USDA Organic label, or certified by the NonGMO project and other voluntary agencies. There is even a smartphone app consumers can download enabling them to scan the product’s barcode to determine whether or not it contains ingredients derived from crops improved through biotechnology. In short, the “choice” this legislation claims to protect is already fully enabled through numerous means.

The alleged safety interest would be in fact undermined by this legislation. Food and feed derived through crops improved through biotechnology have been eaten in billions upon billions of meals by humans and their livestock and companion animals around the world over the past two decades. There is not a single example of illness or harm that has been shown to result from the biotech improvements in these foods. Myriad claims have been advanced by opponents. They have all, without exception, failed.

The fact is that crops and foods improved through biotechnology have been subjected to more scrutiny, in advance, in depth and detail than any other foods in the history of food. The only times regulators and scientists have ever detected a safety differential between these foods and others, the biotech derived foods have been found to be safer. This is not a matter of

opinion. It is for these and many similar reasons that every credible scientific organization around the world has endorsed the safety of these crops and foods.¹

In the event Maryland were to adopt this legislation, it would surely be challenged legally, and the legal arguments in its favor are every bit as fatally flawed as the others. The Attorney General of Hawaii has given similar legislation a close look, and produced a legal analysis² that leaves no question that this legislation would fall with a court challenge.

The proposed legislation would in fact work against the objectives it claims to be needed to advance. Where similar legislation has been put in place around the world it has resulted in a reduction of choice options for consumers. Indeed, proponents on occasion have been honest in acknowledging as much, as per the following admissions:

- We are going to force them to label this food. If we have it labeled, then we can organize people not to buy it.
 - Andrew Kimbrell, “Center for Food Safety”
- “Personally, I believe GM foods must be banned entirely, but labeling is the most efficient way to achieve this. Since 85% of the public will refuse to buy foods they know to be genetically modified, this will effectively eliminate them from the market just the way it was done in Europe.”
 - Joseph Mercola <http://vtdigger.org/2012/04/17/wanzek-genetically-modified-food-is-perfectly-healthy/>
- “The burning question for us all then becomes how - and how quickly - can we move healthy, organic products from a 4.2% market niche, to the dominant force in American food and farming? The first step is to change our labeling laws.”
 - Ronnie Cummins. <https://www.commondreams.org/view/2012/08/02-0>
- So, our Institute designed and launched educational campaigns and worked in a coalition of other organizations to motivate consumers to protect their health by choosing non-GMO foods. We also made a Non-GMO Shopping Guide available to help people identify these healthier foods. Our goal was to generate a tipping point of consumer rejection in the U.S. and Canada to eliminate GMOs from the marketplace.
 - Jeffrey Smith at: <http://vitalitymagazine.com/article/the-market-for-gmos-is-about-to-tip-over/#sthash.13b3wzLq.dpuf>

¹ See <http://gmopundit.blogspot.ca/p/450-published-safety-assessments.html> and <http://www.geneticliteracyproject.org/2013/10/08/with-2000-global-studies-confirming-safety-gm-foods-among-most-analyzed-subject-in-science/#.Ux3NqPldWSr> and http://ec.europa.eu/research/biosociety/pdf/a_decade_of_eu-funded_gmo_research.pdf and <http://www.geneticliteracyproject.org/wp/wp-content/uploads/2013/10/Nicolia-20131.pdf> and <http://www.skepticink.com/smilodonsretreat/2012/10/24/a-survey-of-long-term-gm-food-studies/>.

² See <http://www.scribd.com/doc/131172738/Attorney-General-s-opinion-letter-on-GMO-labeling-bill>

- ...If the newly announced non-GMO products start gaining sales and eroding the market share of their GMO competitor, then we anticipate a full clean out of GMO direct derivatives from the food industry soon after. If, however, non-GMO claims do not drive greater sales, then we risk stalling the tipping point trend.
 - Jeffrey Smith at: <http://vitalitymagazine.com/article/the-market-for-gmos-is-about-to-tip-over/#sthash.13b3wzLq.dpuf>

- 'Our objective is to eliminate GMOs [from the U.S. food supply] but we also see [mandatory] GMO labeling as a useful tool in the meantime because we know that transitioning to a non-GMO supply chain will take time.'"
 - Elizabeth O'Connell, campaigns director for GMO Inside/Green America at http://www.foodnavigator-usa.com/Trends/The-GM-debate/GMO-Inside-calls-on-Starbucks-to-source-organic-milk-from-cows-not-fed-GM-feed?utm_source=copyright&utm_medium=OnSite&utm_campaign=copyright.

- ...mandatory labeling and bans, or GMO-free zones, should be seen as complementary, rather than contradictory.
 - Ronnie Cummins at <http://www.nationofchange.org/gmos-ban-them-or-label-them-1394459587>.

So exactly why do these advocacy groups seek to eliminate the use of GMOs through the back door of mandatory labeling? The core reason is an ideological – almost religious – opposition to technological innovation as it is applied to food. It is not, as noted above based on scientific analysis.

What would be the result of a label-based elimination of “GMOs” for consumers? Far from helping consumers, it would end with a “Whole Foodization” of food. In other words, consumers who very well can’t afford to pay more for foods, especially low income Maryland residents, would end up paying more for their groceries. This is because these crops play a key role in reducing insecticide use, improving yields, and improving the sustainability of production agriculture; all of which helps keep food prices low. Do we really want to go back to a world where working Maryland families paid much more for food? In fact, according to the U.S. Department of Labor, Bureau of Labor Statistics, if what Americans paid for food increased at the same rate as their total expenditures from 1984 to 2012, the average household would pay over \$1,100 dollar more per year.

In summary:

- The proposed legislation would in fact undermine, not advance the objectives it claims to support;
- The claims advanced in support of the legislation are abundantly contradicted by a global scientific consensus, which has been corroborated by a vast body of data and experience;
- Numerous proponents of this and similar legislation introduced in state legislatures across the country have conceded their real objectives are in fact quite different from those they claim to support in proposing this legislation.

I therefore urge strongly that this Committee reject the proposed legislation for the reasons enumerated.