

DARK Act Talking Points

Please Oppose the Senate Version of H.R. 1599, the Safe and Accurate Food Labeling Act, or Any Federal Legislation that Would Preempt State or Federal Laws Requiring Labeling of Foods Containing Genetically Modified Organisms (GMOs).

Background

H.R. 1599, the Safe and Accurate Food Labeling Act, and passed by the U.S. House on July 23, 2015. A Senate version of H.R. 1599 is expected to be introduced, possibly by Sen. John Hoeven (R-N.D.).

H.R. 1599 was introduced by Rep. Mike Pompeo (R-Kan.) on behalf of the “Coalition of Safe Affordable Foods,” representing about 30 trade groups from the food, biotechnology and farming industries.

H.R. 1599 protects industry, not consumers.

H.R. 1599 would take away states’ rights to:

- label foods made with GMOs (genetically modified organisms),
- protect farmers from genetic contamination, and
- regulate GMOs to protect human health or the environment.

H.R. 1599 would strip the Food and Drug Administration (FDA) of its powers to:

- acknowledge the difference between GMOs and normal foods, including the unique food safety risks of GMOs,
- conduct systematic pre-market safety assessments of GMOs, and
- require labels on GMOs.

H.R. 1599 does not require companies to disclose GMO ingredients, and forbids state and federal governments from requiring labels. It therefore legally sanctions corporations’ right to deprive consumers of this information—information that these same corporations are required to disclose in more than 60 other countries.

It has been over 13 years since FDA approved voluntary GE labeling, yet companies do not disclose GMO ingredients in their products. A USDA-run voluntary non-GMO program is not a substitute for mandatory disclosure.

Sources:

JustLabelIt.org: List of 64 countries that require labels on GMOs <http://www.justlabelit.org/right-to-know-center/labeling-around-the-world/>

FDA guidance on voluntary labeling of GMOs

<http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/LabelingNutrition/ucm059098.htm>

H.R. 1599 is a prime example of corporate money influencing policy

The biotech and food industries, which complain that being required to label GMOs would be expensive, are spending millions of dollars to defeat state GMO labeling laws and to pass H.R. 1599, a federal law to preempt them.

According to a report from Open Secrets, a project of the Center for Responsive Politics, the 275 members of the U.S. House who voted in favor of H.R. 1599 received \$29.9 million in contributions from the agribusiness and food industries in the 2014 cycle.

According to a report from the Environmental Working Group (EWG), since 2013, the food and biotech industries have spent \$143 million in lobbying expenditures that mentioned GMO labeling.

Sources:

OpenSecrets.org: <http://www.opensecrets.org/news/2015/07/three-times-as-much-agribusiness-money-on-average-for-house-members-voting-to-bar-gmo-labeling/>

EWG: <http://www.ewg.org/research/big-food-companies-spend-millions-defeat-gmo-labeling>

Mandatory GMO labeling would have little or no impact on the cost of food

The only study cited by opponents of labeling, to back up their argument that labeling would increase food costs, is the one conducted by Cornell University. That study was funded by, and is the intellectual property of, the Council for Biotechnology Information, whose members consist of the major global biotechnology companies—Monsanto, DuPont, Syngenta, BASF, Bayer, and Dow—all of whom support HR 1599.

The *Washington Post's* Fact Checker blog gave labeling opponents' claim that GMO labels would cost the average family \$500 per year "three Pinocchios."

Numerous independent cost analysis studies show little or no increase in food costs associated with labeling of GMOs. In fact, in the 64 countries that require labeling, food costs did not increase following implementation of those laws.

Sources:

Consumers Union report on Cornell Study <https://consumersunion.org/research/cu-response-to-cornell-study-on-cost-of-ge-labeling/>

EWG list of independent studies showing no cost increases <http://www.ewg.org/key-issues/food/ge-foods/price>

Washington Post Fact Checker <http://www.washingtonpost.com/blogs/fact-checker/wp/2015/04/06/would-gmo-labeling-requirement-cost-500-more-in-groceries-per-family-a-year/>

H.R. 1599 would strip states of rights they have held for more than a century

In opposing the National Uniformity for Food Act, H.R. 4167, in 2005, a bill that would have struck down California's Prop 65, the National Association Attorneys General, which opposed handing over food labeling and safety oversight to the Federal Government, wrote:

Food safety has been largely a matter of state law and oversight for well more than a century. State and local agencies perform more than 80 percent of food safety work, with federal agencies often seeking their assistance. There is nothing in the public record showing that federal uniformity in this area provides a greater level of protection to consumers or is in the public interest.

Food manufacturers have always had to comply with state food safety and labeling laws. For example, California has a law limiting the amount of lead in candy, and Illinois has a law limiting the amount of lead in all food. New York has a law prohibiting the amount of lead in food packaging from exceeding 100 parts per million. Maine, Mississippi and Utah have laws governing the safety of honeybees. Virginia has a law banning sulfites in foods served in restaurants.

If food manufacturers can comply with food safety and labeling laws governing a host of other ingredients, there is no reason they can't comply with state GMO labeling laws, especially when those laws are nearly identical.

As the editorial board of the conservative *Bismark Tribune* wrote (August 3), following the House vote on H.R. 1599:

Federal versus state legislation is a slippery slope. Deciding what is or isn't good for states at the federal level and not allowing states to determine how to best manage their people and resources doesn't always sit well. State control in many instances is more sensible and effective compared to federal mandate Our feeling is that in most instances states are better equipped to make regulatory decisions, without federal oversight and mandates.

The Campaign for Liberty also opposes H.R. 1599 on the basis that "there is no Constitutional justification for the federal government to preempt state laws in this area. There certainly is no justification for Congress to preempt private sector efforts to meet consumer demands for non-GMO foods, while allowing those who support the use of GMOs to do so."

Sources:

National Association of Attorneys General letter opposing National Uniformity for Food Act (2005)
<http://consumersunion.org/wp-content/uploads/2013/05/FoodSafety.pdf>

Testimony from Center for Science in the Public Interest (outlines many state food and food labeling laws) [file:///C:/Users/katherine/Downloads/Food%20Uniformity%20Lawtestimony_2%20\(2\).pdf](file:///C:/Users/katherine/Downloads/Food%20Uniformity%20Lawtestimony_2%20(2).pdf)

Bismarck Tribune editorial opposing H.R. 1599

http://bismarcktribune.com/news/opinion/editorial/article_89f5e5a8-e0a2-5a06-aebf-0b84aba81556.html#.Vb--4vKt6DE.twitter

Campaign for Liberty post opposing H.R. 1599 <http://www.campaignforliberty.org/wednesday-congress-violating-constitution>

H.R. 1599 contradicts President Obama’s Executive Order on Preemption

From the Federalist Society:

On May 20, 2009, President Obama issued a Memorandum for the heads of executive departments and agencies on preemption.¹ The purpose of that Memorandum was to declare the new Administration’s “general policy” to be that “preemption of State law by executive departments and agencies should be undertaken only with full consideration of the legitimate prerogatives of the States and with a sufficient legal basis for preemption.”² The President explained that, even though the Federal Government’s role in promoting the general welfare is “critical,” the States play a concurrent and often more aggressive role in protecting the health and safety of their citizens and the environment.³ He stated that overreaching by the Federal Government with respect to preemption limits the ability of the States to “apply to themselves rules and principles that reflect the[ir own particular] circumstances and values.”⁴

Sources:

The Federalist Society, Sept. 03, 2009, <http://www.fed-soc.org/publications/detail/executive-order-on-preemption>

The White House, May 20, 2009, <http://biotech.law.lsu.edu/cases/adlaw/AALS/2010/E9-12250.pdf>

Allowing states to pass GMO labeling laws would *not* create a ‘messy patchwork’ of state laws

Proponents of H.R. 1599 falsely claim that allowing states to pass GMO labeling laws would create a “messy patchwork” of state laws. That’s untrue. All of the state GMO labeling laws passed and/or introduced have been written following the same model. That model stipulates that foods containing GMOs, or produced with genetic engineering, include these four words on their labels: produced with genetic engineering.

If proponents of H.R. 1599 really want consumers to have the information they seek about GMO ingredients, but fear a “messy patchwork” of state laws, why not support a uniform, federal mandatory labeling bill, such as H.R 913 / S.511, the Genetically Engineered Food Right to Know Act?

There is no scientific consensus on the safety of GMOs

Contrary to claims made by proponents of H.R. 1599, there is no basis for the claim that GMOs are safe. In 2015, over 300 scientists published a paper titled, “No scientific consensus on GMO safety,” in which they showed that a substantial number of animal feeding studies have found toxic effects and signs of toxicity in animals fed GMOs compared with controls. “Concerns raised by these studies have not been satisfactorily addressed,” they wrote, “and the claim that the body of research shows a consensus on the safety of GM crops and foods is false and irresponsible.”

Many organizations, including the American Medical Association, have decried the fact that the Food & Drug Administration doesn’t require “mandatory pre-market systematic safety assessments of bioengineered foods,” and urged the agency to do so.

H.R. 1599 would enshrine in permanent law the FDA’s 1992 Guidance to Industry for Foods Derived from New Plant Varieties. This policy, in use today, allows companies to go through a voluntary consultation process that the agency admits doesn’t determine the safety of new GMOs.

As witness Gregory Jaffe, Biotechnology Project Director of the Center for Science in the Public Interest, explained at a June hearing on H.R. 1599:

There’s no opinion from the FDA that GMOs are safe. There’s no approval process. ... The FDA letter that comes back at the end of these consultations says ... The FDA has no further questions at this time about your determination that you think the food is safe. You’re responsible for safe food. ... So the public looks at that letter and says, the FDA’s not saying it’s safe. FDA’s saying you have to rely on Monsanto’s determination that this is safe. ... You can’t plant one of these crops without USDA saying they’re safe, but we can eat the foods from them without FDA saying they’re safe?

The 1992 Guidance illegally exempts GMOs from the Food Additive Amendment of the U.S. Food, Drug & Cosmetics Act that requires new additives to food to be demonstrated safe before they are marketed.

Sources:

European Network of Scientists for Social and Environmental Responsibility Statement: No scientific consensus on GMO safety <http://www.ensser.org/increasing-public-information/no-scientific-consensus-on-gmo-safety/>

American Medical Association <http://www.ama-assn.org/resources/html/PolicyFinder/policyfiles/HnE/H-480.958.HTM>

Center for Science in the Public Interest <http://energycommerce.house.gov/hearing/national-framework-review-and-labeling-biotechnology-food>

Steven Druker, *Altered Genes, Twisted Truth* <http://sustainablepulse.com/2015/03/04/jane-goodall-steven-druker-expose-us-government-fraud-gmos/>

GMOs and the chemicals required to grow them pose known health risks

There are known human health risks associated with genetically engineering food, including, according to the American Medical Association, “horizontal gene transfer, allergenicity, and toxicity.”

More than 99 percent of the GMO crops grown in the world today have been engineered to increase human exposure to dangerous pesticides. They are engineered to either absorb an herbicide (Monsanto's glyphosate-based herbicide Roundup), produce an insecticide (GMO Bt toxin), or both.

GMOs have drastically increased our exposure to herbicides and insecticides.

Between 1996 and 2011, there was a 527 million pound increase in the use of herbicides, primarily glyphosate, due to the rapid adoption of Monsanto's Roundup Ready GMO crops. The World Health Organization recently assessed glyphosate as a “probable human carcinogen.”

Sources:

American Medical Association <http://factsaboutgmos.org/sites/default/files/AMA%20Report.pdf>

Canadian Biotechnology Action Network <http://us6.campaign-archive1.com/?u=29cbc7e6c21e0a8fd2a82aeb8&id=1e92a86811&e=e055ff6204>

Environmental Sciences Europe <http://www.enveurope.com/content/24/1/24/abstract>

World Health Organization <http://www.thelancet.com/journals/lanonc/article/PIIS1470-2045%2815%2970134-8/fulltext>

Voters overwhelmingly support consumers' right to know about GMOs.

Eighty-eight percent of voters favor “requiring labels for foods that have been genetically modified or contain genetically modified ingredients,” with more than 70 percent saying they are strongly in favor. Just 6 percent of the electorate opposes requiring labels.

In this partisan atmosphere, it's difficult to find issues on which 86 percent of Republicans, 86 percent of independents and 93 percent of Democrats all agree, but this is one of them.

Source:

The Mellman Group <https://www.organicconsumers.org/news/protect-your-right-know>