



HOUSE OF REPRESENTATIVES

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October 7, 2015

Dear Secretary of Agriculture Tom Vilsack and members of Congress:

As a state lawmaker and sponsor of a pending GMO labeling law, I respectfully request that you oppose HR 1599, the Safe and Accurate Food Labeling Act sponsored by Representative Pompeo (R-Kan).

I understand that one of the key objections to passing state GMO labeling laws is that by doing so, we will create a "patchwork" of state laws, which will hinder interstate commerce and/or create a financial burden for food manufacturers, retailers and distributors by forcing them to comply with different labeling requirements in different states.

I join my fellow sponsors and supporters of state GMO labeling laws in assuring you that this will not be the case. Without exception, the laws we are considering (or have already passed) require the same four words be displayed on GMO foods: "produced with genetic engineering." The use of this identical wording in all state laws is intentional.

States have a constitutional right to pass mandatory GMO labeling laws; the federal government does not have the authority to preempt these laws. We are encouraged by US District Judge Christina Reiss's ruling on March 27, 2015, regarding the GMO labeling law (Act 120) in Vermont. Judge Reiss ruled against the Grocery Manufacturers Association and other industry groups' request for a preliminary order to block the Vermont law from going into effect as scheduled on July 1, 2016.

In her 84-page ruling, which can be found at http://www.centerforfoodsafety.org/files/vermont-decision_81793.pdf, Judge Reiss said:

"The safety of food products, the protection of the environment and the accommodation of religious beliefs and practices are all quintessential governmental interests, as is the state's desire to promote informed consumer decision-making."

Examples of other state food labeling laws are evidence that not only are these laws constitutional, but they also do not impose an undue burden on businesses. Minnesota has enacted a state-specific law (<https://www.revisor.mn.gov/statutes/?id=30.49>) governing the labeling of

rice, in order to inform consumers who want differentiate between "cultivated wild rice" and "natural lake or river wild rice." Vermont has enacted a state-specific law (http://agriculture.vermont.gov/sites/ag/files/pdf/consumer_protection/Maple_Regulations_Final.pdf) governing maple syrup. State GMO labeling laws would be no more onerous for businesses than the Minnesota wild rice, Vermont maple syrup or other similar state labeling laws.

I support consumers' right to know if the food they purchase has been produced with genetic engineering. As more GMO foods—including apples, potatoes and salmon—enter the US food system, it is only right that consumers be able to make informed choices about these foods. This is in keeping with the principles of a free market, where consumers drive demand for the products they prefer. After all, a Buick sedan is essentially equivalent to a Chevy sedan—but they are identified so consumers can make a choice based on personal preference. By allowing the biotech industry and food manufacturers to withhold the fact that their products have been produced with genetic engineering, we allow corporations to create a false market for their products, one based on deception and lack of transparency.

The FDA may soon approve the first genetically engineered salmon. Consumers will be told that the GE salmon is "substantially equivalent" to a non-genetically engineered salmon, even though the GE salmon is created by splicing the genes of a Chinook Salmon with those of an eel-like species called an ocean pout. We already allow consumers to choose between "wild caught" and "farmed" salmon based on labels. By passing state GMO labeling laws, we will provide consumers a third choice: salmon "produced with genetic engineering."

If we agree that consumers have the right to know if the salmon they purchase is wild-caught or farmed, we must also agree that they have the right to know if the salmon they purchase has been produced with genetic engineering. In fact, Alaska has passed a law (http://www.legis.state.ak.us/basis/get_bill_text.asp?hsid=SB0025Z&session=24) which will require the labeling of GE salmon. Other states should have the same right, as well as the right to require labels on all other foods produced with genetic engineering.

HR 1599 would undermine the existing rights of states to pass food labeling laws; it would undermine the efforts of the thousands of people working to create basic transparency in food labels in their states; it would undermine the rights of consumers to basic information; and it would undermine the concept of a free market based on truth and transparency in labeling.

I urge you to deny support for HR 1599, a bill that threatens democracy itself.

Respectfully,

A handwritten signature in black ink that reads "Michelle Dunphy". The signature is written in a cursive, flowing style.

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