



ML Strategies Update

ML Strategies, LLC  
701 Pennsylvania Avenue, N.W.  
Washington, DC 20004 USA  
202 296 3622  
202 434 7400 fax  
[www.mlstrategies.com](http://www.mlstrategies.com)

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APRIL 1, 2015

**U.S. House Committee on Agriculture**  
*Mandatory Biotechnology Labeling Laws*  
Tuesday, March 24, 2015  
10 AM, 1300 Longworth

Purpose

*The purpose of this hearing was to examine the costs and impacts of mandatory biotechnology labeling laws.*

Members Present

Chairman Conaway, Ranking Member Peterson, and Representatives Davis (IL), Peterson, Gibbs, McGovern, Gibson, Kirkpatrick, Benishek, Aguilar, Allen, Scott, Bost, Emmer, Costa, Yoho, Adams, and Rouzer participated in the hearing.

Witnesses

**Mr. David B. Schmidt**, President and CEO, International Food Information Council and Foundation, Washington, D.C

**Dr. Nina Fedoroff**, Senior Science Advisor, OFW Law, Washington, D.C

**Mrs. Joanna Lidback**, Owner, the Farm at Wheeler Mountain, Westmore, VT

**Mr. Lynn Clarkson**, President, Clarkson Grain Company, Inc., Cerro Gordo, IL

**Mr. Thomas Dempsey**, CEO, Snack Food Association, Arlington, VA

**Mr. Chris Policinski**, President and CEO, Land O'Lakes, Inc., Arden Hills, MN

Opening Statements

**Chairman Conaway** said the farming industry is hopeful that advances in biotechnology will make produce more nutritious and farming more profitable. Unfounded attacks on biotechnology, particularly on GMOs, threaten to stall these advances. Purveyors of these attacks support GMO labeling, which would impose new costs on consumers and create a flood of frivolous litigation. In over half of U.S. state legislatures, liberal lawmakers have proposed instituting GMO labeling. Vermont is at the vanguard of this anti-GMO movement, and as one of the witnesses here

is on record saying, the state's farmers are suffering as a result.

**Ranking Member Peterson** said consumers have expressed an interest in learning more about the food they eat. But that interest should not result in 50 states having different GMO laws.

**Representative Davis** said biotechnology helps feed a growing population and clean the environment. Consumers should know what ingredients are in the food. They already have that information at their disposal because all organic information in the US does not have GMOs. GMO labeling would be redundant.

**Representative DelBene** said consumers have the right to know what they are eating. Understanding the science of food is as important to this debate as the science of climate change is to the debate about environmental policy. Washington's decision to institute GMO labeling illustrates that labeling, if enacted, must be done in a balanced way so as not to unduly burden industry. Too often, emotions get in the way of the debate over GMOs. On this subcommittee, we must stick to the facts.

### Testimony

**Mr. Schmidt** said GMOs are not a top concern for consumers, despite a push by anti-GMO activists to make the term a pejorative. It is also a misnomer; the terms biologically engineered biologically modified foods are proper substitutes. Three-fourths of Americans do not believe GMO labeling is necessary. When Americans learn that biological modifications can make food healthier, support for GMOs grows and for GMO labeling drops. Americans recognize that the labeling space on food products is limited. It should not contain extraneous information about GMOs.

**Dr. Fedoroff** said labeling can undermine public health and food security. GMOs boost farmers' incomes and the world's food supply. It is a win-win. The history of plant modification goes back over 10,000 years. Humans created corn, not Mother Nature. Advances in biotechnology have yielded public health benefits. Today, vegetables are about to hit the grocery shelves that will rot faster than conventionally grown food. Despite GMO's benefits, the public is skeptical because of anti-GMO's strident activism. Lawmakers should not accede to these activists. Labeling implies that there's something inherently wrong about GMOs. Labeling would also jeopardize the food supply, which needs to expand to sustain a growing population. The world cannot afford to discard the most sustainable, most effective forms of farming to placate a small fringe of activists.

**Mrs. Lidback** said biotech crops are healthy for animals and much cheaper than non-GMO feed. Farmers cannot profitably farm with the increased feed costs that non-GMO crops would impose on them. Farmers are already financially strapped; many of them are on food stamps. GMO labeling threatens the right to farm.

**Mr. Clarkson** said consumers want additional transparency. The cost of disregarding the GMO-insensitive is prohibitive for farmers. Consumers have the right to not consume GMO foods, but farmers also have the right to produce GMO foods, which many consumers want. Congress should establish uniform GMO standards, and then let the market function without government's assertive hand.

**Mr. Dempsey** said mandatory GMO labeling would increase costs and complexity. Absent a federal solution, industry may have to halt sales to states that mandate GMO labeling. Manufacturers would also face new recordkeeping burdens. The hardest-hit will be small farms, and the result would be increased consolidation in the farming industry. Over 80% of corn and soybeans are produced with GMO feed. These foods are staples of the American diet. GMO labeling could very well overhaul America's eating patterns. A patchwork of state laws would increase costs and reduce the availability of desired foods, all for labeling GMOs, which are not materially different than non-GMOs. Many farms have already elected to label GMOs. Industry should be able to make these decisions voluntarily, and then let consumers respond accordingly.

**Mr. Policinski** said biotech crops have existed for two decades. Their benefits are obvious, including but not limited to less tilling of the land, better soil quality, and lower consumer prices. GMO labeling is billed as a safeguard for

consumer freedoms. But consumers already have the choice not to eat GMOs. Most of them don't want the increased costs that would come with GMO labeling. The campaign for GMO labeling is nothing more than an insidious attempt to drive GMOs out of the market. Under federal preemption, Congress can set a uniform, voluntary standard that would nullify onerous state laws. GMO labeling would stunt innovation and productivity while harming the environment. Congress should act before Vermont's GMO labeling laws take effect next year.

### Questions and Answers

**Representative Davis** asked should farmers have the right to produce GMO and non-GMO foods. **Mr. Clarkson** said they should have that right.

**Representative Davis** asked how to lower the temperature of the GMO debate. **Mr. Clarkson** said a voluntary labeling plan should assuage the concerns of people on all sides of the issue.

**Representative Davis** asked why GMOs are safe. **Mrs. Lidback** said GMO foods are rigorously tested. They are as healthy, if not healthier, than non-GMO foods, on average.

**Representative Davis** asked why farmers are embracing biotechnology. **Mr. Policinski** said the technology yields profits and reductions in operating cost because consumers recognize the value of GMO foods.

**Ranking Member Peterson** said critics of the voluntary labeling regime say it would create additional confusion for consumers. That criticism is unfounded. Mr. Clarkson agreed, adding that the people who want additional information about the food they eat would purchase labeled food.

**Ranking Member Peterson** expressed hope that the Courts will overturn Vermont's labeling law and then asked if they do not, what Vermont will do. **Mr. Policinski** said farmers would stop selling to Vermont or impose additional costs on Vermonters. The threat of the former option is that farmers would be liable if their foods made it into Vermont. **Mr. Dempsey** said small farms would struggle complying with the Vermont law, in addition to the other 49 states' laws -- even more than big farms would.

**Ranking Member Peterson** asked if GMO labeling is instituted, can a better definition be set. **Dr. Fedoroff** said a better definition is needed, as is a better term that does not have the stigma that GMO has.

**Representative Gibbs** said the benefits of GMOs, namely its expansion in the food supply, are enormous. Labeling would scare consumers and hurt the environment. Voluntary labeling is fine so long as it serves a niche market. **Dr. Fedoroff** agreed, adding that GMO farming techniques are the best available now.

**Representative McGovern** expressed frustration that no supporters of GMO labeling were at the hearing to testify. He then said consumers have the right to know what they are eating. Consumers are confused about what they are eating. They'd benefit from labeling, which would not hurt businesses, as businesses are constantly changing their labels. Congress should establish a national standard.

**Representative McGovern** asked shouldn't consumers have the right to know what they are eating, in light of the WHO's announcement that the most common herbicide for GMO foods is a probable carcinogen. **Mr. Policinski** restated his support for a national standard but his opposition to mandatory labeling. **Dr. Fedoroff** said the WHO's announcement is not based on new data. If there's evidence that this compound is a carcinogen, then consumers should know. But the prospect of it being a carcinogen is not a sufficient reason for labeling.

**Representative Gibson** said ensuring the viability of family farms is critical, as is recognizing the existing science, which shows that GMOs have staved off food insecurity, and existing consumer data, which shows that consumers would not change their behavior if GMOs were labeled. **Mr. Policinski** said a voluntary federal law would create an environment wherein industry can constructively engage consumers. Ms. Lidback stated that no one is trying to give consumers less information, and having good websites and resources for consumers will help.

**Representative Kirkpatrick** asked if it were possible to feed the world's population without genetically engineered food. **Mr. Policinski** stated we don't consider the environmental and financial benefits of modified food supply. **Dr. Fedoroff** stated there is an unequal distribution of resources. There has to be a breakthrough in the efficiency of photosynthesis, which can only be achieved through science.

**Representative Benishek** asked if the changes made in labs are different than changes made over the past thousand years. **Dr. Fedoroff** stated the precision is much higher. **Representative Benishek** asked why the panel thinks a national label is a bad idea. **Mr. Dempsey** stated there are already voluntary labels available, especially for organic food. It doesn't have to be mandated.

**Representative Aguilar** asked about private-sector driven initiatives. **Mrs. Lidback** stated there is a clash between giving information and marketing a product, and transparency within. She asked if some labels are stigmatizing GMO foods. **Dr. Fedoroff** stated in some cases, labelling something GMO free is misleading because they never had GMOs in them.

**Representative Allen** asked if there are any risks for consumers who choose organic foods. **Dr. Fedoroff** stated yes, definitely. Manures can cross-contaminate. Food-poisoning incidents are coming out of organic farming. **Mr. Dempsey** stated there is a lot of litigation over what is natural and not natural. It's not clear.

**Representative Scott** asked how critical the need is for the federal government to provide a national standard as opposed to a state-by-state standard. **Mr. Dempsey** stated small providers would have trouble complying with different laws and regulations, and have to walk away from opportunities. The Pompeo-Butterfield bill provides clarity and stability for manufacturers, it makes order of complexity.

**Representative Bost** asked how the panelists are preparing for individual state laws. **Mr. Policinski** stated the penalties under Vermont's laws would apply if product ended up in Vermont even when shipped to another state for retail. It's complicated by how you deliver your product, whether it's warehoused or directly sold to stores.

**Representative Emmer** asked about certification and inspection costs. **Mrs. Lidback** stated keeping feed segregated between GMO and non-GMO would require different feed bins and more overhead costs. **Mr. Policinski** stated farmers want to preserve their choices, and they want to give consumers choices. It's onerous to be under various states' laws and a unified national law would prevent confusion.

**Representative Costa** asked how we can use technology to make foods healthier and safer. **Mr. Schmidt** stated this isn't a safety debate, it's a communication debate. There are no harm or safety risks. **Dr. Fedoroff** stated our current system prevents academics, scientists, from getting GMO foods in the system.

**Representative Yoho** asked about the process of taking a genetically modified food from research to market. **Dr. Fedoroff** stated you have to isolate a gene, figure out which plants are responding, then you have to test the product and send that product to all of the agencies that have jurisdiction.

**Representative Adams** asked how long it will take for retailers to begin to use a voluntary standard. **Mr. Clarkson** replied very soon, as many are using a private standard now.

**Representative Rouzer** asked what the consequences are if we are not able to create a federal standard. **Mr. Schmidt** replied that there is an opportunity to meet interest and demand while keeping things fair.

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