

## **Oppose HR 1599: Protect States' Rights and Consumer Choice**

H.R. 1599 would improperly pre-empt state and local control over genetically engineered foods, often referred to as genetically modified organisms or GMOs. In place of state laws, H.R. 1599 would establish a federal policy of voluntary labeling for GMOs that is doomed to failure. The bill also creates a federal government bureaucracy for non-GMO labeling, even though there is already a private system that's working well, and prevents state and local governments from implementing *any* sort of oversight of GMO crops, even when the federal government has declined to regulate them.

### **1. States should have the right to decide for themselves whether to require GMO labeling.**

It is inappropriate to take away states' autonomy on the issue of GMO labeling. The supporters of H.R. 1599 claim that preemption is needed because food manufacturers would have trouble complying with a patchwork of state laws. But every state law on GMO labeling that has been adopted, and the overwhelming majority of the bills that have been proposed in recent years, share the same core elements, including the definitions of key terms, what level of GMO ingredients trigger the labeling requirement, and the exemptions. No patchwork currently exists, nor is there likely to be one.

### **2. Mandatory GMO labeling is low-cost and would allow the free market to function properly.**

Changing a label imposes almost no costs, as evidenced by the fact that companies frequently change their food packaging for reasons ranging from a new marketing strategy to the holidays. Over 64 countries have banned or required labeling of GMOs, including the European Union, Australia, China, New Zealand, and Russia. American food manufacturers sell their products, either GMO-free or with GMO labels, all over the world, and have presented no evidence of higher costs as a result.

The Washington Post's Fact Checker blog found significant factual errors in the claim that GMO labels would cost the average family hundreds of dollars annually.<sup>i</sup> The claim is based on what it would cost food manufacturers to shift to non-GMO ingredients, and include the cost of sourcing non-GMO ingredients, warehousing the new ingredients, and producing the new products. That's not the cost of labels -- it's the cost of going GMO-free.

The cost estimates reflect the companies' own belief that American consumers don't want to buy GMO products and that market forces will require them to shift to non-GMO if labels are required. That may or may not prove to be true, but it is the free market at work – informed buyers making choices. There are a variety of reasons that consumers may wish to avoid products with GMO ingredients, including religious beliefs, a desire not to support a system of patented seeds, the environmental concerns connected to GMO farming, allergies to the inserted foreign proteins, and more. Whatever their reason, consumers should have that choice within a functioning free market.

### **3. State and local governments have the right to protect their agricultural industries.**

Because of the market demand for non-GMO crops, farmers can suffer massive losses due to contamination by GMO crops. For example, when unapproved GMO varieties were discovered in American rice in 2006, it triggered the biggest marketing and financial disaster in the history of the U.S. rice industry. The scandal affected 63% of U.S. rice exports, with an overall cost to the industry estimated at over \$1.2 billion. Bayer, the company responsible for the contamination, settled with the affected farmers for \$750 million.<sup>ii</sup>

Contamination of non-GMO crops can occur even with very limited plantings of GMO crops. For example, in 2013 and 2014, GMO wheat was found in Oregon and Montana even though it had only been planted in test fields and never commercially developed. Several trade partners stated that they would not take any contaminated wheat, triggering extensive testing.<sup>iii</sup>

As a result, some state and local governments in areas with high-value non-GMO crops have adopted, or are considering adopting, protections for their agricultural industries. For example, Oregon adopted a law limiting the growing of GMO canola, which can contaminate crops such as kale, rutabagas, and mustard greens. The seed industry for these crops is worth over \$32 million, while the canola crops are worth less than one tenth of that market.<sup>iv</sup>

Pre-empting the right of state and local governments to protect their agricultural industries, as H.R. 1599 would do, could severely damage portions of our agricultural industry.

#### 4. The science is not settled on GMO safety

The FDA has no mandatory safety tests for GMO products. In practice, the companies that wish to sell GMO crops simply notify FDA that they think the GMO food is “substantially equivalent” to its non-engineered version. Yet, at the same time, the companies have patented the GMO crops, with the result that all research is effectively under their control. Much of the research has been short-term and looks at factors not relevant to human health, such as whether livestock gained weight as quickly on GMO feed as on non-GMO.<sup>v</sup> And without labeling, we can’t track the epidemiological affects of GMOs; it is impossible to associate health problems with people who ate GMOs, because we don’t know who ate them. We need independent, long-term research.

In addition to the potential direct effects of GMO foods, there are known health risks from the chemicals that are associated with them. Over 80% of all GMOs grown worldwide are engineered for herbicide tolerance, causing the use of toxic herbicides like Roundup to skyrocket. Glyphosate, the active ingredient in Roundup, has been found to be a “probable human carcinogen.”<sup>vi</sup> As weeds become resistant to the overuse of Roundup, new GMOs are being developed to enable the use of even more toxic chemicals.<sup>vii</sup>

These issues and concerns should be resolved at the local and state level, not pre-empted by a federal bill that enshrines a failed policy of voluntary labeling and ineffective oversight.

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<sup>i</sup> Michelle Ye He Lee, Would GMO labeling requirement cost \$500 more in groceries per family a year?, The Washington Post (April 6, 2015), <http://www.washingtonpost.com/blogs/fact-checker/wp/2015/04/06/would-gmo-labeling-requirement-cost-500-more-in-groceries-per-family-a-year/>

<sup>ii</sup> Ian Berry, Bayer to pay rice farmers for gene contamination, The Wall Street Journal (July 1, 2011), <http://www.wsj.com/articles/SB10001424052702304450604576420330493480082>

<sup>iii</sup> Monsanto GMO wheat contamination discovered in Montana, (Sept. 27, 2014), <http://rt.com/news/191088-monsanto-wheat-montana-gmo>

<sup>iv</sup> Mateusz Perkowski, Compromise canola bill foreshadows controversy, Capitol Ag Press (June 24, 2015) <http://www.capitalpress.com/Oregon/20150624/compromise-canola-bill-foreshadows-controversy>; Canola Threat in Willamette Valley, Ten Rivers Food Web, <http://www.tenriversfoodweb.org/blog/canola-threat-in-the-willamette-valley/>

<sup>v</sup> Food & Water Watch, Genetically Engineered Food: Human Health Risks (Jan. 2015), available at <http://www.foodandwaterwatch.org/factsheet/genetically-engineered-food-human-health-risks/>

<sup>vi</sup> Kathryn Z. Guyton et al., Carcinogenicity of tetrachlorvinphos, parathion, malathion, diazinon, and glyphosate, The Lancet Oncology Vol. 16 No. 5, pp.490-491 (May 2015), <http://www.thelancet.com/journals/lanonc/article/PIIS1470-2045%2815%2970134-8/fulltext>

<sup>vii</sup> Benbrook CM, *Impacts of genetically engineered crops on pesticide use in the United States: The first thirteen years*, The Organic Center, November 2009.