

Center for Food Safety - Food and Water Watch – Beyond Pesticides – Biosafety Alliance - Abundance Cooperative Market - Cedar Circle Farm and Education Center - Central Park West CSA - Citizens for GMO Labeling - Crop CSA - Crush Wine and Spirits - Dr. Bronner’s – East New York Farms – Empire State Consumer Project – Family Farm Defenders – Farm Aid - Food Democracy Now – Foundation Earth - Friends of the Earth - GMO Action Alliance - GMO Free NY - GMO Free USA - GMO Inside- Good Earth Natural Foods - iEat Green, LLC - Institute for Responsible Technology – International Center for Technology Assessment - Katchkie Farm - Keep the Soil in Organic Coalition - Kezialain Farm - Label GMOs - LIC Brewery - Maine Organic Farmers and Gardeners Association – Midwest Organic & Sustainable Education Service - Miskell's Premium Organics – Moms Across America - National Family Farm Coalition - Nature’s Path - Non-GMO Project – Northeast Organic Dairy Producers Alliance - Northeast Organic Farming Association - Northeast Organic Farming Association of New Hampshire - Northeast Organic Farming Association of New York - Northeast Organic Farming Association of Vermont - Nutiva - NYC H2O – Oregon Right to Know - Organic Consumers Association - Organic Seed Growers and Trade Association – PCC Natural Markets - Pesticide Action Network North America – Presence Marketing - Regeneration Vermont - Riverside-Salem United Church of Christ/Disciples of Christ – Rodale Institute - Rural Advancement Foundation International – Rural Advancement Foundation International USA – Rural Vermont - Slow Food California – Slow Food Hudson Valley – Slow Food North Shore - Slow Food USA - Soil Not Oil Coalition - Sunnyside CSA - The Cornucopia Institute - U.S. Public Interest Research Group - Vermont Public Interest Research Group – Vermont Right to Know GMOs Coalition - Wood Prairie Family Farm

June 27, 2016

United States Senate
Washington, D.C. 20510

Re: GMO Labeling Bill - OPPOSE

Dear Senators,

On behalf of the undersigned food safety, farm, environmental, and consumer advocacy organizations and food corporations, and the millions of members we represent across the United States, we **strongly oppose the new Roberts / Stabenow legislation on GMO food labeling**. The process that created this legislation has been profoundly undemocratic and a violation of basic legislative practice. The bill addresses a critical issue for the American public, yet it was neither subject to a single hearing nor any testimony whatsoever. Rather, the bill’s preemption of the democratically decided-upon labeling laws of several states, and seed laws of numerous states and municipalities, is the result of non-transparent “bargaining” between two senators and industry interest groups.

As explained in more detail below, we oppose the bill because it is actually a non-labeling bill under the guise of a mandatory labeling bill. It exempts major portions of current and future

GMO foods from labeling; it is on its face discriminatory against low income, rural and elderly populations; it is a gross violation of the sovereignty of numerous states around the nation; and it provides no enforcement against those who violate the law.

- 1) **NO MANDATORY STANDARDS** – The Senate bill itself prescribes no mandatory standards for GMO labeling. Rather, it preempts the labeling laws of several states including Vermont, Connecticut, Maine and Alaska based exclusively on a multi-year discretionary process determined solely by an as of yet unknown, future USDA Secretary.
- 2) **A VAST NUMBER OF CURRENT AND FUTURE GE FOODS WILL BE EXEMPT FROM ANY LABELING** – Either intentionally, or through poor drafting and lack of scientific expertise, the novel definition of “bioengineering” under the bill would exclude from labeling a vast number of current foods produced with genetic engineering, including those where the “modification” is “found in nature,” those in which technology cannot as yet detect the novel genetic material, and foods made with non in vitro recombinant DNA techniques, such as new generations of food made with RNAi and so-called “gene-editing” techniques. In fact, **99% of all GMO food COULD be exempt from labeling** as the bill leaves it entirely up to a future USDA Secretary to determine what “amount” of GMO ingredients in a food qualifies it for labeling. If that Secretary were to decide on a high percentage of GMO content, it would exempt virtually all processed GMO foods which comprise more than 99% of all GMO foods on the market.
- 3) **DISCRIMINATION AGAINST RURAL, LOW INCOME AND ELDERLY POPULATIONS** – The bill anticipates that GMO labeling will be done primarily through QR codes (“digital” labeling). Because of their lack of access to smart phones, more than 50% of rural and low income populations, and more than 65% of the elderly, will have no access to these labels. This impact will fall disproportionately on minority communities. Millions more that do have smart phones may not be able to access these QR codes because they cannot afford to maintain their data service or their neighborhoods do not have adequate network coverage. The study of the efficacy of QR codes outlined in the bill is to take place significantly AFTER any labeling is established and in the marketplace. The results of such a study, if any, may take many years to clarify and codify. Such a “study” provision is clearly not sufficient to absolve the bill of an unconstitutional discriminatory impact.
- 4) **VIOLATION OF STATE SOVEREIGNTY BY SPECIFICALLY PREEMPTING GMO SEED LAWS AND POTENTIALLY NUMEROUS OTHER LAWS AND REGULATIONS** – The bill not only preempts state food labeling laws, but also

specifically preempts GMO seed labeling laws, such as those in Vermont and Virginia that are designed to help farmers determine what seeds to buy and plant. Additionally, either intentionally or through poor drafting, the bill could be interpreted to be a preemption of more than 100 different state and municipal laws and regulations throughout the nation.

- 5) **NO ENFORCEMENT AGAINST THOSE WHO VIOLATE MANDATORY GMO LABELING** – The bill provides no civil or criminal penalties whatsoever against those not in compliance with GMO labeling requirements. The bill specifically excludes the capacity of the USDA to order any recall of misbranded food, even in cases where a product has been produced with genetic engineering but the corporation involved purposely decides to violate the law and not label.

For this and other reasons, including the bill's definitions being in direct conflict with regulations under the National Organic Food Production Act, the Federal Food Drug and Cosmetic Act and the international Codex Alimentarius, the undersigned organizations and companies urge you to VOTE NO on this misguided, inherently discriminatory bill. Thank you for your consideration.

Sincerely,

Center for Food Safety
Food and Water Watch
Abundance Cooperative Market
Beyond Pesticides
Biosafety Alliance
Cedar Circle Farm and Education Center
Central Park West CSA
Citizens for GMO Labeling
Crop CSA
Crush Wine and Spirits
Dr. Bronner's
East New York Farms
Empire State Consumer Project
Family Farm Defenders
Farm Aid
Food Democracy Now
Foundation Earth
Friends of the Earth
GMO Action Alliance
GMO Free NY
GMO Free USA
GMO Inside
Good Earth Natural Foods
iEat Green, LLC

Institute for Responsible Technology
International Center for Technology Assessment
Katchkie Farm
Keep the Soil in Organic Coalition
Kezialain Farm
Label GMOs
LIC Brewery
Maine Organic Farmers and Gardeners Association
Midwest Organic & Sustainable Education Service
Miskell's Premium Organics
Moms Across America
National Family Farm Coalition
Nature's Path
Non-GMO Project
Nutiva
Northeast Organic Dairy Producers Alliance
Northeast Organic Farming Association
Northeast Organic Farming Association of New York
Northeast Organic Farming Association of New Hampshire
Northeast Organic Farming Association of Vermont
NYC H2O
Oregon Right to Know
Organic Consumers Association
Organic Seed Growers and Trade Association
PCC Natural Markets
Pesticide Action Network North America
Presence Marketing
Regeneration Vermont
Riverside-Salem United Church of Christ/Disciples of Christ
Rodale Institute
Rural Advancement Foundation International
Rural Advancement Foundation International USA
Rural Vermont
Slow Food California
Slow Food Hudson Valley
Slow Food North Shore
Slow Food USA
Soil Not Oil Coalition
Sunnyside CSA
The Cornucopia Institute
U.S. Public Interest Research Group
Vermont Public Interest Research Group
Vermont Right to Know GMOs Coalition
Wood Prairie Family Farm