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2010 SEP 25 A 11:45
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September 23, 2010

Division of Dockets Management
Food and Drug Administration
5630 Fishers Lane, Rm. 1061
Rockville, MD 20852

Re: Docket No: FDA-2010 -N-0385

New York State Assemblyman Michael Benjamin's comments on AquAdvantage Salmon for human consumption.

Two weeks ago, the Food and Drug Administration (FDA) released a preliminary report that deemed genetically modified (GM) salmon safe to eat. If approved, the fish would be the nation's first commercially produced animal that is genetically engineered for food. Approving AquAdvantage to feed American consumers genetically engineered seafood is not a good idea. Many Americans suffer from food allergies; the causes of which are sometimes unknown. There may be unseen health consequences from introducing genetically modified fish into the American diet.

Do not allow the confluence of big business and money to lead the FDA to approve the sale of genetically engineered salmon to consumers. AquAdvantage and fish farms want to bring salmon to market sooner but Mother Nature is too slow. AquAdvantage geneticists have found a way to transplant a growth gene into salmon that doubles its size in three months instead of six. While the FDA preliminary report has determined that the modified fish was chemically and biologically identical to conventional Atlantic salmon, the sample size of approximately 30 fish is strikingly inadequate considering the hundreds of thousands of fish AquAdvantage and fish farms want to sell to American consumers. The European Union has yet to approve the consumption of genetically modified foods. The FDA should take its time in assessing the long term health effects of consuming GM salmon.

AquAdvantage and its allied fish farms will probably fight any requirement that they label their salmon as genetically altered. Several years ago, I drafted legislation requiring the

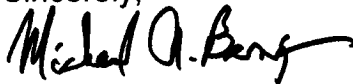
FDA-2010-N-0385

labeling of food products derived from cloned (genetically engineered) animals. Industry lobbyists told me that a state law was unnecessary and would put them at a competitive disadvantage nationally. The legislation got nowhere because genetically engineered animals had not been brought market. Now that genetically altered fish is being fast tracked for consumption, it appears inevitable to some experts that an increasing percentage of our fish and meat products will be genetically modified, despite limited studies on the long-term health effects of genetically modified food products. Big business believes that labeling of genetically modified or engineered foods will panic the public. Information based on a small test sample of AquAdvantage salmon and on an imprecise science is not enough to warrant FDA approval.

Lastly, Congress seeks the public exposure of professional athletes who have used performance enhancing drugs, while the FDA would permit the consumption of genetically modified salmon and probably oppose the labeling of GM fish and livestock. I think the priorities of our federal government are misplaced. I urge the FDA to re-examine its priorities and those of the American consumer.

The FDA should also undertake additional longer term, larger sample size food safety studies to fully understand the implications of AquAdvantage's genetically modified salmon. If the FDA approves the sale of genetically modified salmon (and other foods), it should require that those products be labeled accordingly. American consumers deserve the right to know the origins of the foods they are putting into their bodies and the FDA should comply.

Sincerely,

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

Michael Benjamin
Member of Assembly

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