



## POLICY & ACTION FROM CONSUMER REPORTS

June 17, 2015

The Honorable Fred Upton, Chairman  
The Honorable Frank Pallone, Jr., Ranking Member  
Committee on Energy and Commerce  
U.S. House of Representatives  
2125 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Upton and Ranking Member Pallone:

Consumers Union, the policy and advocacy arm of Consumer Reports, strongly urges you to oppose H.R. 1599, introduced by Representative Pompeo. The bill, which prohibits states from requiring mandatory labeling of genetically engineered food and, which under proposed substitute language would prevent businesses from creating their own stringent voluntary labels for non-engineered products, is contrary to what consumers clearly want and need. Polls, including ours, have repeatedly shown that around 90 percent of citizens want labels on genetically engineered food (also known as genetically modified organisms or GMOs).

The primary impact of H.R. 1599 is to prohibit states from enacting laws that require labeling of genetically engineered food – clearly subverting states' ability to respond to the wants and needs of their citizens. Vermont's GMO labeling law, set to go into effect July 2016, and recently affirmed in a court decision, would be negated. Laws in Maine and Connecticut, set to go into effect when five states in the region require labeling and certain other conditions are met, would also be set aside. Legislation pending in New York, Rhode Island, Massachusetts, and several dozen other states would be preempted. H.R. 1599 interferes with the democratic process, and the long-recognized role of states to enact laws that respond to their citizens' desires for consumer information that helps them make decisions in the marketplace.

The proposed amendment in nature of a substitute for H.R. 1599 would also undermine the voluntary labeling of non-GMO products. The Non-GMO Project Verified label, which now appears on thousands of products, is highly meaningful since it establishes a threshold of GMO contamination (0.9%) that cannot be exceeded. Under the substitute language, however, the bill would require all non-GMO labels to conform to standards established by U.S. Department of Agriculture (USDA) rulemaking, which would not be required by the bill to contain a threshold. Therefore, the bill would interfere with the ability of independent businesses to meet basic customer demand for non-GMO products that meet high standards.

In addition, under the substitute language, H.R. 1599 would explicitly prohibit states, counties, and municipalities from establishing or continuing in effect their own requirements related to the

use of genetically engineered plants for food in interstate commerce. Thus, bans on growing such crops in five counties in California, and one in Oregon, and other restrictions in Washington and Hawaii would likely be severely restricted or invalidated. The bill would clearly interfere with the necessity for localities to govern their own matters related to economic development, nuisance, and zoning, among other issues.

Consumers Union urges members of the Committee to reject H.R. 1599 and the proposed amendment in nature of a substitute, which are contrary to what consumers and the public want, and which would profoundly interfere with the ability of state and local government to respond to the needs of their citizens. Instead, we urge Committee members to support H.R. 913, legislation authored by Rep. DeFazio to require mandatory labeling of genetically engineered food.

Sincerely,

A handwritten signature in black ink, appearing to read "Jean Halloran". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jean Halloran  
Director, Food Policy Initiatives  
Consumers Union

cc: The Honorable Joe Pitts  
Chairman  
Subcommittee on Health

The Honorable Gene Green  
Ranking Member  
Subcommittee on Health

Members of the Committee on Energy and Commerce