

**2015 SENATE AGRICULTURE**

**SCR 4020**

# 2015 SENATE STANDING COMMITTEE MINUTES

**Agriculture Committee**  
Roosevelt Park Room, State Capitol

SCR 4020  
2/12/2015  
Job #23716

- Subcommittee  
 Conference Committee

Committee Clerk Signature

*Emmey Hothing*

## **Explanation or reason for introduction of bill/resolution:**

A concurrent resolution urging Congress to establish food labeling standards, direct the clarification of voluntary food labeling standards, and provide for a review of foods derived through the use of biotechnology.

## **Minutes:**

Attachments: #1-6

**Vice Chairman Luick** opened the hearing on SCR 4020.

**Chairman Miller** introduced SCR 4020. The resolution is attempting to communicate a message of support to congress to create a volunteer uniform labeling standard for companies that want to label their products with GMO (Genetically Modified Organisms) information. HR 4432 that was introduced last congress. There are a number of states that are trying to create GMO labeling standards within their states that creates a patchwork of labeling standards across the country which drives up the price of food. So far the FDA has stated that GMO foods are the same and they are safe and there is no need to create a different labeling standard. Organic foods are required to be labeled as non-GMO. He handed out some articles to provide information on the issue (see attachment #1).

**Senator Warner:** I'm concerned with the language on line 19 where it says "climate change" on line 19; if we pass this, are we conceding that climate change is happening?

**Chairman Miller:** We may want to take a look at that. Climates do change and our ability to adapt is through modifying our crops or using technology differently.

**Senator Larsen:** As I grew up on the west coast, there was some alfalfa that had to be able to grow in desert soil. In ND, wouldn't you agree that we have adapted products to the climate change in ND? I went to Medora and there is a field full of corn and years ago that has never been the case. So GMOs are altering to the climate changes, correct?

**Chairman Miller:** Two things affect why we grow crops where we do. (1) economics (2) technology. Technology is allowing us to shorten the growing season of a crop like corn or alfalfa where you have multiple crops in areas where there was only one because the modified crops require less water, fertilizer, and chemicals to be produced. That's the

wonderful thing about technology is that it has created an environment where we can feed more people with less.

**Paul Mathiason, ND legislative liaison for the Red River Valley Sugarbeet Growers:** (9:40) Testified in support of SCR 4020 (see testimony #2)

**Chairman Miller:** Can you speak more about where the federal government is going? Has there been a bill that has been introduced this congress.

**Paul Mathiason:** I don't believe so, I haven't heard of one. If I could make a request of you, if you pass this, I think would be good to have other states join in and have more than ND and Idaho sending resolutions to this issue.

**Joel Gilbertson, Biotechnology Industry Organization; Bioscience Association of ND; ND Corn Growers:** testified in support of SCR 4020 (see attachment #3)

**Vice Chairman Luick:** (17:19) Are you familiar with the language here? I want to address line 11 on page 1, "Whereas, genetically modified technology adds desirable traits from nature," what does that mean?

**Joel Gilbertson:** I didn't participate in drafting the language of the resolution.

**Vice Chairman Luick:** It continues on, "without introducing anything unnatural and without using chemicals to increase food production," I have questions about that.

**Joel Gilbertson:** Often time on the bioscience side, there are often questions about the pharmaceutical drugs and the bio pharmaceutical drugs. The difference is that on the pharmaceutical side, they will typically use chemicals to create those drugs. These are lifesaving drugs of course, but that's how they do it. Whereas the biopharmaceutical side and the biotech industry, they use living organisms when they are doing the testing and developing, so I'm assuming that is what it is referring to.

**Vice Chairman Luick:** On line 18, "whereas genetically modified crops are produced on a sustainable basis;" care to touch on that?

**Joel Gilbertson:** If you look at my testimony on the third paragraph (see attachment #3) what has happened with the adoption of more biotech and technology is that there actually lower input costs, less pesticide needs, and less water consumption. That has been some of the benefits of more technology and more advancement; particularly in seed technology

**Chairman Miller:** Without trying to sound like a scientist, when you are genetically modifying a crop, the process is generally utilizing traits that are found in nature to manipulate a crop for certain conditions. The process is to look around in nature and find desirable traits that will allow for manipulation of the genetics of the grain. Those are natural processes that happen over time, but if you wait for nature to do it, it will take a lot longer.

**Joel Gilbertson:** What it does is it adapts the seed to those particular instances.

**12:22 Laura Rutherford, Farmer from Grafton, ND; Sugar Industry Biotechnology Council; American Society of Sugar Beet Technologists:** (see attachment #4)

**Senator Klein:** (27:45) Getting back to the climatic issue, we've battled this drought resistant wheat, we have no GMO what, is that what we are getting at here?

**Laura Rutherford:** I'm not an expert in climate change; one thing that we know in farming is that things never stay the same. We need tools at our disposal to adapt to those changes.

**Senator Klein:** I was here when GMO became a buzzword and the room would be full of individuals in opposition to what we were attempting to do; there were concerns about the tech fees charged by the companies and trying to get a handle on whether or not we can brown bag. Where's the national grocers manufacture? Are they looking to band together or are they looking for direction from congress?

**Laura Rutherford:** I would say both, I think there is a tremendous need for everyone to band together on this issue, I think we need to come together and support congress in doing this.

**Chairman Miller:** Is the congressional action intended to satisfy the people that are pushing for GMO labeling or is it an attempt to get ahead of them so they don't start setting up this patchwork of laws?

**Laura Rutherford:** I think it's to protect agriculture producers and consumers and I think it's the best solution when it comes to food labeling.

**Chairman Miller:** How important do you think food labeling in this matter will be to the farmer? What kind of economic impact will this have on the producer?

**Laura Rutherford:** To start off with for the consumer side, the additional costs of food labeling could make food prices go up 15-30% for consumers. On the producer side, it is estimated that the costs will go up 12-20%.

**Chairman Miller:** For companies like General Mills, they have been dabbling in non-GMO and organics, I haven't seen labels specific, and they have just been producing cereals that say non-GMO influence. Is this a compliment to that action? I see the industry as taking care of itself at this point and I think having a national standard is good in that aspect because we already have labels and label requirements. This becomes more of an issue of letting business do business and the national standard would be a better model because it's voluntary.

**Laura Rutherford:** There are many drawbacks to having a patchwork of state by state regulations that are all different from each other. It's far better for the states to have a federal mandate on these issues. I could speak a little about the drawbacks of a fifty state patchwork if you're interested.

There are three major legal issues associated with state laws requiring mandatory processed GE labeling

- (1) The commerce clause of the US constitution--which forbids states from unduly burdening interstate commerce
- (2) Also the supremacy clause of the constitution--a federal law that prevails in any conflict with state law
- (3) First amendment protection of commercial speech--which prohibits government compulsion of commercial unless the speech is factual, uncontroversial and reasonably related to a legitimate government understand

If the US were to mandate labeling of genetically engineered food, the country would have to show a scientific health threat in order to be in compliance with international trade law. There are many of the genetically engineered labeling laws in the sixty-four countries around the world that require GE labeling would likely violate the world trade organization in its 1994 sanitary and phytosanitary agreement which frowns on process base labels mandating disclosure of information on production process issues that do not related to food safety.

There are some economic issues related to labeling that would include the costs of non GE foods and the costs of alternative purity standards.

**Chairman Miller:** You brought out some good points that need to be considered when thinking about this.

**Vice Chairman Luick:** Are you familiar with the University of Nebraska and Rodale Institute study on GMO cropping versus conventional cropping?

**Laura Rutherford:** I am not familiar.

**Vice Chairman Luick:** They both ran independent studies and the results found that the studies found exactly the same results and the GMO crops were showing a 1-1 ½ % reduction in nutritional value per year. This had taken place 8-10 years ago, they were identifying that as being instrumental in the obesity problem that we have in the US because the genetically modified crops that we're growing have a direct bearing on the nutritional value and what the body is actually consuming out of the crops, the starch of these crops are increasing. A few years ago I was in a US agriculture summit in Vancouver and there was an organization there testifying to us about the value of biogenetics. If these studies have merit, I am leery of putting a blanket coverage on just saying that everything is ok when everything may not be ok. Do you know of abuses in biogenetics?

**Laura Rutherford:** I can only speak to my own experience as a farmer and my experience with GE technology. My feeling is that it's been a wonderful thing for my family and farm. When we have access to this technology, we are spraying less chemicals less often. I also have concerns about chemicals and I would like to see chemical use reduced. I think that's one of the greatest things about GE technology, we can use less chemicals less often.

**Vice Chairman Luick:** Back when they came up with the roundup ready crops, there was that same effort out there saying we can spray a lot less because we have the roundup ready gene in the plants. As it turned out, farmers were putting hundreds of thousands of tons more roundup because they were spraying it more often and as the weeds were becoming more resilient to the roundup, they were loading it up with more chemicals besides the roundup. Is that really happening? Is there less chemical being used because of the genetics of this crop?

**Laura Rutherford:** I believe we are using less chemical because of this technology. Roundup, glyphosate, has the toxicity of table salt. It is far better for us to use this product than chemicals used in the past.

**Vice Chairman Luick:** As long as the abuses aren't going on, it's a great thing to be moving forward on. I don't want it to come to the point where we are going backward because we are ingesting more chemicals because of weed tolerances.

**Senator Klein:** That's what I'm going to do, you spoke to the activists and there is all this research. We take what we want to hear and the studies we want to study and it's a tough balancing act. I understand where we're trying to go; as a merchant, do we want to have one label? What we are trying to do here is tell conference that we want something standard and uniform. The health isn't the question, it's the labeling opportunity.

**Laura Rutherford:** The first part of your comment I would like to address, there have been over 1700 and 500 independent research projects which have all similarly concluded that GE technology is safe when it comes to agricultural biotechnology. The last part of your comment about retailers and the importance of having one federal mandate, I believe if there were a fifty state patchwork of laws, small businesses would face a regulatory and legal nightmare because there would be a question of who was ultimately responsible for labeling--the food manufacture or the retailer?

**Senator Oban:** My observation is that we are on two different pages--we don't want a patchwork but we are making it voluntary and making it voluntary creates a patchwork.

**Chairman Miller:** That conversation might fit more in our committee work.

**Senator Larsen:** Your testimony says "biotech activists," who are those folks and are they in ND?

**Laura Rutherford:** Not as many of them in ND, but there are activists in other states. A notable activist is Jeffery Smith, author of a book called *Genetic Roulette* and I believe he was in Iowa, but he speaks with authority on the science behind agricultural biotechnology. But Mr. Smith does not have a degree from a reputable university or a science background. When there are several lawyers in various states and organizations that encourage activism against GE technology.

**John Olson, Monsanto Company:** (see attachment #5) (49:27)

**Dan Wogsland, ND Grain Growers Association:** (see attachment #6) (50:40)

**Chairman Miller:** Are there any grains that are genetically modified in production in the US other than corn?

**Dan Wogsland:** Obviously corn and soybeans, but as far as wheat and barley, no they are not. They are in development, however.

**Gary Knutson, Agriculture Association:** (52:23) Today when you look at market prices across the nation, it appears that we are producing plenty. When you look at world demand, we need GMO industry to feed to the world. A lot of the increase variety of crops grown in ND has to do with the genetics that are being bred into these different commodities. There are a lot of issues that are being developed and researched through GMO. I look at the concern Senator Luick expressed about us applying too much chemicals. In part, that may have to do with farmer production practices; we can alleviate a lot of this weed tolerance and resistance through rotation. We can resist a lot of this through rotation. The bottom line is that we need uniform food labeling to sell across the country and for our marketing costs to our food industry.

**Senator Warner:** I want to recognize the efforts that go into conventional breeding. I think that GMOs have done a lot to reduce pesticide use, but I think that a lot of the yield production and adaption to drought conditions has come through conventional breeding, not through GMO.

**Gary Knutson:** It's probably a combination of practices--we have the equipment and technology to do all of that.

**Chairman Miller:** These traits that are built up into crops complement each other.

**Pete Hannibet, ND Farm Bureau:** (55:38) HR 4432, the safe and accurate food labeling act in congress last session did not pass, but it will be back this session and American Farm Bureau will be supportive of that. We also support SCR 4020 and ask the committee for a Do Pass.

**Chairman Miller** closed the hearing on SCR 4020.

# 2015 SENATE STANDING COMMITTEE MINUTES

**Agriculture Committee**  
Roosevelt Park Room, State Capitol

SCR 4020  
2/12/2015  
Job #23754 and Job #23765

- Subcommittee  
 Conference Committee

Committee Clerk Signature

*Emmery Brothert*

## **Explanation or reason for introduction of bill/resolution:**

A concurrent resolution urging Congress to establish food labeling standards, direct the clarification of voluntary food labeling standards, and provide for a review of foods derived through the use of biotechnology.

(Committee Work)

## **Minutes:**

*Attachments: n/a*

**Chairman Miller** this law, if the national government adopts it, will create this supremacy for labeling. With regard to this particular issue, it will allow a company to voluntarily label it GMO, non-GMO, organic, etc. as they see fit in their marketing scheme.

**Senator Warner:** I don't have problems with the way this is written; maybe add some clarification on the first two lines "establish food labeling standards" that's what we're talking about now with nutrition and allergies, correct?

**Chairman Miller:** Are you referring to the fact that we already have nutritional labels?

**Senator Warner:** The second thing "direct the clarification of voluntary food standards" is where I'm confused.

**Senator Klein:** Don't you have to read all three lines together? Those two sections relate everything together.

**Senator Warner:** My understanding of the second clause would define what natural is and what organic is. We would maybe define what free-range is so that there is a clarification of definitions. The definitions are used consistently depending on how you choose to market it. The first one is obligatory because that has to do with health standards and allergies. The second would be discretionary or voluntary, that there would be a standardization of terms--there is a standard of organic now.

**Senator Klein:** Maybe the sentence should state "urging congress to establish and provide for a review of foods derived through the use of biotechnology, establish food labeling standards thereof, direct clarification of voluntary food labeling." By law, labels have to

have all those requirements on them. The only thing we are doing here is looking of uniform label.

**Chairman Miller:** I think the end result is going to be a label that looks like it does now but a company itself that wants to add additional information, it can. No state then would require additional information.

**Senator Warner:** I understand the intent, just not the language. Would there be a minimum standards?

**Chairman Miller:** What congress ultimately does and what the bill reads is out of our hands. I'm thinking that there will be no threshold for how things have to be labeled per se, just that a state cannot create a mandate and a standard within its own jurisdiction. Maybe congress will go beyond that and define things.

**Senator Warner:** I was interested in the sugar people, we don't have any proteins, we don't have any DNA. Chemically the product is exactly the same. That brought up the issue of externalities; one of the issues that the people with BT-Corn always had to defend was the decline of the monarch butterfly population.

**Senator Larsen:** That's the big difference between the GMO and unaltered corn. You go to the grocery store and you get sweet corn and you don't have worms in your corn. It's when you go to the farmers' market that you find larva in your corn.

**Senator Oban:** I'm struggling with the argument being you don't want a patchwork but we want to make it voluntary. I'm not saying I want it mandatory; if science proves over and over again that GMOs doesn't do anything, why is there a fear?

**Senator Klein:** I think what we're trying to accomplish by making it voluntary is that if a manufacturer or a state decides to do forced labeling that they will have a standardized label mandated by the federal government. It would be voluntary to the state or the manufacture, once those rules are adopted, the manufacturer will take the initiative to adopt to them because they don't want to go through a variety of issues in every state because they understand it is coming. We are looking for uniformity.

**Senator Warner:** The standardization of definitions.

**Chairman Miller** reiterated the value of voluntary labeling.

**Senator Klein** concurred.

The committee decided to wait for Vice Chairman Luick before further discussion.

**Vice Chairman Luick:** (14:00)The two lines I was concerned about were 11, 12, and 18. Where they get this "genetically modified technology adds desirable traits from nature," they are putting something in there that shouldn't be in here. On 18, "genetically modified crops are produced on a sustainable basis." Sustainable in my mind is not what they are calling sustainable in this particular resolution.

**Senator Klein:** Last session didn't we pass language relating to sustainable agriculture, sustainable meaning saving water, saving soil, saving the earth? That's what we're attempting to do here. We're attempting to make it friendlier to the environment and the earth. We've gotten confused to what sustainable means. That's what I believe we did a couple sessions ago so we would have a clear understanding of what we meant by sustainable.

**Chairman Miller:** We defined that in the agriculture code.

**Senator Warner:** My recollection of that was that it was a very specific program that we were going to label things as sustainable and it turned out that our entire effort collapsed because no one would recognize that paradigm as being sustainable. My understanding is that sustainable is heavily based on rotation between plants and animals and crop rotations, the very antithesis of what was called for as being sustainable. I understand that you can define sustain able anyway that you have the majority to define it, that doesn't create a new reality though. I have one other word that really bothers me: line 12, the word "chemicals". DNA is a chemical, salt is a chemical. If we could change the word to pesticides or something I would be more comfortable.

The committee decided to reconvene in the afternoon.

February 12<sup>th</sup>, 3:00 pm. (Job # 23765)

**Senator Warner** asked Vice Chairman Luick what would make him comfortable with the bill.

**Senator Larsen** suggested removing "and" from line 12.

**Chairman Miller** stated that since was only a resolution and not a law, it is not essential that the committee word smith the document.

**Vice Chairman Luick** agreed. He stated that since the resolution was going to the federal government, they would craft something beyond the resolution.

**Chairman Miller** asked the committee if it was worth going through the amendment process with the resolution and asked for action.

**Senator Klein** moved for a Do Pass on SCR 4020.

**Senator Larsen** seconded the motion.

**Senator Klein** recommended that as the resolution moves through the legislative process, Vice Chairman Luick would address his concerns to the house. He reiterated that the resolution is about creating a uniform standard for packaging and labeling for the sake of the industry.

**Vice Chairman Luick:** I am looking farther than the here and now. I am concerned about the way agriculture and industry is going today, everything is about the dollar. If we are producing this food just for the purpose of more income, I think there is a problem with that and we need to evaluate what is the best way to go about that. Are we just producing food to produce food or are we producing food for its nutritional value. There is a reason why other countries are not purchasing GMO crops. I don't think it's because they are concerned about some company coming into their country, I think it's because there is a legitimate reason. The nutritional value is where I struggle, I'm not concerned about the GMO portion of it, as much as I'm concerned about the excess pesticide use. Even though I am organic, I have heartburn about passing this resolution out as is but I don't feel that my stance on something like this is appropriate for what the state of ND needs

**Senator Klein** said he believed Senator Luick's concerns are addressed in lines 11-13 and that this would urge congress to make a uniform label for the grocery manufacturers of America can use.

**Chairman Miller** said that the part of the concerns seen in international trade would help get addressed by the resolution since there are some scare tactics and misinformation that are exploited for the sake of trade negotiation.

**A Roll Call vote was taken. Yea: 6; Nay: 0; Absent: 0.**

Do Pass carries.

**Chairman Miller** will carry the resolution.



**REPORT OF STANDING COMMITTEE**

**SCR 4020: Agriculture Committee (Sen. Miller, Chairman) recommends DO PASS**  
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4020 was placed on the  
Eleventh order on the calendar.

**2015 HOUSE AGRICULTURE**

**HCR 4020**

# 2015 HOUSE STANDING COMMITTEE MINUTES

**Agriculture Committee**  
Peace Garden Room, State Capitol

SCR 4020  
3/13/2015  
Job #24791

- Subcommittee  
 Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

A resolution urging Congress to establish food labeling standards, direct the clarification of voluntary food labeling standards, and provide for a review of foods derived through the use of biotechnology

## Minutes:

Attachments #1-5

**Senator Miller, Bill Co-Sponsor:** The resolution is relating to voluntary food labeling standards. We have a situation in the United States where various states are trying to put food labeling laws into effect on an individual basis. They want to say a product contains GMO (genetically modified organism) product, etc. That creates a burden and cost to the people in the food industry business.

Larger states with larger populations dictate what the food label will look like. There is also a commerce issue. We are asking the federal government to adopt rules for a standard so the industry can determine what is needed. We already have nutrition facts. We have an organic standard through the USDA program. GMOs have been proven to be safe.

**Senator Wanzek, Bill Co-Sponsor:** This resolution is before you because there have been a number of efforts with ballot initiatives that were seeking to put on a state label that a product contains GMO ingredients. Quite a few products today do contain GMO ingredients. The FDA, the EPA, and USDA have determined that GMOs are safe.

This is trying to encourage the federal government to adopt a voluntary labeling program. If a producer wants to promote that they have a product that doesn't have GMO--that is alright. When it differs by state, it creates problems for a processing or canning company. They can't shut the plant down every time to put on a new label for a different state. It should be a national approach.

**Paul Mathiason, Red River Valley Sugar Beet Growers: (Attachment #1)**

(10:43)

**Representative Alan Fehr:** What is the definition of GMO? Humans have domesticated animals and developed commercial crops over centuries. At what point is selective breeding considered GMO?

**Paul Mathiason:** I have the same question. The latest new vegetable is called Kalette which is a cross between kale and brussel sprouts which took 15 years to develop. They have taken genes from one plant and put them in another. The difference is when you take a splice of gene and carry it into another plant. That is genetically modified. You are taking a specific gene instead of hoping that nature does it.

**Laura Rutherford, Board of Directors of the Sugar Industry Biotechnology Council, Grafton, ND: (Attachment #2)**

(19:00)

**Representative Cynthia Schreiber Beck:** You frequently say "genetically engineered" rather than "genetically modified" Is that the same?

**Laura Rutherford:** A lot of my colleagues on the boards that I serve feel "genetically engineered" is a better term. It describes the process better.

**Representative Cynthia Schreiber Beck:** "Modified" is in the resolution.

**Laura Rutherford:** It means the same thing.

**Joel Gilbertson, Vogel Law Firm on behalf of the Biotechnology Industry Organization: (Attachment #3)**

(23:37)

**John Olson on behalf of Monsanto Company: (Attachment #4)**

**Dan Wogsland, ND Grain Growers Association: (Attachment #5)**

**Opposition:** None

**Chairman Dennis Johnson:** We toured the facility in St. Louis with Monsanto. The corn they were working on modifying was going to take ten years before it was ready to be on the markets. We see increased yields and being able to seed further north than what we used to.

**Representative Cynthia Schreiber Beck:** Moved Do Pass

**Representative Alex Looyen:** Seconded the motion.

**A Roll Call vote was taken: Yes 11, No 1, Absent 1.**

**Do Pass** carries.

**Representative Looyen** will carry the bill.

Date: 3/13/2015

Roll Call Vote #: 1

**2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 4020**

House **Agriculture** Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

**Recommendation**

- Adopt Amendment
- Do Pass     Do Not Pass     Without Committee Recommendation
- As Amended     Rerefer to Appropriations
- Place on Consent Calendar

**Other Actions:**     Reconsider     \_\_\_\_\_

Motion Made By Rep. Schreiber-Beck    Seconded By Rep. Looyen

<b>Representatives</b>	<b>Yes</b>	<b>No</b>	<b>Representatives</b>	<b>Yes</b>	<b>No</b>
Chairman Dennis Johnson	X		Rep. Joshua Boschee	X	
Vice Chairman Wayne Trottier	X		Rep. Jessica Haak	X	
Rep. Bert Anderson	X		Rep. Alisa Mitskog	X	
Rep. Alan Fehr	X				
Rep. Craig Headland	X				
Rep. Tom Kading		X			
Rep. Dwight Kiefert	AB				
Rep. Diane Larson	X				
Rep. Alex Looyen	X				
Rep. Cynthia Schreiber Beck	X				

**Total**    (Yes) 11    No 1

**Absent** 1

Floor Assignment Rep. Looyen

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SCR 4020: Agriculture Committee (Rep. D. Johnson, Chairman) recommends DO PASS**  
(11 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). SCR 4020 was placed on the  
Fourteenth order on the calendar.

**2015 TESTIMONY**

**SCR 4020**

#1a  
SCR 4020  
2/12/15



# Food industry presses for voluntary GMO labeling standards

By Benjamin Goad - 11/13/13 06:00 AM EST

Crucial players in the American food industry are pressing for legislation that would institute a national voluntary labeling system for products that contain genetically engineered ingredients, according to documents obtained by The Hill.

The effort follows expensive battles in California and Washington over state ballot initiatives seeking to impose mandatory labeling regulations for foodstuffs containing genetically modified organisms (GMOs).

Federal legislation imposing voluntary standards is needed to "guard against a costly, unnecessary and inefficient state-by-state system," according to a memo being circulated among food industry trade groups.

A coalition led by the Grocery Manufacturers Association (GMA) is behind the effort, industry officials said.

Supporters of mandatory GOP labeling worry federal legislation could pre-empt state laws that would require the labels.

Colin O'Neil, director of government affairs for the Center for Food Safety, which backs mandatory labeling, said a voluntary system would provide consumers with no new information, since the FDA has allowed firms to label their GMO products for over a decade, and none have.

He argued the industry is trying to divert attention away from growing support for mandatory labeling.

"They see the writing on the wall and they are now willing to do everything they can to keep consumers in the dark."

Reached Tuesday, Louis Finkel, the GMA's executive vice president for government affairs, said the group has been in discussions with lawmakers, "for quite some time," and have been increasingly focused on a federal solution in the last two years.

"We started looking at this issue in a more holistic way," Finkel said, arguing that it isn't in consumers' best interests, "to manage our labeling laws through political campaigns."

He said the group, while supportive of a voluntary labeling system overseen by the Food and Drug Administration (FDA), remains steadfastly opposed to mandatory labels for products that have been deemed perfectly safe to eat.

"There is no material difference between genetically engineered ingredients and their conventional counterparts," Finkel said.

Public safety and consumer interest groups that have long demanded mandatory GMO labels will oppose anything short of that goal, O'Neil said.

The memo being circulated does not include specific legislative language but rather lays out, in broad strokes, the contours of a bill that would impose new regulations on GMO products.

The industry proposal calls for mandatory labels for any products derived from genetically engineered plants — but only if they are found to present any risks to health or safety.

To date, no GMO ingredients have been deemed unsafe.

In the absence of any such designation, legislation outlined in the memo would direct the FDA to develop a new voluntary labeling system under which products could be labeled as "GMO-free." The labeling system would also apply to any companies that wish to label products

as containing GMOs.

The proposal would call for a formal definition of what constitutes a product that is "natural," and other provisions intended to prevent consumer confusion.

It would also require mandatory FDA safety review of all new technology involved in the production of genetically modified foods before they hit the market.

Farmers have, for years, planted herbicide resistant, or Roundup Ready, corn; cotton; and soybeans, which allow farmers to spray their fields for weeds. Proponents argue that genetic engineering reduces the use of chemicals and lowers the cost of food.

They contend it is perfectly safe and vital to providing a sufficient food supply for the world's ever-growing population. As much as 80 percent of the nation's food products contain GMOs, the industry estimates.

But critics of the innovations warn that they could pose threats to public health or damage the environment.

The concerns have spawned bills calling for mandatory labels on GMO products in 26 states.

Though none have become law, the legislation has been the subject of major political battles in California, Oregon and, most recently, Washington state.

The fights have proven costly for both sides, though industry groups have far outspent the backers of the laws, pouring millions of dollars into opposition campaigns.

Every initiative has been defeated thus far, though more are expected to crop up in the months to come.

Industry groups maintain they support transparency but say a tapestry of mandatory state laws would be overly complicated and would ultimately drive up costs to consumers.

Numerous industry organizations, including the Food Marketing Institute and the American Frozen Food Institute (AFFI), told The Hill on Tuesday that they favor a national approach.

"AFFI's members are supportive of a finding a workable federal solution," spokesman Corey Henry said.

It is unclear how soon a formal bill might emerge, or who in Congress would introduce the measure.

The Center for Food Safety in 2011 submitted a petition calling upon the FDA to issue regulations requiring mandatory labeling, arguing legislation is not needed to support a federal rule-making process.

The group is also backing legislation introduced by Sen. Barbara Boxer (D-Calif.) that would direct the FDA to enact regulations imposing mandatory labeling.

"You have to tell people the truth about your product," Boxer said.

She argued that voluntary standards wouldn't rein in "bad actors" who refuse to say whether food contains GMO ingredients. Still, she called the industry's support for legislation a positive development, considering that she has been calling for labels for 14 years.

"I think it shows they are coming around," she said. "I don't read anything nefarious into it."

**TAGS: Packaging, Genetic engineering, Genetically modified organism, Genetically modified food, Environmental issues, Mandatory labelling, Food and Drug Administration, Food safety, Environment**

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## Legislation Introduced in House to Establish Voluntary Labeling Standards for Food Containing Bioengineered Ingredients

Posted by [Jared Hill](#) on April 21, 2014

Reps. Mike Pompeo, R-Kan., and G.K. Butterfield, D-N.C., on April 9 introduced the Safe and Accurate Food Labeling Act (SAFL Act), which would establish a voluntary federal standard for labeling food that does not contain bioengineered-enhanced ingredients. Reps. Marsha Blackburn, R-Tenn., Jim Matheson, D-Utah, and Ed Whitfield, R-Ky., co-sponsored the legislation.

A driving force behind the legislation is to create one labeling standard rather than requiring food and agricultural industries to navigate a patchwork of state labeling laws. Despite overwhelming scientific evidence supporting the safety of ingredients containing bioengineered traits in food and animal feed, biotechnology opponents in recent years have pressed forward a number of state legislative proposals and ballot initiatives. Those opponents often question the safety of crops enhanced through biotechnology, and create confusion for consumers and policy-makers.

In addition to eliminating the threat of a patchwork of state labeling laws, the SAFL Act would require the Food and Drug Administration (FDA) to conduct a safety review of all new biotechnology-enhanced traits before they are introduced into the market. Further, the bill would establish federal standards for companies that want to label a food product as being free of bioengineered-enhanced ingredients. Finally, the legislation would require FDA to clearly define the term "natural" for its use on food and beverage products, which also would help alleviate confusion in the marketplace for consumers and provide certainty for food companies.

The NGFA is supportive of the efforts of Pompeo, Butterfield and their colleagues, and has been working as a member of the Coalition for Safe and Affordable Food (CFSAF) to support the legislative framework introduced in the SAFL Act.

However, as the legislation moves forward, NGFA is focused on resolving one area of the proposal that would exempt biotechnology-enhanced traits from going through the FDA mandatory pre-notification review process if the trait is intended to be used solely in the production of animal feed. NGFA believes biotechnology traits for human food and animal feed should receive the same level of FDA review. If traits designed for animal feed were allowed to circumvent FDA review, biotechnology firms could move to market products with the intention that they only be used in the production of animal feed. If this occurred, it would create serious complications for grain handlers who deal with the commingling of grains with varying biotechnology traits. It also could empower states to exert authority over review of biotech-enhanced traits if used solely for feed.

The NGFA plans to continue to work with other coalition partners to stress the importance of passing the legislation to provide certainty to consumers, farmers, grain, feed and processing companies, and food companies.

To support the legislation, visit the [CFSAF website](#) and follow instructions for reaching a local representative.

### President Obama Speaks Out on Biotechnology

An interesting recent development on the biotechnology front was a voice of support coming from the White House. President Obama recently sent a letter to Julie Borlaug, the granddaughter of the late Norman Borlaug, who is considered the father of the "Green Revolution" and spent his career developing hybrid breeds of wheat.

In the letter, Obama stated, "I share [Norman Borlaug]'s belief that investment in enhanced biotechnology is an essential component of the solution to some of our planet's most pressing agricultural problems."



#### Jared Hill

Director of Legislative Affairs Jared Hill leads the NGFA's legislative efforts on a wide range of issues important to the grain and feed industry. He also serves as NGFA's principal staff liaison to the U.S. Trade Representative and the U.S. Department of Agriculture Foreign Agricultural Service. In addition, he manages the grain and feed political action committee.

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#2  
2/12/15

Chairman Miller, members of the committee. I am Paul Mathiason, ND legislative liaison for the Red River Valley Sugarbeet Growers. I am today to speak in support of SCR 4020.

Over the past two election cycles there have been several individual states that voted on GMO labeling requirements on food packaging. California and Washington voted in 2012. Colorado and Oregon voted last year. In each case there came together a somewhat usual coalition ag groups, seed companies, and the Grocery Manufacturers to defeat the requirements. Why? The GMA did not want to have to put different labels on packaging in different states. It would have come at cost, maybe not significant to most Americans but more so if you are using SNAP to help you buy groceries.

We also think confusion would result if each state had different requirements. Should sugar be labeled GMO? The sugarbeets are GMO but you cannot find any protein or DNA in sugar. How about the new hit in vegetables, kalette. It is definitely genetically modified having combines genes from kale and brussle sprouts.

Regional laws can have long reaching impacts. Jackson Co. Oregon passed a law to ban any GMO crops. All of sugarbeet seed in US is raised in a different county in Oregon. There is nowhere else in the US to grow it.

Also we think it is unnecessary as many studies have found no difference in the safety of food produced from GMO ingredients or from non-Gmo ingredients. Still some many interrupt a label as a warning.

So if there has to be a label it needs to be a national label. Hence my support for 4020. Thank you.

#3  
2/12/15

## Testimony in Support of SCR 4020

- US farm adoption rates of biotech seed have continued to increase each year overall since introduction in the mid-90s. According to the USDA Economic Research Service:
  - 93% of corn acres are biotech
  - 98% of cotton acres are biotech
  - 94% of soybean acres are biotech
  - 98% of sugarbeet acres are biotech
  - Exact acreage numbers were not readily available but biotech seed varieties of alfalfa, papaya, squash and potatoes are commercially available to farmers in the US.
- Most biotech derived crops have been used for animal feed, biofuels, textiles and other industrial uses. Approximately, over two-thirds of all foods available in grocery stores have biotech-derived ingredients.
- Biotechnology has high adoption rates for US growers due to significantly better management ability from lower input costs, less pesticide needs and less water consumption. It is estimated that high adoption rates of biotechnology seed by US farms have helped reduce overall consumer food costs by upwards of 30% compared to alternative food sources not utilizing this technology.
- The world population, now at 7 billion, will rise to 9 billion people before 2050. It is widely believed that to feed this staggering increase, food production will have to increase by more than 70% over current global levels. Unfortunately, available arable land for farming is static or will decrease. Biotechnology therefore is a critical need to help support the increasing demand for food and feed using the same or less available land.
- North Dakota, which already has high biotech adoption rates, is poised to be a significant contributor to help meet such drastically increased global food and feed demand over the next three decades.
- A 50-state patchwork of differing food labeling schemes cannot help consumers in making decisions, nor can it be helpful for farmers

or grocers. Disruptions to the food supply caused by differing labeling laws would be unhelpful to all of agriculture.

- SCR4020 addresses the need for a single, and national set of rules regarding food labeling. We support national standards for clear and consumer friendly food labeling and oppose a state by state patchwork.

Submitted by Joel Gilbertson on behalf of the Biotechnology Industry Organization (BIO) and the Bioscience Association of North Dakota (Bio ND)

#4  
SCR 4020  
2/12/15

Good morning. My name is Laura Rutherford and I'm from Grafton, North Dakota. I live on a farm with my husband Roy and our three active young sons (ages 8, 7 and 4) where we grow dry beans, soybeans, wheat and sugar beets. I serve on the Board of Directors of the Sugar Industry Biotechnology Council and am a member of the American Society of Sugar Beet Technologists, which gives me access to some of the best scientific minds in biotechnology. I am also a current participant of the Rural Leadership North Dakota program. My mission is to speak out and defend the American farmer's use of biotechnology or genetically engineered (GE) crops.

I am a ninth generation farmer. I am also a wife, a mother and a marathon runner. As a mother and an athlete, I am very particular about what my family eats. As a farmer, I am passionate about food quality, safety and nutrition for both my family and for the thousands of other families who consume ingredients produced on our farm. Biotechnology not only allows us to produce safe, high quality food, but to do so in a much more environmentally sustainable way.

I am here to strongly encourage the members of the North Dakota state legislature to pass the Senate Concurrent Resolution 4020, urging the U.S. Congress to clarify food labeling standards derived through the use of biotechnology. We need national uniformity on labeling that preserves product labels for the most important information—product safety—and does not require labels on foods containing ingredients derived from GE crops.

No foods have been examined more thoroughly than those derived from biotechnology. The Food and Drug Administration's team of scientists examine the safety assessment for each new food derived from biotech. In twenty years of eating GM foods here in the U.S. and around the world, no credible evidence exists linking a food safety or health risk to the consumption of GE foods.

I trust my pediatrician when it comes to my children's health and nutritional safety. The American Medical Association says that "there is no evidence that unique hazards exist, either in the use of rDNA techniques or in the movement of genes between unrelated organisms...the risks associated with the introduction of rDNA-engineered organisms are the same in kind as those associated with the introduction of unmodified organisms." The consumer group, The Center for Science in the Public Interest notes, "There is no evidence at all that the current GE foods pose any risk to humans". There is a long list of U.S. and international scientific bodies that also support GE technology. Each has ruled that food from GE plants is not materially different from other food. People and cattle have safely eaten trillions of meals with GE ingredients for eighteen years. There is absolutely no health reason whatsoever to put "genetically modified" on a food label.

Unfortunately anti-biotech activist groups and activist lawyers have misinformed and misled the American public about the safety of biotech foods. Shame on them for disseminating information with the intent to scare and cause fear among consumers, and shame on me and the rest of American agriculture for not standing up to them sooner and demanding that accurate scientific evidence define this debate. If GE foods were unsafe in any way, they would never be sold at all. Technology companies wouldn't make it, FDA wouldn't allow it, and my husband and I wouldn't grow it.

Now the activists are waging battles in state legislatures and through ballot initiatives to force the labeling of foods derived from biotechnology. A fifty state patchwork of labeling policies for GE foods will do nothing to advance the health and safety of consumers. However, it will cause a huge inefficiency in the supply chain. It will be very difficult, if not impossible, for the food industry to meet the requirements and the cost will have to be paid by consumers. The greatest burden will be on families who are struggling financially, and it will cost taxpayers more for supplemental food programs.

Food labels should be reserved for nutritional and allergy and sensitivity information. One of my children is sensitive to dairy products. When I read food labels, I need to know whether the food contains milk. Consumers who, for whatever reason, choose to avoid genetically engineered products can buy products labeled Organic or non-GMO.

As North Dakota legislators, there is something you can do about this problem right now. I urge you to pass this resolution asking the United States Congress to provide national uniformity and guidelines for not labeling food containing genetically engineered ingredients.

It has been a pleasure to be here with you this morning and I sincerely thank you for your time.

Senate Agriculture Committee  
February 12, 2015

Testimony of John M. Olson on behalf of Monsanto Company in support of SCR4020

This resolution will support the following benefits:

- Eliminate Confusion: Remove the confusion and uncertainty of a 50 state patchwork of GMO safety and labeling laws and affirm the FDA as the nation's authority for the use and labeling of genetically modified food ingredients.
- Advance Food Safety: Require the FDA to conduct a safety review of all new GMO traits before they are introduced into commerce. FDA will be empowered to mandate the labeling of GMO food ingredients if the agency determines there is a health, safety or nutrition issue with GMO technology.
- Inform Consumers: The FDA will establish federal standards for companies that want to voluntarily label their product for the absence-of or presence-of GMO food ingredients so that consumers clearly understand their choices in the marketplace.
- Provide Consistency: The FDA will define the term "natural" for its use on food and beverage products so that food and beverage companies and consumers have a consistent legal framework that will guide food labels and inform consumer choice

John M. Olson, lobbyist #148



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**North Dakota Grain Growers Association  
Testimony SCR 4020  
Senate Agriculture Committee  
February 12, 2015**

Chairman Miller, members of the Senate Agriculture Committee, for the record my name is Dan Wogsland, Executive Director of the North Dakota Grain Growers Association. The North Dakota Grain Growers Association is in full support of SCR 4020.

GMO labeling laws in the U.S. are unworkable on a state by state basis. While one would question the need for such laws in the first place SCR 4020 does an excellent job of explaining the negative impacts state by state labeling laws will have on the public. Should society find the need for labeling laws they should be established by Congress in a voluntary manner on a national level.

Chairman Miller, members of the Senate Agriculture Committee, all of us consume GMO products on a daily basis. Time and again science has proven GMO crops to be safe for consumers, efficient for farmers, and essential for sustainable food production for this country and this world.

Therefore the North Dakota Grain Growers Association is in full support of SCR 4020. The resolution sends a clear message from North Dakota, the breadbasket of the world, that Congress and not the states should be in charge of establishing and clarifying voluntary food labeling standards. Our Association respectfully requests your favorable recommendation on the resolution.



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#### MEMBERS

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Milk Producers Association of ND  
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ND Ag Aviation Association  
ND Ag Consultants  
ND Agricultural Association  
ND Agri-Women  
ND Association of Agricultural Educators  
ND Association of Soil Conservation Districts  
ND Barley Council  
ND Beef Commission  
ND Corn Growers Association  
ND Corn Utilization Council  
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ND Dairy Coalition  
ND Department of Agriculture  
ND Dry Bean Council  
ND Dry Edible Bean Seed Growers  
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ND Ethanol Council  
ND Farm Credit Council  
ND Farmers Union  
ND Grain Dealers Association  
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ND Irrigation Association  
ND Lamb and Wool Producers  
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Northern Food Grade Soybean Association  
Northern Plains Potato Growers Association  
Northern Pulse Growers Association  
Northwest Landowners Association  
Red River Valley Sugarbeet Growers  
US Durum Growers Association

Paul Mathiason

North Dakota Ag Coalition Vice-Chairman

Red River Valley Sugarbeet Growers, ND Legislative Liaison

In Support of SCR 4020

March 13, 2015

#1

Chairman Johnson, members of the committee. I am Paul Mathiason, ND legislative liaison for the Red River Valley Sugarbeet Growers and also the Vice Chairman of the North Dakota Ag Coalition. I am here today to speak in support of SCR 4020.

The Ag Coalition has provided a unified voice for North Dakota agricultural interests for over 30 years. Today, we represent more than 40 statewide organizations and associations that represent specific commodities or have a direct interest in agriculture. Through the Ag Coalition, our members seek to enhance the climate for North Dakota's agricultural producers.

Over the past two election cycles there have been several individual states that voted on GMO labeling requirements on food packaging. California and Washington voted in 2012. Colorado and Oregon voted last year. In each case, there came together a somewhat unusual coalition made of agriculture groups, seed companies, and the Grocery Manufacturers Association (GMA) to defeat the requirements. Why? The GMA did not want to have to put different labels on packaging for different states. It would have come at a cost, maybe not significant to most Americans, but more so if you are using SNAP benefits to help you buy groceries for you and your family.

The Ag groups are concerned about the confusion a label may cause. It may be construed as a warning label even though hundreds of studies have shown food made from GMO ingredients are no different than food made from non-GMO ingredients. In fact, sugar made from GMO sugar beets is identical to sugar made from non-GMO beets, cane, or organic sugar. There is no trace of any proteins or DNA present in the sugar.

According to the CDC, every year 1.9 million people fall ill to food borne illnesses caused by e-coli, salmonella, etc. No one has ever become sick from GMO ingredients, even though they have been consumed for 20 years. This very sustainable technology is too valuable to lose. The environment is the number one winner from GMO as we use 37% less pesticides. Secondly, the poor and hungry are winners as food production increases 22%. Thirdly, farmers benefit with increased profits.

I ask you to send Congress this message as described in this resolution and support SCR 4020.

SCR 4020

#2  
3/13/15

Good morning. My name is Laura Rutherford and I'm from Grafton, North Dakota. I live on a farm with my husband Roy and our three active young sons (ages 8, 7 and 4) where we grow dry beans, soybeans, wheat and sugar beets. I serve on the Board of Directors of the Sugar Industry Biotechnology Council and am a member of the American Society of Sugar Beet Technologists, which gives me access to some of the best scientific minds in biotechnology. I am also a current participant of the Rural Leadership North Dakota program. My mission is to speak out and defend the American farmer's use of biotechnology or genetically engineered (GE) crops.

I am a ninth generation farmer. I am also a wife, a mother and a marathon runner. As a mother and an athlete, I am very particular about what my family eats. As a farmer, I am passionate about food quality, safety and nutrition for both my family and for the thousands of other families who consume ingredients produced on our farm. Biotechnology not only allows us to produce safe, high quality food, but to do so in a much more environmentally sustainable way.

I am here to strongly encourage the members of the North Dakota state legislature to pass the Senate Concurrent Resolution 4020, urging the U.S. Congress to clarify food labeling standards derived through the use of biotechnology. We need national uniformity on labeling that preserves product labels for the most important information—product safety—and does not require labels on foods containing ingredients derived from GE crops.

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I trust my pediatrician when it comes to my children's health and nutritional safety. The American Medical Association says that "there is no evidence that unique hazards exist, either in the use of rDNA techniques or in the movement of genes between unrelated organisms...the risks associated with the introduction of rDNA-engineered organisms are the same in kind as those associated with the introduction of unmodified organisms." The consumer group, The Center for Science in the Public Interest notes, "There is no evidence at all that the current GE foods pose any risk to humans". There is a long list of U.S. and international scientific bodies that also support GE technology. Each has ruled that food from GE plants is not materially different from other food. People and cattle have safely eaten trillions of meals with GE ingredients for eighteen years. There is absolutely no health reason whatsoever to put "genetically modified" on a food label.

/

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Now the activists are waging battles in state legislatures and through ballot initiatives to force the labeling of foods derived from biotechnology. A fifty state patchwork of labeling policies for GE foods will do nothing to advance the health and safety of consumers. However, it will cause a huge inefficiency in the supply chain. It will be very difficult, if not impossible, for the food industry to meet the requirements and the cost will have to be paid by consumers. The greatest burden will be on families who are struggling financially, and it will cost taxpayers more for supplemental food programs.

Food labels should be reserved for nutritional and allergy and food-sensitivity information. One of my children is sensitive to dairy products. When I read food labels, I need to know whether the food contains milk. But let's make it clear, all credible food safety authorities have already stated there is no such issue with GE foods. Consumers who, for whatever reason, choose to avoid genetically engineered products can buy products labeled Organic or non-GMO.

As North Dakota legislators, there is something you can do about this problem right now. I urge you to pass this resolution asking the United States Congress to provide national uniformity and guidelines for not labeling food containing genetically engineered ingredients.

It has been a pleasure to be here with you this morning and I sincerely thank you for your time.

Testimony in Support of SCR 4020

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Submitted by Joel Gilbertson on behalf of the Biotechnology Industry Organization (BIO) and the Bioscience Association of North Dakota (Bio ND)

#4

House Agriculture Committee

March 13, 2015

Presented by John Olson on behalf of Monsanto Company in support of SCR4020

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For further information:

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H5

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**North Dakota Grain Growers Association**  
**Testimony SCR 4020**  
**House Agriculture Committee**  
**March 13, 2015**

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