

## PolicyPennings by Daryll E. Ray & Harwood D. Schaffer

### GMO labeling

Laws requiring the labeling of foods produced from genetically modified crops have been adopted by Vermont and Connecticut and a referendum in Oregon was narrowly defeated. The regulations for the Vermont law have now been released and can be found at <http://tinyurl.com/ovtfcyu>. At present, the Vermont legislation is being challenged in court.

At its February meeting the National Association of State Departments of Agriculture (NASDA) came out in favor of national regulation of GMOs rather than a patchwork of state laws that may impose different sets of requirements on producers and processors of GMO crops. In its February 10, 2015 Policy Statements (<http://tinyurl.com/m8fpauw>), NASDA says it should “coordinate and lead work with EPA (Environmental Protection Agency), FDA (Food and Drug Administration), and USDA (United States Department of Agriculture), to prevent an inconsistent patchwork of county/municipal regulations/ordinances that would prohibit, restrict or otherwise regulate plant and/or animal biotechnology.” Such a policy would preempt local and state laws and regulation with federal legislation and regulation.

In addition, Secretary of Agriculture Tom Vilsack has said that “It’s not going to work to have 50 different state standards.” He believes that such labels would suggest that the foods produced with GMOs are in some way unsafe.

Representative Mike Pompeo of Kansas has introduced The Safe and Accurate Food Labeling Act of 2015 (SAFLA). According to Pompeo, the legislation “would establish a federal labeling standard for foods with genetically modified ingredients, giving sole authority to the Food and Drug Administration to require mandatory labeling on such foods if they are ever found to be unsafe or materially different from foods produced without GM ingredients” (<http://pompeo.house.gov/gmo/>).

As he writes, “Under SAFLA, the FDA will conduct a safety review of all new plant varieties used for genetically engineered food before those foods are introduced into commerce. This will ensure that consumers are getting scientific, accurate, and relevant information by allowing the FDA to specify special labeling if it believes it is necessary to protect health and safety. In order to provide even greater transpar-

ency, my legislation includes a provision to allow those who wish to label their products as GMO-free to do so through a USDA-accredited certification process.”

For a February 4, 2015 article by DTN Political Correspondent Jerry Hagstrom titled “State Ag Departments Support Uniform Labeling Policy for Genetically Engineered Foods,” he interviewed Louisiana Agriculture and Forestry Commissioner Mike Strain who supports the Pompeo legislation as a means of implementing the new NASDA policy that calls for the preemption of local and state GMO legislation.

In his article Hagstrom quotes Strain as saying, “The whole issue is we need a uniform labeling system based on sound science. We don’t need a non-uniform, disjointed system.” Hagstrom then writes, “Strain said he would not be opposed to putting the information about genetic modification on the quick response (QR) code that some stores now use to give consumers additional information. But he said he believes such information should be loaded only if the maker of the food wants it on the code.

“Such codes can go ‘all the way to the farm’ if the producer of the product wants it, Strain noted.”

Yet, no matter what one thinks about the risks or science of GMOs, it really comes down to responding to what consumers want to know about their food not to what ‘the maker of the food’ or ‘the producer of the product’ would prefer to tell them.

While we agree that there is value in uniformity of labeling of products that are sold in 50 different states, one cannot discount the changes that are taking place in the amount and type of information consumers want as they make their purchasing decisions.

It may seem like a new world out there and in a way it is. But it is important to keep in mind that in market economies consumers are always in charge and ultimately get what they want.

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