



BIOTECHNOLOGY
INDUSTRY
ORGANIZATION

February 27, 2004

The Honorable Paul Seaton
Chair, House Special Committee on Fisheries
Alaska House of Representatives
State Capitol Building
Juneau, AK 99801

Dear Representative Seaton:

The Biotechnology Industry Organization (BIO) opposes mandatory, generalized labeling requirements for biotech foods like those proposed in House Bill 433 "An Act relating to labeling and identification of genetically modified fish and fish products." However, we strongly support the existing federal requirements for accurate and informative food labels, which communicate information that is relevant to health, safety and nutrition.

House Bill 433 would require mandatory labeling of biotech fish and fish products developed using biotechnology. This unnecessary and misleading legislation ignores existing science-based federal guidelines on labeling of biotechnology-derived foods. In addition, it would be costly to implement, and would not provide consumers with any beneficial information. Please consider the following rationale:

- **Before being approved for commercialization, all biotech food products (whether plant- or animal-based) must be rigorously reviewed at the federal level for safety—for both human consumption and the environment.** In fact, the Food and Drug Administration (FDA), the Environmental Protection Agency (EPA) and the U.S. Department of Agriculture (USDA)—at a minimum—are involved in the approval and regulation of such products. The FDA evaluates scientific research to determine whether transgenic fish are safe for their intended use, for the fish themselves, and for the environment. FDA's environmental assessment is conducted with the cooperation of the National Marine Fisheries Service and the U.S. Fish & Wildlife Service under the requirements of the National Environmental Policy Act and the Endangered Species Act.
- **The labeling requirements proposed by House Bill 433 would be inconsistent with the science-based guidance of the federal government.** Under the Federal Food, Drug and Cosmetic Act, the label of the food must reveal all *material* facts about the food. For instance, the act requires that if a biotech food differs significantly in its nutritional or allergenic properties than its conventionally produced counterpart, that fact must be

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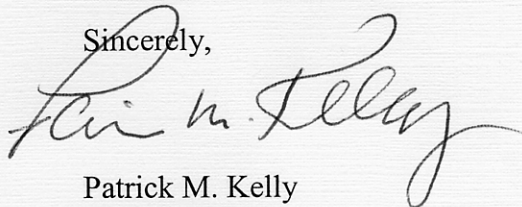
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disclosed on the label. FDA has taken a science-based approach in developing this guidance and decided biotech foods do not inherently "present any different or greater safety concern than foods developed by [conventional methods]." FDA uses the principal of "substantive equivalence"—focusing on the final product, not the process used to develop a food product, in determining how it should be labeled. In a 2002 letter to Oregon's governor, in fact, FDA stated that its "scientific evaluation of bioengineered foods continues to show that these foods, as currently marketed..., are as safe as their conventional counterparts." The FDA guidelines are online at <http://www.cfsan.fda.gov/~dms/biolabgu.html>.

- **Numerous scientific groups, including American Medical Association, American Council on Science and Health, Council for Agricultural Science and Technology, Institute of Food Technologists, and many more support the FDA's science-based approach to labeling.** In fact, an AMA report found that "[T]here is no scientific justification for special labeling of [biotech foods], as a class, and that voluntary labeling is without value unless it is accompanied by focused consumer education."
- **A patchwork of inconsistent state labeling laws would not benefit consumers.** Mandatory label requirements that vary from state-to-state would not only conflict with the FDA guidelines and be costly to implement and enforce but also would likely confuse consumers.

We hope you will join BIO in opposing HB 433. If you have any questions or would like additional information on this topic, please feel free to contact Patrick Kelly at 202-962-9503 or by e-mail pkelly@bio.org or Dr. Barbara Glenn, Director of Animal Biotechnology at 202-962-6697 or by e-mail bglenn@bio.org. Thank you for your consideration of this important matter.

Sincerely,



Patrick M. Kelly
Vice President,
State Government Relations

The Biotechnology Industry Organization (BIO) represents more than 1,000 biotechnology companies, academic institutions, state biotechnology centers and related organizations in 46 U.S. states and 33 other nations. BIO members are involved in the research and development of health care, agricultural, industrial, and environmental biotechnology products.