



MEMORANDUM IN OPPOSITION OF LEGISLATION

S. 6537, Senator Carl Marcellino

Prohibits the sale of transgenic aquatic animals

On behalf of our clients, the New York Biotechnology Association (NYBA), we oppose this legislation. This bill would make the sale of transgenic aquatic animals illegal. Transgenic aquatic animals are aquatic animals that have been genetically altered with the introduction of DNA.

NYBA opposes this legislation for several reasons. First, this legislation is unnecessary because this issue is already being addressed on the federal level. This industry is one of the most heavily regulated in the country. Three separate agencies of the US government regulate agricultural biotechnology, and transgenic aquatic animals fall into this category. These three agencies are the U.S. Environmental Protection Agency (EPA), the U.S. Department of Agriculture (USDA), and the Food and Drug Administration (FDA). NYBA, and our member companies, understand that any and all biotechnology initiatives need to be taken with caution and due diligence. That is why we work closely with the federal and state governments to ensure that the public is protected, while still ensuring that biotechnology research and development is not unnecessarily stilted. NYBA feels that the type of regulation proposed by this bill is best done at the federal level so there are consistent and adequate regulations in place nationwide.

Second, this type of regulation will discourage biotechnology companies from locating or expanding their businesses into New York State. New York has long been a center of excellence for biotechnology research and development. It is the goal of NYBA and our 240 member companies and institutions to strengthen the competitiveness of New York State as a premier global location for biotechnology and biomedical education, research and industry. Additionally, NYBA knows that the Legislature is a strong supporter of biotechnology and has continuously sought to strengthen biotechnology in New York State. However, we fear that unnecessary regulations, such as the one proposed by this bill, will discourage companies from coming to New York. These regulations are burdensome and make New York an uncompetitive and unattractive business environment. Further, it sends the message that New York does not want biotechnology in the state.

It is for these reasons that the New York Biotechnology Association opposes S.6537.

Dated: May 10, 2004

Respectfully submitted,

HARTER, SECREST & EMERY

Donald S. Mazzullo