

Northeast Organic Farming Association of Vermont

Senator Patrick Leahy
United States Senate
Washington D.C. 205 10

9389 January 25, 2001
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Dear Senator Leahy-

Thank you for contacting NOFA-VT for our thoughts on the FDA's **draft** guidelines for the labeling of genetically engineered (GE) foods (or should I say "**bioengineered** food"). Truthfully, they are a disappointment. While a majority of the public comments received in 1999 were in favor of mandatory labeling and safety testing, the FDA has made no move in this direction, actually taking a step backwards by making industry consultation with the FDA voluntary rather than mandatory (found in the Proposed Pre-Market Notification). NOFA-VT continues to feel that there is inadequate regulatory oversight of the biotech industry, and that voluntary labeling will only place more of a financial and liability burden on food producers who choose not to use biotech seeds and ingredients.

As of yet, no food producers have voluntarily chosen to label their products as GE. Through voluntarily labeling, the FDA has placed the burden of labeling on people who choose not to use GE ingredients, that burden including genetic testing, additional labeling, and liability insurance to cover their claim. And currently, the regulatory framework provides no recourse for farmers or processors who diligently source seed/ingredients from non-GE sources but still find their product contaminated due to cross-pollination, co-mingling, etc. The Star-Link fiasco has proven the inadequacy of the industry to properly regulate itself and how tricky liability becomes in these situations.

From an organic perspective, while we appreciate the FDA considering organic food to be GE free, the actual language which is considered "not misleading" is cumbersome- "Our tomato growers do not plant seeds developed using biotechnology" vs "No **GMOs..**" I can foresee a processors label in the **future** which would read "organically produced without the use of chemical pesticides or fertilizers and produced without the use of seeds developed using biotechnology and the product is not irradiated and all life forms used in the creation of this product were treated respectfully however none of this means that this product is any better than the one without all of these words on it even though we had to pay a lot of money to be certified to write all of this on here." How far will people trying to protect consumers have to go before the industries creating the risks have to take responsibility for them?

Speaking of risks, there are substantial risks to not accurately **identifying** foods with GM ingredients. Allergies will continue to go undetected because health care providers have no way to link the allergies to the foreign proteins introduced into the food supply. I have a nephew who is severely allergic to all peanut, wheat, and dairy products, going into anaphylactic shock by taking a single bit of a cookie **that** contained chocolate chips which had whey in them. How will he and children like him be assured a safe food supply if they cannot **identify** food products **which** contain proteins they are allergic to. I recently read an article about people suffering from



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Celiac Sprue syndrome. They are very vulnerable to protein from many grains, and consuming the proteins can be deadly. In addition, there are the allergies we don't even know about. Petunia genes for example, have never been a part of the human food supply. People may be experiencing allergies to these proteins but not know the cause since the GE ingredients are not identified. The FDA has not set standards for pre-market safety testing which would help to identify potential allergens. Bluntly, this is negligent behavior.

Just as the FDA requires rigorous testing of food additives and inclusion of the additives on the ingredients panel, the same should be required of the genetically engineered "additives," the foreign proteins. The FDA has placed the costs of labeling on those not using GE products and the burden of sourcing GE-free products on consumers, allowing the biotech industry to avoid the repercussions of the distribution of their product.

NOFA-VT requests that the following actions be taken by the FDA-

@ require mandatory pre-market safety testing for the health and environmental risks of bioengineered foods

- require mandatory labeling of products containing bioengineered foods
- require corporations applying for approval of bioengineered products to have liability insurance to cover known and unknown risks including the contamination of non-bioengineered products.

Thank you for taking this issue seriously. NOFA-VT members appreciate your work.

Sincerely,

A handwritten signature in black ink that reads "Jessie Schmidt". The signature is written in a cursive, flowing style.

Jessie Schmidt, Vermont Organic Farmers Administrator

cc: Senator Jeffords
Representative Sanders
FDA Center for Food Safety and
Applied Nutrition