

June 2002

NYS Assembly
Albany, NY

Dear Member of the NYS Assembly:

On behalf of the New York Biotechnology Association (NYBA) and the Biotechnology Industry Organization (BIO), I am writing to oppose Assembly bills 01877, 10174, 11557, and 11674 for the following reasons:

- A.B.01877 “authorizes and regulates the labeling of food and food products as ‘genetically modified organism-free’” and establishes a registry of producers of such foods. The justification for the bill is flawed. After all, organic foods are themselves “genetically modified” being derived from mutants induced by radiation or treatment with mutagenic chemicals, not to mention thousands of years of artificial selection. Moreover, the proposal ignores and contradicts the labeling guidelines provided by the Food and Drug Administration (FDA) for foods that do not contain ingredients produced from biotechnology. A label stating a product is “GMO-free”—unless verified by a hugely complex and cumbersome testing and tracking regime that would do absolutely nothing to improve the safety or quality of the food supply—conveys inaccurate information and, ultimately, is a disservice to consumers in trying to facilitate their making an informed choice. (See the FDA website at <http://www.cfsan.fda.gov/~lrd/~/~dms/biolabgu.html> for full guidelines).
- A.B.11557 proposes activities that are a grossly duplicative, wasteful use of resources. Numerous rigorous studies on plants improved through biotechnology have been conducted over the past 20 years (including the U.S. General Accounting Office’s “Genetically Modified Foods,” National Academy of Science’s “Environmental Effects of Transgenic Plants: The Scope & Adequacy of Regulation”, Office of Technology Assessment’s “Field-Testing Engineered Organisms: Genetic and Ecological Issues”). Without exception, these and many other studies have shown that these plants raise no unique or novel issues, and pose no significant harm to the environment or human/animal health. In addition, plants produced using biotechnology are stringently regulated by the Food and Drug Administration (FDA), Environmental Protection Agency (EPA), the U.S. Department of Agriculture (USDA) per the federal Coordinated Framework of 1986, which has demonstrated a superb record for more than 15 years. In sum, crops and

foods improved through biotechnology are subjected to more rigorous scrutiny, in depth and detail, than any other in human history. Even the European Union has concluded that they are likely safer than conventional crops and foods. In this time of budget shortfalls, surely New York's resources could be better spent than by reinventing this particular wheel.

- A.B.11674 holds liable manufacturers of organisms produced through biotechnology for produce that becomes “contaminated so that [the] produce is not substantially free from genetically engineered...organisms.” To date, existing tort law has proven effective in such cases where gene flow is an issue. The StarLink case is a recent example of the system working. Again, this measure is unnecessary, duplicative and contrary to the interests of society at large. It would, in fact, only serve the narrow interests of a small clique seeking to expand their boutique market share at the expense of consumers, farmers, and the environment.
- The requirements of A.B.10174 disregard that legitimate regulatory interests concerning gene flow are already effectively and comprehensively regulated by a minimum of three federal agencies per the Coordinated Framework of 1986 referenced above.

The three proposed bills do little more than send a negative message to New York's substantial biotechnology community, deter newcomers to the state's economy, and duplicate effective processes currently in place – all without providing any public good.

NYBA represents over 250 corporate members of New York's biotechnology community. BIO represents more than 1,000 companies, universities, research institutions, state biotechnology associations, and affiliates. NYBA and BIO work closely together to represent biotechnology interests for member companies, universities, research consortia and growers and to ensure New York realizes the economic benefits of a strong biotechnology base. If you have any questions on this or related biotechnology issues, please do not hesitate to contact NYBA at 212-661-1780, or BIO, Director of State Government Relations, at 202-962-9200. Thank you for your consideration.

Sincerely,

The New York Biotechnology Association (NYBA)