

DENNIS J. KUCINICH
10TH DISTRICT, OHIO

1730 LONGWORTH OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-5871

14400 DETROIT AVENUE
LAKEWOOD, OHIO 44107
(216) 228-8850



Committees:
Government Oversight
Education
and the
Workforce

Congress of the United States House of Representatives

Summary of Genetically Engineered Food Legislation

Genetic engineering, the ability to insert a novel gene in an organism, is a developing science that offers possible benefits and hazards. Genetic engineering is defined as something that has been altered at the molecular or cellular level by means that are not possible under natural conditions or processes. This technology is totally different from traditional breeding techniques. Genetic engineering is a powerful technology. The ability to insert any gene into any organism breaks natural barriers and creates new ethical quandaries.

Genetic engineering is having a serious impact on the food we eat, on the environment, and on farmers. To ensure we can maximize benefits and minimize hazards, Congress must provide a comprehensive regulatory framework for all genetically engineered products (plants, animals, bacteria, and other organisms).

Current laws, such as our food safety and environmental laws, were not written with this technology in mind. These laws were not structured to deal with a new paradigm created by the novel scientific capabilities made available by genetic engineering. Therefore clearer laws are necessary to ensure that these new scientific capabilities and the associated impacts are closely monitored.

The Genetically Engineered Crop and Animal Farmer Protection Act of 2003

Agribusiness and biotechnology companies have rapidly consolidated market power at the same time as the average farmer's profits and viability have significantly declined. Policies promoted by biotech corporations have systematically acted to remove basic farmer rights enjoyed since the beginning of agriculture. These policies include unreasonable seed contracts, the intrusion into everyday farm operations, and liability burdens. The introduction of genetically engineered crops has also created obstacles for farmers, including the loss of markets and increased liability concerns. To mitigate the abuses upon farmers, a clear set of farmer rights must be established.

Farmer Bill of Rights

This bill provides several farmer rights and protections to maintain the opportunity to farm:

1. Farmers may save seeds and seek compensation from biotech companies for failed genetically engineered crops.
2. Biotech companies may not shift liability to farmers, nor require access to farmer's property, nor mandate arbitration, nor mandate court of jurisdiction, nor require damages beyond actual fees, or any other unfair condition.

3. Farmers must be informed of the risks of using genetically engineered crops.
4. Biotech companies may not charge more to American farmers for use of this technology, than they charge farmers in other nations.
5. Seed companies must ensure seeds labeled non-GE are accurate and provide clear instructions to reduce cross pollination, which contaminates other fields.
6. The EPA is required to evaluate the concern of Bt resistant pests and take actions necessary to prevent resistance to Bt, an important organic pesticide.
7. The bill prohibits genetic engineering designed to produce sterile seeds.
8. The bill prohibits loan discrimination based on the choice of seeds an agricultural producer uses.

The Genetically Engineered Organism Liability Act of 2003

The negative consequences of genetically engineered crops may impact farmers who grow these crops, neighboring farmers who do not grow these crops, as well as consumers. Biotech companies are selling a technology that is being commercialized far in advance of the new and unknown science of genetic engineering. Farmers may suffer from crop failures, neighboring farmers may suffer from cross pollination, increased insect resistance, and unwanted “volunteer” genetically engineered plants, and consumers may suffer from health and environmental impacts. Therefore, biotech companies should be found liable for the failures of genetically engineered crops.

This bill ensures that the creator of the technology assumes the liability resulting from the technology.

1. The bill places all liability from negative impacts of genetically engineered organisms squarely upon the biotechnology companies that created the genetically engineered organism.
2. Farmers are granted indemnification to protect them from the liabilities of biotech companies.
3. The bill prohibits any transfer of liability away from the biotechnology companies that created the genetically engineered organism.

The Genetically Engineered Food Safety Act of 2003

Genetically engineered foods present new issues of food safety. Given the consensus among the scientific community that genetic engineering can potentially introduce hazards, such as allergens or toxins, genetically engineered foods need to be evaluated on a case-by-case basis and cannot be presumed to be generally recognized as safe. The possibility of such hazards dictate a cautious approach to genetically engineered food approvals. However, FDA has glossed over the food safety concerns of genetically engineered foods and not taken steps to ensure the safety of these genetically engineered foods.

This bill requires that all genetically engineered foods follow a strenuous food safety review process:

1. Requires all genetically engineered foods to follow FDA’s current food additive process

to ensure they are safe for human consumption.

2. Requires that unique concerns of genetically engineered foods are explicitly examined in the review process, a phase out of antibiotic resistance markers, and a prohibition on known allergens.
3. Continues FDA discretion in the food additive process in applying the safety factors that are generally recognized as appropriate.
4. Requires the FDA to conduct a public comment period of at least 30 days once the completed safety application is available to the public.
5. The FDA is authorized to contract out for independent testing of a genetically engineered food and to seek input on the food safety process from the National Academy's Institute of Medicine.

The Genetically Engineered Food Right To Know Act of 2003

Consumers wish to know whether the food they purchase and consume is a genetically engineered food. Concerns include the potential transfer of allergens into food and other health risks, potential environmental risks associated with the genetic engineering of crops, and religiously and ethically based dietary restrictions. Consumers have a right to know whether the food they purchase contains or was produced with genetically engineered material. There is also a strong scientific rationale for mandatory labeling. It provides an opportunity for continual postmarket monitoring, allowing for the study of long-term health impacts. Adoption and implementation of mandatory labeling requirements for genetically engineered food produced in the United States would facilitate international trade. It would allow American farmers and companies to export and appropriately market their products—both genetically engineered and non-genetically engineered—to foreign customers.

This bill acknowledges consumers have a right to know what genetically engineered foods they are eating:

1. Requires food companies to label all foods that contain or are produced with genetically engineered material.
2. Requires the FDA to periodically test products to ensure compliance. (A threshold of 1% is established for accidental contamination.)
3. Voluntary, non-GE food labels are authorized.
4. A legal framework is established to ensure the accuracy of labeling without creating significant economic hardship on the food production system.

Real Solutions to World Hunger Act of 2003

The demand for mandatory labeling, safety testing, and farmer protections do not constitute obstacles to the cessation of world hunger. Technologies, like genetically engineered food, may have a limited role, but economics remain the significant barrier to a consistent food supply, and the development of expensive genetically engineered foods may only exacerbate this trend. Most genetically engineered food products and almost all research funding for the development of genetically engineered food target the developed nation's agriculture and consumers. Developing

countries cannot afford this technology and therefore are vastly ignored.

Agroecological interventions have had significantly more success in helping developing nations feed themselves with higher yields and improved environmental practices, all within reasonable costs for developing countries. If the biotech industry believes they can help mitigate hunger concerns, domestic or foreign, then requiring them to fund the effort to mitigate hunger is appropriate.

This bill offers several new initiatives and protections to help developing nations resolve their hunger concerns:

1. To protect developing nations, genetically engineered exports are restricted to those already approved in the U.S. and approved by the importing nation.
2. The bill creates an international research fund for sustainable agriculture research.
3. A developing nation may choose to mandatorily license a genetically engineered crop for the benefit of its citizens. The bill prohibits any U.S. intervention that may block the mandatory license.
4. The bill establishes the Sustainable Agriculture Trust Fund with a small tax on biotechnology company profits. This trust fund will fund the activities in this bill.

The Genetically Engineered Pharmaceutical and Industrial Crop Safety Act of 2003

A pharmaceutical crop or industrial crop is a plant that has been genetically engineered to produce a medical or industrial product, including human or veterinary drugs, biologic, industrial, or research chemicals, or enzymes. Weak USDA regulations have already permitted the cultivation of over 300 open-air field trials. Many of the novel substances produced in pharmaceutical crops and industrial crops are for particular medical or industrial purposes only. These substances are not intended to be incorporated in food or to be spread into the environment. That would be equivalent to allowing a prescription drug in the food supply.

Currently, contamination is prevalent in our food system. Crops like corn cross-pollinate in the field over several miles and grain-handling systems are capable of commingling a commodity. Experts acknowledge that contamination of human food and animal feed is inevitable due to the inherent imprecision of biological and agricultural systems. This contamination by pharmaceutical crops and industrial crops pose substantial liability and other economic risks to farmers, grain handlers, and food companies. These risks include liability for contamination episodes, costly food recalls, losses in export markets, reduced prices for a contaminated food or feed crop, and loss of confidence in the safety of the American food supply among foreign importers and consumers of American agricultural commodities.

This bill attempts to prevent contamination of our food supply by pharmaceutical crops and industrial crops.

1. The bill places a temporary moratorium on pharmaceutical crops and industrial crops until all regulations required in this bill are in effect.

2. The bill places a permanent moratorium on pharmaceutical crops and industrial crops grown in an open-air environment.
3. The bill places a permanent moratorium on pharmaceutical crops and industrial crops grown in a commonly used food source.
4. The United States Department of Agriculture shall establish a tracking system to regulate the growing, handling, transportation, and disposal of all pharmaceutical and industrial crops and their byproducts to prevent contamination.
5. The National Academy of Sciences shall submit to Congress a report that explores alternatives methods to produce pharmaceuticals or industrial chemicals that have the advantage of being conducted in controlled production facilities and do not present the risk of contamination.

***For more information on this bills, please contact the office of
Representative Dennis Kucinich at (202) 225-5871.***