Biotechnology Innovation Organization
1201 New York Ave., NW
Suite 1300
Washington, DC, 20005
202-962-9200

March 1, 2024

The Honorable Pamela Beidle, Chair
Committee on Finance
Maryland Senate
Annapolis, MD

Dear Chair Beidle and Members of the Committee on Finance,

I write on behalf of the Biotechnology Innovation Organization (BIO) – the world's largest biotechnology focused trade group – and as a lifelong Marylander to oppose **Senate Bill 911 – Food, Drugs, and Cosmetics – Gene Structure- and Function-Modifying Products – Labeling – and urge an unfavorable report.**

While SB 911 is an extremely confusing and oddly written bill, it is BIO's understanding that the legislation is aimed at requiring a Maryland-specific label for genetically engineered (GE) food. Such a bill has not been considered in the Maryland General Assembly since 2014 and there are good reasons for that. A state-by-state approach to the labeling of products containing GE ingredients is untenable. That is why in the summer of 2016 Congress passed and President Obama signed into law legislation requiring the U.S. Secretary of Agriculture to establish a mandatory uniform national disclosure standard for human food that is or may be genetically engineered or bioengineered.

The Bioengineered Food Disclosure Law also preempts state and local GE labeling requirements. As such, no U.S. state or local government has adopted and implemented – or even seriously considered - its own GE seed or food disclosure requirement since the 2016 law was enacted.

Under the standard, food manufacturers, importers, and certain retailers are required to ensure bioengineered foods are appropriately disclosed. Regulated entities have several disclosure options: text, symbol, or electronic or digital link, and or text message. Additional options such as phone number or web address are available to small food manufacturers or for small or very small packages. The standard went into full effect on January 1, 2022 and applies to food sold in Maryland and the rest of the country.

Since 1986 the U.S. Food and Drug Administration (FDA), U.S. Environmental Protection Agency, and U.S. Department of Agriculture have regulated agricultural biotechnology research and commercialized products under extensive federal laws known collectively as the "Coordinated Framework." The comprehensive federal regulatory review process has determined that foods produced using bioengineering are safe and not materially different in any way from those made

using other methods. This finding is consistent with scientific research conducted and reviewed by FDA and USDA and private entities. Indeed, foods and food crops produced using biotechnology are among the most reviewed, studied, scrutinized, and regulated products in the world. Leading scientific and medical organizations, including the American Medical Association (AMA), American Association for the Advancement of Science, and World Health Organization, maintain that foods made from crops improved through biotechnology are as safe and nutritious as conventionally grown crops. According to 2012 AMA report: "Bioengineered foods have been consumed for close to 20 years, and during that time, no overt consequences on human health have been reported and/or substantiated in the peer reviewed literature."

The federal law ensures that the national disclosure standard and USDA's implementing regulations treat the safety of a bioengineered food the same as its non-bioengineered counterpart. The mandatory disclosure requirement is designed solely to address marketing matters, not based on any concerns with respect to safety of bioengineered foods or ingredients. Distinguishing GE foods with a false state specific label would mislead consumers by implying differences where none exist. To that end, it must be noted that GE food does not, contrary to the legislation's assertion, "modify the structure or function of one or more genes in a consumer."

Finally, a mandatory Maryland specific label would almost certainly limit consumer choice, increase food prices, and disrupt supply chains, as some food manufacturers would simply choose not add such an egregiously false and defamatory statement to their product labels and those that did would pass along the increased cost to consumers.

In the years prior to 2016, before the passage of the federal law, various states considered legislation requiring the labeling of GE food products, which would have created a patchwork of different state laws. In June of that year, Vermont began implementation of its GE food labeling law, which has since been preempted by the federal law. The Corn Refiners Association undertook an economic impact analysis of the Vermont law and demonstrated that the cost of implementation would lead to an average increase in annual food cost of $1,050 per American family. The analysis also found that lower income families would have been especially burdened, as the increased costs could account for nearly 2.5 percent of the median income for the poorest fifth of the population.

For these and many other reasons, BIO urges an unfavorable report on SB 911.

I appreciate your time and attention and encourage you to contact me at (202) 365-6436 and gharrington@bio.org if you have any questions.

Sincerely,

Gene Harrington
Senior Director, State Government Affairs, Agriculture & Environment

BIO is the world's largest trade association representing biotechnology companies, academic institutions, state biotechnology centers and related organizations across the United States and more than 30 other nations. BIO members are involved in research and development of innovative healthcare, agricultural, industrial, and environmental biotechnology products.