

# **The Case for GE Labeling**

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# Commercially Available GE Crops

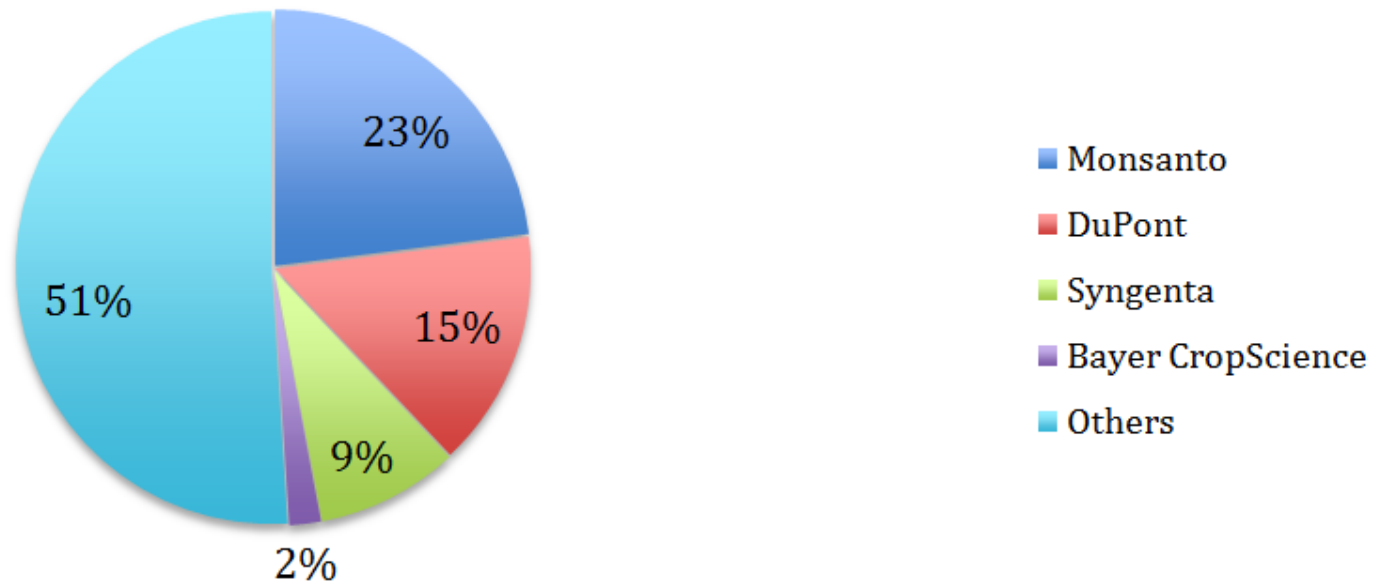
- ▶ Soy
- ▶ Alfalfa
- ▶ Canola
- ▶ Corn
- ▶ Cotton
- ▶ Papaya
- ▶ Squash
- ▶ Sugar beet



Nearly **all** GE = resistance to  
Pests or Pesticide

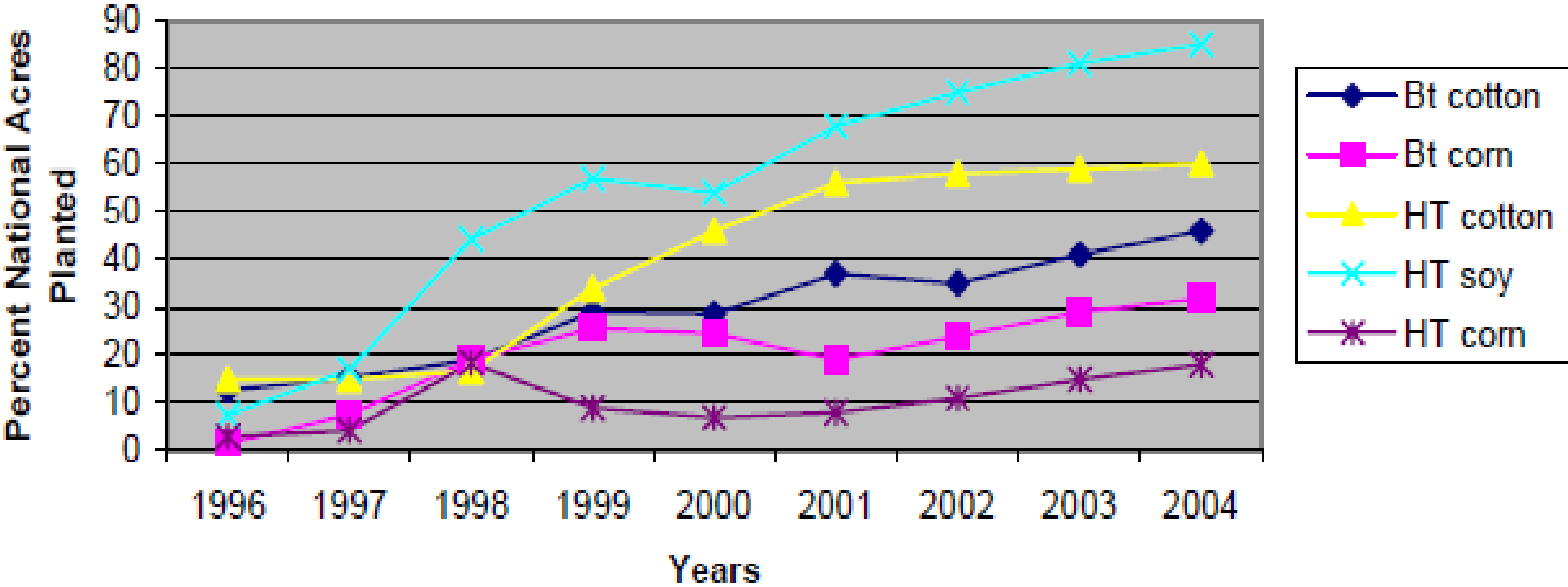
# Market for GE Seed

## Share of Proprietary Seed Market: 2007

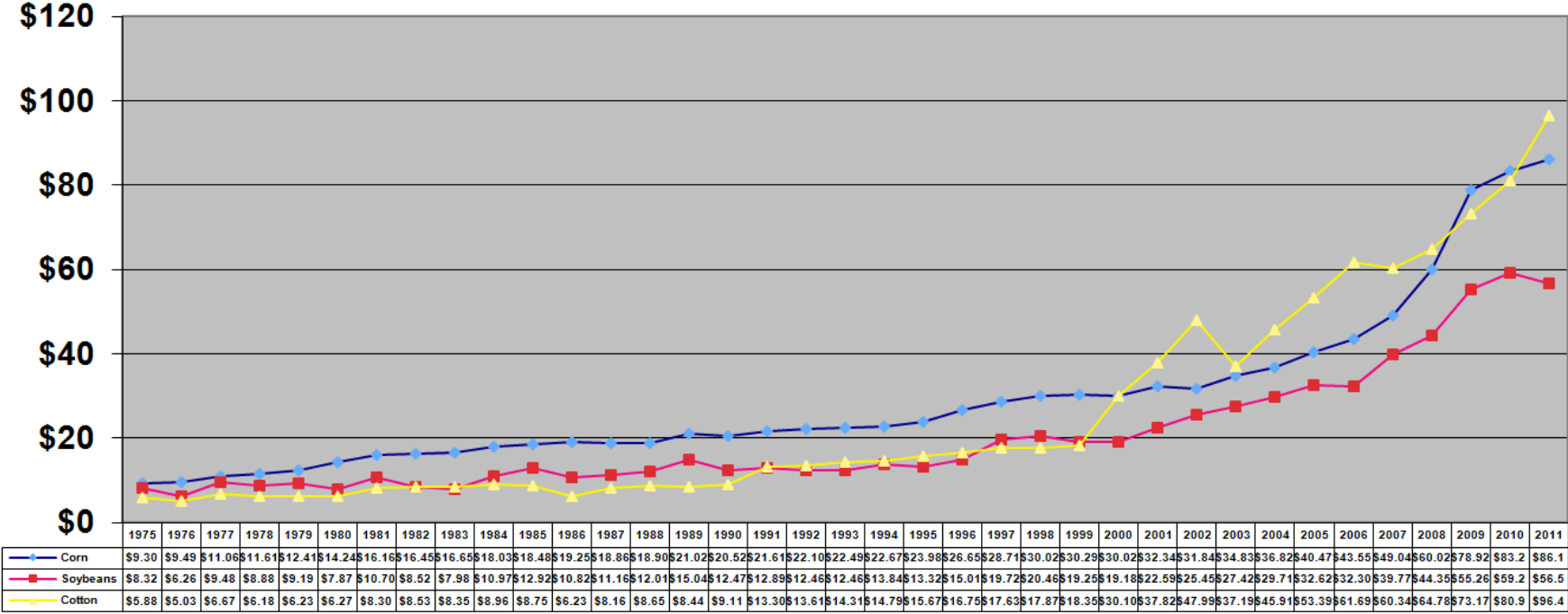


# Convenience Drives Rapid Adoption

**Chart 1. Trends in the Percent of National Crop Acreage Planted to Herbicide-Tolerant and *Bt* Transgenic Crops, 1996-2004**



# Average Cost of Corn, Soybean and Cotton Seed in the U.S.: 1975 to 2011 (\$ per planted acre)



—♦— Corn    —■— Soybeans    —▲— Cotton

Source: USDA Economic Research Service: Commodity Costs and Returns: U.S. and Regional Cost and Return Data. 1975-2011 datasets accessible at: <http://www.ers.usda.gov/Data/CostsAndReturns/testpick.htm>. See datasets under "Historical Costs and Returns" and "Recent Costs and Returns" for each crop.

# Why Label?

- ▶ **Overwhelming Public Support**
  - Various polls show upwards of 90% in favor of GE Labeling
- ▶ **Public Policy In Favor of Disclosure**
  - Consumer protection laws already on books evidence goal of informed consumers as “essential to the fair and efficient functioning of a free market economy” 15 U.S.C. 1451
- ▶ **Protection of Export Markets**
  - Sixty-four countries, including Japan, S. Korea, China, Australia, Russia, Malaysia, and the EU require GE Labeling

# Who Should Require Labeling?

## ▶ **Federal Attempts at Mandatory GE Labeling**

- Senator Barbara Boxer (D-California) and Congressman Peter DeFazio (D-Oregon) introduce “GE Food Right to Know Act”
- Introduced April 2013
- Status = In Committee

## ▶ **State Attempts at Mandatory GE Labeling**

- By 2013, over ½ of all states have proposed legislation including AK, AZ, CO, CT, HI, IL, IN, IA, ME, MD, MA, MN, MO, NV, NH, NJ, NY, OR, PA, RI, TN, VT, WA, WV
- No state has adopted
- Getting close in ME, CT, VT, and RI

# Challenges to Requiring Labeling

## ▶ **First Amendment**

- Regulation of commercial speech must be “reasonably related” to the protection of legitimate government interests

## ▶ **Dormant Commerce Clause**

- Regulation can’t impose a “clearly excessive burden” on interstate commerce as compared to state benefit

## ▶ **Preemption**

- Supremacy Clause (Art. VI, cl. 2) says there can be no conflict with federal law
- FDCA as amended by NLEA as an express preemption provision, 21 U.S.C. 343-1, listing preempted categories