

**ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE**

March 27, 2015

1:03 p.m.

MEMBERS PRESENT

Representative Benjamin Nageak, Co-Chair
Representative David Talerico, Co-Chair
Representative Paul Seaton
Representative Andy Josephson
Representative Geran Tarr

MEMBERS ABSENT

Representative Craig Johnson
Representative Kurt Olson
Representative Bob Herron
Representative Mike Hawker, Vice Chair

COMMITTEE CALENDAR

CONFIRMATION HEARING(S):

Alaska Commercial Fisheries Entry Commission

Benjamin Brown - Juneau, Alaska

- CONFIRMATION(S) ADVANCED

Big Game Commercial Services Board

James David Jones - Kodiak

Kelly Lee Vrem - Sutton

- CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 92

"An Act relating to the labeling of food; relating to the misbranding of food; requiring labeling of food produced with genetic engineering; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 92

SHORT TITLE: LABEL GENETICALLY MODIFIED FOOD

SPONSOR(S): REPRESENTATIVE(S) TARR

01/30/15	(H)	READ THE FIRST TIME - REFERRALS
01/30/15	(H)	RES, FIN
03/09/15	(H)	RES AT 1:00 PM BARNES 124
03/09/15	(H)	Heard & Held
03/09/15	(H)	MINUTE(RES)
03/27/15	(H)	RES AT 1:00 PM BARNES 124

WITNESS REGISTER

BENJAMIN BROWN, Appointee
Alaska Commercial Fisheries Entry Commission (CFEC)
Juneau, Alaska

POSITION STATEMENT: As an appointee to the Alaska Commercial Fisheries Entry Commission, discussed his qualifications and answered questions.

MARTIN LUNDEY
Southeast Alaska Seiners Association
Juneau, Alaska

POSITION STATEMENT: Testified in support of Mr. Ben Brown's re-appointment to the Alaska Commercial Fisheries Entry Commission.

JAMES "DAVID" JONES, Appointee
Big Game Commercial Services Board
Kodiak, Alaska

POSITION STATEMENT: As an appointee to the Big Game Commercial Services Board, discussed his qualifications and answered questions.

KELLY LEE VREM, Appointee
Big Game Commercial Services Board
Sutton, Alaska

POSITION STATEMENT: As appointee to the Big Game Commercial Services Board, discussed his qualifications and answered questions.

SAM ROHRER, President
Alaska Professional Hunters Association
Kodiak, Alaska

POSITION STATEMENT: Testified in support of the re-appointments of Mr. Vrem and Mr. Jones to the Big Game Commercial Services Board.

MARK RICHARDS, Chairman
Alaska Backcountry Hunters & Anglers
Palmer, Alaska

POSITION STATEMENT: Testified in support of the re-appointments of Mr. Vrem and Mr. Jones to the Big Game Commercial Services Board.

MS. ELAINE BUSSE FLOYD, Director
Division of Environmental Health
Department of Environmental Conservation
Anchorage, Alaska

POSITION STATEMENT: During the hearing on HB 92, provided opposition testimony and answered questions.

MINDY JULIAN
Fairbanks, Alaska

POSITION STATEMENT: During the hearing on HB 92, testified in support.

DONNA FAULKNER
Homer, Alaska

POSITION STATEMENT: During the hearing on HB 92, testified in support.

ROSS MULLINS
Cordova, Alaska

POSITION STATEMENT: During the hearing on HB 92, testified in support.

DAVID OTTESON, Business Owner
Rainbow Foods
Juneau, Alaska

POSITION STATEMENT: During the hearing on HB 92, testified in support.

JAMES BARRETT
Juneau, Alaska

POSITION STATEMENT: During the hearing on HB 92, testified in support.

ACTION NARRATIVE

[1:03:19 PM](#)

CO-CHAIR DAVID TALERICO called the House Resources Standing Committee meeting to order at 1:03 p.m. Representatives Seaton,

Josephson, Tarr, Hawker, Talerico, and Nageak were present at the call to order. Representative Hawker and Herron arrived as the meeting was in progress.

CONFIRMATION HEARING(S):
Alaska Commercial Fisheries Entry Commission

[1:05:00 PM](#)

CO-CHAIR TALERICO announced that the first order of business is the confirmation hearing of appointee, Benjamin Brown, to the Alaska Commercial Fisheries Entry Commission.

[1:05:11 PM](#)

BENJAMIN BROWN, Appointee, Alaska Commercial Fisheries Entry Commission (CFEC), advised he is a life-long resident of Alaska and was first appointed to the Alaska Commercial Fisheries Entry Commission by Governor Sean Parnell. He acknowledged the current policy debate regarding the existence of the agency and is prepared to speak to the duties of the commission.

[1:07:35 PM](#)

REPRESENTATIVE SEATON, regarding the commission continuing to exist, inquired whether Mr. Brown foresees a legal conflict should the legislature decide to roll the commission into the Department of Fish & Game (ADF&G). He asked whether there could be a legal entanglement with Mr. Brown being appointed to a four-year term and the commission being terminated.

MR. BROWN replied there is some precedent on that issue, but he hasn't researched it because he doesn't want to put the cart before the horse. He expressed interest in assisting with restructuring CFEC in a manner that obviates the need for a merge into ADF&G. In the event the legislature and the Governor enact legislation creating a merger, thereby eliminating the agency, there will be a transition period and he will manage it in the best interests of the people of Alaska. He said he does not expect four years on this job just because he is re-confirmed to the position. He expects to perform well as long as there is a job and does not believe he would have a vested property interest in four years of employment should the legislature eliminate the commission.

REPRESENTATIVE SEATON commented that he wanted that cleared up as things move forward.

MR. BROWN noted he is not planning to sue the state should the commission go away.

CO-CHAIR TALERICO opened public testimony regarding Mr. Brown's confirmation.

1:10:35 PM

MARTIN LUNDEY, Southeast Alaska Seiners Association (SASA), offered SASA's support for Mr. Brown's re-appointment to the Alaska Commercial Fisheries Entry Commission. He stated that CFEC assists in determining the livelihood of thousands, and is paid for by commercial fishing monies. The Southeast Alaska Seiners Association is a commercial fishing gear group with over 150 paying skippers and crew members, as well as over 75 paying business members. The association represents the interests of roughly 1500 fishing men and women, families, and communities throughout Southeast Alaska and beyond in the s01a fishery. He said the association supports the re-appointment of Mr. Brown as he offers particular experience, perspective, and job know-how enabling him to help conserve the fishery, and serve commercial fishing men and women of this state in the best possible way. He pointed out that Mr. Brown has a background in law and practical legal experience in having been on the other side of maritime and fisheries law, thereby bringing proficiency and wisdom to the table when helping decide individual cases. The CFEC commissioner positions operate in an independent and quasi-judicial manner and are the supreme court of commercial fisheries, he remarked. He conveyed that SASA takes a dim view of the portrayal of CFEC in some corners, and encouraged the committee to listen to the most important voice for whom this decision directly affects. He described the Southeast Alaska Seiners Association as uniquely positioned to comment and evaluate the performance of CFEC. Mr. Brown carries on the experience of past commissioners, such as Frank Holman, Mary McDowell, and Peter Froehlich, he noted. He pointed out that with buybacks on the horizon in Cook Inlet, Bristol Bay, and Southeast, Alaska needs Mr. Brown's competence and expertise as he is very good at what he does. He explained that the limited entry system was put in place many years ago and today it is a system and resource that stands alone as the envy of the nation and world. He advised that as a representative of the permit holders who fund the Commercial Fisheries Entry Commission and pays the commissioners salaries, SASA supports Mr. Brown. He encouraged the committee to confirm Mr. Brown and do all it can to keep CFEC competent and independent.

[1:14:37 PM](#)

REPRESENTATIVE JOSEPHSON referred to Mr. Lundey's comments that CFEC is paid for by the permit community. He noted that fisheries sent a bill to the legislature, and he thought the issue was cost savings for the state. He quiered whether Mr. Lundey's was suggesting the state doesn't pay anything for CFEC of any sort.

MR. LUNDEY responded the monies are paid through the fees assessed from the permit holders, and the commercial fishing industry. In a fishery like s01a, the Southeast Perse Seiner Fishery, 315 permits pay approximately \$400,000 per year into CFEC and, he pointed out, that is just one fishery.

CO-CHAIR TALERICO closed public testimony.

[1:16:04 PM](#)

REPRESENTATIVE SEATON stated Mr. Brown has performed well on CFEC because for a while it operated with only two commissioners and they were able to reach decisions.

[1:16:45 PM](#)

REPRESENTATIVE HAWKER stated that the committee moving a name out of committee to the joint session for confirmation does not in any manner imply support, or lack of support, from an individual or commitment to vote for, or against, that confirmation in that joint legislative session. He moved that the name of Benjamin Brown be forwarded to a joint legislative session for the purpose of his confirmation for re-appointment to the Alaska Commercial Fisheries Entry Commission. There being no objection, the confirmation of Benjamin Brown was advanced from the House Resources Standing Committee.

The committee took an at-ease from 1:17 p.m. to 1:20 p.m.

Big Game Commercial Services Board

[1:20:10 PM](#)

CO-CHAIR TALERICO announced that the next order of business is the confirmation hearing of appointees, James David Jones and Kelly Lee Vrem to the Big Game Commercial Services Board.

1:20:36 PM

JAMES "DAVID" JONES, Appointee, Big Game Commercial Services Board, testified he is a 35 year resident of Kodiak and this is his second term on the Big Game Commercial Services Board. He offered a background in commercial fishing and as a commercial air taxi operator, with thousands of hours of flight time around Kodiak Island involving hunting and fishing remote transportation. Currently, he is a licensed big game marine transporter and operates a sport fish guiding operation with a background in guiding, although it is not hunt guiding. He brings a good perspective to the Big Game Commercial Services Board with his working expertise, and the knowledge he obtained during his first term, he remarked. Responding to Representative Seaton, Mr. Jones stated that his is to a marine transporter seat.

1:23:22 PM

KELLY LEE VREM, Appointee, Big Game Commercial Services Board, testified he is a registered (indisc.) Master Guide, born and raised in Eagle River, and received his first assistant guide license in 1973. He offered he has attended the bulk of the Big Game Commercial Services meetings, guide board meetings, and lobbied when there wasn't a guide board in Juneau. He opined with his background, historical perspective, and an interest to further the profession, and as a board member knows he represents guides and the best interests of the citizens of the state. This is his second term he has gained knowledge and is becoming more effective with every meeting and is looking forward to the future, he posited. Responding to Representative Seaton, he confirmed he is applying for a seat designated for a commercial guide and said he is one of the two big game guide members on the board.

1:25:29 PM

REPRESENTATIVE JOSEPHSON asked whether there should be reform of big game hunting thereby dedicating guides to specific units rather than statewide.

MR. VREM responded that transporters are licensed on a statewide basis, and guides are licensed in big management units that are broken down into individual guide use areas.

REPRESENTATIVE JOSEPHSON asked Mr. Vrem to repeat his answer.

MR. VREM explained that a registered guide is allowed only three guide use areas, and a guide use area is a subsection of a game management unit. He explained that a registered guide must pass a knowledge test before they are authorized to operate in the game management unit. Once the person is authorized within that particular game management unit, they can apply for a guide use area within that game management unit, he further explained. He pointed out that there are approximately 222 guide use areas in the state spread through 26 game management units, and approximately half are federal areas and half are state areas.

[1:27:04 PM](#)

REPRESENTATIVE HERRON inquired whether reform is in order for outfitters. He said his constituents complain that the McGrath area outfitters are essentially vacuuming out the area and moving on. Whereas, Mr. Vrem and his colleagues protect the resource, he asked whether this depiction was accurate.

MR. VREM responded yes, with some nuances. He surmised that Representative Herron was referring to transporters and explained that in 1988-1990 the Senate instituted a task force regarding guiding in Alaska, and it determined there are two classifications of big game commercial service providers in the state. One was to provide solely for transportation and the other was to provide guiding services. He remarked there were loopholes in the law and outfitters were acting as guides and air taxi and marine transporters, so it was eliminated. Currently, a person is either a guide or a transporter and transporters are licensed for the entire state.

CO-CHAIR TALERICO opened public testimony regarding the confirmations of Mr. Vrem and Mr. Jones.

[1:29:43 PM](#)

SAM ROHRER, President, Alaska Professional Hunters Association, offered support of Mr. Vrem and Mr. Jones as President of the Alaska Professional Hunters Association (APHA). He advised that Mr. Vrem is currently the chair of the Big Game Commercial Services Board and is an excellent board member as he knows the process and is highly regarded in the guiding industry. With regard to Mr. Jones, APHA is in strong support of his re-appointment to the board as he represents an often neglected side of the transporter industry, that of a marine based transporter. The association believes Mr. Jones is a thoughtful and fair-minded board member.

[1:31:29 PM](#)

MARK RICHARDS, Chairman, Alaska Backcountry Hunters & Anglers, offered support for Mr. Vrem and Mr. Jones. He advised that his organization attends Big Game Commercial Services Board meetings and he has seen the two gentlemen in action. Although they do not always agree, they are both there to serve the public and to offer unbiased opinions and his organization respects their service to the board. He pointed out that Mr. Vrem was just re-appointed as the chair and is qualified to take care of the many issues before the board.

CO-CHAIR TALERICO closed public testimony.

[1:32:56 PM](#)

REPRESENTATIVE HAWKER stated that forwarding the names of Kelly Vrem and James Jones to the joint legislative session for possible confirmation does not reflect any intent by any member of this committee to vote for, or against, the individuals at that confirmation hearing. Representative Hawker moved to forward the names of Kelly Lee Vrem and James David Jones to a joint legislative session for the purpose of confirmation of their re-appointment to the Big Game Commercial Services Board. There being no objection, the confirmation of Kelly Lee Vrem and James David Jones are advanced from the House Resources Standing Committee.

The committee took an at-ease from 1:33 p.m. to 1:37 p.m.

HB 92-LABEL GENETICALLY MODIFIED FOOD

[1:37:05 PM](#)

CO-CHAIR TALERICO announced that the final order of business is HOUSE BILL NO. 92, "An Act relating to the labeling of food; relating to the misbranding of food; requiring labeling of food produced with genetic engineering; and providing for an effective date."

[1:37:28 PM](#)

REPRESENTATIVE TARR, as sponsor, introduced HB 92 and offered a PowerPoint presentation. Referring to slide 1, "What is a GMO," she advised that genetically modified organisms (GMOs) are plants or animals created using the genetic material from two

unrelated species. She pointed out that people have long been doing what is classified as "traditional breeding" which is from organisms of related species and it can be through mutation, insertion, or deletion of genes. Addressing slide 2, she advised that the FDA is reviewing an Aqua Bounty's genetically modified salmon application. The company would like to genetically modify an Atlantic Chinook Salmon (King) with the genetic material from an Ocean Pout (an eel-like fish), thereby causing a growth cycle for an extended period of time and causing the salmon to grow to approximately four times its normal size. A facility on Prince Edward Island would raise the eggs and then ship them to South America where they would be grown and then sold for consumption in the United States, thereby calling into question the process necessary to produce this, along with economic issues. She said people are concerned because this would be the first time the federal government allowed a genetically modified animal to be eaten for human consumption. During a previous legislative session a resolution opposing the application of Aqua Bounty was co-sponsored by almost every member of the legislature.

[1:40:56 PM](#)

REPRESENTATIVE TARR turned to slide 3, advising that a GMO in the plant world is in two categories as a pesticide producer and the *Bacillus thuringiensis* (Bt) example on slide 3, which is a naturally occurring organism. She explained that by inserting it into the plant that will be genetically engineered, it actually functions to produce its own pesticide. "Roundup" is a commonly used herbicide and a "Roundup-Ready" plant has been genetically engineered resistant to that herbicide application. She pointed out that a person sprays Roundup cautiously around their plants, but Roundup-Ready plants are genetically engineered in a manner that the herbicide will no longer kill the plant. Moving to slide 4, she addressed the commonplace of GMOs and the concerns of people. In 1994 GMOs were approved by the federal government and Monsanto recruited botanists from the university where she was a botany student to work in its labs. She noted the general surprise of people that these products were approved and have quickly overtaken the food system. She stressed that it is a "right to know" issue and people are being completely left out of the process.

[1:43:07 PM](#)

REPRESENTATIVE TARR discussed slide 5, pointing out that many food products contain some of the most widely used GMO crops,

such as, canola, corn, cotton, soy, alfalfa, papaya, sugar beets, zucchini and yellow summer squash, and apples. She informed the committee that canola, corn, soy, and sugar beets are almost exclusively GMOs, and are contained in familiar packaged food products. On February 13, 2015, apples were approved, and noted that during her student days was advised this will address the food shortage problem, and the products will be genetically modified for nutritional content. Unfortunately, she remarked, over the last 20 years they have been genetically engineered with the Roundup-Ready feature, but with apples, there is a non-browning apple feature that is completely cosmetic with no nutritional content or flavor. The concern is that the focus has not been on whether these food products are healthy.

REPRESENTATIVE TARR moved to slide 6 regarding examples of Roundup-Ready GMOs and second-generation crops and noted there is now a second generation of crops genetically engineered to have more than one trait of being Roundup-Ready, such as also being resistant to another pest or herbicide. Drawing attention to slide 7, she advised that efforts are taking place around the world and the United States is not alone in calling for a ban of these products or call for labeling. She explained that the United States and Canada are quite behind the curve relative to other countries and, therefore, doing this in the United States doesn't have to be such a big issue as many of the companies are producing the same products and selling them in markets requiring labelling. Japan, Italy, and Hungary banned these products and, unfortunately, wheat products from the United States were shown to have some genetic modification. She said that even though it was not approved for use in the United States, it caused the Japanese market to suspend its imports of United States crops. Therefore, not only are there the public's right to know issues, but also international export issues, she remarked.

[1:46:20 PM](#)

REPRESENTATIVE TARR referred to slide 8 and indicated laws were passed in Vermont, Maine and Connecticut requiring labeling. Interestingly, she commented, Connecticut's law goes into effect when four other states have passed laws. She pointed to the issue that food manufacturers may decide they will not sell products in Alaska in that Alaska is a small state, with a small population, that grows very little of its own food, and has high numbers in purchasing outside. She suggested that Alaska may consider Connecticut's actions with the idea to get to critical

mass in that a small state doesn't carry the burden. She pointed out that narrowly defeated citizen initiatives were tried in California, Washington and Oregon, and in California the opposition companies spent approximately \$46 million, and in Washington spent approximately \$20 million. This legislation offers people the right to know, and choices in food products, she related. She pointed to approximately 11 other states considering right to know bills, and that over the last few years approximately 30 states have considered some measure related to labeling genetically modified food products.

[1:48:40 PM](#)

REPRESENTATIVE TARR brought attention to slide 9, which depicts the ingredient labels that already appear on products. She said a genetically modified food products labeling initiative would require an asterisk or a word. Fish processors have expressed it could be costly for them as the companies order all of their cans a year in advance, so when they place their next order they could have the product label updated.

REPRESENTATIVE TARR referred to slide 10, and advised that under the USDA standard for organic foods, organic products cannot contain GMOs. She pointed out that organic foods are costly and out-of-reach for some individuals and, therefore, it is appropriate to call for an affordable and available standard for everyone. She provided that companies voluntarily participate in the non-GMO project, which is a third party verification program, and in that manner the public is advised the company offers non-GMO products. She referred to slide 11, and noted that the food availability issue is clearly economics as, in this world, a person will not go hungry if they have the means to purchase food, she remarked.

[1:51:49 PM](#)

REPRESENTATIVE TARR drew attention to HB 92 and provided a sectional analysis. She noted that labeling under AS 17, Alaska Food, Drug, and Cosmetic Act, and specifically AS 17.20.040 relates to misbranded foods. Section 1, of the bill provides labeling of foods wholly or partially produced with genetic engineering, with certain exemptions. She noted that Legislative Legal and Research Services looked at other states thereby offering drafting uniformity in this process. She pointed out that meat raised on genetically modified corn feed would not require GMO labeling and described it as a compromise position for Alaska in that it is difficult to buy organic feed.

She reiterated that the economic impact and food purchasing of organic products has skyrocketed over the last decades. People have a growing interest in this issue and HB 92 will allow the development of new markets, she opined.

[1:53:41 PM](#)

REPRESENTATIVE TARR explained that Section 2, adds a section to the manner in which food is considered misbranded, stating that failure to comply with GMO labeling would be considered misbranding. Section 3, exempts retail sellers from compliance with labeling requirements unless the retailer produces or manufactures the food or markets the food under its own brand. For example, she said, Fred Meyer has its own product line and would be required to label [GMOs]. She remarked that there is no penalty imposed on a retailer unknowingly selling a product with genetically modified ingredients, and noted there are no civil or criminal penalties in this statute. She pointed out that in 2005, former Senator Kim Elton passed a bill regarding mislabeling of genetically modified fish so it was not included in HB 92. Interestingly, she stated, no civil or criminal penalties are associated with failure to [label], but it does exist in the Alaska Food, Drug, and Cosmetic Act in the case of food pantries, food banks, and liability regarding resultant sickness from food.

[1:55:27 PM](#)

REPRESENTATIVE TARR moved to Section 4, and advised it adds definitions for genetically modified fish and fish products, as well as definitions for processed food and raw agricultural commodities. Section 5, repeals previous provisions of the food misbranding statute, and Section 6, provides for an effective date of January 1, 2016, she said.

REPRESENTATIVE TARR advised her presentation addressed questions from Representative Hawker regarding civil and criminal penalty issues, and fish issues addressed in Senator Elton's legislation, and the effective date. She suggested the committee act with caution on these products and pointed to a recent New York Times editorial on the issue of GMO food products including whether GMOs are safe or not. She admitted she cannot say whether GMOs are unsafe as not enough information is available, and more studies are called for. Many studies were short term and the research was provided by the companies themselves, and not a third party or verified. She related that

the scientific world does the best it can with what it knows, and is learning new things every day.

[1:57:14 PM](#)

REPRESENTATIVE TARR pointed to a March 20, [2015], International Agency for Research on Cancer re-evaluated research on glyphosate, and reclassified it as a [probable] human carcinogen. Glyphosate is the main chemical in Roundup and the Roundup-Ready plants grown, which the New York Times editorial speaks to. She explained that glyphosate currently has the highest global production volume of all herbicides with millions and millions of pounds of this herbicide used annually, including Roundup-Ready plants. She again referred to the editorial and noted it speaks to the idea of "precautionary principle" which is why other countries, in addition to requiring labeling, have banned some of the GMO crops. Representative Tarr reiterated that people have the right to know, and labeling should be required of companies in that consumers have a choice in selecting whether they want to eat that product, or not.

[1:59:07 PM](#)

REPRESENTATIVE HERRON offered that the correct scientific term is transgenic and asked whether it is in the bill.

REPRESENTATIVE TARR replied that it is not as people commonly refer to genetically modified organisms as GMOs. She offered to speak with Legislative Legal and Research Services to determine whether they think it would be an issue.

REPRESENTATIVE HERRON offered that he is concerned about these products, and quiered whether the legislation could include an example of genetically modified corn that is engineered to produce pesticides in its own tissue. Genetically modified corn is regulated by the EPA as an insecticide, but is sold unlabeled. He related that the issue is disconcerting and agrees with the labeling aspect. He referred to non-GMO third party labeling in that, he cautioned, it happened at the Alaska Seafood Marketing Institute (ASMI) with the Marine Stewardship Council (MSC) labeling as when a company did not receive its approval, the company received an "unfortunate" label. He described it as blackmailing everyone, "give us a fee and then we'll give you the stamps."

[2:01:26 PM](#)

REPRESENTATIVE TARR conveyed that a food product being eaten is actually classified by the federal government as an insecticide because it produces its own pesticide and many believe a step should be taken back when considering health problems. She related that testing is not performed on humans as it is considered unethical and, therefore, cannot be said it is causation. She suggested that studies considering long-term impacts on health problems should be tracked over a long period of time, including evaluating life styles, and different circumstances to determine the correlations. She offered that in reviewing incidences of colon cancers and other digestive disorders, they track with the introduction of GMOs over the last 20 years, thereby claiming a correlation of increasing rates of some of those problems.

REPRESENTATIVE TARR stated that Representative Herron's point underscores the need for a standard applied to everyone in that a third party was able to change the rules and exclude people. She advised that the push with this legislation is to create a standard applied evenly to everyone and causing a higher level of confidence. She indicated that to date approximately 2000 Alaskans from all over the state have contacted her office, participated in events, and expressed support mostly from the consumer right to know standpoint.

[2:04:23 PM](#)

REPRESENTATIVE JOSEPHSON asked where in the legislation the enforcement provisions are located.

REPRESENTATIVE TARR responded that enforcement staff is not envisioned, and there are no specific enforcement [provisions]. She related that yearly food safety inspections are performed by a limited staff on a few facilities so it moved to a voluntary online reporting system. Until the time the state could take it on, she suggested standards, as it is an evolving process.

[2:05:14 PM](#)

REPRESENTATIVE JOSEPHSON quiered whether there are studies showing correlations between food allergies or sensitivities and consumption of GMO foods.

REPRESENTATIVE TARR answered that currently there are ongoing human health impact studies and the difficulty is that science requires an extended period of time. She noted that the best

evidence is with regard to farm workers in the substantial agricultural area of Central California where individuals are exposed and isolated in a manner others are not. The Human Genome Project, she explained, was completed not long ago and is the reference library to genetic material. It is [an international scientific research project] researching different genetic markers and identifying genes that can be impacted, turned on, or turn off. She advised that the World Health Organization Report on Glyphosate read that glyphosate also caused DNA and chromosomal damage in human cells, although the negative results is in tests using bacteria. One study on community residents reported increases in blood markers of chromosomal damage, the macronuclei, after glyphosate formulations were sprayed nearby. She presumes that correlation research is generally the best as tests are not performed on humans.

2:07:26 PM

REPRESENTATIVE HAWKER referred to slide 11, "We Do Not Need Monsanto," and asked whether this bill is an attack on Monsanto.

REPRESENTATIVE TARR advised that some could characterize Monsanto as one of a handful of main companies producing these products and, in that sense, Monsanto has been identified. She pointed out that Monsanto has been the most outspoken and is probably the main target for folks opposed to the products altogether.

REPRESENTATIVE HAWKER surmised that this is an attack on Monsanto.

REPRESENTATIVE TARR characterized the slide as concern relating to Monsanto's food production and whether the products are safe and healthy for human consumption and the environment.

REPRESENTATIVE HAWKER referred to the politicized material in Representative Tarr's handouts and, he noted, with no valid scientific research documentation regarding a proven health concern to the degree Representative Tarr insinuates.

REPRESENTATIVE TARR responded that the legislation is the beginning of a conversation and that many people share Representative Hawker's position. She pointed out that she is not stating with certainty that GMOs are unsafe products, but supports the position that consumers have a right to know allowing them to make choices. She reminded the committee of

the issue regarding growth hormones used in milk, and under AS 17.20.013 hormone labeling is required for milk products. She remarked that the issues are four decades old in federal agencies regulating these products. Historically, the Cuyahoga River spontaneously catching on fire due to chemicals prompted the creation of those agencies, including the idea that dilution is the solution to pollution. She noted that part of Ohio is referred to as a "cancer belt," due to high incidences of cancer. A law passed in 1996, "The Food Quality Protection Act" (FQPA), read that the EPA had to retest a large number of chemicals and used children as the benchmark for safety. During retesting a chemical called chloripyrifos was discovered and banned as it was found to be a neuro-toxin that caused neurological problems in children. Interestingly, the prior year it was widely used chemical of 11,000,000 pounds, she stated.

[2:11:02 PM](#)

REPRESENTATIVE JOSEPHSON said he was reminded of Gregor Johann Mendel and the melding of colors of tulips to form new types of tulips. He asked how GMOs go beyond anything Dr. Mendel did that causes concern.

REPRESENTATIVE TARR informed Representative Josephson that GMOs are the unrelated species causing concern, and not the traditional breeding where varieties are chosen due to the colors, size, or flavor.

[2:12:05 PM](#)

REPRESENTATIVE SEATON surmised that HB 92 is not saying Monsanto cannot make products, but is saying GMOs must be labeled thereby allowing people opposed to genetically modified products the ability to know and purchase products they desire.

REPRESENTATIVE TARR replied correct.

REPRESENTATIVE SEATON, regarding the issue of no enforcement, asked whether misbranding/mislabeled is someone knowingly labeling something falsely, and it would be the same kind of state enforcement of fraud for any other mislabeling. For example, selling a Ford as a BMW would be the same type of action required if a person knowingly changing something.

REPRESENTATIVE TARR responded yes, and noted a person could pursue legal action on that same matter. She advised the

immunity portion applies to retail sales and something unknowingly happening.

[2:13:38 PM](#)

CO-CHAIR NAGEAK expressed more concern regarding Franken-fish than GMOs, and that the discussion of Franken-fish morphed into GMOs in general. He opined that people should not worry about other things and instead continue its concerns with Franken-fish. He indicated it is the federal government's purview regarding labeling foods that are either bad for a person or changed in some manner.

REPRESENTATIVE TARR reminded the committee that a resolution was passed expressing the legislature's opposition to that application, and she recently followed up with the FDA on that issue. Senator Lisa Murkowski is a continuing leader on the Franken-fish issue and is offering bipartisan legislation requiring labeling on Franken-fish. She related that the hope is that state action will inspire federal action when it sees enough states considering this issue, but there is a concern of a delay of several years.

[2:16:57 PM](#)

MS. ELAINE BUSSE FLOYD, Director, Division of Environmental Health, Department of Environmental Conservation, said the questions regarding enforcement would require regulation revisions by the division and add a new universe of work incorporating the bill. She stated there is no reliable manner to determine the number of operations currently exempt from the regulations that would need to meet the GM labeling requirements. She explained that processors and permits subject to this include: 175 food processors not including bottled beverages, water, or ice, and 470 seafood processing permits, and approximately 520 permits coded as retail food establishments, and 13 food banks. Her concern is that the scope of this would be very large as most of the food sold at retail is outside of the department's regulated community, so the scope of its regulated community would expand.

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MS. FLOYD advised Representative Hawker she is the Director of the Division of Environmental Health, Department of Environmental Conservation.

REPRESENTATIVE HAWKER requested Ms. Floyd's personal opinion, in her capacity at the Division of Environmental Health, as to whether there is a real and material risk to the health and safety of Alaskans if HB 92 fails to pass.

MS. FLOYD responded that she "absolutely" does not find that genetically modified foods ... that labeling is required for public health. She reiterated that if people want foods they know are not genetically modified, the organic label already exists. Beyond that, she said, the FDA has only required labeling of genetically modified foods if the food is significantly different than what consumers would expect of that food.

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CO-CHAIR NAGEAK pointed to the concern years ago, regarding sugar, and noted that artificial sweeteners were substituted, and then artificial sweeteners were found to be bad, and currently labeling of the artificial sweeteners is required. He opined that the people do not know what to trust or expect from artificial ingredients as they later discover those ingredients cause problems.

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REPRESENTATIVE SEATON agreed with Co-Chair Nageak that artificial sweeteners are bad and if there is no labeling, a person will not know whether the artificial sweeteners are present. He opined that the purpose of HB 92, is to list products genetically modified and the consumer will know what ingredients are in a product. The legislature looked at the problems with Franken-fish as there could be an economic impact for Alaska. He said the legislature does not know what happens when inserting genes from one fish into another fish that is growing and reproducing at different rates and sizes, and it does not know the effect it will have on children eating that fish. He agrees consumers should know what they are buying in order to decide whether the government told the people a good story, or decide that [consuming GMOs] is not the thing to do.

[2:24:11 PM](#)

REPRESENTATIVE JOSEPHSON brought up the history of putting cocaine in coca cola, and smoking packs of cigarettes that are benign and harmless. He remarked that with the history of the

twentieth century, people come to this issue with that background and it is an important factor to consider.

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REPRESENTATIVE HERRON surmised that the proposed legislation is requiring labeling of genetically manufactured crops. He asked whether there are safe GMOs, and whether all have a danger in them.

REPRESENTATIVE TARR answered that the GMO crops in question underwent short term studies for approval, and the studies have shown adverse health impacts on test animals, laboratory rats. She pointed out that people advocate precaution due to the number of health problems experienced and whether it is due to the food they eat. She emphasized this is a continuing conversation as not all of the answers are available today. She remarked that the most recent announcement underscores the point that science does the best it can with what it knows while continuing research. She indicated a reason for concern is that products, such as glyphosate with million and millions of pounds used annually, was re-evaluated to reveal it is a probable carcinogen based on science.

REPRESENTATIVE HERRON observed the title of the bill, "... requiring labeling of food produced with genetic engineering ..." asked whether all genetically engineering is harmful as the federal government has approved food technologies that are substantially equivalent to their conventional counterparts in terms of safety. He questioned whether genetically engineered has to be under this requirement, or should the legislature identify genetically engineered products known to contain pesticides. He asked whether genetic engineering is inherently bad.

REPRESENTATIVE TARR replied she would not make that characterization as there are examples such as insulin therapy for diabetic individuals, but in this case there is a right to know as people do not know whether the products are safe. She conveyed that she has never seen such an overwhelming response to a topic in that many individuals are calling for the fundamental right to know, and many people are convinced GMOs are absolutely unsafe. She pointed to the discussion regarding organics and reiterated that it is not a financial reality for everyone.

[2:28:53 PM](#)

CO-CHAIR TALERICO opened public testimony on HB 92.

2:29:30 PM

MINDY JULIAN said she performed extensive research on GMOs, and after two years of hard work this legislation is before the legislature. She opined that Alaskans have a right to know that there are dangers to GMOs. Although, she noted, generic engineering is not inherently bad as there are good elements, but streamlining things into the marketplace for food consumption without adequate testing is. She advised that GMOs were entered into the food supply with minimal testing performed and no outside research on that testing. She indicated that it is known almost every food product at some level of testing has undergone genetic modification. She said a person can research carrots being tested for something, which is inherently dangerous in modifying and through DNA change the public's food supply. Under the USDA rules, organic is only required to be 95 percent GMO free. She expressed that labeling allows the public to have a choice and described Alaskans as inherently independent, extreme, and living on the edge because it is an extreme environment. She conveyed that several states have passed labeling laws and Alaska would be proud to follow suit.

2:33:04 PM

DONNA FAULKNER said she and her husband operate Oceanside Farms and grow food organically, but are not able to write organic food on their products as becoming a certified organic farm is very costly in Alaska. She pointed out that in terms of labeling, it doesn't help organic farmers in Alaska and people should know their farmers, farm, and eat locally. She remarked that GMO foods potentially pose bad health risks for everyone, and would like the right to know what is in her food at the cash register. She said as a farmer and former biology teacher, GMOs are not good. People are entitled to a safe food supply and the right to make good choices. She asked for support in labeling and a person's right to know.

2:35:42 PM

ROSS MULLINS said he supports HB 92, and addressed Representative Hawker's attitude toward Monsanto and described it as defensive about big business. He referred to a Monsanto product, "Agent Orange" used during the Vietnam War was thought to be safe, but is known to cause cancer in many Vietnam

veterans. He addressed Co-Chair Nageak's comments about "Franken-fish" which is a GMO product. When that issue is converted to food crops it's the same issue in that Mother Nature has had her bag of tools in place for millions of years to provide a healthy eco system for human beings. He objects to big business dominating the food business through manufacturing products unknown in nature, which is a long term debate moving into the future. He offered that Monsanto is attempting to capture the market on seed production in that it provided free GMO seeds to African countries with the assurance of greater productivity. He pointed out that countries have finally rejected the seed as it deprived them of the ability to collect seeds from their mature crops to replant the next year. There are thousands of lawsuits in America with small farmers and fields adjacent to planted Monsanto GMO corn who are not allowed to use their own seed corn for harvesting seeds to replant the next year. He stated those farmers are forced by Monsanto and these lawsuits to buy seeds from Monsanto. He described this as extremely objectionable and an imposition on the freedom of choice American consumers have always had. He characterized the modest step of GMO labeling as an issue of freedom of choice, and Alaska should get on board with states awaiting support nationwide.

[2:39:56 PM](#)

CO-CHAIR NAGEAK clarified that the GMO Franken-fish hasn't arrived in Alaska and said Alaska doesn't want it here.

MR. MULLINS stated that currently the wild fish reputation is intact and agrees with the depiction that Franken-fish would be a disastrous harm to Alaska salmon. He pointed out that farmed fish are bad enough.

[2:41:18 PM](#)

DAVID OTTESON, Business Owner, Rainbow Foods, began by explaining that HB 92 would be bad for his business as he sells organic food. He advised his personal stake in this is because genetically modified foods are fundamentally different than anything produced prior. The discussion is not only about different species, but actually genetic boundaries between different kingdoms such as, inserting the gene of a scorpion into a tomato. He defined these actions as objectionable on an ethical and moral level as the consumer has a right to know, and labeling food products offers the consumer the ability to determine whether it will, or will not, be consumed. He

emphasized the consumer's right to know, and summed it up as transparency in food products. Monsanto has millions and millions of dollars it could use in advertising the benefits of GMOs, so what is it afraid of, he queried. He pointed out that HB 92 is talking about labeling GMOs, not banning them.

[2:43:15 PM](#)

JAMES BARRETT said he supports labeling genetically modified foods. He offered that if an apple is modified to be neonicotinoid insecticide resistant, when ingested the neonicotinoid kills good bacteria assisting in digesting nutrients necessary in a person's body. He related his desire that his daughter and other [young] Alaskans grow up with the ability to know what they are buying. In order to be informed and educated, Alaskans can lead on this issue and start labeling these products now, he expressed.

REPRESENTATIVE TARR pointed out that Mr. Barrett's letter was received just prior the committee hearing and it was given to the committee aide.

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CO-CHAIR TALERICO closed public testimony.

[2:45:48 PM](#)

CO-CHAIR NAGEAK referred to his ongoing health problems, including food allergies, and he stated it is his responsibility to evaluate each ingredient in every food product he buys, and the same with each person.

[2:47:49 PM](#)

CO-CHAIR TALERICO referred to Representative Tarr's notation that Alaska's population of 735,000 is a large driver for the State of Alaska and, he noted, possibly putting Western states together. He said he appreciates that Alaska is "nobody's main sales hub" in the West and, therefore, the companies may decide it would be easier to just drop Alaska from the supply chain and surmised Representative Tarr would work on the issues.

REPRESENTATIVE TARR responded that her desire is to strike a balance in that companies are comfortable and it is not too impactful for businesses in Alaska. She pointed out that with many consumer products, what happens in California basically

happens for all of the states as many of the products are prepared in California and sent to Alaska. She remarked that there could be value in a requirement, as with Connecticut, when any other four other states pass their laws the Connecticut law goes into effect. She expressed that she is very open to suggestions.

CO-CHAIR TALERICO held over HB 92.

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ADJOURNMENT

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 2:50 p.m.