

EXHIBIT 1

EXCERPTS

Transcript of Hearing Before the House Committee on Judiciary
April 18, 2013, CD No. 13-124*
(copy incorrectly designated as "14-124")

H. Jud 14-124

Robbins, Russell, Englert, Orseck, Untereiner & Sauber LLP

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1 Female Participant 2: Page 112.

2 Representative Webb: And it's --

3 Female Participant 2: Thank you.

4 Representative Webb: -- Representative Webb.

5 Female Participant 2: Representative Webb, you're welcome to

6 come up while we're all finding our -- if you don't mind us.

7 1.6 --

8 Female Participant 1: Yes, I asked Ray to call.

9 Senator Sears: Hopefully, you're planning a meeting in there.

10 Representative Webb: I actually am going to read everything.

11 ***9:05:08 [OVERLAY]

12 Representative Webb: Is that okay? Okay. Page 1. It's all
13 right here.

14 ***9:05:15 [OVERLAY]

15 Representative Webb: Ready?

16 Female Participant 2: Welcome. Yes.

17 Representative Webb: Thank you. For the record, I'm

18 Representative Kate Webb from Shelburne and I am the lead

19 sponsor of H.12, an act relating to the labeling of food

20 produced with genetic engineering. Before I begin, I just want

21 to remind people about where we were with smoking. And here is

22 a beautiful ad here, more doctors smoke Camels than any other

23 cigarette and then we have Viceroy filters filter the smoke. As

24 you're dentist, I recommend Viceroy.

25 So we've come a long way. And it took a long time for us to

1 just first recognize that there might be some problems with
2 smoking, just maybe there might be. I don't know how many years
3 that took, but I think it was probably 60 years for us to
4 recognize that maybe there was a problem and that maybe we
5 should do some labeling. And then we said cigarettes may be
6 hazardous to your health. You can pass it. And then may be
7 hazardous and then is hazardous and then not only that, causes
8 cancer. And it took a long time for that to happen. And I just
9 bring this up because I think that at some point labeling is
10 going to be required. And it's a matter of which side of
11 history are we going to be on.

12 This is an important bill. It's an extremely important bill.
13 It addresses a right so basic as the right to know what it is
14 that we're eating and how the food was produced and how it got
15 to our plate. And it allows us to make informed choices based
16 on our health needs, based on our religious requirements, based
17 on our moral and ethical principles and our concerns for the
18 environment.

19 For the last two years, the House Agricultural Committee has set
20 a course to discover whether Vermont had the right to require
21 labeling of foods produced with genetic engineering, what rights
22 lie with the Feds and what lies with the state. And over the
23 past two years they developed in the bill the findings. And the
24 findings will represent their discovery on whether or not we
25 have a right to know and to demonstrate the state's legitimate

1 interest in that knowledge.

2 In some areas there is compelling interest that shows that there
3 are health risks. There are others that show that we have not
4 looked at the long term studies. And when you look at why we
5 don't have that, that's a really good question to ask. Why
6 don't we have peer reviewed studies? Why don't we have
7 independent studies?

8 We have been participating in the grand experiment, all of us.
9 And this bill allows us to take ourselves out of that experiment
10 and actually know. Now, there's nothing in here that says you
11 can't buy cigarettes. We know you can buy cigarettes. There's
12 nothing in here that says that you can't grow them. There's
13 nothing in here that says you can't import them. It simply says
14 just let us know. Just let us know.

15 So the Ag Committee passed a bill that they believe is legally
16 defensible and I believe the bill is legally defensible, but
17 it's before your committee to really look to make sure. That's
18 my understanding why it's before you, at least, to see if it is
19 legally defensible and if so what are the risks. And the Ag's
20 Office will, I'm sure, speak to you about whether or not it's
21 legally defensible and what are the risks.

22 And when we look at the risk, we also have to balance that with
23 the risks of not labeling the risks to Vermonters. Although I'd
24 love to read all of these binders to you as the representative
25 from Newfane would like me to do, I'm just going to show you

1 some of the things here that we have, the testimony that they've
2 taken to demonstrate the State's legitimate interest.

3 This is Volume 1 on the health risks of genetically engineered
4 food. This is Volume 2. They've done their homework. This is
5 a volume on economic costs and benefits of labeling genetically
6 engineered foods. And I'm not calling it GMO, I'm calling it
7 genetically engineered and I'm calling it that for a reason.

8 The FDA has jurisdiction over the labeling of ingredients.

9 There's nothing in here that requires the labeling of
10 ingredients. It has to do with how food is produced and there
11 is, Leg. Counsel could take with you about that, but there is an
12 opening for the State to be able to require labeling for how a
13 food is produced, so we're not talking about the ingredients.

14 This one talks about religious concerns. Some genetically
15 engineered products use shellfish and that is a problem for some
16 religions.

17 And natural, have you ever bought something that says natural?

18 It doesn't mean anything. It means nothing. You could pick up
19 something that's completely genetically engineered and not get a
20 glint of what that is. I think that Leg. Counsel will describe
21 what genetic engineering is. But I'm quite sure that taking the
22 DNA from some virus or bacteria and inserting it into the gene
23 of something completely different is not a product of nature.

24 So the word natural, go ahead and use it, it doesn't mean a
25 thing.

1 This has to do with the Federal level of regulation where they
2 looked at what are the rights that lie with the Federal
3 Government and what lies with the state. And these are the
4 environmental risks. This is what initially got me into this.
5 Oh phew, I thought that was mine. This is what initially got me
6 into this, but once you open this door and you find out the
7 other risks, it's really pretty compelling.

8 And in fact, labeling of foods probably isn't going to have much
9 to do with what the environmental risks because it's a little
10 too indirect, but the health risks are a direct impact. So
11 uh-oh, I won't do juggling to put that back. So you're looking
12 at the risks and the question is, you know, does the state have
13 that legitimate interest. I guess I want to encourage you that
14 we are a state that's known for good health and good food. It's
15 the Vermont brand and it's the Vermont way.

16 I really encourage you to be brave here. I encourage you to
17 take that risk and I really think of this as a David and Goliath
18 story. And I tell you, Goliath is big and Goliath has a lot of
19 money, but it doesn't mean that they're right. And they're not
20 going to be on the right side of history. And I actually was in
21 Italy several years ago and I actually went and saw the David
22 and I don't know if anybody's ever seen that, but it's an
23 extremely moving experience to be in the fact of that sculpture.

24 And what I remember so much about that sculpture is he's
25 standing there, he's got the rock in his hand and his wrist is

1 just bent at just the right angle. And he's got his head turned
2 and you can tell that he's looking off at Goliath and the look
3 in his eye is I can take that Dude.

4 And I want you to take this on. I have to say one in closing.
5 I've been interviewed around the country on various radio
6 stations, people that are following what Vermont is doing. And
7 I got a call from a John Statler ***9:10:29 [PH] of a public
8 radio down in Texas. He calls me and says, Ms. Webb, I want you
9 to know that I'm to the right of Rush Limbaugh, but on this
10 topic you and I agree, so.

11 Male Participant 2: What was his name?

12 Representative Webb: John Statler. I'll give you his contact
13 info.

14 Senator Sears: I think it was O'Reilly.

15 Male Participant 3: Yes, it was Bill O'Reilly. He'll tell
16 you.

17 Female Participant 2: Thank you very much. And so we have
18 other sponsors here. And before that, Representative Partridge
19 did you want to say as to your bag or

20 Representative Partridge: Thank you, Madam Chair, and thank
21 you, Committee, for taking this up. We really do appreciate it.

22 I'm not going to say very much here. I would just encourage
23 you to take a good look at this in terms of your purview here.

24 House Agriculture and Forest Products has done an extensive job
25 on this. Representative Conquest was on our committee last

[intentionally left blank]

1 Counsel in Oregon issues formal opinions about constitutionality
2 of bills and they apparently have issued a formal opinion that
3 the law, which is substantially similar to the one from you, is
4 constitutional. So that's probably the most significant step on
5 this issue as to date.

6 Senator Sears: Can we request a copy of that?

7 Representative Zagar: I've already requested a copy of it.

8 Apparently, it has to go through a formal publication review
9 process before it's made available to the public. So I've put
10 in a request already. I have a contact I've been talking to on
11 the issue and learning. And we'll give it to you as soon as I
12 get it.

13 Female Participant 2: Great.

14 Senator Sears: Just to say last year, the bill passed out of
15 the Connecticut's, I can't remember whose committee it is, but
16 so it got out of their committee and passed their House.

17 Female Participant 2: Anybody else? Great. Thank you, Mr.
18 Teo.

19 Representative Zagar: Thank you.

20 Female Participant: Okay. I just want to make sure

21 Female Participant 2: Okay. Great. Pop up.

22 Representative Bartholomew: Thank you.

23 Female Participant 2: Okay.

24 Representative Bartholomew: I'm John Bartholomew, also on the
25 House Ag Committee and a co-sponsor of the bill. And I want to

1 thank you for taking this up and also hope that you don't decide
2 to take as much testimony as we did because it will completely
3 monopolize the rest of your session and most of next session if
4 you do.

5 Just reemphasizing, this labeling is required, Teo mentioned, in
6 60 other nations and there are, in fact, some nations that have
7 an outright ban. So we are certainly not alone in our concern.
8 And I believe we were told that 30 other states are looking at
9 this in some shape -- was it 30 we got? It was 30. And there's
10 a lot of money and effort that is going into discrediting the
11 science that's out there.

12 And one of the really frustrating things we had in our committee
13 is there was a lot of confusing and contradictory reports from
14 seemingly credible scientists. And admittedly, some of these
15 scientists are very strongly in one camp or the other,
16 particularly the ones that can be very convincing are the ones
17 that are being paid by the biotech industry. And they are going
18 to extraordinary efforts to discredit a few scientific studies
19 that are out there, and there aren't enough studies.

20 And my point here, I guess, is that because we couldn't say for
21 sure these products cause this harm, this is the human
22 pathology, the human diseases, human health conditions that are
23 coming because of a consumption of foods. If we had been able
24 to demonstrate that, we would probably be suggesting an outright
25 ban on these products. But we couldn't demonstrate that, but we

1 demonstrated enough concern that people really should know
2 what's in their food. They ought to be able to make an informed
3 decision on their own based on the evidence that's out there
4 until there's more compelling information.

5 And I don't want to say a lot here, just a few more points.

6 Time is short. It's already been said that 70 to 80 percent of
7 the products out there already contain genetically engineered
8 products and if the time keeps going by, we will get to the
9 point where you can't buy anything that doesn't have something
10 in it, a process that has something in it, you just won't be
11 able to do it. And they may be the goal. I don't know.

12 You'll also, if you take testimony, you may hear some
13 information that the costs of food will go way sky high if
14 they've got a label. And we heard over and over again that that
15 simply isn't true. It might be true that -- well, I mean, one
16 real advantage here is that it could create market
17 opportunities.

18 And if a lot of people were to say we don't want to eat
19 genetically engineered food, there could be a short term spike
20 in some availability and the cost of some ingredients, but the
21 market would be responsive. Agricultural producers would
22 realize, hey, people don't want to buy this genetically
23 engineered soybeans or canola or whatever. And then they will
24 change their production and that would be a short term effect.

25 But the cost of food really is not going to spike. And that was

1 some of the misinformation that was put out when California had
2 their referendum that despite something like 24, I forget,
3 millions of dollars that went into the negative ad campaign.

4 Representative Webb: About 45.

5 Representative Bartholomew: Forty-five million that went into
6 the negative ad campaign that defeated that initiative. Even
7 so, it was a very close vote. And so I would just echo, there
8 are some people you should probably pay attention to. One, I
9 swiped this from our committee, Jeffrey Smith is someone who has
10 spent a lot of time studying this and he provided copies of
11 this. I'll leave one, if I may, from our committee. And he
12 would probably be willing to provide more. He's the author of
13 Seeds of Deception and also a book called Genetic Roulette. And
14 he gives a pretty good case. And obviously, this is just one
15 side of the story. Michael Hansen is very articulate and he
16 would also speak to the, you know, label it, ban it side of it.
17 And then I would encourage you to at least, if you have time, to
18 talk to those two people.

19 And there's also, if you look on YouTube, there's a video that's
20 really worth looking at. It's called the World According to
21 Monsanto. And it's about an hour-and-a-half long and you can
22 get to it on YouTube. And those are things that are really
23 worth looking to if you want to look toward the reasons why this
24 is important, why labeling should be passed. And we need to
25 lead on this. Thank you for taking it up and please move it