EXHIBIT 6

OTHER STATE GOVERNMENT MATERIALS:
Attorney General Documents; Seed Sales; H112 Side-by-Side

Attorney General Documents

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April 1, 2014

Honorable Richard Sears
Chair, Senate Judiciary Committee
Vermont State House
Montpelier, VT 05633

Dear Senator Sears:

Thank you for the opportunity to further address the Committee with respect to H.112, proposed legislation that would require labeling of food produced with genetic engineering. As you know, this Office has advised various House and Senate Committees that enactment of H.112 carries significant legal risk. I appreciate your Committee's attention to planning for the potential costs of litigation through the establishment of a legal defense fund. I expect, if the Legislature passes H.112, that litigation is likely and that my office will need substantial resources to vigorously defend the Legislature's policy decision.

Because questions have been raised about the defense of the law, I want to reiterate that, if the Legislature passes H.112, my office will zealously defend it. Assurance that we will have the funds necessary to meet costs, such as rulemaking expenses, experts, travel, litigation support and the like, will help us mount the best defense possible.

I have no concern with the establishment of a special fund that provides an option for private donations as one source of income for the fund. My concern is, and has been, that the effective date of any labeling requirement should not depend upon a certain level of funding from private donations. The effective date of the legislation should not be tied to receiving some amount of private funding for defense costs. If the Legislature adopts H.112 and chooses not to link the effective date to the adoption of similar labeling requirements in other states, I recommend that the effective date be a date certain in 2016. That would provide sufficient time for rulemaking and other implementation measures contemplated in the bill.

Establishing the defense fund as a special fund as authorized by 32 V.S.A., Chapter 7, subsection 5 makes sense, and I have no objection to the appropriation to the special fund of some amount of recoveries from settlements of cases by the AGO. I recommend that up to $1.5 million in recoveries be earmarked for the fund in FY15. This appropriation can be revisited in the budget

adjustment process in January if necessary to address developments in the first half of the fiscal year.

You have also asked me to address the bill's current language exempting "[f]ood consisting entirely of or derived entirely from an animal which has not itself been produced with genetic engineering, regardless of whether the animal has been fed or injected with any food or drug produced with genetic engineering." In my view, removing this exemption would not make the bill more defensible and may create other legal issues. Federal law generally preempts state labeling requirements for meat. Milk is subject to extensive regulation and, although the legal issues are not as clear, in my opinion extending the labeling requirement to milk carries additional risk. Because cows are not genetically engineered, it is not clear that the FDA would consider a label describing milk as "produced with genetic engineering" to be accurate or permissible. I also note that the Second Circuit, in striking down Vermont's rBST labeling requirement, reasoned that "it is undisputed that neither consumers nor scientists can distinguish rBST-derived milk from milk produced by an untreated cow." *Int'l Dairy Foods Ass'n v. Amestoy*, 92 F.3d 67, 73 (2d Cir. 1996).

I understand that legislators and witnesses at times refer to this provision of the bill as a 'dairy' exemption. In its current form, however, the bill does not broadly exempt dairy products from labeling. Many dairy products, including flavored milk, yogurt, and ice cream, contain additives that may be produced with genetic engineering (sugar, corn syrup, cornstarch, soy). The bill's labeling requirement applies evenhandedly to these products – so, for example, chocolate milk sweetened with GE-corn syrup has to be labelled in the same way that soda is labelled.

Very truly yours,

William H. Sorrell
Attorney General

Vermont Attorney General's GE Food Labeling Rule Questionnaire

A new law in Vermont, Act 120, requires that food produced with genetic engineering (GE) bear a disclosure identifying it as having been produced with GE. The law applies to raw agricultural products (for example, potatoes and squash), as well as processed foods (for example, crackers, soda and cereals). As such, it is expected to affect consumers and several sectors of the food industry, including retailers, producers, processors, and distributors. The Attorney General is responsible for creating the rules that implement the GE food labeling law. While this is a questionnaire rather than a vote—the Office will ultimately make drafting decisions based on multiple considerations, including pertinent legal requirements—nevertheless, public input is very important at this early stage in the process. Please fill out this questionnaire and forward the link to anyone you know who may have an interest in giving input on this matter. We will be collecting responses through the end of June, so please act promptly. Although you can choose to answer anonymously, your answers to this questionnaire may become public. If you have any questions about the questionnaire, please feel free to contact Ginni Lavely at 802-828-5507 or glavely@atg.state.vt.us. Thank you.

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Vermont Attorney General's GE Food Labeling Rule Questionnaire

***1. Where do you live?**

- Vermont
- Other U.S. state or territory
- Other (please specify)

***2. Which of the following categories best describes you? Please select one.**

- Consumer
- Distributor
- Farmer
- Processor (including specialty food producers)
- Retailer (including restaurants)

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Vermont Attorney General's GE Food Labeling Rule Questionnaire

The law requires that manufacturers label processed food packages with the words "partially produced with genetic engineering"; "may be produced with genetic engineering"; or "produced with genetic engineering" (the GE food disclosure). With this in mind, please answer the following two questions:

1. On packaged foods (for example, crackers, soda, cereals), where should the GE food disclosure be located? Please select one.

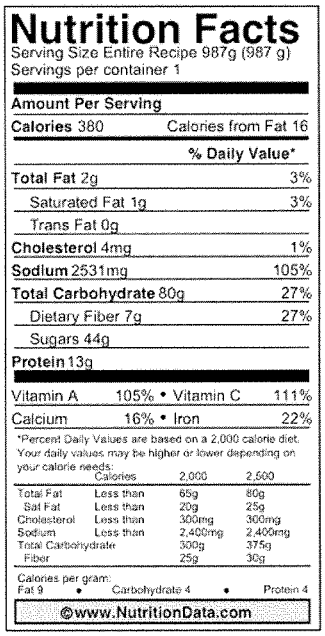
- Anywhere on package – not important where
- Anywhere on the back of the package
- Anywhere on the bottom of the package
- Anywhere on the front of the package
- Anywhere on either side panel of the package
- Near the list of ingredients, wherever it may be located
- Near the Nutrition Facts label, wherever it may be located
- Other

For all answers, please explain.

2. How prominent should the GE food disclosure be on packaged foods? Using the Nutrition Facts label pictured to the right as an example, should the disclosure be as prominent as (please select one):

- The words "Nutrition Facts"
- The word "Calories"
- The phrase "Servings Per Container"
- The sentence "Percent Daily Values are based on a 2,000 calorie diet."
- Other

For all answers, please explain.



Nutrition Facts
Serving Size Entire Recipe 987g (987 g)
Servings per container 1

Amount Per Serving	
Calories 380	Calories from Fat 16
	% Daily Value*
Total Fat 2g	3%
Saturated Fat 1g	3%
Trans Fat 0g	
Cholesterol 4mg	1%
Sodium 2531mg	105%
Total Carbohydrate 80g	27%
Dietary Fiber 7g	27%
Sugars 44g	
Protein 13g	

Vitamin A 105% • Vitamin C 111%
Calcium 16% • Iron 22%

*Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs:

	Calories	2,000	2,500
Total Fat	Less than	65g	80g
Sat Fat	Less than	20g	25g
Cholesterol	Less than	300mg	300mg
Sodium	Less than	2,400mg	2,400mg
Total Carbohydrate		300g	375g
Fiber		25g	30g

Calories per gram:
Fat 9 • Carbohydrate 4 • Protein 4

©www.NutritionData.com

3. The law requires any raw agricultural product that is not separately packaged (for example, loose potatoes or squash) to have a disclosure bearing the words "produced with genetic engineering" posted on the retail store shelf or bin in which it is displayed. Where should this disclosure be located? Please select one.

- Somewhere on the shelf or bin – not important where
- On the shelf or bin, separate from any other signage
- On any sign identifying the product (for example, "navel oranges" or "yellow onions") and/or the product price, wherever it may be located
- On each sign identifying the product (for example, "navel oranges" or "yellow onions") and/or the product price, wherever they may be located
- Other

For all answers, please explain.

4. The law also applies to certain unpackaged prepared foods typically sold outside of restaurants (for example, potato salad and macaroni salad sold at a supermarket deli). For unpackaged prepared foods, where should the GE food disclosure be located? Please select one.

- Affixed to the container in which the food product is displayed – not important where
- Affixed to the container in which the food product is displayed, separate from any other signage
- On any sign identifying the product (for example, "coleslaw") and/or the product price, wherever it may be located
- On each sign identifying the product (for example, "coleslaw") and/or the product price, wherever they may be located
- On the case (for example, a sticker on the deli case)
- On the counter (for example, a sign or placard on the counter)
- Other

For all answers, please explain.

5. The law also applies to bulk food items (for example, bulk granola or coffee beans sold at food co-ops, health food stores and some supermarkets). For bulk foods, where should the GE food disclosure be located? Please select one.

- Somewhere on the bin containing the bulk food product – not important where
- On the bin containing the bulk food product, separate from any other signage
- On any sign identifying the product (for example, "maple-walnut granola" or "dark roast") and/or product price, wherever it may be located
- On each sign identifying the product (for example, "maple-walnut granola" or "dark roast") and/or product price, wherever they may be located
- Other

For all answers, please explain.

6. Should GE food labels include a disclaimer that "the Food and Drug Administration does not consider foods produced from genetic engineering to be materially different from other foods"?

- Yes - for all foods
- Yes - but only for packaged foods
- Yes - but only for raw agricultural products that are unpackaged
- No

For all answers, please explain.

7. What additional concerns, if any, do you have regarding the implementation of this law?

8. If you would like to identify yourself or your organization, please do so below. You are not required to provide this information. If you decide not to provide this information, your answers will remain anonymous.

Name:
Company:
City/Town:
State/Province:
Country:

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Vermont Attorney General's GE Food Labeling Rule Questionnaire

Thank You

Thank you for your response. The Office of the Attorney General values your input. If you have any further questions about the questionnaire, do not hesitate to contact Ginni Lavely at 802-828-5507 or glavely@atg.state.vt.us. For general questions or comments about the GE food labeling rule in Vermont, please send an e-mail to GEFoodLabelingRule@atg.state.vt.us. If you would like to be kept informed about the Attorney General's progress on this matter, you can sign up for updates on rulemaking developments by clicking here.

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Vermont Attorney General's GE Food Labeling Rule Questionnaire

Summary of Results – Responses Collected June 2014.

All respondents were asked the following questions:

Q1. Where do you live?

Response	Percent	Frequency
Vermont	82.15	1,832
Other U.S. state or territory	15.52	346
Other	2.33	52
Total	100	2,230

Q2. Which of the following categories best describes you? Please select one.

Response	Percent	Frequency
Consumer	82.42	1,838
Distributor	0.67	15
Farmer	7.76	173
Processor (including specialty food producers)	5.52	123
Retailer (including restaurants)	3.63	81
Total	100	2,230

Respondents identifying as consumers were asked the following questions:

Q3. On packaged foods (for example, crackers, soda, cereals), where should the GE food disclosure be located? Please select one.

Response	Percent	Frequency
Anywhere on package – not important where	8.54	132
Anywhere on the back of the package	0.84	13
Anywhere on the bottom of the package	0.71	11
Anywhere on the front of the package	32.86	508
Anywhere on either side panel of the package	0.39	6
Near the list of ingredients, wherever it may be located	34.99	541
Near the Nutrition Facts label, wherever it may be located	16.88	261
Other	4.79	74
Total	100	1,546

Q4. How prominent should the GE food disclosure be on packaged foods? Using the Nutrition Facts label pictured to the right as an example, should the disclosure be as prominent as (please select one):

Response	Percent	Frequency
The words "Nutrition Facts"	43.45	667
The word "Calories"	34.92	536
The phrase "Servings Per Container"	8.34	128
The sentence "Percent Daily Values are based on a 2,000 calorie diet."	4.82	74
Other	8.47	130
Total	100	1,535

Q5. The law requires any raw agricultural product that is not separately packaged (for example, loose potatoes or squash) to have a disclosure bearing the words "produced with genetic engineering" posted on the retail store shelf or bin in which it is displayed. Where should this disclosure be located? Please select one.

Response	Percent	Frequency
Somewhere on the shelf or bin – not important where	7.04	108
On the shelf or bin, separate from any other signage	4.69	72
On any sign identifying the product (for example, "navel oranges" or "yellow onions") and/or the product price, wherever it may be located	21.04	323
On each sign identifying the product (for example, "navel oranges" or "yellow onions") and/or the product price, wherever they may be located	62.48	959
Other	4.76	73
Total	100	1,535

Q6. The law also applies to certain unpackaged prepared foods typically sold outside of restaurants (for example, potato salad and macaroni salad sold at a supermarket deli). For unpackaged prepared foods, where should the GE food disclosure be located? Please select one.

Response	Percent	Frequency
Affixed to the container in which the food product is displayed – not important where	15.90	244
Affixed to the container in which the food product is displayed, separate from any other signage	15.83	243
On any sign identifying the product (for example, "coleslaw") and/or the product price, wherever it may be located	14.20	218
On each sign identifying the product (for example, "coleslaw") and/or the product price, wherever they may be located	43.91	674
On the case (for example, a sticker on the deli case)	3.39	52
On the counter (for example, a sign or placard on the counter)	1.37	21
Other	5.41	83
Total	100	1,535

Q7. The law also applies to bulk food items (for example, bulk granola or coffee beans sold at food co-ops, health food stores and some supermarkets). For bulk foods, where should the GE food disclosure be located? Please select one.

Response	Percent	Frequency
Somewhere on the bin containing the bulk food product – not important where	14.17	218
On the bin containing the bulk food product, separate from any other signage	16.32	251
On any sign identifying the product (for example, "maple-walnut granola" or "dark roast") and/or product price, wherever it may be located	16.58	255
On each sign identifying the product (for example, "maple-walnut granola" or "dark roast") and/or product price, wherever they may be located	48.89	752
Other	4.03	62
Total	100	1,538

Q8. Should GE food labels include a disclaimer that "the Food and Drug Administration does not consider foods produced from genetic engineering to be materially different from other foods"?

Response	Percent	Frequency
Yes - for all foods	27.06	408
Yes - but only for packaged foods	1.66	25
Yes - but only for raw agricultural products that are unpackaged	0.27	4
No	71.02	1,071
Total	100	1,508

Respondents identifying as retailers were asked the following questions:

Q11. Where is the easiest place to post the GE food disclosure? Please select one.

Response	Percent	Frequency
Somewhere on the shelf or bin – not important where	13.33	6
On the shelf or bin, separate from any other signage	11.11	5
On any sign identifying the product (for example, "navel oranges" or "yellow onions") and/or the product price, wherever it may be located	33.33	15
On each sign identifying the product (for example, "navel oranges" or "yellow onions") and/or the product price, wherever they may be located	35.56	16
Other	6.67	3
Total	100	45

Q13. Retailers also do not have to label raw agricultural products that they receive separately packaged and ready for sale. Select all of the following that you believe are "packaged":

Response	Percent	Frequency
Closeable bag or carton (for example, grapes, berries)	90.70	39
Non-closeable bag (for example, apples)	69.77	30
Mesh bag (for example, onions, oranges)	90.70	39
Plastic slip cover (for example, lettuce)	67.44	29
Plastic wrap or cellophane (for example, cucumber)	81.40	35
Rubber band (for example, broccoli, asparagus)	39.53	17
Sticker (for example, on bananas)	46.51	20
Tag only (for example, on cabbage)	32.56	14
Twist tie (for example, fresh herbs)	37.21	16
Unsealed bag closed with twist tie, plastic tab, or other similar means (for example, carrots)	76.74	33
Any product bearing a label that identifies the product	58.14	25
Total		43

Q14. The law also applies to bulk food items (for example, bulk granola or coffee beans sold at food co-ops, health food stores and some supermarkets). For bulk foods, where should the GE food disclosure be located? Please select one.

Response	Percent	Frequency
Somewhere on the bin containing the bulk food product – not important where	14.89	7
On the bin containing the bulk food product, separate from any other signage	14.89	7
On any sign identifying the product (for example, "maple-walnut granola" or "dark roast") and/or product price, wherever it may be located	27.66	13
On each sign identifying the product (for example, "maple-walnut granola" or "dark roast") and/or product price, wherever they may be located	34.04	16
Other	8.51	4
Total	100	43

Q16. Read through the following options and select those food items that are "prepared and intended for immediate human consumption":

Response	Percent	Frequency
A pint (one 16-oz. container) of a deli item (for example, pasta salad)	86.05	37
Two quarts (two 32-oz. containers) of a deli item (for example, potato salad)	72.09	31
A quarter of a pound of mixed items from a salad bar (for example, lettuce, cucumbers, tomatoes)	83.72	36
A quart (one 32-oz. container) of hot soup from a soup bar	83.72	36
A cup (one 8-oz. container) of hot soup from a soup bar	93.02	40
A half-pint (one 8-oz. container) of items from an olive bar (for example, olives, marinated peppers)	67.44	29
A single bakery item (for example, a muffin)	90.70	39
A half-dozen bakery items (for example, bagels)	58.14	25
Total		43

Q18. Should GE food labels include a disclaimer that "the Food and Drug Administration does not consider foods produced from genetic engineering to be materially different from other foods"?

Response	Percent	Frequency
Yes - for all foods	51.16	22
Yes - but only for packaged foods		
Yes - but only for raw agricultural products that are unpackaged		
No	48.84	21
Total	100	43

Respondents identifying as distributors, farmers, or processors were asked the following questions:

Q21. On packaged foods (for example, crackers, soda, cereals), where should the GE food disclosure be located? Please select one.

Response	Percent	Frequency
Anywhere on package – not important where	10.31	23
Anywhere on the back of the package	2.24	5
Anywhere on the bottom of the package	1.35	3
Anywhere on the front of the package	17.49	39
Anywhere on either side panel of the package	0.90	2
Near the list of ingredients, wherever it may be located	43.50	97
Near the Nutrition Facts label, wherever it may be located	12.11	27
Other	12.11	27
Total	100	223

Q22. How prominent should the GE food disclosure be on packaged foods? Using the Nutrition Facts label pictured to the right as an example, should the disclosure be as prominent as (please select one):

Response	Percent	Frequency
The words “Nutrition Facts”	25.56	57
The word “Calories”	28.70	64
The phrase “Servings Per Container”	12.56	28
The sentence “Percent Daily Values are based on a 2,000 calorie diet.”	20.63	46
Other	12.56	28
Total	100	233

Q23. The law also applies to bulk food items (for example, bulk granola or coffee beans sold at food co-ops, health food stores and some supermarkets). For bulk foods, where should the GE food disclosure be located? Please select one.

Response	Percent	Frequency
Somewhere on the bin containing the bulk food product – not important where	24.32	54
On the bin containing the bulk food product, separate from any other signage	16.22	36
On any sign identifying the product (for example, "maple-walnut granola" or "dark roast") and/or product price, wherever it may be located	18.47	41
	28.83	64
On each sign identifying the product (for example, "maple-walnut granola" or "dark roast") and/or product price, wherever they may be located		
Other	12.16	27
Total	100	222

Q24. The law also applies to raw agricultural products (for example, potatoes and squash). While producers, farmers, processors, and/or distributors may be required to label raw agricultural products that retailers receive packaged and ready for sale, retailers are required to label raw agricultural products that are not separately packaged for retail sale. Select all of the following that you believe are "packaged":

Response	Percent	Frequency
Closeable bag or carton (for example, grapes, berries)	75.13	148
Non-closeable bag (for example, apples)	58.38	115
Mesh bag (for example, onions, oranges)	70.05	138
Plastic slip cover (for example, lettuce)	59.39	117
Plastic wrap or cellophane (for example, cucumber)	60.41	119
Rubber band (for example, broccoli, asparagus)	39.09	77
Sticker (for example, on bananas)	45.69	90
Tag only (for example, on cabbage)	37.56	74
Twist tie (for example, fresh herbs)	36.04	71
Unsealed bag closed with twist tie, plastic tab, or other similar means (for example, carrots)	55.84	110
Any product bearing a label that identifies the product	71.07	140
Total		43

Q25. Should GE food labels include a disclaimer that "the Food and Drug Administration does not consider foods produced from genetic engineering to be materially different from other foods"?

Response	Percent	Frequency
Yes - for all foods	43.12	94
Yes - but only for packaged foods	1.38	3
Yes - but only for raw agricultural products that are unpackaged		
No	55.5	121
Total	100	218

Vermont Attorney General's Office

GE Food Labeling Rule

Frequently Asked Questions (FAQ)

A new law in Vermont, Act 120, requires that food produced with genetic engineering (GE) be labeled as such. The law applies to raw agricultural products like corn and squash as well as processed foods such as crackers, soda, and cereals. It will affect several sectors of the food industry, including producers, processors, distributors, and retailers. The labeling requirement goes into effect on July 1, 2016.

The office of the Vermont Attorney General is responsible for drafting the rules that will implement the GE food labeling law. The office will ultimately make decisions about these rules based on multiple considerations, including legal requirements and stakeholder concerns.

The answers to the questions below will help the public understand the labeling requirements and the timeline for rulemaking and implementation. This FAQ is intended to provide general guidance about the applicability of the law but **should not be considered legal advice**.

To give input and ask questions, you can email the Attorney General's GE Food Rulemaking Team at gefoodlabelingrule@atg.state.vt.us. Communications submitted to this email address are subject to disclosure under Vermont's Public Records Act, 1 V.S.A. section 315, et. seq.

To sign up for the Attorney General's email updates on rulemaking developments, go to: http://list.state.vt.us/guest/RemoteListSummary/GEFoodLabelingRule

Frequently Asked Questions:

1. **What is the timeline for the rulemaking process?**

The Attorney General's Office is currently drafting the rules that will implement Act 120. We recently distributed a questionnaire to collect input from stakeholders (producers, processors, retailers, and consumers). After this informal collection of input, the Office will follow standard rulemaking procedures, which call for additional public comment, with the goal of promulgating the rules by July 2015. These rules and the requirement for labeling food produced with genetic engineering go into effect on July 1, 2016.

2. **Will the Vermont Agency of Agriculture, Food & Markets test my products for GE materials?**

No. The Agency of Agriculture is not responsible for testing or enforcement of the GE Labeling Law.

3. **Who will enforce the labeling requirement?**

The Vermont Attorney General's Office is responsible for enforcing the GE Labeling Law.

4. When will the GE Labeling Law go into effect?

The requirement for labeling food produced with genetic engineering goes into effect on July 1, 2016, as will the rules drafted by the Attorney General.

5. I have a home-based business with revenue under $10,000. Am I exempt from the law?

No. There are no revenue-based exemptions to the labeling requirement.

6. Does it matter where the food is sold?

Yes. Only food offered for retail sale in Vermont is subject to the labeling law.

7. Are any types of establishments exempt from the labeling requirements?

Yes. Restaurants and other food establishments primarily engaged in the sale of food prepared and intended for immediate human consumption are exempt from the labeling requirement, except for the food they sell that is packaged for retail sale.

- For example, food trucks, sandwich shops, and restaurants that do not offer items for retail sale are exempt from the labeling requirement.
- However, retail items sold at a restaurant, such as a jar of pasta sauce, must be labeled if they are produced with GE.

In addition, food that is not packaged for retail sale and is prepared and intended for immediate human consumption is exempt, regardless of where it is sold.

- For example, a ready-to-eat hot dog or sausage at a convenience store, a sandwich prepared to order at a supermarket deli, or a hot slice of pizza at a general store

8. Do I need to label my product "GE-free" if it does not contain GE materials?

No. The law requires labeling only products that are produced or may be produced with GE.

9. What if a product contains only trace amounts of GE materials?

A product in which GE materials make up no more than 0.9 percent of the total weight does not require a GE food label.

10. Is there a legal defense fund to help with the costs of defending the GE Labeling Law? How can I learn more about the fund or make a contribution?

Yes. The "Vermont Food Fight Fund" is an initiative of the Vermont Governor's Office. Follow this link to learn more about the fund or make a donation: http://www.foodfightfundvt.org/.

Agency of Agriculture, Food, & Markets
Reported Genetically Engineered Seed Sales in Vermont, 2002 to 2012
October 11, 2013

Reported Genetically Engineered Seed Sales in Vermont,
2002 to 2012

Companies reporting (2.6.13):

The following companies reported sales of GE seeds in Vermont in 2012, as required by 6VSA §648:

Dow/Agrigenetics (dba Mycogen)
Monsanto Ag Products LLC, including Fielder's Choice, Heartland Hybrids, and Hubner Seeds brands
Pioneer Hi-Bred International Inc.
Seedway Inc. , including Agriculver brand
Syngenta Seeds Inc., including Agrisure and Garst seed brands.
T.A. Seeds
Winfield Solutions LLC

GE brand and traits reported (2002 to 2012, inclusive):

Seed Type	Brand	Trait	Herbicide / Pest Tolerance
Alfalfa	Roundup Ready	Herbicide Tolerant	Glyphosate
Canola	Roundup Ready	Herbicide Tolerant	Glyphosate
Corn	Roundup Ready	Herbicide Tolerant	Glyphosate
Corn	Roundup Ready 2	Herbicide Tolerant	Glyphosate
Corn	Liberty Link	Herbicide Tolerant	Glyfosinate - ammonium
Corn	Clearfield[1]	Herbicide Tolerant	Tolimidazolinone
Corn	YieldGard CB	Insect Resistance - Bt	Corn Borer resistant
Corn	Agrisure CB (Bt11)	Insect Resistance - Bt	Corn Borer resistant
Corn	YieldGard RW	Insect Resistance - Bt	Rootworm resistant
Corn	YieldGard Plus	Insect Resistance - Bt	Corn Borer and Rootworm resistant
Corn	Herculex I	Insect Resistance - Bt	Corn Borer, Cutworm, Fall Armyworm Resistant
Corn	YieldGard & Roundup Ready 2	Herbicide Tolerant / Insect Resistance	Stacked Trait
Corn	Herculex & Liberty Link	Herbicide Tolerant / Insect Resistance	Stacked Trait
Corn	Liberty Link & Bt11	Herbicide Tolerant / Insect Resistance	Stacked Trait
Corn	YieldGard/VT Triple	Herbicide Tolerant Insect Resistant	Stacked Trait
Soybean	Roundup Ready	Herbicide Tolerant	Glyphosate
Soybean	Roundup Ready & Soybean Cyst Nematode	Herbicide Tolerant / Nema. Resistant	Stacked Trait
Sunflower	Clearfield	Nematode Resist.	

Aggregate Pounds of GE seed sold in Vermont from 2002 through 2012, inclusive.

GE Seed Kind	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
(units in pounds)											
Soybean – total GE	19,302	115,600	168,900	175,900	197,580	220,600	282,340	193,205	297,832	199,660	270,129
Soybean – HT/SCN								70,500	55,650	38,000	6,200
Canola - HT						4,300	0	0	0	0	0
Corn - IR	*	138,138	122,786	78,069	79,231	113,540	244,407	167,538	153,176	3,900	17,059
Corn - HT	*	119,694	145,755	206,851	256,324	281,675	293,763	451,040	437,457	463,133	420,438
Corn - IR / HT	*	43,566	68,931	214,839	285,999	447,326	714,934	785,652	1,049,630	1,498,517	1,197,805
Alfalfa - HT				50	6,150	0	0	0	0	0	3,600
Sunflower – HT[1]										32	192
Total GE Corn	149,083	301,398	337,472	499,759	621,554	842,541	1,253,104	1,404,220	1,640,263	1,965,549	1,635,302
Total GE Corn + GE Soybean	168,385	416,998	506,372	675,659	819,134	1,063,141	1,535,444	1,667,925	1,938,094	2,165,210	1,905,431
Total GE Corn + GE Soybeans + GE Alfalfa				675,709	825,284	1,063,141	1,535,444	1,667,925	1,938,094	2,165,210	1,909,031
Total, All GE Crops	168,385	416,998	506,372	675,709	825,284	1,067,441	1,535,444	1,667,925	1,938,094	2,165,242	1,909,223
(acreages planted†)											
Total Corn Acres, planted, all purposes	92,000	96,000	90,000	90,000	85,000	92,000	94,000	91,000	92,000	90,000	91,000
Percent GE Corn of Total Corn	8%	16%	19%	28%	37%	46%	67%	77%	89%	109%[2]	90%
Acres of GE Corn **	7,360	15,360	17,100	24,988	31,078	42,127	62,655	70,211	82,013	98,277	81,765
Percent GE Soybean of Total Soybean				††	††	††	††	††	††	††	††
Acres of GE Soybeans **				3,518	3,952	4,412	5,647	5,274	5,957	3,993	5,403
Total Forage Alfalfa Acres (Dry hay, haylage)				95,000	90,000	80,000	75,000	70,000	75,000	75,000	75,000
Alfalfa Acres New Seedings Total				11,000	11,000	10,000	8,000	8,000	8,000	6,000	6,000
Percent GE Alfalfa of Total Alfalfa, new seedings***				0.03%	3.7%	0.0	0.0	0.0	0.0	0.0	4.0%
Acres of GE Alfalfa, new seedings**				3.33	410	0.0	0.0	0.0	0.0	0.0	240

Notes:

HT = Herbicide Tolerant
IR = Insect Resistant.
IR / HT = Insect Resistant / Herbicide Tolerant
HT / SCN = Herbicide Tolerant / Soybean Cyst Nematode resistant
BT = Seed engineered to produce insecticidal proteins with activity identical to those proteins produced by the insecticidal bacterium *Bacillus thuringiensis* (Bt)
Stacked Trait – Seed with two or more GE traits are said to be 'stacked' or to have 'stacked traits, often tolerance to a broad spectrum herbicide combined with one or more Bt protein traits.

[1]"Clearfield" herbicide resistance is bred into seed via traditional breeding and hybridization techniques and is therefore not a genetically engineered trait; however, it has appeared on GE Seed Reporting Forms submitted to the Agency of Agriculture, Food & Markets, and is included here as a result.

[2] In 2011, significant acreages of corn, all purposes, were reported as having been reseeded as a result of late spring germination failures (flooding, late frosts, killing frosts after seedling emergence, etc.), which may help explain this overage.

***** Breakdown of corn traits is not available for 2002.
****** Assumes a seeding rate of 20 lb/ac for corn , 50 lb/ac for soybeans, and 15 lb/ac for alfalfa Calculated acres are derived from percentages, which are rounded.
† Acreage planted data obtained from the National Agricultural Statistics Service (NASS) - http://www.nass.usda.gov
†† The amount of GE soybean planted in VT as a percentage of the total is unknown, but is estimated to be in the 85 to 95% range
*** No GE alfalfa was planted in 2007 or 2008 due to the May 3, 2007 Federal injunction prohibiting sale and planting of Roundup Ready alfalfa after that date.

Michael O'Grady, Office of Legislative Council
H112 Side by Side of House Passed Bill and Senate Proposal of Amendment
April 16, 2014

4/16/14 – MOG -3:01 p.m.

Grey Highlight= Differences Between House Passed Bill and of Committee on Agriculture Proposal

H.112: Side by Side of House Passed Bill and Senate Proposal of Amendment

H.112 As Passed by House	H.112 As Proposed by Senate
Sec. 1. FINDINGS The General Assembly finds and declares that: (1) U.S. federal law does not provide for the regulation of the safety and labeling of food that is produced with genetic engineering, as evidenced by the following: (A) U.S. federal labeling and food and drug laws do not require manufacturers of food produced with genetic engineering to label such food as genetically engineered. (B) As indicated by the testimony of Dr. Robert Merker, a U.S. Food and Drug Administration (FDA) Supervisory Consumer Safety Officer, the FDA has statutory authority to require labeling of food products, but does not consider genetically engineered foods to be materially different from their traditional counterparts to justify such labeling. (C) No formal FDA policy on the labeling of genetically engineered foods has been adopted. Currently, the FDA only provides nonbinding guidance on the labeling of genetically engineered foods, including a 1992 draft guidance regarding the need for the FDA to regulate labeling of food produced from genetic engineering and a 2001 draft guidance for industry regarding voluntary labeling of food produced from genetic engineering.	Sec. 1. FINDINGS The General Assembly finds and declares that: (1) U.S. federal law does not provide for the labeling of food that is produced with genetic engineering, as evidenced by the following: (A) U.S. federal labeling and food and drug laws do not require manufacturers of food produced with genetic engineering to label such food as genetically engineered. (B) As indicated by the testimony of a U.S. Food and Drug Administration (FDA) Supervisory Consumer Safety Officer, the FDA has statutory authority to require labeling of food products, but does not consider genetically engineered foods to be materially different from their traditional counterparts to require such labeling. (C) No formal FDA policy on the labeling of genetically engineered foods has been adopted. Currently, the FDA only provides nonbinding guidance on the labeling of genetically engineered foods, including a 1992 draft guidance regarding labeling of food produced from genetic engineering and a 2001 draft guidance for industry regarding voluntary labeling of food produced from genetic engineering.

Grey Highlight= Differences Between House Passed Bill and of Committee on Agriculture Proposal

H.112 As Passed by House	H.112 As Proposed by Senate
	(2) U.S. federal law does not require independent testing of the safety of food produced with genetic engineering, as evidenced by the following:
(D) The FDA regulates genetically engineered foods in the same way it regulates foods developed by traditional plant breeding.	(A) In its regulation of food, the FDA does not distinguish genetically engineered foods from foods developed by traditional plant breeding.
(E) Under its regulatory framework, the FDA does not independently test the safety of genetically engineered foods. Instead, manufacturers may submit safety research and studies, the majority of which the manufacturers finance or conduct. The FDA reviews the manufacturers' research and reports through a voluntary safety consultation, and issues a letter to the manufacturer acknowledging the manufacturer's conclusion regarding the safety of the genetically engineered food product being tested.	(B) Under its regulatory framework, the FDA does not independently test the safety of genetically engineered foods. Instead, manufacturers submit safety research and studies, the majority of which the manufacturers finance or conduct. The FDA reviews the manufacturers' research and reports through a voluntary safety consultation, and issues a letter to the manufacturer acknowledging the manufacturer's conclusion regarding the safety of the genetically engineered food product being tested.
(F) The FDA does not use meta-studies or other forms of statistical analysis to verify that the studies it reviews are not biased by financial or professional conflicts of interest.	(C) The FDA does not use meta-studies or other forms of statistical analysis to verify that the studies it reviews are not biased by financial or professional conflicts of interest.
(G) There is a lack of consensus regarding the validity of the research and science surrounding the safety of genetically engineered foods, as indicated by the fact that there are peer-reviewed studies published in international scientific literature showing negative, neutral, and positive health results.	(D) There is a lack of consensus regarding the validity of the research and science surrounding the safety of genetically engineered foods, as indicated by the fact that there are peer-reviewed studies published in international scientific literature showing negative, neutral, and positive health results.
(H) There have been no long-term or epidemiologic studies in the United States that examine the safety of human consumption of genetically	(E) There have been no long-term or epidemiologic studies in the United States that examine the safety of human consumption of genetically

H.112 As Passed by House	H.112 As Proposed by Senate
engineered foods.	engineered foods.
(I) Independent scientists are limited from conducting safety and risk-assessment research of genetically engineered materials used in food products due to industry restrictions on the use for research of those genetically engineered materials used in food products.	(F) Independent scientists may be limited from conducting safety and risk-assessment research of genetically engineered materials used in food products due to industry restrictions or patent restrictions on the use for research of those genetically engineered materials used in food products.
(2) Genetically engineered foods are increasingly available for human consumption, as evidenced by the fact that:	(2) Genetically engineered foods are increasingly available for human consumption, as evidenced by the fact that:
(A) it is estimated that up to 80 percent of the processed foods sold in the United States are at least partially produced from genetic engineering; and	(A) it is estimated that up to 80 percent of the processed foods sold in the United States are at least partially produced from genetic engineering; and
(B) according to the U.S. Department of Agriculture, in 2012, genetically engineered soybeans accounted for 93 percent of U.S. soybean acreage, and genetically engineered corn accounted for 88 percent of U.S. corn acreage.	(B) according to the U.S. Department of Agriculture, in 2012, genetically engineered soybeans accounted for 93 percent of U.S. soybean acreage, and genetically engineered corn accounted for 88 percent of U.S. corn acreage.
(3) Genetically engineered foods pose potential risks to health, safety, agriculture, and the environment, as evidenced by the following:	(4) Genetically engineered foods potentially pose risks to health, safety, agriculture, and the environment, as evidenced by the following:
(A) Independent studies in laboratory animals indicate that the ingestion of genetically engineered foods may lead to health problems such as gastrointestinal damage, liver and kidney damage, reproductive problems, immune system interference, and allergic responses.	(A) There are conflicting studies assessing the health consequences of food produced from genetic engineering.
(B) The genetic engineering of plants and animals may cause unintended consequences. The use	(B) The genetic engineering of plants and animals may cause unintended consequences.

Grey Highlight= Differences Between House Passed Bill and of Committee on Agriculture Proposal

H.112 As Passed by House	H.112 As Proposed by Senate
of genetic engineering to manipulate genes by inserting them into organisms is an imprecise process. Mixing plant, animal, bacteria, and viral genes through genetic engineering in combinations that cannot occur in nature may produce results that lead to adverse health or environmental consequences.	
(C) The use of genetically engineered crops is increasing in commodity agricultural production practices. Genetically engineered crops promote large-scale monoculture production, which contributes to genetic homogeneity, loss of biodiversity, and increased vulnerability of crops to pests, diseases, and variable climate conditions.	(C) The use of genetically engineered crops is increasing in commodity agricultural production practices, which contribute to genetic homogeneity, loss of biodiversity, and increased vulnerability of crops to pests, diseases, and variable climate conditions.
(D) Genetically engineered crops that include pesticides may adversely affect populations of bees, butterflies, and other nontarget insects.	
(E) Cross-pollination of or cross-contamination by genetically engineered crops may contaminate organic crops and prevent organic farmers and organic food producers from qualifying for organic certification under federal law.	(D) Cross-pollination of or cross-contamination by genetically engineered crops may contaminate organic crops and, consequently, affect marketability of those crops.
(F) Cross-pollination from genetically engineered crops may have an adverse effect on native flora and fauna. The transfer of unnatural deoxyribonucleic acid to wild relatives can lead to displacement of those native plants, and in turn, displacement of the native fauna dependent on those wild varieties.	(E) Cross-pollination from genetically engineered crops may have an adverse effect on native flora and fauna. The transfer of unnatural deoxyribonucleic acid to wild relatives can lead to displacement of those native plants, and in turn, displacement of the native fauna dependent on those wild varieties.

Grey Highlight= Differences Between House Passed Bill and of Committee on Agriculture Proposal

H.112 As Passed by House	H.112 As Proposed by Senate
(4) For multiple health, personal, cultural, religious, environmental, and economic reasons, the State of Vermont finds that food produced from genetic engineering should be labeled as such, as evidenced by the following:	(5) For multiple health, personal, religious, and environmental reasons, the State of Vermont finds that food produced from genetic engineering should be labeled as such, as evidenced by the following:
(A) Public opinion polls conducted by the Center for Rural Studies at the University of Vermont indicate that a large majority of Vermonters want foods produced with genetic engineering to be labeled as such.	(A) Public opinion polls conducted by the Center for Rural Studies at the University of Vermont indicate that a large majority of Vermonters want foods produced with genetic engineering to be labeled as such.
	(B) Polling by the New York Times indicated that many consumers are under an incorrect assumption about whether the food they purchase is produced from genetic engineering, and labeling food as produced from genetic engineering will reduce consumer confusion or deception regarding the food they purchase.
(B) Because genetic engineering, as regulated by this act, involves the direct injection of genes into cells, the fusion of cells, or the hybridization of genes that does not occur in nature, labeling foods produced with genetic engineering as "natural," "naturally made," "naturally grown," "all natural," or other similar descriptors is inherently misleading, poses a risk of confusing or deceiving consumers, and conflicts with the general perception that "natural" foods are not genetically engineered.	(C) Because genetic engineering, as regulated by this act, involves the direct injection of genes into cells, the fusion of cells, or the hybridization of genes that does not occur in nature, labeling foods produced with genetic engineering as "natural," "naturally made," "naturally grown," "all natural," or other similar descriptors is inherently misleading, poses a risk of confusing or deceiving consumers, and conflicts with the general perception that "natural" foods are not genetically engineered.

Grey Highlight= Differences Between House Passed Bill and of Committee on Agriculture Proposal

H.112 As Passed by House	H.112 As Proposed by Senate
(C) Persons with certain religious beliefs object to producing foods using genetic engineering because of objections to tampering with the genetic makeup of life forms and the rapid introduction and proliferation of genetically engineered organisms and, therefore, need food to be labeled as genetically engineered in order to conform to religious beliefs and comply with dietary restrictions.	(D) Persons with certain religious beliefs object to producing foods using genetic engineering because of objections to tampering with the genetic makeup of life forms and the rapid introduction and proliferation of genetically engineered organisms and, therefore, need food to be labeled as genetically engineered in order to conform to religious beliefs and comply with dietary restrictions.
(D) Requiring that foods produced through genetic engineering be labeled as such will create additional market opportunities for those producers who are not certified as organic and whose products are not produced from genetic engineering. Such additional market opportunities will also contribute to vibrant and diversified agricultural communities.	
(E) Labeling gives consumers information they can use to make informed decisions about what products they would prefer to purchase.	(E) Labeling gives consumers information they can use to make decisions about what products they would prefer to purchase.
(5) Because both the FDA and the U.S. Congress do not require the labeling of food produced with genetic engineering, the State should require food produced with genetic engineering to be labeled as such in order to serve the interests of the State, notwithstanding limited exceptions, to prevent inadvertent consumer deception, prevent potential risks to human health, promote food safety, protect cultural and religious practices, protect the environment, and promote economic development.	(6) Because both the FDA and the U.S. Congress do not require the labeling of food produced with genetic engineering, the State should require food produced with genetic engineering to be labeled as such in order to serve the interests of the State, notwithstanding limited exceptions, to prevent inadvertent consumer deception, prevent potential risks to human health, protect religious practices, and protect the environment.

Grey Highlight= Differences Between House Passed Bill and of Committee on Agriculture Proposal

H.112 As Passed by House	H.112 As Proposed by Senate
Sec. 2. 9 V.S.A. chapter 82A is added to read:	Sec. 2. 9 V.S.A. chapter 82A is added to read:
CHAPTER 82A. LABELING OF FOOD PRODUCED WITH GENETIC ENGINEERING	CHAPTER 82A. LABELING OF FOOD PRODUCED WITH GENETIC ENGINEERING
§ 3041. PURPOSE	§ 3041. PURPOSE
It is the purpose of this chapter to:	It is the purpose of this chapter to:
(1) Public health and food safety. Promote food safety and protect public health by enabling consumers to avoid the potential risks associated with genetically engineered foods, and serve as a risk management tool enabling consumers, physicians, and scientists to identify unintended health effects resulting from the consumption of genetically engineered foods.	(1) Public health and food safety. Establish a system by which persons may make informed decisions regarding the potential health effects of the food they purchase and consume and by which, if they choose, persons may avoid potential health risks of food produced from genetic engineering.
(2) Environmental impacts. Assist consumers who are concerned about the potential effects of genetic engineering on the environment to make informed purchasing decisions.	(2) Environmental impacts. Inform the purchasing decisions of consumers who are concerned about the potential environmental effects of the production of food from genetic engineering.
(3) Consumer confusion and deception. Reduce and prevent consumer confusion and deception and promote the disclosure of factual information on food labels to allow consumers to make informed decisions.	(3) Consumer confusion and deception. Reduce and prevent consumer confusion and deception by prohibiting the labeling of products produced from genetic engineering as "natural" and by promoting the disclosure of factual information on food labels to allow consumers to make informed decisions.
(4) Promoting economic development. Create additional market opportunities for those producers who are not certified organic and whose products are not produced using genetic engineering and to enable consumers to make informed purchasing decisions.	

H.112 As Passed by House	H.112 As Proposed by Senate
(5) Protecting religious and cultural practice. Provide consumers with data from which they may make informed decisions for personal, religious, moral, cultural, or ethical reasons.	(4) Protecting religious practices. Provide consumers with data from which they may make informed decisions for religious reasons.
§ 3042. DEFINITIONS As used in this chapter: (1) "Consumer" shall have the same meaning as in subsection 2451a(a) of this title. (2) "Enzyme" means a protein that catalyzes chemical reactions of other substances without itself being destroyed or altered upon completion of the reactions.	§ 3042. DEFINITIONS As used in this chapter: (1) "Consumer" shall have the same meaning as in subsection 2451a(a) of this title. (2) "Enzyme" means a protein that catalyzes chemical reactions of other substances without itself being destroyed or altered upon completion of the reactions. (3) "Food" means food intended for human consumption.
(3) "Genetic engineering" is a process by which a food is produced from an organism or organisms in which the genetic material has been changed through the application of: (A) in vitro nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) techniques and the direct injection of nucleic acid into cells or organelles; or (B) fusion of cells (including protoplast fusion) or hybridization techniques that overcome natural physiological, reproductive, or recombination barriers, where the donor cells or protoplasts do not fall within the same taxonomic group, in a way that does not occur by natural multiplication or natural	(4) "Genetic engineering" is a process by which a food is produced from an organism or organisms in which the genetic material has been changed through the application of: (A) in vitro nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) techniques and the direct injection of nucleic acid into cells or organelles; or (B) fusion of cells (including protoplast fusion) or hybridization techniques that overcome natural physiological, reproductive, or recombination barriers, where the donor cells or protoplasts do not fall within the same taxonomic group, in a way that does not occur by natural multiplication or natural

H.112 As Passed by House	H.112 As Proposed by Senate
recombination. (4) "In vitro nucleic acid techniques" means techniques, including recombinant DNA or ribonucleic acid techniques, that use vector systems and techniques involving the direct introduction into the organisms of hereditary materials prepared outside the organisms such as micro-injection, chemoporation, electroporation, micro-encapsulation, and liposome fusion.	recombination. (4) "In vitro nucleic acid techniques" means techniques, including recombinant DNA or ribonucleic acid techniques, that use vector systems and techniques involving the direct introduction into the organisms of hereditary materials prepared outside the organisms such as micro-injection, chemoporation, electroporation, micro-encapsulation, and liposome fusion. (6) "Manufacturer" means a person who: (A) produces a processed food or raw agricultural commodity under its own brand or label for sale in or into the State; (B) sells in or into the State under its own brand or label a processed food or raw agricultural commodity produced by another supplier; (C) owns a brand that it licenses or licensed to another person for use on a processed food or raw commodity sold in or into the State; (D) sells in, sells into, or distributes in the State a processed food or raw agricultural commodity that it packaged under a brand or label owned by another person; (E) imports into the United States for sale in or into the State a processed food or raw agricultural commodity produced by a person without a presence in the United States; or (F) produces a processed food or raw agricultural commodity for sale in or into the State

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	without affixing a brand name.
(5) "Organism" means any biological entity capable of replication, reproduction, or transferring of genetic material.	(7) "Organism" means any biological entity capable of replication, reproduction, or transferring of genetic material.
(6) "Processed food" means any food other than a raw agricultural commodity and includes any food produced from a raw agricultural commodity that has been subjected to processing such as canning, smoking, pressing, cooking, freezing, dehydration, fermentation, or milling.	(8) "Processed food" means any food other than a raw agricultural commodity and includes any food produced from a raw agricultural commodity that has been subjected to processing such as canning, smoking, pressing, cooking, freezing, dehydration, fermentation, or milling.
(7) "Processing aid" means:	(9) "Processing aid" means:
(A) a substance that is added to a food during the processing of the food but that is removed in some manner from the food before the food is packaged in its finished form;	(A) a substance that is added to a food during the processing of the food but that is removed in some manner from the food before the food is packaged in its finished form;
(B) a substance that is added to a food during processing, is converted into constituents normally present in the food, and does not significantly increase the amount of the constituents naturally found in the food; or	(B) a substance that is added to a food during processing, is converted into constituents normally present in the food, and does not significantly increase the amount of the constituents naturally found in the food; or
(C) a substance that is added to a food for its technical or functional effect in the processing but is present in the finished food at levels that do not have any technical or functional effect in that finished food.	(C) a substance that is added to a food for its technical or functional effect in the processing but is present in the finished food at levels that do not have any technical or functional effect in that finished food.
(8) "Raw agricultural commodity" means any food in its raw or natural state, including any fruit that is washed, colored, or otherwise treated in its unpeeled natural form prior to marketing.	(10) "Raw agricultural commodity" means any food in its raw or natural state, including any fruit or vegetable that is washed, colored, or otherwise treated in its unpeeled natural form prior to marketing.

Grey Highlight= Differences Between House Passed Bill and of Committee on Agriculture Proposal

H.112 As Passed by House	H.112 As Proposed by Senate
§ 3043. LABELING OF FOOD PRODUCED WITH GENETIC ENGINEERING	§ 3043. LABELING OF FOOD PRODUCED WITH GENETIC ENGINEERING
(a) Except as set forth in section 3044 of this title, food purchased by a retailer after July 1, 2015 shall be labeled as produced entirely or in part from genetic engineering if it is a product:	(a) Except as set forth in section 3044 of this title, food offered for sale by a retailer after July 1, 2016 shall be labeled as produced entirely or in part from genetic engineering if it is a product:
(1) offered for retail sale in Vermont; and	(1) offered for retail sale in Vermont; and
(2) entirely or partially produced with genetic engineering.	(2) entirely or partially produced with genetic engineering.
(b) If a food is required to be labeled under subsection (a) of this section, it shall be labeled as follows:	(b) If a food is required to be labeled under subsection (a) of this section, it shall be labeled as follows:
(1) in the case of a raw agricultural commodity, on the package offered for retail sale, with the clear and conspicuous words, "produced with genetic engineering" or "genetically engineered" on the front of the package of the commodity or in the case of any such commodity that is not separately packaged or labeled, on a label appearing on the retail store shelf or bin in which the commodity is displayed for sale; or	(1) in the case of a packaged raw agricultural commodity, the manufacturer shall label the package offered for retail sale, with the clear and conspicuous words "produced with genetic engineering"; (2) in the case of any raw agricultural commodity that is not separately packaged, the retailer shall post a label appearing on the retail store shelf or bin in which the commodity is displayed for sale with the clear and conspicuous words "produced with genetic engineering"; or
(2) in the case of any processed food that contains a product or products of genetic engineering, in clear and conspicuous language on the front or back of the package of the food, with the words "partially produced with genetic engineering" or "may be partially produced with genetic engineering."	(3) in the case of any processed food that contains a product or products of genetic engineering, the manufacturer shall label the package in which the processed food is offered for sale with the words "partially produced with genetic engineering"; "may be produced with genetic engineering"; or "produced with genetic engineering."]

Grey Highlight= Differences Between House Passed Bill and of Committee on Agriculture Proposal

H.112 As Passed by House	H.112 As Proposed by Senate
(c) Except as set forth under section 3044 of this title, a food produced entirely or in part from genetic engineering shall not be labeled on the product, in signage, or in advertising as "natural," "naturally made," "naturally grown," "all natural," or any words of similar import that would have a tendency to mislead a consumer.	(c) Except as set forth under section 3044 of this title, a manufacturer of a food produced entirely or in part from genetic engineering shall not label the product on the package, in signage, or in advertising as "natural," "naturally made," "naturally grown," "all natural," or any words of similar import that would have a tendency to mislead a consumer.
(d) This law shall not be construed to require:	(d) This section and the requirements of this chapter shall not be construed to require:
(1) the listing or identification of any ingredient or ingredients that were genetically engineered; or	(1) the listing or identification of any ingredient or ingredients that were genetically engineered; or
(2) the placement of the term "genetically engineered" immediately preceding any common name or primary product descriptor of a food.	(2) the placement of the term "genetically engineered" immediately preceding any common name or primary product descriptor of a food.
§ 3044. EXEMPTIONS	§ 3044. EXEMPTIONS
The following foods shall not be subject to the labeling requirements of section 3043 of this title:	The following foods shall not be subject to the labeling requirements of section 3043 of this title:
(1) Food consisting entirely of or derived entirely from an animal which has not itself been produced with genetic engineering, regardless of whether the animal has been fed or injected with any food or drug produced with genetic engineering.	(1) Food consisting entirely of or derived entirely from an animal which has not itself been produced with genetic engineering, regardless of whether the animal has been fed or injected with any food, drug, or other substance produced with genetic engineering.
(2) A raw agricultural commodity or processed food derived from it that has been grown, raised, or produced without the knowing and intentional use of food or seed produced with genetic engineering. Food will be deemed to be as described in this subdivision only if the person otherwise responsible for complying	(2) A raw agricultural commodity or processed food derived from it that has been grown, raised, or produced without the knowing or intentional use of food or seed produced with genetic engineering. Food will be deemed to be as described in this subdivision only if the person otherwise responsible for complying

H.112 As Passed by House	H.112 As Proposed by Senate
with the requirements of subsection 3043(a) of this title with respect to a raw agricultural commodity or processed food obtains, from whomever sold the commodity or food to that person, a sworn statement that the commodity or food has not been knowingly or intentionally produced with genetic engineering and has been segregated from and has not been knowingly or intentionally commingled with food that may have been produced with genetic engineering at any time. In providing such a sworn statement, any person may rely on a sworn statement from his or her own supplier that contains the affirmation set forth in this subdivision.	with the requirements of subsection 3043(a) of this title with respect to a raw agricultural commodity or processed food obtains, from whomever sold the raw agricultural commodity or processed food to that person, a sworn statement that the raw agricultural commodity or processed food has not been knowingly or intentionally produced with genetic engineering and has been segregated from and has not been knowingly or intentionally commingled with food that may have been produced with genetic engineering at any time. In providing such a sworn statement, any person may rely on a sworn statement from his or her own supplier that contains the affirmation set forth in this subdivision.
(3) Any processed food which would be subject to subsection 3043(a) of this title solely because it includes one or more processing aids or enzymes produced with genetic engineering.	(3) Any processed food which would be subject to subsection 3043(a) of this title solely because it includes one or more processing aids or enzymes produced with genetic engineering.
(4) Any beverage that is subject to the provisions of Title 7.	(4) Any beverage that is subject to the provisions of Title 7.
(5) Until July 1, 2019, any processed food that would be subject to subsection 3043(a) of this title solely because it includes one or more materials that have been produced with genetic engineering, provided that the genetically engineered materials in the aggregate do not account for more than nine-tenths of one percent of the total weight of the processed food.	(5) Any processed food that would be subject to subsection 3043(a) of this title solely because it includes one or more materials that have been produced with genetic engineering, provided that the genetically engineered materials in the aggregate do not account for more than 0.9 percent of the total weight of the processed food.
(6) Food that an independent organization has verified has not been knowingly and intentionally produced from or commingled with food or seed	(6) Food that an independent organization has verified has not been knowingly or intentionally produced from or commingled with food or seed

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produced with genetic engineering. The Office of the Attorney General, after consultation with the Department of Health, shall approve by procedure the independent organizations from which verification shall be acceptable under this section.	produced with genetic engineering. The Office of the Attorney General, after consultation with the Department of Health, shall approve by procedure the independent organizations from which verification shall be acceptable under this subdivision (6).
(7) Food that has been lawfully certified to be labeled, marketed, and offered for sale as "organic" pursuant to the federal Organic Food Products Act of 1990 and the regulations promulgated pursuant thereto by the U.S. Department of Agriculture.	
(8) Food that is not packaged for retail sale and that is:	(7) Food that is not packaged for retail sale and that is:
(A) a processed food prepared and intended for immediate human consumption; or	(A) a processed food prepared and intended for immediate human consumption; or
(B) served, sold, or otherwise provided in any restaurant or other food establishment, as defined in 18 V.S.A. § 4301, that is primarily engaged in the sale of food prepared and intended for immediate human consumption.	(B) served, sold, or otherwise provided in any restaurant or other food establishment, as defined in 18 V.S.A. § 4301, that is primarily engaged in the sale of food prepared and intended for immediate human consumption.
(9) Medical food, as that term is defined in 21 U.S.C. § 360ee(b)(3).	(8) Medical food, as that term is defined in 21 U.S.C. § 360ee(b)(3).
§ 3045. RETAILER LIABILITY	§ 3045. RETAILER LIABILITY
(a) A retailer shall not be liable for the failure to label a processed food as required by section 3043 of this title, unless:	(a) A retailer shall not be liable for the failure to label a processed food as required by section 3043 of this title, unless the retailer is the producer or manufacturer of the processed food.
(1) the retailer is the producer or manufacturer of the processed food; or	
(2) the retailer sells the processed food under a	

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brand it owns, but the food was produced or manufactured by another producer or manufacturer	
(b) A retailer shall not be held liable for failure to label a raw agricultural commodity as required by section 3043 of this title, provided that the retailer, within 20 days of any proposed enforcement action or notice of violation, obtains a sworn statement in accordance with subdivision 3044(2) of this title.	(b) A retailer shall not be held liable for failure to label a raw agricultural commodity as required by section 3043 of this title, provided that the retailer, within 30 days of any proposed enforcement action or notice of violation, obtains a sworn statement in accordance with subdivision 3044(2) of this title.
§ 3046. SEVERABILITY	§ 3046. SEVERABILITY
If any provision of this chapter or its application to any person or circumstance is held invalid or in violation of the Constitution or laws of the United States or in violation of the Constitution or laws of Vermont, the invalidity or the violation shall not affect other provisions of this section which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are severable.	If any provision of this chapter or its application to any person or circumstance is held invalid or in violation of the Constitution or laws of the United States or in violation of the Constitution or laws of Vermont, the invalidity or the violation shall not affect other provisions of this section which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are severable.
	§ 3047. FALSE CERTIFICATION
	It shall be a violation of this chapter for a person knowingly to provide a false statement under subdivision 3044(2) of this title that a raw agricultural commodity or processed food has not been knowingly or intentionally produced with genetic engineering and has been segregated from and has not been knowingly or intentionally commingled with food that may have been produced with genetic engineering at any time

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§ 3047. PENALTIES; ENFORCEMENT	§ 3048. PENALTIES; ENFORCEMENT
(a) A violation of this chapter is deemed to be a violation of section 2453 of this title.	(a) Any person who violates the requirements of this chapter shall be liable for a civil penalty of not more than $1,000.00 per day, per product. Calculation of the civil penalty shall not be made or multiplied by the number of individual packages of the same product displayed or offered for retail sale. Civil penalties assessed under this section shall accrue and be assessed per each uniquely named, designated, or marketed product.
(b) The Attorney General shall have the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions, and consumers shall have the same rights and remedies as provided under subchapter 1 of chapter 63 of this title.	(b) The Attorney General shall have the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions as provided under subchapter 1 of chapter 63 of this title. Consumers shall have the same rights and remedies as provided under subchapter 1 of chapter 63 of this title.
Sec. 3. ATTORNEY GENERAL RULEMAKING; LABELING OF FOOD PRODUCED WITH GENETIC ENGINEERING	Sec. 3. ATTORNEY GENERAL RULEMAKING; LABELING OF FOOD PRODUCED WITH GENETIC ENGINEERING
The Attorney General is authorized to adopt by rule requirements for the implementation of Sec. 2 of this act, including a requirement that the label required for food produced from genetic engineering include a disclaimer that the Food and Drug Administration does not consider foods produced from genetic engineering to be materially different from other foods. Any rule adopted under this section shall not go into effect until	The Attorney General may adopt by rule requirements for the implementation of 9 V.S.A. chapter 82A, including: (1) a requirement that the label required for food produced from genetic engineering include a disclaimer that the Food and Drug Administration does not consider foods produced from genetic engineering to be materially different from other foods; and

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the effective date of this act.]	(2) notwithstanding the labeling language required by 9 V.S.A. § 3043(a), a requirement that a label required under 9 V.S.A. chapter 82A identify food produced entirely or in part from genetic engineering in a manner consistent with requirements in other jurisdictions for the labeling of food, including the labeling of food produced with genetic engineering. Sec. 4. GENETICALLY ENGINEERED FOOD LABELING SPECIAL FUND (a) There is established a Genetically Engineered Food Labeling Special Fund, pursuant to 32 V.S.A. chapter 7, subchapter 5 to pay costs or liabilities incurred by the Attorney General or the State in implementation and administration, including rulemaking, of the requirements under 9 V.S.A. chapter 82A for the labeling of food produced from genetic engineering. (b) The Fund shall consist of: (1) private gifts, bequests, grants, or donations of any amount made to the State from any public or private source for the purposes for which the Fund was established; (2) except for those recoveries that by law are appropriated for other uses, up to $1,500,000.00 of settlement monies collected by the Office of the Attorney General that, as determined by the Office of the Attorney General after consultation with the Joint Fiscal Office and the Department of Finance and

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	Management, exceed the estimated amounts of settlement proceeds in the July 2014 official revenue forecast issued under 32 V.S.A. § 305a for fiscal year 2015; and (3) such sums as may be appropriated or transferred by the General Assembly. (c) Monies in the Fund from settlement monies collected by the Office of the Attorney General or from funds appropriated or transferred by the General Assembly shall be disbursed only if monies in the Fund from private gifts, bequests, grants, or donations are insufficient to the Attorney General to pay the costs or liabilities of the Attorney General or the State incurred in implementation and administration of the requirements of 9 V.S.A. chapter 82A. (d) On or after July 1, 2018, if the Attorney General is not involved in ongoing litigation regarding the requirements of 9 V.S.A. chapter 82A and monies in the Fund exceed the costs or liabilities of the Attorney General or the State: (1) unexpended monies in the Fund received from private or public sources shall be appropriated by the General Assembly, after review by the Senate and House Committees on Appropriations, the Senate Committee on Agriculture, and the House Committee on Agriculture and Forest Products, for the support of agricultural activities or agricultural purposes in the State, including promotion of value-added products, compliance with water quality requirements, and

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	marketing assistance and development; and (2) unexpended State monies in the Fund shall revert to the General Fund. Sec. 5. ATTORNEY GENERAL FISCAL YEAR BUDGET If, in fiscal year 2015, $1,500,000.00 in monies is not collected in the Genetically Engineered Food Labeling Special Fund established under Sec. 4 of this act, the Attorney General shall request in the fiscal year 2016 budget proposal for the Office of the Attorney General the monies necessary to implement and administer the requirements established by 9 V.S.A. chapter 82A for the labeling of food produced from genetic engineering. Sec. 6. ATTORNEY GENERAL REPORT ON LABELING OF MILK (a) On or before January 15, 2015, the Office of the Attorney General, after consultation with the Agency of Agriculture, Food and Markets, shall submit to the Senate and House Committees on the Judiciary, the Senate Committee on Agriculture, and the House Committee on Agriculture and Forest Products a report regarding whether milk and milk products should be subject to the labeling requirements of 9 V.S.A. chapter 82A for food produced with genetic engineering. The report shall include: (1) a recommendation as to whether milk or milk

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	products should be subject to the requirements of 9 V.S.A. chapter 82A; and (2) the legal basis for the recommendation under subdivision (1) of this subsection. (b) In exercise of the Attorney General's authority to defend the interests of the State, the Attorney General, in his or her discretion, may notify the General Assembly that it is not in the best interest of the State to submit the report required under subsection (a) of this section on or before January 15, 2015. Any notice submitted under this subsection shall estimate the date when the report shall be submitted to the General Assembly.
Sec. 4. **EFFECTIVE DATE** (a) This section and Sec. 3 (Attorney General rulemaking) of this act shall take effect on passage.	**Sec. 7. EFFECTIVE DATES** (a) This section and Secs. 3 (Attorney General rulemaking), 4 (genetically engineered food labeling special fund), 5 (Attorney General budget fiscal year 2016), 6 (Attorney General report; milk) shall take effect on passage.
(b) Secs. 1 (findings) and 2 (labeling of food produced with genetic engineering) of this act shall take effect on the first occurring of the following two dates: (1) 18 months after two other states enact legislation with requirements substantially comparable to the requirements of this act for the labeling of food produced from genetic engineering; or (2) July 1, 2015.	(b) Secs. 1 (findings) and 2 (labeling of food produced with genetic engineering) shall take effect on July 1, 2016.

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