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**LATE TESTIMONY**

TESTIMONY OF RUSSELL S. KOKUBUN  
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON FINANCE

FRIDAY, FEBRUARY 22, 2013  
3:00 P.M.  
ROOM 308

HOUSE BILL NO. 174 HD2  
RELATING TO FOOD LABELING

Chairperson Luke and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 174 HD2. The purpose of this bill is to require all imported genetically engineered produce sold in Hawaii to be labeled as "genetically engineered" and to also require disclosure of genetic engineering and compliance with recommendations of the Hawaii Invasive Species Council upon import. The Department strongly opposes this measure.

Following the reductions-in-force in 2009, the Department is challenged with meeting its existing statutory mandates. Furthermore, the Department has concerns with the language as written as it appears to conflict with current quarantine enforcement methods as well as existing federal regulations.

The Federal Government developed a Coordinated Framework for the Regulation of Biotechnology in 1986 to provide for the regulatory oversight of organisms derived through genetic engineering. The three principal agencies that have provided primary guidance to the experimental testing, approval, and eventual commercial release of these organisms to date are the USDA's Animal and Plant Health Inspection Service (APHIS), the Environmental Protection



Agency (EPA), and the Department of Health and Human Services' Food and Drug Administration (FDA).

The Animal and Plant Health Inspection Service (APHIS) is responsible for protecting U.S. agriculture from pests and diseases. APHIS regulations provide procedures for obtaining a permit or for providing notification prior to "introducing" (the act of introducing includes any movement into or through the U.S., or release into the environment outside an area of physical confinement) a regulated article in the U.S. Regulated articles are organisms and products altered or produced through genetic engineering that are plant pests or for which there is reason to believe are plant pests. Pursuant to this federal regulation, regulated genetically modified plants and parts are labeled for entry into the State of Hawaii and must comply with federal and state conditions to insure confinement.

Federal regulations also provide for a petition process for the determination of non-regulated status. Once a determination of non-regulated status has been made, the organism (and its offspring) no longer requires APHIS review for movement or release in the U.S.

The biotechnology deregulation process is a complex method of evaluation that is taken very seriously. After several years of field testing and data collection, preparation for commercialization begins. At this point, a request for the determination of nonregulated status with APHIS is filed, which means enough data has been gathered to demonstrate the new crop variety is not a plant pest, poses no threat to agriculture or the environment, and should no longer be regulated by USDA.

The United States Department of Agriculture (USDA), the Environmental Protection Agency (EPA), and the Food and Drug Administration (FDA) work to ensure that crops produced through genetic engineering for commercial use are properly tested and studied to make sure they pose no significant risk to consumers or the environment. In contrast, the Hawaii Invasive Species Council (HISC) has not collected data, studied, identified or regulated genetically engineered organisms as invasive or threatening pursuant to chapter 194.

With respect to food safety, when new traits introduced to biotech-derived plants are examined by the EPA and the FDA, the proteins produced by these traits are studied for their potential toxicity and potential to cause an allergic response. Tests designed to examine the heat and digestive stability of these proteins, as well as their similarity to known allergenic proteins, are completed prior to entry into the food or feed supply.

Deregulated crops are able to be grown by farmers commercially and enter into the marketplace. According to the USDA's National Agricultural Statistics Service (NASS), biotechnology plantings as a percentage of total crop plantings in the United States in 2004 were about 46 percent for corn, 76 percent for cotton, and 85 percent for soybeans. However, as many as 8.25 million farmers in 17 countries also reported as growing biotech crops.

Hawaii is an import-dependent state, requiring as much as 85% to 90% of its produce imported. Corn and soybean are not the only crops that have been deregulated. Crops such as potato and tomato have also been deregulated in the United States.

The language of H.B. 174 H.D.2 conflicts with existing federal regulations and our current quarantine inspection process. As such, we respectfully ask this Committee to hold this bill.

Thank you for this opportunity to present our testimony.