

**NEIL ABERCROMBIE**  
Governor



**RUSSELL S. KOKUBUN**  
Chairperson, Board of Agriculture

**SCOTT E. ENRIGHT**  
Deputy to the Chairperson

State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
1428 South King Street  
Honolulu, Hawaii 96814-2512  
Phone: (808) 973-9600 FAX: (808) 973-9613

**TESTIMONY OF RUSSELL KOKUBUN  
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEE ON AGRICULTURE  
AND  
HOUSE COMMITTEE OF ECONOMIC DEVELOPMENT AND BUSINESS  
February 4, 2013  
State Capitol Auditorium  
11:00 A.M.**

**HOUSE BILL NO. 631  
RELATING TO FOOD**

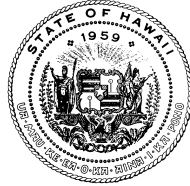
Chairperson Wooley, Chairperson Tsuji, and Members of the Committees:

Thank you for the opportunity to testify of House Bill 631, which proposes to permit non-genetically engineered food or ingredients to be labeled as “not genetically engineered” or “ does not include a genetically engineered ingredient” and permits any person or agency to bring civil action against violators of the requirements. The Department provides comments.

The U.S. Food and Drug Administration is responsible for the regulation of food labeling, and has the expertise and resources to scientifically evaluate if food poses a health or safety risk. By some estimates, with over 80% of the food imported for consumption in Hawaii, and no federal labeling mandate, it creates a difficult environment for food distributors, food manufacturers and retailers to know whether the food is or is not genetically modified. In addition, according to the United States Department of Agriculture food that has been lawfully certified as eligible to be labeled, marketed, and offered for sale as organic pursuant to the federal Organic Food Production Act can be considered a non-genetically modified label.



Thank you for the opportunity to testify on this measure.



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
File:

**House Committee on Agriculture**  
**House Committee on Economic Development & Business**  
**HB 631, RELATING TO FOOD**

**Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.**  
**Director of Health**  
**February 4, 2013**  
**11:00 a.m.**

1 **Department's Position:** The department opposes this bill.

2 **Fiscal Implications:** The department has not included or funded this initiative in the Executive  
3 Biennium Budget and therefore may adversely affect other spending priorities.

4 **Purpose and Justification:** The Department does not object in principle to a labeling policy to enhance  
5 public awareness of the absence of genetically engineered food or food ingredients in Hawaii markets.  
6 However, the Department is not in a position to enforce such legislation as we do not conduct work in  
7 recombinant DNA; and therefore, do not possess the requisite scientific expertise and experience to test  
8 and determine whether a suspected food or food product has been genetically engineered or includes  
9 genetically engineered ingredients. Currently, there is no conclusive scientific evidence of negative  
10 health effects associated with the consumption of genetically engineered food or food products. As such  
11 we do not believe such labeling is a health issue and thus do not support any such program being  
12 assigned to the Department to administer.

1           The Department would like to focus its limited resources in areas such as controlling the  
2 incidence of food borne illness risk factors in the food establishments through proper inspection  
3 frequencies that have been proven to produce consistent compliance with food safety regulations which  
4 are directly related to outbreaks of food borne illness.

5           Thank you for the opportunity to testify.

**onishi1-Jerry**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 01, 2013 10:36 AM  
**To:** AGRtestimony  
**Cc:** mendezj@hawaii.edu  
**Subject:** \*Submitted testimony for HB631 on Feb 4, 2013 11:00AM\*

**HB631**

Submitted on: 2/1/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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**onishi1-Jerry**

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**Sent:** Friday, February 01, 2013 2:41 PM  
**To:** AGRtestimony  
**Cc:** Jmattoshbp@aol.com  
**Subject:** \*Submitted testimony for HB631 on Feb 4, 2013 11:00AM\*

**HB631**

Submitted on: 2/1/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jill J Mattos	Individual	Support	No

Comments:

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TESTIMONY BEFORE THE HOUSE COMMITTEES ON  
AGRICULTURE  
AND  
ECONOMIC DEVELOPMENT & BUSINESS

HOUSE BILL 631

RELATING TO FOOD

PRESENTED TO THE TWENTY-SEVENTH LEGISLATURE  
STATE OF HAWAII

FEBRUARY 2013

CHAIRPERSONS WOOLEY AND TSUJI and Members of the Committees:

**SUPPORT.**

My name is Loren Mochida, Director of Agricultural Operations at W. H. Shipman, Limited in Keaau on the Big Island. We are a local kamaaina-family owned land management company that is engaged in Agriculture and Commercial/Industrial development and leasing. We currently lease lands to over 125 individually growers at W.H. Shipman, Ltd. I am also representing the Hawaii Papaya Industry Association (HPIA) with members throughout the state.

We are supporting HB 613, Relating to Food. Labeling requirements, as regulated by the Food and Drug Administration (FDA), is intended to communicate information that is relevant to health, safety, and nutrition. This bill will authorize displays on qualified food in the market to be labeled “not genetically engineered” or “does not include genetically engineered ingredient”. This will allow people to have a choice of labeling or not to label these words on their product.

Thank you very much for the opportunity to provide testimony on HB 631.





**onishi1-Jerry**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 01, 2013 3:48 PM  
**To:** AGRtestimony  
**Cc:** psimon@cades.com  
**Subject:** \*Submitted testimony for HB631 on Feb 4, 2013 11:00AM\*

**HB631**

Submitted on: 2/1/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pamela Simon	Individual	Support	No

Comments:

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**onishi1-Jerry**

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**Sent:** Friday, February 01, 2013 3:07 PM  
**To:** AGRtestimony  
**Cc:** gregf@haleakalaranch.com  
**Subject:** \*Submitted testimony for HB631 on Feb 4, 2013 11:00AM\*

**HB631**

Submitted on: 2/1/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gregory Friel	Individual	Support	No

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## Hawaii Cattlemen's Council, Inc.

P O Box 437199 Kamuela HI 96743  
Phone (808) 885-5599 • Fax (808) 887-1607  
e-mail: [HCattlemens@hawaii.rr.com](mailto:HCattlemens@hawaii.rr.com)

HOUSE COMMITTEE ON AGRICULTURE  
HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT & BUSINESS  
Monday February 4, 2013 11:00 a.m. Auditorium

### **HB 631 Relating to Food**

Authorizes display on qualified food offered for retail sale a label stating "not genetically engineered" or "does not include a genetically engineered ingredient" if the statement is true. Makes an untrue statement a violation. Allows any person or public agency to seek an injunction to prevent or terminate a violation.

Chair Wooley, Chair Tsuji, Vice Chairs and Members of the Committees:

My name is Alan Gottlieb, and I am a rancher and the Government Affairs Chairperson of the Hawaii Cattlemen's Council. The Hawaii Cattlemen's Council, Inc. (HCC) is the Statewide umbrella organization comprised of the five county level Cattlemen's Associations. Our 130+ member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of approximately 25% of the State's total land mass.

The Hawaii Cattlemen's Council **Strongly Supports** HB 631.

HCC along with our National Organization, the National Cattlemen's Beef Association has always felt that labeling, such as Country of Origin labeling, should be a market driven tool, not a regulatory one. HCC support all types of farming & ranching; Natural, organic, conventional and cutting edge (including GMO, or other science advanced forms) and does not try to endorse one over the other. We don't see that the advancement of one, should be at the risk or detriment of the other. In fact, in the beef industry, we believe it is detrimental for all, if one attempts to market their product by saying or implying the other is bad for consumers. We believe we need to support each other and market our own niche with sensitivity.

We agree consumers have the right to know! We think it makes a lot of sense, for GMO free products to be allowed to label their products as such, placing it as a premium product in some people's mind. That premium price could then more than pay for adding a label stating the product is GMO free. Food labeled "Organic" generally sell for much more than their non-organic counterpart.

Whole Foods is a great model for giving consumers the things they want to know. They offer organic foods, GMO Free foods, natural foods, and 5 different levels of meat. They don't force producers to label their product GMO or non-organic, but they have signs by food bins letting consumers know if the food in the bin is organic, natural or GMO Free. If this is what consumers want, shouldn't we let markets use this for their competitive advantage.

There is no rational science based reason to "warn" consumers about GMO products. The FDA regulates all food labeling in the United States, and in their scientific judgment, there is no significant difference between foods produced using biotechnology and their conventional counterparts. With over one trillion servings of biotech foods consumed by the public, there has never been a documented incident of any harm to the health of consumers.

Thank you for giving me the opportunity to testify on this very important issue.



January 24, 2013

**TESTIMONY  
COMMITTEE ON AGRICULTURE  
COMMITTEE ON ECONOMIC DEVELOPMENT**

TESTIMONY ON HB 631  
RELATING TO FOOD  
Auditorium  
11:00 AM

Chair Wooley, Chair Tsuji, Vice Chair Onishi, Vice Chair Ward and Members of the Committees:

Maui County Farm Bureau on behalf of our commercial farm and ranch families and organizations strongly supports HB631 authorizing and encouraging the labeling of food as "non genetically modified".

Genetic modification is simply another tool in the farmer's toolbox. The resultant food has been proven to be no different from their conventional counterparts. The use of GM labeling is a marketing tool and not of nutritive or safety value. Those who wish to use GM as a market advantage should provide such labeling.

Maui County Farm Bureau respectfully requests your support of this common sense measure. If there are questions, please contact Warren Watanabe at 2819718. Thank you.

**onishi1-Jerry**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 03, 2013 10:55 AM  
**To:** AGRtestimony  
**Cc:** ti\_health@hotmail.com  
**Subject:** \*Submitted testimony for HB631 on Feb 4, 2013 11:00AM\*

**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tia Connors	Individual	Oppose	No

Comments:

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**onishi1-Jerry**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 03, 2013 12:06 PM  
**To:** AGRtestimony  
**Cc:** tampaltin@gmail.com  
**Subject:** Submitted testimony for HB631 on Feb 4, 2013 11:00AM

**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tamara Paltin	Individual	Oppose	No

Comments: Up until the mid-90's all food was not genetically engineered, now there is experimentation with food and genetic engineering, if anything, that is what should be labeled not food that hasn't been genetically engineered. That is the common sense assumption that if it hasn't been labeled as genetically engineered then it is not.

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**onishi1-Jerry**

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**Sent:** Sunday, February 03, 2013 9:01 AM  
**To:** AGRtestimony  
**Cc:** sd3@hawaii.rr.com  
**Subject:** \*Submitted testimony for HB631 on Feb 4, 2013 11:00AM\*

**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Susan Douglas	Individual	Oppose	No

Comments:

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2/2/13

Aloha Legislatures,

I'm writing in opposition of HB631 which would put labels on foods not containing GMO ingredients. I am in opposition of this bill as it would hinder the progress of the already moving bill to have all GMO food and food products to be passed. There is no need to reinvent the wheel, we have a bill that will make foods that contain GMO to be labeled, let's move forward with that.

Please vote in opposition of HB631

Mahalo,

Summer Faria



**onishi1-Jerry**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 03, 2013 12:08 PM  
**To:** AGRtestimony  
**Cc:** stan@lightingwizards.com  
**Subject:** \*Submitted testimony for HB631 on Feb 4, 2013 11:00AM\*

**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stan Walerczyk	Individual	Oppose	No

Comments:

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**onishi1-Jerry**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 03, 2013 9:22 AM  
**To:** AGRtestimony  
**Cc:** slwsurfing@yahoo.com  
**Subject:** Submitted testimony for HB631 on Feb 4, 2013 11:00AM

**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
sharon	Individual	Oppose	No

Comments: Strongly oppose. Big Island resident - DOE teacher 30 yrs. Please listen to THE PEOPLE, don't let the big corporations pay you off - we know, have the LIST!

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**onishi1-Jerry**

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**Sent:** Sunday, February 03, 2013 9:33 AM  
**To:** AGRtestimony  
**Cc:** shannonkona@gmail.com  
**Subject:** \*Submitted testimony for HB631 on Feb 4, 2013 11:00AM\*

**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shannon Rudolph	Individual	Oppose	No

Comments:

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**onishi1-Jerry**

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**Sent:** Sunday, February 03, 2013 12:13 AM  
**To:** AGRtestimony  
**Cc:** nimo1767@gmail.com  
**Subject:** Submitted testimony for HB631 on Feb 4, 2013 11:00AM

**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robert Petricci	Individual	Support	No

Comments: Feb 4, 2013 11:00 AM RE:HB631 Strong Support Aloha Chairwoman Wooley I support HB631, as a small organic farmer that produces a value product, that is in demand I need to tell people what they are eating, my lively hood depends on it. Why are the corporate farms given all the advantages when they take their profits out of state. I spend my money here, I vote here. I support HB361. How much do members of the boards of these corporations make? Why don't they want the public to know what we are eating? There is something fundamentally wrong with current policy. Please pass HB361 Thank you Robert Petricci

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**onishi1-Jerry**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 03, 2013 11:16 AM  
**To:** AGRtestimony  
**Cc:** mauka\_man808@yahoo.com  
**Subject:** \*Submitted testimony for HB631 on Feb 4, 2013 11:00AM\*

**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robert Bueller	Individual	Oppose	No

Comments:

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**onishi1-Jerry**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 03, 2013 10:56 AM  
**To:** AGRtestimony  
**Cc:** pualehuafarm@hotmail.com  
**Subject:** \*Submitted testimony for HB631 on Feb 4, 2013 11:00AM\*

**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pua Kamoia	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 03, 2013 10:27 AM  
**To:** AGRtestimony  
**Cc:** philipoje@gmail.com  
**Subject:** Submitted testimony for HB631 on Feb 4, 2013 11:00AM

**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Philip Oje	Individual	Oppose	No

Comments: I am not concerned about additional regulation for non-GMO farmers and organic food producers, I am far less concerned about the safety of those products. What we are concerned about GMO farms, experiments and GMO food products. Those are the products that need to be labeled and enforced. We would consider it an affront to the non-GMO and organic community to pursue this legislation when the majority in Hawaii and 94% of Americans States are calling for the labeling of genetically modified food. GMO foods include risks not otherwise inherent in conventional or organic production. I STRONGLY OPPOSE this bill! Thank you.

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**onishi1-Jerry**

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**Sent:** Sunday, February 03, 2013 10:54 AM  
**To:** AGRtestimony  
**Cc:** silverpenny10@hotmail.com  
**Subject:** Submitted testimony for HB631 on Feb 4, 2013 11:00AM

**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
penny silva	Individual	Oppose	No

Comments: NO, to GMO!

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**Sent:** Sunday, February 03, 2013 9:40 AM  
**To:** AGRtestimony  
**Cc:** Paulcarter@tranceandhealing.com  
**Subject:** \*Submitted testimony for HB631 on Feb 4, 2013 11:00AM\*

**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Paul Carter	Individual	Support	No

Comments:

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**onishi1-Jerry**

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**Sent:** Sunday, February 03, 2013 9:25 AM  
**To:** AGRtestimony  
**Cc:** hipamela2002@yahoo.com  
**Subject:** \*Submitted testimony for HB631 on Feb 4, 2013 11:00AM\*

**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pamela wiley	Individual	Oppose	No

Comments:

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**onishi1-Jerry**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 03, 2013 12:50 AM  
**To:** AGRtestimony  
**Cc:** foodsovereignty@gmail.com  
**Subject:** Submitted testimony for HB631 on Feb 4, 2013 11:00AM

**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
mitsuko Hayakawa	Individual	Oppose	Yes

Comments: I support the labeling of GMOs. I do not think is it appropriate to enforce laws on producers of non-gmo products to label "non- gmo" when it is the GMO that is patented and should be labeled for consumers to know what they are buying. GMOs are GMOs and should be labeled as such. There is no need to impose regulations on non-gmo producers to label their products and force to them to carry the burden unnecessarily.

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**onishi1-Jerry**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 03, 2013 7:07 AM  
**To:** AGRtestimony  
**Cc:** MSMatson@hawaii.rr.com  
**Subject:** Submitted testimony for HB631 on Feb 4, 2013 11:00AM

**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
MSMatson	Individual	Support	No

Comments: HAWAII'S CITIZENS HAVE THE RIGHT TO MAKE INFORMED CHOICES ABOUT OUR HEALTH AND ABOUT OUR FUTURE, AND ABOUT OUR CHILDREN'S HEALTH AND THEIR FUTURE. CORPORATE GREED SHOULD NOT BE ALLOWED TO POTENTIALLY IMPAIR THE PUBLIC'S HEALTH OR DICTATE OUR FUTURE. PLEASE PASS THIS LONG-OVERDUE BILL. Mahalo!

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**onishi1-Jerry**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 03, 2013 12:26 PM  
**To:** AGRtestimony  
**Cc:** mbrodle@yahoo.com  
**Subject:** Submitted testimony for HB631 on Feb 4, 2013 11:00AM

**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
mike brodle	Individual	Support	No

Comments: To all concerned, People have the right to know what they are buying! Their should be no question in regards to this. Your support is kindly expected. Thank you Mike Brodle

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 03, 2013 2:34 AM  
**To:** AGRtestimony  
**Cc:** michaelbroady@gmail.com  
**Subject:** Submitted testimony for HB631 on Feb 4, 2013 11:00AM

**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Broady Jr.	Individual	Oppose	Yes

Comments: Aloha, my name is Michael Broady Jr., I have lived on O'ahu for my entire life of 24 years. I am currently a student at Leeward Community College, and a small organic farmer practicing biodiverse permaculture on limited land. I oppose Clift Tsuji's HB 631.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 02, 2013 8:34 PM  
**To:** AGRtestimony  
**Cc:** drmlsukyo@yahoo.com  
**Subject:** Submitted testimony for HB631 on Feb 4, 2013 11:00AM

**HB631**

Submitted on: 2/2/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melissa L Yee	Individual		No

Comments: If one looks at the lineup of introducers of this bill, it is obvious that HB 631 is a reflection of the policies and tactics of the old guard of the former speaker of the House that has now been deprived of its power to control the issue of agriculture and GMO in Hawaii. The people of Hawaii do not want GMO and do not support non GMO labeling which is already being done on a voluntary basis by independent companies and the Non GMO Project. It is GMO that needs to be labeled because GMO is causing harm to humans, animals and the environment, and the introducers and supporters of this bill are being manipulated by the lobbyists and companies that desire to maintain a stronghold on GMO as the only solution to Hawaii's agriculture needs. We need land and water for local farmers, and we need support for growing our own food in Hawaii, not continuing to subsidize the chemical companies which are exploiting Hawaii's people, resources and government policies for corporate profit. We have had enough of this monopoly, and this bill should be opposed by all who read it and understand the ultimate agenda. Do not pass this bill. I strongly oppose it and know that many constituents are sick and tired of the manipulations of the minority in the House that has rightly lost the support of the people and the Democratic party. Sincerely, Dr Melissa L Yee 292-1179

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 03, 2013 10:51 AM  
**To:** AGRtestimony  
**Cc:** observing@starband.net  
**Subject:** Submitted testimony for HB631 on Feb 4, 2013 11:00AM

**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mary McClung	Individual	Oppose	No

Comments: This is poorly thought out- not going to provide the proper protection, will cause more problems for those trying to stay GMO free.

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**Sent:** Sunday, February 03, 2013 11:07 AM  
**To:** AGRtestimony  
**Cc:** mauimartha@hawaiiantel.net  
**Subject:** Submitted testimony for HB631 on Feb 4, 2013 11:00AM

**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

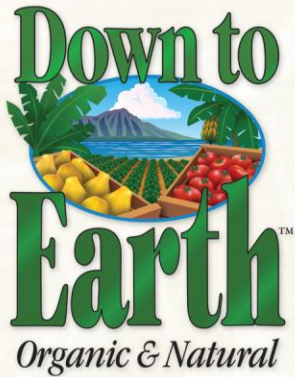
<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Martha Lind	Individual	Oppose	No

Comments: I sent previous testimony on this bill and wish to change my position to Strongly Oppose. It is not right that non- GMO products be labeled, when GMO products AREN'T required to be labeled. Pls vote NO on HB631.

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Corporate Office  
P.O. Box 1166  
Kailua, HI 96734  
Phone: (808) 484-5890  
Fax: (808) 484-5896  
corporate@downtoearth.org

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#### MAUI LOCATION

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Fax: (808) 877-7548  
kahului@downtoearth.org

Friday, February 01, 2013

Dear Committee Members,

### **Re: HB 631 Labeling of Food as Not Genetically Engineered**

I am the Chief Organic Officer/CEO of Down to Earth *Organic & Natural*, a Hawaii company established in 1977 which operates 5 natural foods stores in Hawaii, 4 on Oahu, 1 on Maui.

Down to Earth strongly supports the labeling of genetically engineered foods (GMOs), and in the absence of mandatory laws requiring such labeling, we support the right of food producers and manufacturers to label foods as being "made without genetic engineering", or "Non-GMO", or similar claims provided such claims are true.

While we support the intent of HB 631 which allows such labeling provided it is true, we have a number of concerns with the HB 631 as drafted as follows:

1. The bill regulates and specifically allows the use of the following claims, "not genetically engineered", and "does not include a genetically engineered ingredient". The bill does not address claims that may be worded differently thus the bill is incomplete, and in effect it allows other claims of being GMO free if worded differently even if such claims are not true or are deliberately false.
2. The bill does not establish any tolerance level for minute quantities of GMOs. The unfortunate reality is that due to the ubiquitous proliferation of GMOs foods may become contaminated with small quantities of GMOs due to cross pollination, or during transportation and processing. Thus an honest food manufacturer may be making best efforts to acquire non GMO ingredients and may be unaware of the small amounts of contamination. If they labels their foods under the provisions of this bill and if the foods are later found to have minute quantities of GMO, will they have broken the law or not? A tolerance level needs to be established.
3. The natural products industry has spent many years dealing with the GMO "problem". The industry's response has been twofold:
  - a. The formation of the Non-GMO Project ([www.nongmoproject.org](http://www.nongmoproject.org)) a non-profit organization which verifies non GMO claims through independent testing and

[www.downtoearth.org](http://www.downtoearth.org)



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process auditing. For verified products The Non GMO Project allows the use a seal “Non GMO Project Verified” that manufacturers may place on their product packaging. This provides truly independent verification of Non GMO claims that consumers can and do rely on. Over 5,000 products now have this seal.

- b. An increasing move towards organic foods as GMOs are not an approved “process” under the USDA National Organic Program.
4. The bill should specifically exclude Non GMO Project Verified products and certified organic products and their related claims from its provisions.
5. The enforcement provisions effectively delegate the state’s duty of the administration and enforcement of its laws to “interested persons” presumably any individual, who may file a lawsuit seeking injunctive relief. As a result businesses may be subjected to numerous individual consumer lawsuits alleging that certain products with non GMO claims are not true. This may be duplicative, time consuming and expensive for businesses. The enforcement of the law should be done by a suitable state agency.

HB 631 starts an important discussion, but should not be passed without modification and industry consultation.

Yours sincerely,

Mark Fergusson  
**Chief Organic Officer**  
**Chief Executive & Chief Financial Officer**

[mark@downtoearth.org](mailto:mark@downtoearth.org)

Ph: 808 254-5111



**onishi1-Jerry**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 02, 2013 7:25 PM  
**To:** AGRtestimony  
**Cc:** marilynmick@pobox.com  
**Subject:** Submitted testimony for HB631 on Feb 4, 2013 11:00AM

**HB631**

Submitted on: 2/2/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marilyn Mick	Individual	Oppose	No

Comments: I oppose this bill. Food products that contain GMO's need to be labeled.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 03, 2013 10:48 AM  
**To:** AGRtestimony  
**Cc:** omgmariah@ymail.com  
**Subject:** \*Submitted testimony for HB631 on Feb 4, 2013 11:00AM\*

**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mariah Martino	Individual	Oppose	No

Comments:

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February 3, 2013 re-emailed at 5 am

Dear Elected Representatives of the House:

Bill: HB631

Measure  
Title: RELATING TO FOOD.

Committee: AGR

Description: Authorizes display on qualified food offered for retail sale a label stating "not genetically engineered" or "does not include a genetically engineered ingredient" if the statement is true. Makes an untrue statement a violation. Allows any person or public agency to seek an injunction to prevent or terminate a violation.

**Hearing Date:** Monday, February 4, 2013

**Time:** 11:00 a.m.

This letter is written in support of passing HB No. 631 which authorizes the display on qualified food offered for retail sale a label stating "not genetically engineered" or "does not include a genetically engineered ingredient" if the statement is true. Makes an untrue statement a violation. Allows any person or public agency to seek an injunction to prevent or terminate a violation.

As those creating their GMO experiments label it as such (after HB174 is passed), this is the next important step in giving the consumer the RIGHT TO KNOW what they are eating since the retailer and restaurants will now be accountable for any false claims that they post and they should be. Retailers can't claim to NOT have put something in their product when they did.

Please re-read the definition of "genetically engineered" as defined in this bill and your common sense will tell you that GMOs are NOT normal food stuffs and we as citizens have the right to know about such experiments so that we can make an informed choice on behalf of ourselves and our children. We aren't guinea pigs, which by the way have been found in numerous studies in Europe where they were fed GMO corn and GMO soy to be infertile, with numerous tumors, and increased mortality rates. If GMOs are so great, why are biotech companies like Monsanto, Pioneer Hybrid and Syngenta against labeling it as such?

To each of you hearing these words, this is YOUR TIME to do what is best for the people of Hawai'i. Your time to make a positive difference, or you can chose not to but you are accountable for your choices. I am confident that if you follow your *na'au* (gut, conscience, "still small voice") you will know the *pono* (right) choice. Please have the courage to choose the right by doing what is best for the people that you represent, putting your own personal or corporate-sponsored interests on the side. Thank you for your time and consideration of this important issue.

With aloha,  
L. Kamakanoe Paikuli-Stride

**onishi1-Jerry**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 03, 2013 10:54 AM  
**To:** AGRtestimony  
**Cc:** ggexcavations@hotmail.com  
**Subject:** \*Submitted testimony for HB631 on Feb 4, 2013 11:00AM\*

**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lisa Kirbin	Individual	Oppose	No

Comments:

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HAWAII FOOD INDUSTRY ASSOCIATION (HFIA)  
1050 Bishop St. PMB 235  
Honolulu, HI 96813  
Fax : 808-791-0702  
Telephone : 808-533-1292

DATE: Monday, February 4, 2013

LOCATION: Auditorium

TO: COMMITTEE ON AGRICULTURE  
Rep. Jessica Wooley, Chair  
Rep. Richard H.K. Onishi, Vice Chair

COMMITTEE ON ECONOMIC DEVELOPMENT AND BUSINESS  
Rep. Clift Tsuji, Chair  
Rep. Gene Ward, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION  
LAUREN ZIRBEL, EXECUTIVE DIRECTOR

RE: HB 631 RELATING TO FOOD

**In Support.**

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers and distributors of food and beverage related products in the State of Hawaii.

The Hawaii Food Industry Association supports this measure for the following reasons:

- It is a voluntary labeling system (pg. 2 line 22, "Food offered for retail sale MAY have a label stating that....if the statement is true.")
- This voluntary system will not be so onerous and expensive for producers and retailers.



- This will only affect organic producers and retailers should they elect to participate.
- While producers and retailers already can voluntarily label, this will assist organic growers and retailers that the voluntary labeling of “non GMO” will be true and there is a systematic recourse otherwise. This bill may further assist organic producers and retailers in ensuring “truth in labeling” and allow them to ask for a higher premium price.

Thank you for the opportunity to provide testimony.

**onishi1-Jerry**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 03, 2013 11:22 AM  
**To:** AGRtestimony  
**Cc:** pauahi.hookano@gmail.com  
**Subject:** Submitted testimony for HB631 on Feb 4, 2013 11:00AM

**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
L. Pauahi Hookano	Individual	Oppose	No

Comments: I am concerned this legislation unintentionally targets non-GMO and organic farmers whose products may be undesirably contaminated by GMO's and increase hardship on non-GM and organic farmers and manufacturers which would already be experiencing severe negative economic impact if their farms or products were unintentionally contaminated by open air GMO crop production. No one is asking for legislation regarding non-GMO products, our request is that GMO products be labeled. I am not concerned about additional regulation for non-GMO farmers and organic food producers, i am not concerned about the safety of those products. What I am concerned about GMO farms, experiments and GMO food products. Those are the products that need to be labeled and enforced. I would consider it an affront to the non-GMO and organic community to pursue this legislation when the majority in Hawaii and 94% of Americans States are calling for the labeling of genetically modified food. GMO foods include risks not otherwise inherent in conventional or organic production.

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**Sent:** Sunday, February 03, 2013 12:48 AM  
**To:** AGRtestimony  
**Cc:** OccupyHiloMedia@yahoo.com  
**Subject:** \*Submitted testimony for HB631 on Feb 4, 2013 11:00AM\*

**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kerri Marks	Individual	Support	No

Comments:

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**Sent:** Sunday, February 03, 2013 10:53 AM  
**To:** AGRtestimony  
**Cc:** kamiyak002@hawaii.rr.com  
**Subject:** Submitted testimony for HB631 on Feb 4, 2013 11:00AM

**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kenneth Kamiya	Individual	Support	No

Comments: I support HB631.

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**Sent:** Sunday, February 03, 2013 12:15 PM  
**To:** AGRtestimony  
**Cc:** naldajw@gmail.com  
**Subject:** Submitted testimony for HB631 on Feb 4, 2013 11:00AM

**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
JW Nalda	Individual	Oppose	No

Comments: Without gmos, we wouldn't have a problem. They need to label, and stop trying to sneak their product into our food!

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**Sent:** Sunday, February 03, 2013 10:56 AM  
**To:** AGRtestimony  
**Cc:** 09jjju@hotmail.com  
**Subject:** \*Submitted testimony for HB631 on Feb 4, 2013 11:00AM\*

**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Julian Jiman	Individual	Oppose	No

Comments:

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**Sent:** Sunday, February 03, 2013 10:27 AM  
**To:** AGRtestimony  
**Cc:** namaka@interpac.net  
**Subject:** \*Submitted testimony for HB631 on Feb 4, 2013 11:00AM\*

**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joan Lander	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 03, 2013 12:56 AM  
**To:** AGRtestimony  
**Cc:** jpappas60@gmail.com  
**Subject:** Submitted testimony for HB631 on Feb 4, 2013 11:00AM

**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Janet Pappas	Individual	Oppose	Yes

Comments: Dear Representatives, I do not support HB631 to label non-GM foods. Instead, we need labels on GM foods. Despite what GM proponents might say, most whole foods are NOT genetically modified. Only a handful of crops (corn, soy, sugar beets, some zucchini and a few others) are--at this point--genetically engineered. What IS true is that many food PRODUCTS currently contain GM corn or soy without our knowledge or consent. This bill--to label non- GMO foods does not address the real issue. Please support HB174 (label GM foods) instead.

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**onishi1-Jerry**

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**Sent:** Sunday, February 03, 2013 9:19 AM  
**To:** AGRtestimony  
**Cc:** tahemyst@yahoo.com  
**Subject:** Submitted testimony for HB631 on Feb 4, 2013 11:00AM

**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jane Ma'u	Individual	Oppose	No

Comments: Only GMO foods need labeling, as GMO foods are what we the citizens are asking to be informed about! I support the small organic farmers in their pursuit of whole foods. I do NOT support GMO foods, hence I only want to know WHAT FOODS are GMO enhanced, grown, and distributed. Why make the small farmers endure more hardship with unnecessary costs in this bill? NO. Thank you.

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**onishi1-Jerry**

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**Sent:** Saturday, February 02, 2013 12:30 AM  
**To:** AGRtestimony  
**Cc:** maceyj001@hawaii.rr.com  
**Subject:** Submitted testimony for HB631 on Feb 4, 2013 11:00AM

**HB631**

Submitted on: 2/2/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
James Macey	Individual	Oppose	Yes

Comments: HB631 - I strongly oppose this bill as it makes no sense to label real food. Let's do the right thing and label fake genetically modified harmful foods instead. This bill is one of the most shameful bills I have ever read.

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**onishi1-Jerry**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 03, 2013 12:06 PM  
**To:** AGRtestimony  
**Cc:** jdefeo@hawaii.rr.com  
**Subject:** Submitted testimony for HB631 on Feb 4, 2013 11:00AM

**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jack De Feo	Individual	Oppose	No

Comments: We are concerned about GMO farms, experiments and GMO food products. Those are the products that need to be labeled and enforced. We would consider it an affront to the non-GMO and organic community to pursue this legislation when the majority in Hawaii and 94% of Americans States are calling for the labeling of genetically modified food. GMO foods include risks not otherwise inherent in conventional or organic production.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 03, 2013 10:57 AM  
**To:** AGRtestimony  
**Cc:** gypsieme@gmail.com  
**Subject:** \*Submitted testimony for HB631 on Feb 4, 2013 11:00AM\*

**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gypsie Lewis	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 03, 2013 9:53 AM  
**To:** AGRtestimony  
**Cc:** lotuslover@hotmail.com  
**Subject:** \*Submitted testimony for HB631 on Feb 4, 2013 11:00AM\*

**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
courtney Bruch	GMO Free Maui, GMO Free Oahu, GMO Free Big Island	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 02, 2013 3:00 PM  
**To:** AGRtestimony  
**Cc:** ekandagawa@gmail.com  
**Subject:** Submitted testimony for HB631 on Feb 4, 2013 11:00AM

**HB631**

Submitted on: 2/2/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Emily Kandagawa	Individual	Oppose	No

Comments: This bill is entirely redundant and is an embarrassing and shameless attempt to evade the pressing issues of food safety that the vast majority of Hawaii residents and Americans as a whole are demanding our governments act responsibly, sensibly, and compassionately on. Legitimate science, reason, and basic humanity demand that one understands that the onus is NOT on those to disprove the safety of genetically manipulated foods, but rather is on those forcing GMOs on a non-consenting population to prove its safety. SHAME on this legislative body for being so complicit in the dispossession of the citizenry of our basic rights to not have our bodies and our 'aina poisoned, for attempting to evade the real issues with this mockery of a bill with its embarrassingly backward logic. Answer your conscience and honor your oath to represent the people. You are not in office to represent corporate interests or to fatten your own pocket at your and our grandchildren's expense.

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**To:** AGRtestimony  
**Cc:** Cjumon@gmail.com  
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**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Claire Jumonville	Individual	Oppose	No

Comments:

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**Sent:** Sunday, February 03, 2013 9:44 AM  
**To:** AGRtestimony  
**Cc:** launahele@yahoo.com  
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**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Benton Pang	Individual	Oppose	No

Comments: GMO products need to be labeled. There should be no additional regulation for non- GMO farmers and organic food producers, I am not concerned about the safety of those products. This is an affront to the non-GMO and organic community to pursue this legislation when the majority in Hawaii and 94% of Americans States are calling for the labeling of genetically modified food.

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**Sent:** Sunday, February 03, 2013 12:48 PM  
**To:** AGRtestimony  
**Cc:** MermaidAubrie@gmail.com  
**Subject:** \*Submitted testimony for HB631 on Feb 4, 2013 11:00AM\*

**HB631**

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Aubrie Allen	Babes Against Biotech	Oppose	Yes

Comments:

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**Sent:** Sunday, February 03, 2013 9:25 AM  
**To:** AGRtestimony  
**Cc:** arnoldkotler@aol.com  
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**HB631**

Submitted on: 2/3/2013

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Arnold Kotler	Individual	Support	No

Comments:

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**To:** AGRtestimony  
**Cc:** amyamaguchi@yahoo.com  
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**HB631**

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Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Amy Yamaguchi	Individual	Oppose	No

Comments:

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**Sent:** Sunday, February 03, 2013 9:14 AM  
**To:** AGRtestimony  
**Cc:** alanc@maui.net  
**Subject:** \*Submitted testimony for HB631 on Feb 4, 2013 11:00AM\*

**HB631**

Submitted on: 2/3/2013

Testimony for AGR on Feb 4, 2013 11:00AM in Conference Room Auditorium

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alan Crammatte	Individual	Oppose	No

Comments:

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