June 25, 2013

The Honorable Dannel P. Malloy
Governor of the State of Connecticut
State Capitol
Room 200
Hartford, CT 06106

Dear Governor Malloy:

We are writing to you in regard to Public Act 13-183, An Act Concerning Genetically-Engineered Food (the Act), which now awaits your action. The Act was passed in concurrence by the House of Representatives on June 3, following the State Senate’s action passing HB 6527 as amended on June 1.

As you know, the bill, which reflects extensive bicameral and bipartisan negotiations, requires that genetically-engineered food be labeled as such. However, during these negotiations, there was an express understanding amongst caucus leadership that these labeling provisions would only be operative on the October 1st following the date the Commissioner of Consumer Protection (Commissioner) recognizes the occurrence of both of the following:

1) four states, not including this state, enact a mandatory labeling law for genetically-engineered foods that is consistent with the provisions of section 3(a) of the Act, provided one such state borders Connecticut; and

2) the aggregate population of such states located in the northeast region of the United States that have enacted a mandatory labeling law for genetically-engineered foods that is consistent with section 3(a) exceed a population of twenty million based on 2010 census figures.

In other words, after significant legislative and public deliberation, the consensus reached and then voted upon by both the majority and minority caucuses in both chambers of the General Assembly was that any required change in labeling and/or branding of food or beverage products as a result of the new requirement for labeling genetically-engineered food intended for human consumption would be effective only after the above “trigger” requirements were recognized by the Commissioner.

We are in full agreement that it was our collective intent that the definition of “natural food,” amended by section 1 of the legislation, should have been made operative consistent with the timeline provided in section 3. As drafted, this new definition can currently be construed as becoming operative on October 1, 2013. We jointly regard this as contrary to our intent in passing the legislation.
On behalf of the four caucuses of which we were elected to lead, we hereby express our clear intent to reconcile through legislation, as soon as the Generally Assembly is next in session, the effective dates found within the Act so that they are consistent and in accordance with the effective date established in Section 3.

It has also been brought to our attention that the definition of “genetically-engineered” food contained in the Act might be construed to include pet food. We similarly intend to clarify by legislation as soon as possible after the commencement of the 2014 session that “genetically-engineered” food, as it pertains to the provisions of the Act, only includes food intended for human consumption.

Accordingly, pending clarification of the law by the General Assembly, we urge you to issue a directive to the Commissioner of Consumer Protection to refrain from exercising his discretionary enforcement authority to enforce the amended definition of “natural food” before section 3's “trigger” is recognized.

Regards,

[Signature]
Representative J. Brendan Sharkey
Speaker of the House of Representatives

[Signature]
Representative Lawrence Cafero
Minority Leader, House of Representatives

[Signature]
Senator Donald Williams
Senate President Pro Tempore

[Signature]
Senator John McKinney
Minority Leader, Senate

cc:
The Honorable George Jepsen, Attorney General
The Honorable William M. Rubenstein, Commissioner of Consumer Protection
The Honorable Steven K. Reviczky, Commissioner of Agriculture