

GMO Labeling: Five Things to Know About the “DARK Act” (Deny Americans the Right to Know)

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Global Research, July 22, 2015
[Civil Eats](#) 20 July 2015

Theme: [Biotechnology and GMO](#), [Law and Justice](#)

Update: After we published this article, several House Democrats [filed amendments](#), potentially disabling several key parts of the bill. What you see below refers to the bill's original language.

There are two names for [H.R. 1599](#), the controversial Republican-backed bill concerning [GMO](#) labeling that is currently moving through the House of Representatives.

The first is its bland, official name: The Safe and Accurate Food Labeling Act of 2015. The second is the nickname given by its opponents: Deny Americans the Right to Know (DARK) Act. Together, they reveal the two sides in the frequently bitter fight about the safety of genetically modified food.

Critics of GMOs have a long list of concerns. Take Monsanto's notorious “Roundup Ready” seeds. They have been bred to resist an herbicide [recently deemed](#) a “probable carcinogen” by the World Health Organization; they have led to a rise in monoculture crop production; and they have been linked to the [decline of the Monarch butterfly](#). Critics also worry about genetic contamination and a lack of research into the long-term health effects of the crops.

For these reasons and more, two economists [recently called](#) GMOs “perhaps the greatest case of human hubris ever” in a New York Times editorial, saying agriculture industry has created a system “too big to fail,” much like the banking industry in 2008.

Meanwhile, GMO supporters argue that the world is facing a global hunger crisis, and foods genetically modified to have more nutrients could be potential lifesavers.

But H.R. 1599 is not about the existence of GMOs, which are entrenched in American agriculture (GMO crops account for [around 90 percent](#) of corn and soy grown in the country). It's about whether the genetically modified foods you buy should be labeled as such. And because independent [poll](#) after [poll](#) shows that the majority of Americans support GMO labeling, the bill's opponents see the bill as nothing more than the agrochemical industry flexing its lobbying muscles.

The bill passed through the House Agriculture Committee last week, and will go up for debate on the House floor as early as next week; many in the industry expect the House to get to it before the August recess. Here's what you need to know about the so-called DARK Act and how it affects GMO labeling and production as a whole:

1. It would negate all existing GMO labeling laws.

Most of the legislature around GMO labeling has been designed to alert consumers to the presence of genetically modified ingredients, which the [Center for Food Safety](#) estimates are in at least 70 percent of processed food. Pesticide and seed companies like Monsanto and industry groups like the Grocery Manufacturers Association have spent millions defeating pro-labeling bills in several states, including California, Washington, Colorado and Oregon.

Despite the industry's deep pockets, a law [passed in Vermont last year](#) that would require mandatory GMO labeling for all ingredients by July 2016. Connecticut and Maine have also both passed bills requiring labeling, but they can only take effect once enough states nearby have similar laws. H.R. 1599 would negate all of these laws, and more—according to the Center for Food Safety. The preemption language in the bill would nullify over a hundred local laws that, directly or indirectly, regulate genetically engineered crops.

There's nothing stopping food companies from doing their own labeling. But as Ken Roseboro, editor and publisher of the *The Organic & Non-GMO Report* points out, they've had this power since 2001, when the FDA issued guidance on voluntary GMO and non-GMO labeling. "How many companies have voluntarily labeled their products as containing GMOs since then? None," he says.

2. The bill would give jurisdiction over non-GMO certification to the U.S. Department of Agriculture (USDA), which doesn't have the same rigor as independent certification programs.

Because of public perception around GMOs, companies are much more likely to advertise the *absence* of genetically modified ingredients in their products—whether they're big corporations like Chipotle and General Mills, or small food companies using labels like the butterfly and checkmark logo of the [Non-GMO Project](#), an independent nonprofit.

H.R. 1599 would put the system of voluntary non-GMO certification under the jurisdiction of the USDA. The USDA already has its own (new) certification program, which is much less rigorous than the Non-GMO Projects and doesn't require testing or segregation. If the bill passes, however, independent verifiers would essentially use the USDA's standards and process (much like with the federal organic standards). No one knows whether the new USDA verification process will take longer, cost more, or be more onerous than independent verifications. (A previous version of the bill had language that would block private GMO-free labels, but that has been taken out of the current draft.)

3. There is language in the bill that preempts state and local laws regarding the *production* of GMO crops, not just labeling.

To opponents of the bill, this is far more sinister than the labeling laws. As a response to concerns about the health and environmental effects of GMOs, a few counties in California and Oregon have led grassroots efforts and passed laws that limit genetically engineered crop production or even [establish "GMO-free zones."](#)

H.R. 1599 would overturn all of these laws and preempt new ones from taking their place. "It removes local control over GMOs from citizens," says Roseboro.

4. The bill would expand the definition of "natural" to include some genetically modified ingredients.

The [natural label](#) is something of a joke in the industry, because it means so little; many

highly processed foods can be considered “natural,” and unlike organic, there isn’t an official verification process behind the term. But there is language in H.R. 1599 that allows companies to make “natural” claims on packaging even if the food contains GMOs.

Opponents of the bill believe that it will add to consumer confusion. A [Consumer Reports survey](#) found that nearly 60 percent of shoppers look for the “natural” label on foods and more than 75 percent of them believe that the label has specific attributes like lack of artificial coloring, flavor, or GMOs—even though it has no legal definition.

5. Even if the bill is introduced in the Senate, it probably won’t pass—and there are bills in both the House and Senate in favor of mandatory labeling.

[As we all know](#), a bill needs to pass in both the House and Senate before it becomes a law. The Senate corollary to H.R. 1599 hasn’t been introduced at press time, though many expect it to appear any day now. But experts say the odds of it finding enough Democratic backing in the Senate are slim—and it would still need to be signed into law by President Obama.

In February, Democrats in both the [House](#) and [Senate](#) introduced bills that would require mandatory national GMO labeling administered by the Food and Drug Administration (FDA). Neither is as far along as H.R. 1599, but they represent hope for those who believe in GMO labeling on the federal level. See the latest on [state-level labeling efforts here](#).

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