

March 14, 2016

Senator Mitch McConnell  
Majority Leader  
U.S. Senate  
Washington, DC 20510

Senator Harry Reid  
Minority Leader  
U.S. Senate  
Washington, DC 20510

Dear Majority Leader McConnell and Minority Leader Reid:

Re: Opposition to S. 2609, also known as the “Denying Americans the Right to Know” (DARK) Act

The undersigned organizations are writing to express strong opposition to S. 2609, the so-called “Denying Americans the Right to Know” (DARK) Act. We join hundreds of farm, food, health, environmental and other public interest organizations and businesses in opposition to this bill.

Our specific concerns lie with the bill’s extremely broad preemption language contained in Sections 293 and 295, banning any and all state “requirements” relating to the labeling of genetically modified organisms (GMOs) in food, including mislabeling of “natural” and “GMO-free” food. The bill preempts not only state and local laws requiring that food products with GMO ingredients be labeled as such. It also preempts aspects of state consumer protection statutes, which have allowed the public to file cases over misleading food labels. The bill does not replace state remedies with federal remedies. It eliminates all remedies, providing virtual immunity to unscrupulous food product manufacturers and undermining state and local efforts to create food labeling transparency.

The DARK Act interferes with traditional state authority to protect the public’s health and safety, and shields food manufacturers from legal accountability for misleading the public. We urge you to oppose S. 2609.

Sincerely,

Alliance for Justice  
American Association for Justice  
Asbestos Disease Awareness Organization  
Bull City Cool  
Center for Biological Diversity  
Center for Justice & Democracy  
Consumer Action  
Consumer Federation of America  
Consumers for Auto Reliability and Safety  
Empire State Consumer Project  
Food & Water Watch

Green America  
Homeowners Against Deficient Dwellings  
MADE SAFE  
National Association of Consumer Advocates  
New Solutions: A Journal of Environmental  
and Occupational Health Policy  
Public Citizen  
Public Justice  
Sciencecorps  
U.S. Right to Know