

April 27, 2014

Hello All,

The cool April showers this weekend are greening up our Southwest Vermont landscape. And that is welcome. Next weekend is **GreenUp**, Vermont's traditional time to get out and clean up along roadsides. Hap Percey (802 379-1470) at the Transfer Station and Barb Schlesinger (823-5644) at the Town Office have the supplies and the information. Give them a call or stop by during regular hours.

Saturday morning instead of time at the Transfer Station I attended the inauguration of Mariko Silver as the 10th President of Bennington College. It was great to see so many people from Pownal there and to hear her call for Bennington's outreach to our communities as important to their educational mission. Then Sunday it was a great pleasure to attend the Pownal Historical Society Annual Meeting and their first ever *Art and Artists of Pownal Gallery Day* focused on work produced in or depicting Pownal. Pownal has long been a home to many artists. Congratulations to the Historical Society for bringing together so many artists of all kinds to see their work and share it with the community.

Two highlights for me last week in Montpelier were the signing of S.223, a bill my committee developed along with our Senate counterparts and with the AARP. The bill puts in place first in the nation protections against unscrupulous lenders going after people's pensions. The bill signing also highlighted a Mature Workers Initiative focused on improving opportunities for older workers. Here's an article from VT Digger on the press conference. <http://vtdigger.org/2014/04/22/vermont-enacts-first-nation-pension-lending-regulation/>

Another highlight was Attorney General Bill Sorrell's press conference focusing on his office's recent success in stopping predatory out of state lending companies through recent successful suits. The AG was able to use a law the Commerce Committee worked on and passed last year that cracks down on predatory lending. Under state statute, the attorney general can go after third party loan processors. Vermont is the only state that has this law. The press conference highlighted two Vermonters that saw their \$2,600 instant loan lead to over \$7,000 in repayment costs. Because of our well structured licensed lender laws the AG will be able to sue and return funds to many Vermonters. Here's a link to the media report <http://vtdigger.org/2014/04/23/vermont-attorney-general-wins-1m-settlement-payday-lenders/>. It is very satisfying to see a consumer protection law one's worked to pass make a real difference in Vermonter's lives.

Here's my weekly list of bills that moved through the House last week.

S. 275 An act relating to the Court's jurisdiction over youthful offenders

The bill clarifies the age limits for youthful offender status which intentionally varies in two different sections of law.

S. 283 An act relating to the changing of the name of the Vermont Criminal Information Center

This technical adjustment bill simply changes the name of the Information center to the Vermont Crime Information Center to more accurately reflect the work of the center and its focus.

J.R.H. 21 Joint Resolution urging Congress to enact the Blue Water Navy Vietnam Veterans Act of 2013

This bill addresses the needs of veterans exposed to Agent Orange who served in the Navy and urges Congress to reaffirm its commitment to the well-being of all our nation's veterans, especially those exposed to carcinogenic herbicides during the Vietnam War.

S. 211 An act relating to permitting of sewage holding and pump out tanks for public buildings

This bill would allow the Secretary of the Agency of Natural Resources to approve the use of sewage holding and pump out tanks for existing buildings or structures that are owned by a charitable, religious, or nonprofit organization after determining that: "(A) the plan for construction and operation of the holding tank will not result in a public health hazard or environmental damage; (B) a designer demonstrates that an economically feasible means of meeting current standards is significantly more costly than the construction and operation of sewage holding and pump out tanks, based on a projected 20-year life of the project; and (C) the design flows do not exceed 600 gallons per day."

The House also added policy on municipal water connections and agreements between municipalities and the state on permitting responsibilities. Here's a link to the House amendment in the House Journal. It starts on page 1245. <http://www.leg.state.vt.us/docs/2014/journal/HJ140423.pdf#page=7> . The bill now goes back to the Senate for further review.

H. 112 An act relating to the labeling of food produced with genetic engineering

As has been well reported in the press, after many years work the Vermont House passed 114 to 30 last week its genetic engineering food labeling bill. Last year it passed the House 99 to 42. After further work the Senate sent the bill back to the House on a 26-2 vote. I voted yes.

The findings section well describes the legislature's thinking.

Sec. 1. FINDINGS

The General Assembly finds and declares that:

(1) U.S. federal law does not provide for the labeling of food that is produced with genetic engineering, as evidenced by the following:

(A) U.S. federal labeling and food and drug laws do not require manufacturers of food produced with genetic engineering to label such food as genetically engineered.

(B) As indicated by the testimony of a U.S. Food and Drug Administration (FDA) Supervisory Consumer Safety Officer, the FDA has statutory authority to require labeling of food products, but does not consider genetically engineered foods to be materially different from their traditional counterparts to require such labeling.

(C) No formal FDA policy on the labeling of genetically engineered foods has been adopted. Currently, the FDA only provides nonbinding guidance on the labeling of genetically engineered foods, including a 1992 draft guidance regarding labeling of food produced from genetic engineering and a 2001 draft guidance for industry regarding voluntary labeling of food produced from genetic engineering.

(2) U.S. federal law does not require independent testing of the safety of food produced with genetic engineering, as evidenced by the following:

(A) In its regulation of food, the FDA does not distinguish genetically engineered foods from foods developed by traditional plant breeding.

(B) Under its regulatory framework, the FDA does not independently test the safety of genetically engineered foods. Instead, manufacturers submit safety research and studies, the majority of which the manufacturers finance or

conduct. The FDA reviews the manufacturer's research and reports through a voluntary safety consultation, and issues a letter to the manufacturer acknowledging the manufacturer's conclusion regarding the safety of the genetically engineered food product being tested.

(C) The FDA does not use meta-studies or other forms of statistical analysis to verify that the studies it reviews are not biased by financial or professional conflicts of interest.

(D) There is a lack of consensus regarding the validity of the research and science surrounding the safety of genetically engineered foods, as indicated by the fact that there are peer-reviewed studies published in international scientific literature showing negative, neutral, and positive health results.

(E) There have been no long-term or epidemiologic studies in the United States that examine the safety of human consumption of genetically engineered foods.

(F) Independent scientists may be limited from conducting safety and risk-assessment research of genetically engineered materials used in food products due to industry restrictions or patent restrictions on the use for research of those genetically engineered materials used in food products.

(3) Genetically engineered foods are increasingly available for human consumption, as evidenced by the fact that:

(A) it is estimated that up to 80 percent of the processed foods sold in the United States are at least partially produced from genetic engineering; and

(B) according to the U.S. Department of Agriculture, in 2012, genetically engineered soybeans accounted for 93 percent of U.S. soybean acreage, and genetically engineered corn accounted for 88 percent of U.S. corn acreage.

(4) Genetically engineered foods potentially pose risks to health, safety, agriculture, and the environment, as evidenced by the following:

(A) There are conflicting studies assessing the health consequences of food produced from genetic engineering.

(B) The genetic engineering of plants and animals may cause unintended consequences.

(C) The use of genetically engineered crops is increasing in commodity agricultural production practices, which contribute to genetic homogeneity, loss of biodiversity, and increased vulnerability of crops to pests, diseases, and variable climate conditions.

(D) Cross-pollination of or cross-contamination by genetically engineered crops may contaminate organic crops and, consequently, affect marketability of those crops.

(E) Cross-pollination from genetically engineered crops may have an adverse effect on native flora and fauna. The transfer of unnatural deoxyribonucleic acid to wild relatives can lead to displacement of those native plants, and in turn, displacement of the native fauna dependent on those wild varieties.

(5) For multiple health, personal, religious, and environmental reasons, the State of Vermont finds that food produced from genetic engineering should be labeled as such, as evidenced by the following:

(A) Public opinion polls conducted by the Center for Rural Studies at the University of Vermont indicate that a large majority of Vermonters want foods produced with genetic engineering to be labeled as such.

(B) Polling by the New York Times indicated that many consumers are under an incorrect assumption about whether the food they purchase is produced from genetic engineering, and labeling food as produced from genetic engineering will reduce consumer confusion or deception regarding the food they purchase.

(C) Because genetic engineering, as regulated by this act, involves the direct injection of genes into cells, the fusion of cells, or the hybridization of genes that does not occur in nature, labeling foods produced with genetic engineering as “natural,” “naturally made,” “naturally grown,” “all natural,” or other similar descriptors is inherently misleading, poses a risk of confusing or deceiving consumers, and conflicts with the general perception that “natural” foods are not genetically engineered.

(D) Persons with certain religious beliefs object to producing foods using genetic engineering because of objections to tampering with the genetic makeup of life forms and the rapid introduction and proliferation of genetically engineered organisms and, therefore, need food to be labeled as genetically engineered in order to conform to religious beliefs and comply with dietary restrictions.

(E) Labeling gives consumers information they can use to make decisions about what products they would prefer to purchase.

(6) Because both the FDA and the U.S. Congress do not require the labeling of food produced with genetic engineering, the State should require food produced with genetic engineering to be labeled as such in order to serve the interests of the State, notwithstanding limited exceptions, to prevent inadvertent consumer deception, prevent potential risks to human health, protect religious practices, and protect the environment.

Also

LABELING OF FOOD PRODUCED WITH GENETIC ENGINEERING

It is the purpose of this chapter to:

(1) Public health and food safety. Establish a system by which persons may make informed decisions regarding the potential health effects of the food they purchase and consume and by which, if they choose, persons may avoid potential health risks of food produced from genetic engineering.

(2) Environmental impacts. Inform the purchasing decisions of consumers who are concerned about the potential environmental effects of the production of food from genetic engineering.

(3) Consumer confusion and deception. Reduce and prevent consumer confusion and deception by prohibiting the labeling of products produced from genetic engineering as “natural” and by promoting the disclosure of factual information on food labels to allow consumers to make informed decisions.

(4) Protecting religious practices. Provide consumers with data from which they may make informed decisions for religious reasons.

S. 247 An act relating to the regulation of medical marijuana dispensaries

This bill amends Vermont’s medical marijuana dispensaries laws. There were two roll call votes on the bill. One was on an amendment from the Ways and Means Committee that called for a study on taxing marijuana. It passed 87 to 52 to get financial information. The vote on the bill was 100 to 39 and I voted

yes in both instances. Our dispensaries are well regulated by the Department of Public Safety and have not led to overuse or problems I am aware of but have relieved suffering for many. The bill now goes back to the Senate for reconciliation of differences.

H.R. 21 House resolution expressing support for the continuation of the Vermont State Fair

We passed a resolution supporting the Vermont State Fair which is going through transition after some down years, especially immediately after Tropical Storm Irene.

S. 70 An act relating to the delivery of raw milk at farmers' markets

The House amended this Senate bill that sets safety provisions for selling raw milk. S.70, will allow those producing up to 280 gallons a week to deliver their product to existing customers at farmers' markets. The raw milk regulations we have had in place for five years are rigorous and prescribe the practices that producers must follow to ensure public health and safety. Raw milk dairies have consistently produced a high quality and safe product since their reputations and livelihoods depend on it. The provisions in this bill will ensure that consumers can pick up fresh, safe and sanitary product from farmers that they have an established relationship with, and at more convenient times and locations. The bill passed on a voice vote and I supported the House amendments.

J.R.H. 18 Joint resolution urging Congress to reauthorize the federal terrorism insurance program

House Commerce recommended this resolution regarding terrorism insurance. If the federal government does not act to renew their backup of this form of insurance it will make this form of insurance extremely expensive and difficult to obtain. Here's the resolution which passed on a unanimous voice vote.

Whereas, the terrorist attacks of September 11, 2001 resulted in insured losses of staggering amounts, and

Whereas, the enormity of the attack caused difficulties for individuals and businesses to secure insurance coverage against a future terrorist attack, and

Whereas, Congress passed the Terrorism Risk Insurance Act of 2002, Pub.L.107-297, the Terrorism Risk Insurance Extension Act of 2005, Pub.L.109-144, and the Terrorism Risk Insurance Program Reauthorization Act of 2007, Pub.L. 110-160 (TRIPRA) to address this critical problem, and

Whereas, TRIPRA provides that terrorism insurance coverage is available to an individual insurer after the insurer has incurred a minimum of \$100 million worth of losses resulting from a certified act of terrorism, and

Whereas, once the \$100 million trigger has been reached, the federal government pays “85 percent, of that portion of the amount of such insured losses that exceeds the applicable insurer deductible required to be paid,” and

Whereas, TRIPRA imposes a cap of \$100 billion per year of federal terrorism insurance payments, and

Whereas, this public-private partnership has provided stability and predictability for terrorism insurance coverage in the United States, and

Whereas, without TRIPRA, terrorism insurance, which remains essential, would be unavailable or unaffordable, resulting in major economic consequences, and the continuation of this federal program is important, now therefore be it

Resolved by the Senate and House of Representatives: That the General Assembly urges Congress to reauthorize the federal terrorism insurance program, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vermont Congressional Delegation.

S. 177 An act relating to nonjudicial discipline

The House concurred and passed this Senate bill. It would allow commanding officers in the Vermont National Guard to impose non-judicial discipline for minor offenses without a court martial. Here’s a link to the bill. <http://www.leg.state.vt.us/docs/2014/bills/Senate/S-177C.pdf>

S. 234 An act relating to Medicaid coverage for home telemonitoring services

“Home telemonitoring service” means a health service that requires scheduled remote monitoring of data related to a patient’s health, in conjunction with a home health plan of care, and access to the data by a home health agency or other qualified provider as defined by the Agency of Human Services.” This bill would allow for Medicaid payments for this service and it is seen as a cost saving as well as a benefit to the patient.

H. 123 An act relating to Lyme disease and other tick borne illnesses

The Lyme bill came back from the Senate with some changes acceptable to the house and the House sent back to the Senate a few changes of its own. In the one roll-call vote on the bill an amendment requiring physicians to inform patients whether or not their blood work was being sent to a laboratory certified under the federal Clinical Laboratory Improvement Amendments Program was defeated 57 to 79. I supported the amendment after hearing in the debate that Lyme disease treatment, testing and diagnosis is uncertain because of many false negatives and false positives and believing that the patient

having as much reliable information as possible would be helpful. I supported the overall bill again and look forward to its passing third reading in the House this week.

We are aiming for adjournment the ninth of May. There is still a great deal of work to accomplish to do so and the next two weeks will be especially busy. Please be in touch about any of the measures we are working on. Your thoughts are very helpful to me in working on bills.

I hope everyone has a very good week.

Stay in touch,

Bill

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