

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

GROCERY MANUFACTURERS)
ASSOCIATION, *et al.*,)
)
 Plaintiffs,)
)
 v.)

) Case No. 5:14-cv-00117-CR

WILLIAM H. SORRELL, in his official capacity)
as the Attorney General of Vermont, *et al.*,)
)
 Defendants,)

and)
)

VERMONT PUBLIC INTEREST RESEARCH)
GROUP and CENTER FOR FOOD SAFETY,)
)
 Proposed Intervenor-Defendants.)

**DECLARATION OF LAURA B. MURPHY IN SUPPORT OF VERMONT PUBLIC
INTEREST RESEARCH GROUP AND CENTER FOR FOOD SAFETY’S MOTION TO
INTERVENE AS DEFENDANTS**

I, Laura B. Murphy, do hereby declare as follows:

1. I am the Associate Director of the Environmental and Natural Resources Law Clinic (ENRLC) at Vermont Law School. I am licensed to practice law in the State of Vermont, the United States District Court for the District of Vermont, the United States Court of Appeals for the Second Circuit, and the United States Court of Appeals for the First Circuit.

2. I have personal knowledge of the matters stated herein and, if called as a witness, could and would competently testify thereto.

3. The ENRLC has represented the Vermont Public Interest Research Group (VPIRG) in legal advocacy in support of Vermont’s genetically engineered (GE) food labeling bill since 2012.

4. As part of this representation, the ENRLC conducted extensive legal research and

analysis regarding the constitutionality of GE labeling laws. This resulted in a 71-page memo that the ENRLC shared with state officials, including state legislators, on behalf of VPIRG.¹

5. The ENRLC has also been communicating and coordinating with the Center for Food Safety since the fall of 2012 regarding legal analysis, strategy, and general issues relating to GE labeling.

6. On behalf of VPIRG, I testified numerous times before committees of the Vermont legislature regarding Vermont's GE labeling bill (H.112) and the constitutionality of GE labeling. On February 14, 2013, I testified and answered questions before the Vermont House Committee on Agriculture and Forest Products along with student clinicians Jillian Bernstein and Alexander Funk. On May 2, 2013, I testified and answered questions before the Vermont House Committee on Judiciary. On January 9, 2014, I testified and answered questions before the Vermont Senate Committee on Agriculture. On March 19, 2014, I testified and answered questions before the Senate Committee on Judiciary along with student clinician Andrew Homan. In addition, along with the Center for Food Safety, the ENRLC provided informational materials to the Senate Judiciary Committee regarding the exemptions in H.112.

7. I have also testified before committees of the Maine and New Hampshire legislatures regarding the constitutionality of GE labeling.

8. On behalf of VPIRG, the ENRLC also conducted factual research regarding the reasons that GE labeling is needed. We compiled numerous scientific studies, reports, and other materials on the potential health risks of GE foods, consumer confusion resulting from the lack of GE labels, religious concerns with consuming GE foods, the environmental harms associated

¹ The memo is published in substantially the same form in the Vermont Law Review. Laura B. Murphy, Jillian Bernstein & Adam Fryska, *More than Curiosity: The Constitutionality of State Labeling Requirements for Genetically Engineered Foods*, 38 Vt. L. Rev. 477 (2013).

with GE food production, the misleading nature of using the term “natural” on GE foods, and the current state of the United States Food and Drug Administration’s approach to GE foods. We provided these materials to committees of the Vermont legislature in hard copy binders and on compact disc.

9. In 2014, I attended the Vermont House and Senate floor debates on H.112. During the Second Reading of H.112 in the Senate, Senator Dick Sears (Chair, Judiciary) and Senator Joe Benning (Vice-Chair, Judiciary) favorably referenced the ENRLC’s work and constitutional law memo on GE labeling. The Senate passed H.112 by a vote of 28 to 2, and the House passed H.112 by a vote of 114 to 30.

I declare under penalty of perjury that the foregoing is true and correct to the best of my ability.

Executed in South Royalton, Vermont, on July 9, 2014



Laura B. Murphy