

FOOD FIGHTS IN CALIFORNIA

GrowGmoFree.ORG

Paid for by The Committee for Humboldt Green Genes (#1264406) (707)826-1031 (707)442-3481 (707)923-1116 PO Box 4841, Arcata, CA 95518

NO on Q
It's Bad for Farmers.

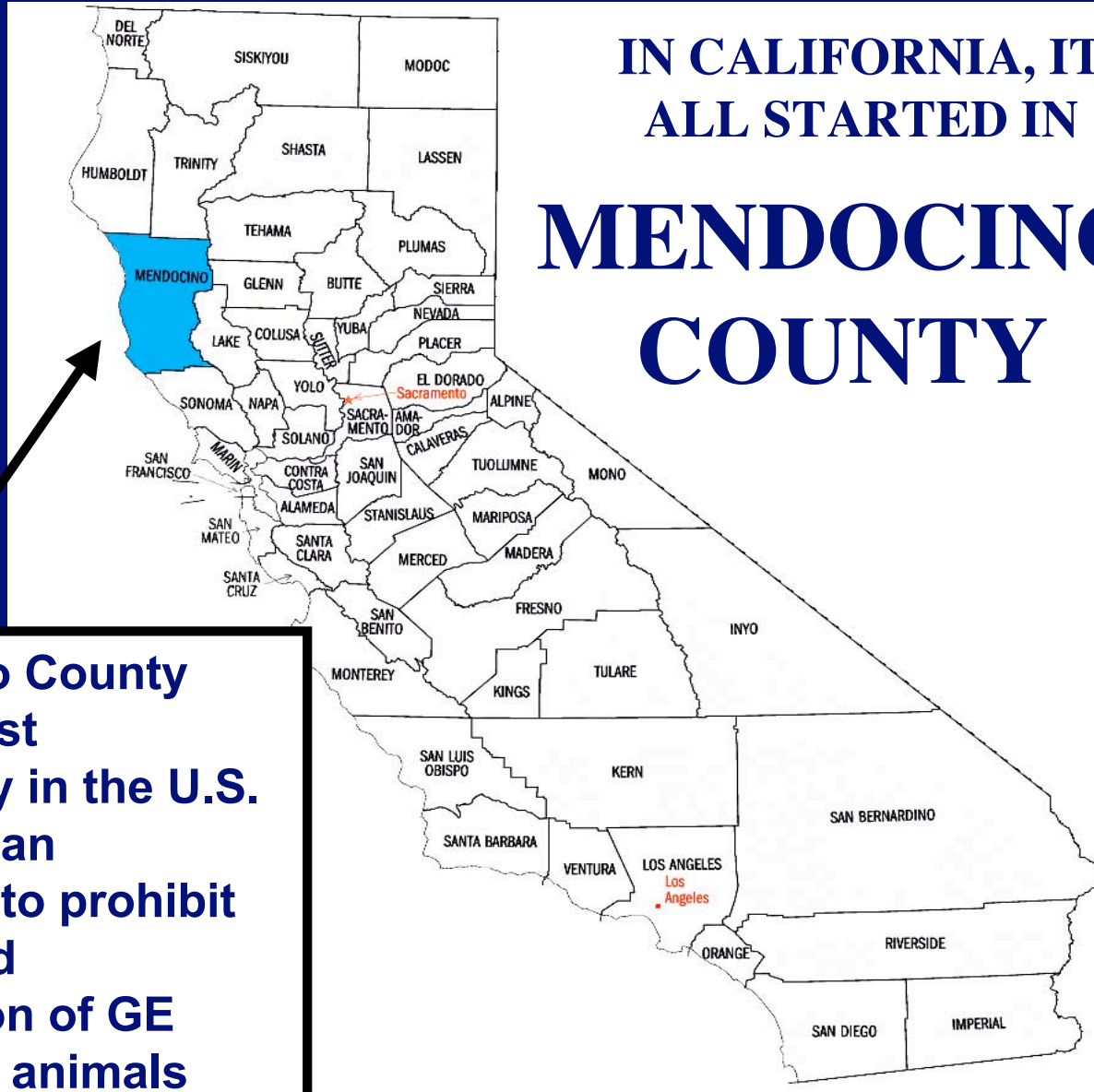
No On "D"

Families & Farmers For
A Healthy Environment

YES Q

HEALTHY FARMS AND FAMILIES

IN CALIFORNIA, IT
ALL STARTED IN
**MENDOCINO
COUNTY**

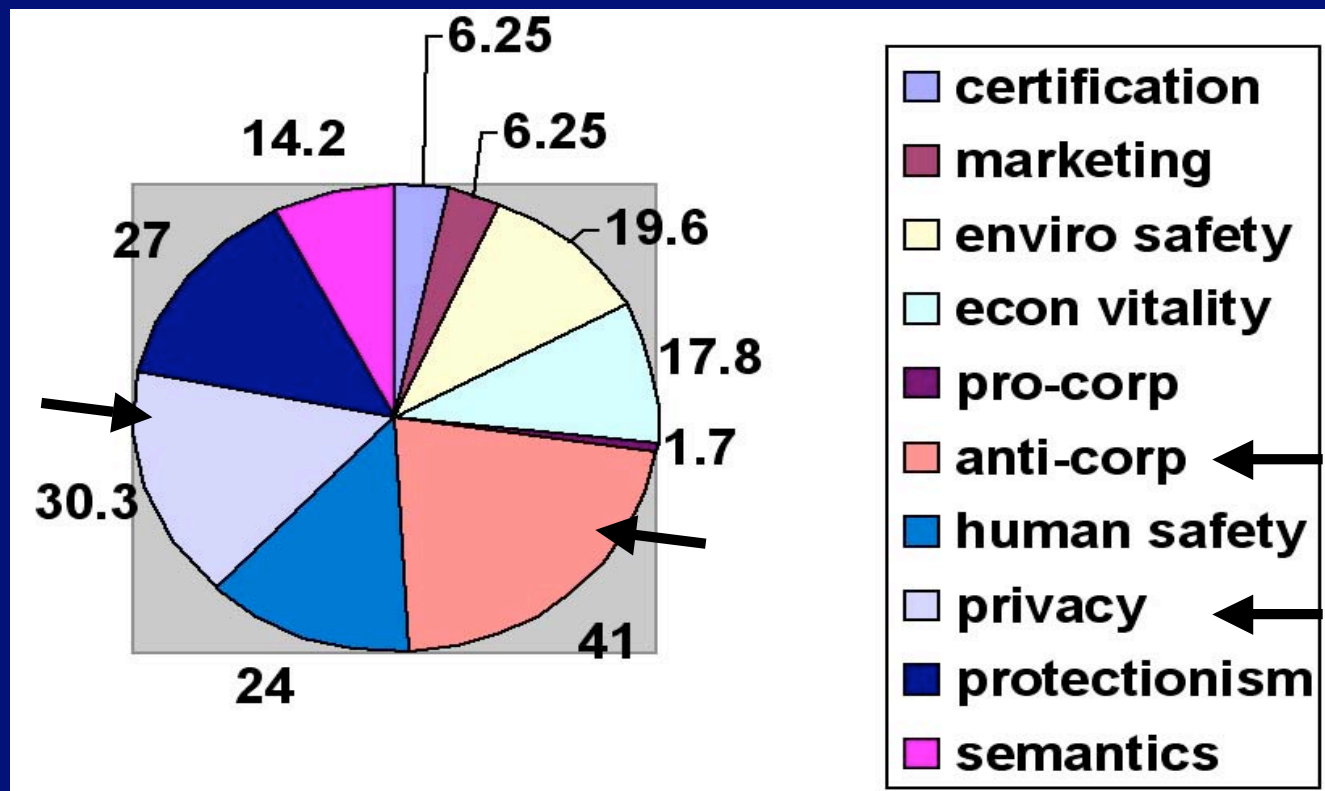


Mendocino County
was the first
principality in the U.S.
to vote on an
ordinance to prohibit
growth and
propagation of GE
plants and animals

**March 2004 MENDOCINO
MEASURE H – passed March 2004
56% For; 44% Against**

- **“unlawful for any person, firm, or corporation to propagate, cultivate, raise, or grow genetically modified organisms in Mendocino County” (excluded microorganisms)**
- **“DNA or deoxyribonucleic acid means a complex protein that is present in every cell of an organism...”**
- **The ban does not pertain to properties within city limits, or lands managed by State, Tribal and Federal agencies.**
- **At election time, no GE organisms were known to be in production in Mendocino County.**

CHARACTERIZATION OF MEASURE H ELECTION RELATED MATERIALS IN MENDOCINO COUNTY



ORDINANCE VOTING MOVED TO OTHER COUNTIES

...THAT WERE

MORE AGRICULTURALLY ORIENTED and results differed





County of Santa Cruz

HEALTH SERVICES AGENCY

Moratorium on GE crops

June 2006 Passed 5-0 Board of Supervisors

County of Santa Cruz
701 Ocean Street

Ordinance makes it unlawful to cultivate propagate, raise or grow any GE crop and act in violation constitutes a public nuisance. prohibits planting and production of GE crops in county. County Health Officer is charged with enforcement.



Proposed Lake County Ordinance

The proposed ordinance describes a "Genetically modified crop" as a crop that has been created or modified through genetic engineering. It does not include nonliving or non-reproducing organisms or products.

* "Genetic engineering" means a process or technology employed whereby the hereditary apparatus of a living cell is altered, modified or changed so that the cell can produce more or different chemicals or perform completely unique functions.

* Definition of GE taken from Monterey County Zoning Ordinance (21.64.140) - 1992

COUNTY ORDINANCES

Countywide Votes

MEASURE H MENDOCINO

NO 43%

YES 57%

March 2004

MEASURE B MARIN

NO 39%

YES 61%

November 2004

MEASURE D BUTTE

NO 61%

YES 39%

November 2004

MEASURE M HUMBOLDT

NO 65%

YES 35 %

November 2004

MEASURE Q SAN LUIS OBISPO

NO 59%

YES 41%

November 2004

MEASURE M SONOMA

NO 56%

YES 44 %

November 2005

Board of Supervisors Votes

TRINITY

NO 2

YES 3

June 2006

SANTA CRUZ

NO 0

YES 5

June 2006



November 2004, Fresno

Passed: Board of Supervisors 5 For; 0 Against

- Whereas, biotechnology has the potential to greatly improve the health, nutrition and

But several counties passed pro-GMO Resolutions

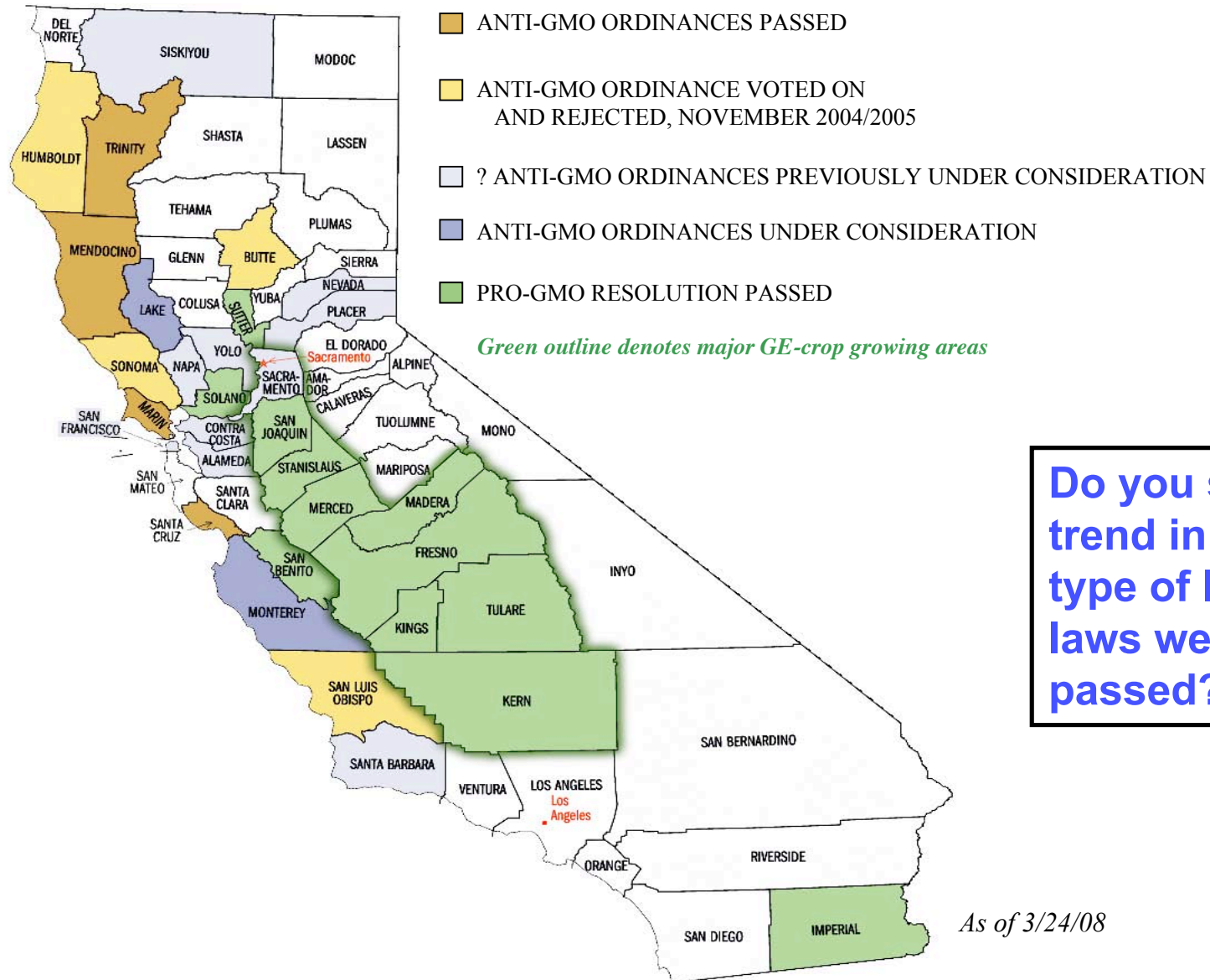
allergens, and...

- Whereas, the University of California and the California State University systems are

County of Fresno affirms the right for farmers and ranchers to choose to utilize the widest range of technologies available to produce a safe, healthy, abundant and affordable food supply, and that the safe, federally regulated use of biotechnology is a promising component of progressive agricultural production.

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Do you see a trend in what type of local laws were passed?

GMO ban efforts start in Lake, Monterey counties

State Farm Bureau opposes local GMO ordinances

By ELIZABETH LARSON
Capital Press

Groups in Lake and Monterey counties are beginning to lay the groundwork for bans on genetically modified organisms.

Bans currently are in effect in Mendocino, Marin, Santa Cruz and Trinity counties and in the cities of Arcata and Point Arena.

Chuck March, executive director of Lake County Farm Bureau, said the Farm Bureau is opposed to any localized ordinance against genetically engineered crops, which they believe should be controlled at either the state or federal levels.

March said genetically modified organisms are "a tool and an option" for growers.

March and the University of California Cooperative Extension looked at the ordinance and it raised several issues.

In Lake County, the Coalition for Responsible Agriculture — a consortium of farmers, activists and organizations — is leading the effort to prevent cultivation of all genetically modified organisms, said attorney Steve Elias, who helped draft the proposed ordinance.

The group previously proposed a 30-day moratorium on

Roundup Ready alfalfa in 2005, which was not approved by the Board of Supervisors.

Elias said the new proposal would make Lake County a genetically modified organism-free zone. Elias said the law would allow local farmers to create a GMO-free brand that will make the county unique.

The ordinance would also include a 30-day jail sentence for anyone found guilty of growing genetically modified organisms.

March said the California Farm Bureau has been working with organic and environmental groups to address genetically modified organisms at the state level through Assemblyman Jared Huffman's bill, AB 541, now moving through Senate committees.

"It's very broad and vague and could cover even normal hybridization," March said of the proposal.

In Monterey County, a similar effort is under way. Lorna Moffat, one of the organizers, said the local Green Party, Woman's Democratic Party leadership and organic farmers are working on an ordinance based on one in Santa Cruz County.

Moffat said she was spurred to action after hearing Henry Daniell, a molecular biologist at the University of Central Florida, who expressed interest in growing a genetically modified, insulin-producing lettuce in Mon-

terey County.

Bob Roach, the county's assistant agriculture commissioner, said those statements caused concern in a county where lettuce is the No. 1 crop. However, he added, "I'm not aware of anyone seriously proposing any such thing."

Moffat said it's just a matter of time before such a crop does make its way to Monterey. "At this point everything is wide open and unprotected," she said.

Roach said there already is a local ordinance, passed by the Board of Supervisors in the mid-1970s, that regulates the experimental release of genetically modified organisms and requires a permit. Roach said no one has ever requested such a permit.

"There's nothing on the horizon, there are no crops under development for our area," Roach said.

Monterey County Farm Bureau Executive Director Robert Perkins said the topic of genetically engineered crops is a sensitive one for local agriculture community.

"My impression from talking to my leaders is that this kind of GMO ban is premature, unnecessary and might, somewhere down the road, preclude us from taking advantage of changing technology," Perkins said.

Elizabeth Larson is a staff writer based in Lucerne. E-mail: elarson@capitalpress.com.

SOURCE: Capital Press,
March 18, 2008





**Georgia
General Assembly**

May 9, 2005 - Senate Date Signed by Governor

05

LC 25 3839

Senate Bill 87

Pre-emptive Seed Laws passed in 16 states were enacted to stem the tide of county-based ordinances

SECTION 1.

Article 2 of Chapter 11 of Title 2 of the Official Code of Georgia Annotated, the "Georgia

No county...shall adopt or continue in effect any ordinance, rule, regulation or resolution regulating the labeling, packaging, sale, storage, transportation, distribution, notification of use or use of seeds...

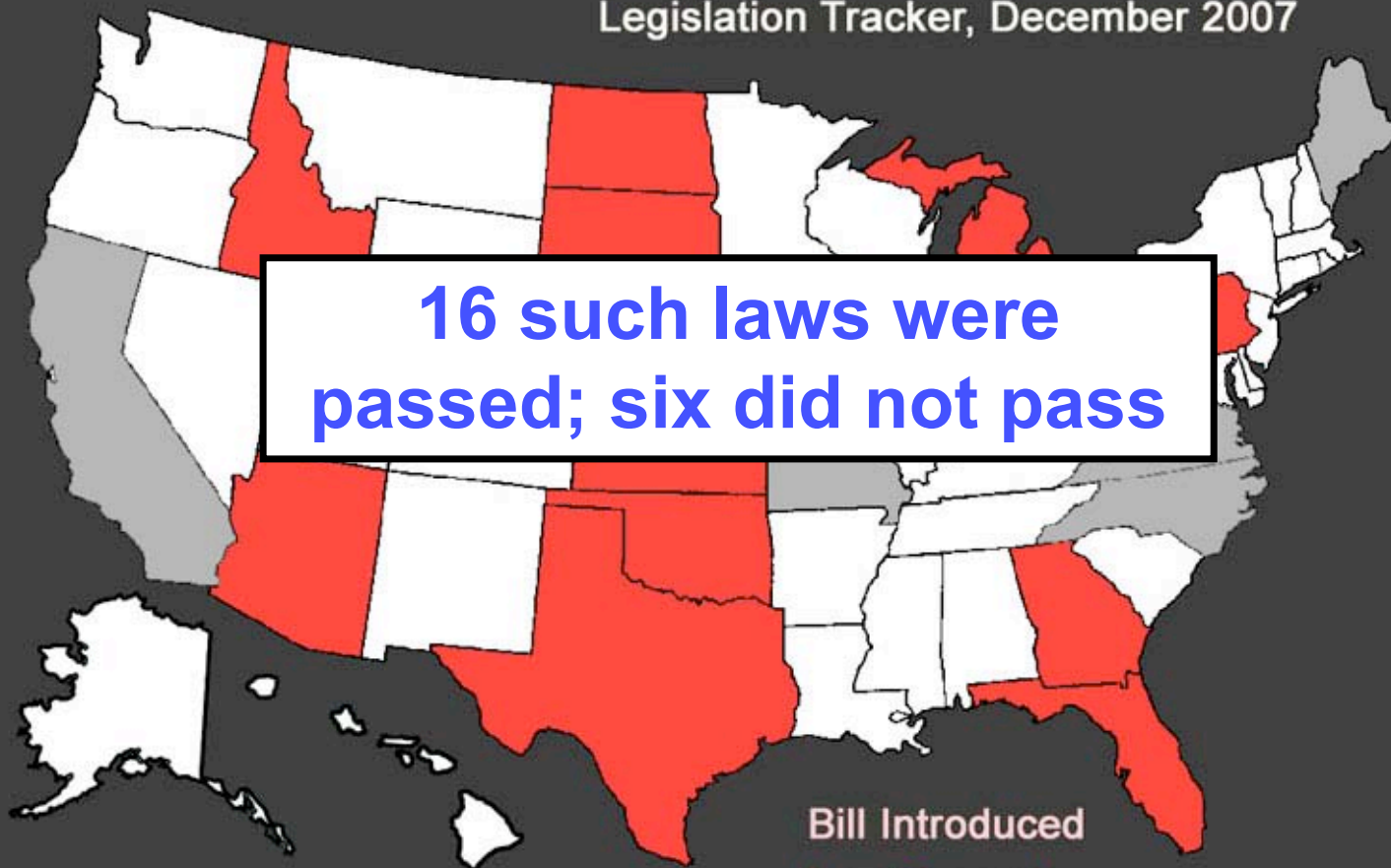
SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.



Seed & Plant Preemption

Legislation Tracker, December 2007



environmentalcommons

Bill Introduced
Law Passed
Not Passed

SOURCE: <http://www.environmentalcommons.org/gmo-tracker.html>





The push to control when and where GE crops could be grown moved from cities and counties to commodity groups, like the CA Rice Commission, which controls most of the rice planted in the state. They called for a ban on field testing of GE rice in the state until safeguards are acceptable to them...

(Feb 2007)

and rice have interest in importing genetically modified rice at this time. Due to the risks involved, the study recommends that the U.S. industry not seek commercialization of biotech rice in the near term.

Test plots last year led to the accidental contamination of long grain rice in Arkansas and Mississippi.

Japan alone can take up a quarter of our crop," Massa said.

Rice growers in the South have sought class-action status in lawsuits that have been filed against Bayer CropScience AG, the German company that developed the rice with the Lib-

"They keep that sort of stuff pretty quiet," Massa said. "All of the GM rice plantings have to go through an advisory board to the California Rice Commission, but I don't know of any plans this year. That's just because I am kept in the dark."

California Rice Commission

Johnson said Rice Producers of California's report re-states the obvious.

"The information in the report is not news to anybody who even marginally follows the rice industry," Johnson said.

"We know our customers are sensitive to biotechnology and

rice industry issued the Rice Certification Act in 2000, the only law of its kind in the nation at the time. Since then, Arkansas' rice industry has developed a similar act.

"The law allows us to sit

Turn to RICE, Page 8

SOURCE: Capital Press, February 23, 2007.



Roundup Ready Alfalfa Planting Curtailed

United States District Court For the Northern District of California
IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

GEERTSON FARMS INC., et al., Plaintiffs,

v.

MIKE JOHANNNS, et al.,

Defendants

...and to a courtroom in San Francisco, where the judge rescinded deregulation of RR alfalfa. U.S. farmers can no longer plant RR alfalfa until an environmental impact study is done to determine the risk the GE gene might pose in “contaminating” organic and conventional alfalfa and on the development of Roundup resistant weeds

(Feb 2007)

ASSEMBLY BILL

No. 541

Introduced by Assembly Member Huffman

February 21, 2007

California Legislative Bill AB541: Liability for damages caused by GE plants – passed by Assembly Jan. 2008, awaiting Senate

Bill establishes right of farmers /landowners to compensation for economic losses due to genetic contamination of their crops. Protects farmers from being sued by GE manufacturer if crop is contaminated by company's product. Prohibits open-field cultivation of GE food crops used to produce drugs.

year that exceed \$5,000, it shall constitute substantial interference with the use and enjoyment of the person's property, constituting a private

"The EPA regulates GM crops with pesticide properties, primarily under FIFRA.¹⁰ FIFRA's express preemption provision states that a "State shall not impose any requirements for labeling or packaging in addition to or different from those required under" FIFRA. 7 U.S.C. § 136v(b)."

After all of the voting, City, County and State statutes might be illegal due to the fact that national laws and regulations might pre-empt local laws.

~~statutes, if enacted, would likely fail on preemption grounds.~~

Excerpted from Lasker, E. 2005. Federal Preemption and State Anti-"GM" Food Laws. Legal Backgrounder, Vol. 20 No. 60. Washington Legal Foundation

