

Board gives anti-GE ordinance OK in first read

Contributed by Elizabeth Larson

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THIS STORY HAS BEEN UPDATED.

LAKEPORT — By a 3-2 vote the Board of Supervisors on Tuesday gave initial approval to an ordinance to ban the use of genetically engineered (GE) crops in Lake County.

The ordinance has been advanced to a final reading next month.

Supervisors Ed Robey — who introduced the ordinance — along with Anthony Farrington and Denise Rushing voted to approve the measure, with Jeff Smith and Rob Brown voting no.

With the exception of Rushing, who wasn't yet on the board in 2005, the rest of the board members voted the same as they did when considering a 2005 ordinance that would have placed a 30-month moratorium on GE alfalfa.

That crop has since been re-regulated by a court decision, with the US Department of Agriculture ordered to do a full environmental impact study before it can be released again to the market, as Lake County News has reported.

The board's decision followed three and a half hours of public input and board discussion, which revealed a deep divide in opinion.

Local agricultural leaders and business people said the kind of scientific tools used for genetic engineering are crucial to giving them a competitive advantage.

On the other side of the issue, those against the use of the GE crops said they wanted agriculture to thrive but didn't believe that state and federal governments have done enough to vet the safety of genetically modified organisms.

Robey said he attempted to find a balance point that would appeal broadly to people on all sides of the issue, although he realized it was a divisive topic.

"I think there is one thing that we can all agree on though, and that is, agriculture is an important part of Lake County's history and our economy, and we want to make sure the agricultural industry in Lake County survives and thrives, and it's going through some tough economic times right now," said Robey. "That's where I'm coming from with this ordinance."

He said the ordinance prohibits use of GE crops unless they produce medical products, and also includes a provision where the board can exempt any crop if they make specific findings that the crop is beneficial, such as if it is resistant to disease.

Robey pulled out a box of energy bars purchased at Costco and made in China, which states on its package that it's free of genetically modified organisms (GMOs), which he said is an economic advantage.

The issue of economic benefit proved to be a major one throughout the meeting.

Farrington questioned if there was substantiation for that claim, citing a letter from county Agriculture Commissioner Steve Hajik, who contacted Marin and Mendocino counties, where non-GMO ordinances have been accepted. Hajik reported officials from those counties weren't able to quantify if they were getting higher prices for their produce.

Brown said there's been no proof about economic advantage.

Community members present different viewpoints

Winemaker Jim Fetzer, who has become prominent nationally for his efforts in biodynamic winemaking, said he supported the non-GMO approach because it provides the community with an opportunity to market itself. Local winegrape growers have taken that chance to position the county's grapes on the market.

"We've got the cleanest air in the county, why not the cleanest food?" Fetzer asked.

Victoria Brandon, chair of the Sierra Club Lake Group, said she was concerned that people opposing the ordinance were accusing its supporters of being "anti-scientific," which she said wasn't the case. Rather, it's a case of "too many uninvestigated dangers."

"The consequences are not just for agriculture, there's consequences for ecology in general," she said.

The county is very special, said Brandon, and being able to label it as GMO-free "will be just one tool in a wider toolbox."

Lake County Farm Bureau Executive Director Chuck March said the group is remaining consistent in its opposition to such an ordinance, reaffirming that stance in a 14-2 vote of its board of directors in May.

He said he knows of no scientific, peer-reviewed document that shows GMO dangers to health. The only concern that has been raised involves a corn that is resistant to the organic compound *Bacillus thuringiensis* (Bt), which has been known to damage the health of livestock.

March went on to say that Mendocino County hasn't seen an economic advantage since going GMO-free in 2004.

Organic labeling, he said, is a suitable recourse to ensuring safety of crops, although there's no certification program that guarantees genetic purity.

March said the big concern was for conventional growers' rights and their ability to grow and protect a legal commodity. All markets should be fully protected and encouraged.

Hajik said he has received an 84-page list of proposed federal regulations relating to GE crops that may offer additional protections.

Rushing read from a letter from California Certified Organic Growers, which supported the measure for a variety of reasons, including impacts of GE crops on insects, development of herbicide-resistant pests, genetic pollution, trading partners' rejection of GE crops, and inadequate testing and research of the effects on human health.

Winegrape and walnut grower Broc Zoller said there has been genetic changes to crops — such as grafting — for thousands of years. "There's some question in some peoples' minds about what's natural and what

isn't."

He said he was concerned about local growers not getting the chance to use some of the new tools that are being developed.

Doug Mosel, who helped draft Mendocino's anti-GMO ordinance, said one of the proposed ordinance's strengths is that it offers the ability to have exceptions on some crops. But he said that the promising technology of GMOs is decades down the road.

He said federal regulations relating to GMOs have been loosened, not strengthened, in recent years. Mosel said a University of Missouri study shows premium prices from GE-free soy.

Businessman Kenny Parlet said government spends a lot of its time trying to catch him doing things wrong. "In order to be in business today it's a real struggle."

He asked why government should put more impediments in place. He said the customers at his Northshore grocery store won't be able to afford the more expensive GE-free foods.

Parlet, who was so passionate about the subject that the veins were actually bulging out of his neck, said for the supervisors to stay out of local farmers' business. "You need to back off, let business take its course."

Anna Ravenwoode said she supports the ordinance. "Lake County should be the leader in ensuring public health, environmental safety and protection of our organic, biodynamic and sustainable agriculture."

Toni Scully of Scully Packing said the majority of commercial growers in the nearly packed room wanted to be able to take advantage of advances in biotechnology. Lake County's pear growers, she added, were pioneers in integrative pest management.

"This would be a real backwards step for the development of agriculture historically," she said, adding that many other counties have passed ordinances affirming support for GE agriculture.

Scully asked the board to exercise leadership to bring both sides together and "not impose the will of one group over the other."

Finley resident Phil Murphy said that while a lot was mentioned about the promise of GMOs, the reality is that those which are Bt- or glyphosate-resistant are most commonly used. The optimal way to deal with weeds and bugs is to rotate crops and pesticides, but that's not how GE licensing works.

"The only way that ag is going to make it in Lake County is if we develop marketing niches," he said.

He pointed to how the local winegrape industry has created a marketing niche for itself and so is thriving.

Murphy asked Brown, who emphasized the importance of property rights, about whose rights got priority if an organic farmer was trying to grow seed but someone down the road wants to grow a GE crop.

Brown said if he believed property rights were in danger, he would have a different opinion.

Lakeport Regional Chamber of Commerce Chief Executive Officer Melissa Fulton suggested the board form a citizens advisory committee to investigate the issue before making a decision. "I sincerely urge you to give that some consideration."

Smith said there were great points on both sides, but he couldn't support the ordinance as written.

Farrington said he believed that, when health and safety is an issue, government needs to consider taking action. He said he and Parlet have clashed over issues such as the ordinance to place pseudoephedrine — a cold medicine ingredient used to manufacture methamphetamine — behind the counter at stores to prevent easy access to it. But that went through and it's now become federal legislation.

He went on to cite many other materials — from Saccharin to MTBE to Agent Orange — that have been considered safe but, after further study, have been ruled harmful to people.

Farrington suggested a six-month or one-year sunset clause on the ordinance, during which time the suggested advisory committee could work on fine-tuning the document.

Robey said he was open to the sunset clause. Smith said six months was too long and even with that and other changes Farrington suggested he couldn't support the measure.

Rushing said the sunset clause might bring the two sides together. "This is an issue that affects generations."

However, the sunset clause was a concern for Robey in the case the group didn't reach consensus, and Brown added, "To me there's nothing more permanent than a temporary ordinance."

Rushing said she would prefer the ordinance without the clause, and Farrington withdrew it.

She moved the ordinance with Farrington offering the second, resulting in the 3-2 vote. The ordinance will come back for its second reading on Nov. 4.

If Lake County gives final approval to the ordinance next month, it would be one of only a handful of counties and cities around the state to adopt definitive, anti-GE legislation.

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