

GE ordinance faces last-minute obstacles

Contributed by Elizabeth Larson
Tuesday, 04 November 2008

LAKEPORT ‐ An ordinance banning genetically engineered (GE) crops in Lake County that was initially accepted two weeks ago is undergoing some modifications, while opponents of the proposed ban are raising new objections to its provisions.

The Board of Supervisors approved the ordinance on Oct. 21 in a 3-2 vote: ayes were Board Chair Ed Robey, who introduced it, along with Supervisors Anthony Farrington and Denise Rushing; Jeff Smith and Rob Brown voted no.

The ordinance was then advanced to the Tuesday board meeting, when it was expected to undergo a second, confirming vote following a second reading.

However, since then the ordinance's language has been found to possibly conflict with state and local right to farm ordinances.

“It has to do with the word 'nuisance,'” said Robey.

Lake County Farm Bureau Executive Director Chuck March said the group sent a letter to county Agriculture Commissioner Steve Hajik on Oct. 27 that pointed out that the state's right to farm ordinance holds that an agricultural operation that's been in operation three years, and wasn't a nuisance when it started, can't be declared one. That ordinance prevails over local provisions.

The Farm Bureau questioned Hajik about how he would enforce the GE ban in light of the conflicting provisions, March said.

Robey said County Counsel Anita Grant is working on options for approaching the conflict, which she'll bring to the board Tuesday.

“We are now looking at the possibility of modifying our ordinance to try to address this,” said Robey.

That could include adding a clause that would allow a grower who already has GE crops in rotation to apply for an exemption within 30 days of the ordinance becoming final. To gain that exemption, the grower would have to show documentary evidence of having previously grown the crop. They wouldn't be able to add other GE crops or expand their acreage.

Grant said one possible change could include exempting crops that have been in production for one year or more ‐ which would align with the county's right to farm ordinance, rather than the state's, with its three-year time period.

“We're offering more protection to farms by saying a one-year period,” said Grant. “I don't think the state would have an issue there.”

That's enough of an adjustment to the ordinance, said Grant, that if the board decided to advance it, they would need to have the first reading Tuesday and a second reading later this month, likely on Nov. 18 since no meeting will be held on Nov. 11, Veterans Day.

March said there is one local farmer who, for more than three years, has grown a small amount of GE corn. Based on state code, that grower wouldn't have to file any reports with the county for a private database to be kept by Hajik's office.

That database, said March, is another bone of contention; he said public records laws and Article 1, Section 3 of the state's constitution likely would trump keeping such a record system.

Besides that, there is also the issue of the board being able to make a finding that local agriculture can be certified “GE-free,” said March.

He questioned who will do the certification and whether or not the county can be ruled “GE-free” since a GE crop already has been raised here for more than three years.

There's no state or federal standards as far as certifying something GE-free, March added.

Robey, who said he hopes the ordinance will be accepted again on Tuesday, said he's received a “90-percent positive” reaction on it. However, he added that since he introduced it, he doesn't expect opponents to register their opposition with him.

The ordinance has support of groups such as the Sierra Club Lake Group, whose chair, Victoria Brandon, argued that GE crops have been demonstrated to threaten the environment in many different ways, while offering no benefits to Lake County agriculture, which depends on niche markets and a reputation for highest quality in order to prosper.

“If incorporated into a comprehensive marketing plan, the sensible regulations contained in this ordinance will help give local farmers the extra selling point that could make the difference between success and failure, while also protecting the community from unanticipated hazards,” she said.

One local group that has come out against the ordinance in recent days is the Lakeport Regional Chamber of Commerce's Governmental Affairs Committee.

Co-chaired by Bill Brunetti and Jerry McQueen, the committee put out a statement in which it notes that the chamber opposes the GE ban ordinance.

“The Governmental Affairs Committee of the Lakeport Regional Chamber of Commerce, in a discussion on the GE Ban Ordinance, determined that this ordinance is not in the best interests of the County of Lake. Contrary to what the proponents of the ordinance have stated that the ordinance will assist in economic/tourism increases when Lake County advertises itself as GE free, in the four years since a similar ordinance was passed in Mendocino County, there has been no measurable increase in tourism. The Committee made a recommendation to the Board of Directors to oppose the adoption of this ordinance, which was approved by a vote of the Board members,” the committee's statement

says.

It adds, "Organic farmers in Lake County farm less than 18 percent of the lands being farmed in Lake County. It is our understanding that not all organic farmers support this ordinance."

Sarah Ryan, a member of the Coalition for Responsible Agriculture, which has worked for such a local GE prohibition for several years, said the ordinance provides an opportunity for each GE crop to go through a process where both the safety and benefits — if there are any — to the county's economy have to be proven.

She said GE technology raises concerns because it hasn't been subjected to environmental impact studies to test its ultimate impact on nature and other plants.

"Don't be fooled — GE crops are not a benign tool in our local farmers' toolboxes," she said. "They have the potential to do great harm to our community. These plants have bioengineered traits and proteins that have never before existed on this earth. Any farmer who grows these plants are not allowed to save their seed. If these plants cross with natural varieties, they alter traits that traditional farmers have cultivated for decades and create superweeds that are resistant to safer chemicals."

The board is scheduled to discuss the GE crop ordinance at 10:30 a.m.

E-mail Elizabeth Larson at el Larson@lakeconews.com.

{mos_sb_discuss:3}