



CONSENT CALENDAR
July 25, 2006

LINDA MAIO
Councilmember
District 1

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Linda Maio

SUBJECT: SB1056 which pre-empts local governments in regulating seeds and nursery plants.

RECOMMENDATION: Oppose Senate Bill 1056 which would pre-empt local governments in their ability to regulate, at the local level, seeds and nursery plants.

BACKGROUND:

SB 1056 is intended to amend state law so that all decisions pertaining to the regulation of seeds and nursery plants are made at the state level "to the exclusion of local governments." The intention of the bill is to pre-empt regulations adopted by localities in California — either by local voter initiative or by elected officials — that protect family farms, and the environment from the risks associated with genetically engineered (GE) crops. If passed, SB1056 would supersede all future local regulations that restrict GE agriculture. Four counties (Mendocino, Marin, Trinity and Santa Cruz) and two cities (Point Arena and Arcata) have adopted moratoria or bans on GE crop production. SB 1056 cedes all authority on GE crops to the state, yet the state of California has no laws or regulations governing GE plants or animals. SB 1056 amends California Seed Law (FAC 52251 *ff.*) and Nursery Stock Law (FAC 6701 *ff.*). This bill's reach is extremely broad, and establishes a dangerous precedent for state pre-emption of local democratically determined rules.

~ The federal government does not have mandatory environmental or human safety testing requirements for any GE crops. Biotechnology companies are permitted to determine what, if any, safety studies are performed and how they are conducted. The federal and state governments do not require human health assessments or labeling of GE foods. By contrast, safety evaluations and labelling of GE foods is required in over 30 countries, including in China, Russia, Korea, Japan, Australia, and all of the European Union.

~ Local legislation regulating genetically engineered organisms is designed to address this important gap in federal and state policy. As the local GE regulations demonstrate, a growing number of Californians are dissatisfied by the lack of protections against GE for farmers, consumers, and the environment. SB 1056 flies in the face of the California Constitution, which guarantees the right of cities and counties to "make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws" (Article XI, Sec. 7). In other words, if no general laws exist on a subject, local citizens have a constitutionally guaranteed right to enact local measures. Since the state currently has *no* laws on GE crops, the right of local citizens and their elected officials should be protected, not abridged.

FINANCIAL IMPLICATIONS: none

CONTACT PERSON:

Councilmember Linda Maio

Council District 1

(510) 981-7110

RESOLUTION OPPOSING THE PASSAGE OF SENATE BILL 1056

WHEREAS, Senate Bill 1056 is a state preemption bill, intended to amend the California Seed Law so that all decisions pertaining to the regulation of seeds and nursery plants are made at the state level “to the exclusion of local governments”; and

WHEREAS, Senate Bill 1056 removes the right of the local government to resolve matters related to community food systems and agriculture; and

WHEREAS, if passed, cities and counties would be prohibited from enacting stronger protections where the local laws are regionally appropriate; and

WHEREAS, Senate Bill 1056 represents an attempt to impede efforts by local governments to regulate in the area of Genetically Engineered (GE) foods and crops; and

WHEREAS, Senate Bill 1056 remains silent on the GE issue and fails to address the range of public health, food safety, environmental, and economic concerns associated with GE; and

WHEREAS, the state of California has virtually no laws or regulations governing GE plants or animals; and

WHEREAS, Senate Bill 1056 prohibits local governments from adopting regulations designed to address important gaps in state policy such as requiring GE seeds and food grown within their jurisdiction to be labeled as such or to require growers of GE crops to notify their neighbors; and

WHEREAS, as the GE bans in Mendocino, Trinity, and Marin Counties demonstrate, a growing number of people in California are concerned about the minimal environmental and health protections afforded them by current GE laws; and

WHEREAS, state preemption laws, such as Senate Bill 1056, represent an undemocratic departure from the original intent of state law-making by stripping local governments of their authority to act in the best interests of their community.

NOW, THEREFORE, BE IT RESOLVED that the Berkeley City Council strongly opposes SB 1056 and urges its defeat.

OPPONENTS OF SB 1056 (PARTIAL LIST)

Breast Cancer Fund	Consumers Union	Mendocino Wine Company
Calif. Coalition for Food and Farming	County of Marin, Bd. of Supervisors	National Environmental Trust
California Coastal Protection Network	County Santa Cruz, Bd. Supervisors	Natural Resources Defense Council
California Coastkeeper Alliance	Defenders of Wildlife	Oakland Institute
Calif. Communities Against Toxics	Ecological Farming Association	Organic Consumers Association
California Food and Justice Coalition	Environment California	Organic Farming Research Found.
California League of Cons. Voters	Fiddler's Green Farm, Inc.	Organic Sacramento
California Oak Foundation	Full Belly Farm	Pacific Coast Federation of
California Native Plant Society	Garcia Grange #676, Manchester, CA	Fishermen's Assoc.
California State Assoc. of Counties	Gualala Municipal Advisory Council	SF Physicians for Social Respons.
Californians for GE-Free Agriculture	High Sierra Permaculture Institute	Planning and Conservation League
Californians for Pesticide Reform	International Forum on Globalization	Prevention Institute
Center for Food Safety	League of California Cities	Quetzal Farm
Churchill - Brenners Orchard	Live Oak Farm	Regional Council of Rural Counties
Community Alliance, Family Farmers	Marin Organic	Sierra Club of America
Community Food Security Coalition	Mendocino Organic Network	Union of Concerned Scientists