

AB 541 – The Food and Farm Protection Act

Assemblymember Jared Huffman

IN BRIEF

AB 541 establishes California's only state laws related to genetic engineering (GE) in agriculture. It protects California farmers and the food supply in four ways: (1) Establishes the right of farmers and landowners to compensation for economic losses due to genetic contamination of their crops; (2) Protects farmers from liability if they unknowingly grow contaminated crops; (3) Establishes a GE crop notification process so that farmers can trace contamination to the GE manufacturer; (4) Protects the food supply by prohibiting the open-field cultivation of drug-producing food crops.

THE ISSUES

For Farmers & Landowners — GE and non-GE plants can cross-pollinate and crops can be mixed together during harvest, handling and processing. Unlike the mixing of conventional crops, this is potentially disastrous because many consumers around the world refuse to eat GE-contaminated foods, and many of California's buyers reject it. *U.S. export markets have already closed as a result of contamination in soy, corn, and rice.* Farmers and landowners who suffer economic losses due to GE contamination have no established legal recourse, but can be sued by the GE manufacturer for unknowingly growing contaminated crops. The locations of GE crop production are unknown — including the thousands of experimental field trials in California — so farmers and landowners cannot trace GE contamination to the responsible manufacturer.

For Our Food Supply — Experimental GE crops that produce drugs such as vaccines, hormones, and antibodies are currently grown in open-air trials in undisclosed locations in California. “Biopharming,” as it is known, puts the food supply at great risk of contamination by drugs not intended and not safe for general consumption.

EXISTING LAW

The State of California has no state laws or regulations governing GE crop production, and

state and county agencies do not even know the locations of experimental field trials. In 2000, the legislature created a California Biotechnology Task Force. It disbanded without making any recommendations for state oversight. Four California counties have enacted local restrictions on GE crops, and a state pre-emption bill (SB 1056) to override these local laws failed in 2006. In spite of their pervasiveness in food and agriculture, the federal government has no mandatory human or environmental safety testing requirements for GE crops or food.

THE SOLUTION

AB 541 protects farmers and food in these ways:

- Establishes that GE crops that contaminate a farmer's crop and cause economic harm constitute a nuisance. This gives farmers the legal recourse they need to recover damages.
- Protects farmers whose crops are *unknowingly contaminated* by patented GE crops from being sued for their use.
- Sets up a GE crop notification system so that farmers can find out the GE manufacturer should they be contaminated.
- Requires the inclusion of GE crop statistics in annual county and state crop reports.
- Protects the food supply and public health by eliminating the possibility for accidental exposure to drugs in food crops.

SUPPORT

California Certified Organic Farmers • California Council of Churches IMPACT • Center for Food Safety • Center for Environmental Health • Clean Water Action • Community Alliance with Family Farmers • Consumer Action • Earthbound Farm • Earthjustice • Environment California • Occidental Arts and Ecology Center • Pesticide Action Network North America • Prevention Institute • South Central Farmers Cooperative • United Natural Foods Inc. — *and many others*

FOR MORE INFORMATION

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