

AB 541 – The Food and Farm Protection Act • Supplemental Background

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 as summarized below.

PROTECTIONS FOR FARMERS & LANDOWNERS

(1) Establishes the right of farmers and landowners to recover economic losses if their crops are contaminated with genetic material from GE crops — Many of California's agricultural markets have restrictions on GE ingredients in their foods, including valuable export markets in Japan, Korea, Taiwan and Europe. Also, farmers selling their products as organic or natural are expected to produce foods that are GE-free. Genetically contaminated food can lead to rejected shipments, market closures, costs of testing, and cleanup expenses for farmers and others in the food supply chain. In fact, there are several case studies where this has occurred in U.S. soy, corn and rice.

AB 541 establishes that when a GE crop contaminates the crop or property of a farmer or landowner and causes economic harm of more than \$3,500, it is considered a nuisance. It establishes legal standing for the recovery of damages from the manufacturer of the GE seed.

AB 541 protects manufacturers of GE crops if a farmer using GE seed is grossly negligent and did not heed the manufacturer's contract or instructions.

(2) Protects farmers from liability if they unknowingly plant contaminated crops — Because GE crops are patented, GE manufacturers have successfully sued farmers who have inadvertently grown contaminated crops. This bill shields from liability all farmers who inadvertently grow contaminated GE crops.

(3) Establishes the proper venue for legal action is the county where the harm occurred — GE seed

contracts typically stipulate that legal action must be taken in the district of the manufacturer. This puts an undue burden on farmers who often must travel across the country to file suit to seek recovery of damages. AB 541 levels the playing field for farmers.

(4) Establishes a GE crop registration process — The locations of all GE crops in California, both commercial crops and experimental research trials, are unknown to farmers as well as to state and local government officials. AB 541 includes the following provisions:

- Requires that GE producers and researchers give at least 30 days notice to their county Agriculture Commissioner of their intent to plant open-field GE crops. This enables farmers to find out the GE manufacturer should GE traits show up on their crops.
- Requires Agriculture Commissioners to include in their annual reports to California Department of Food and Agriculture (CDFA) a summary of the aggregate number of acres of each type of GE crop planted in their county.
- Requires CDFA to include county summaries of GE crop acreage in the annual California Agricultural Resource Directory.

PROTECTIONS FOR OUR FOOD SUPPLY

Prohibits the open-air production of pharmaceutical (drug-producing) food crops — It is essential that our food supply be protected from contamination by pharmaceutical drugs. AB 541 prohibits the open-air production of GE food crops that produce drugs. The bill does not prevent the development of these drugs in laboratories or in confined greenhouses; it does not restrict GE crops that produce vitamins or nutrients; and it does not prevent researchers from using non-food crops such as tobacco or switchgrass.

FOR MORE INFORMATION

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