

**TO:** BOARD OF SUPERVISORS

**FROM:** BOB LILLEY, AGRICULTURAL COMMISSIONER/SEALER

**DATE:** AUGUST 22, 2006

**SUBJECT:** REPORT FROM THE GENETICALLY ENGINEERED (GE) CROP COMMITTEE

**Recommendation:**

Receive and file staff report and attachments including the Co-existence Methods Table from the GE Crop Committee

**Discussion:**

The San Luis Obispo County Agricultural Commissioner has worked with a group of local farmers and representatives from agricultural organizations to evaluate agricultural issues associated with growing genetically engineered crops in San Luis Obispo County. The agricultural committee has produced a Co-existence Methods Table (attached) which will be presented to your board during the Business Meeting August 22, 2006.

The following provides a chronology of events since genetically engineered crops became a public issue locally in 2004:

- March 2004 - San Luis Obispo County was included in a “protocol for production of genetically modified rice” by the California Rice Commission.
- April 20, 2004 - The Agricultural Commissioner provided your Board with a status report on the decision of the California Rice Commission and an introduction to the issue of genetically engineered crops.
- July 13, 2004 - Your Board approved a “submittal of the Certificate of Sufficiency-An Initiative Petition to Establish a County Ordinance Prohibiting the Growing of Genetically Engineered Organisms in San Luis Obispo County” to be placed on the November 2, 2004 ballot (Measure Q).

- August 3, 2004 - Your Board accepted and filed a report on Genetically Engineered Crops in San Luis Obispo County from a six member committee made up of representatives from the following groups:
  - University of California Cooperative Extension (facilitator)
  - SLO GE Free
  - San Luis Obispo County Farm Bureau
  - California Certified Organic Farmers
  - San Luis Obispo County Health Agency
  - San Luis Obispo County Agricultural Commissioner
- November 2, 2004 - Measure Q failed.
- Nov-Dec 2004 - Your Board continued to hear general concern about GE crops and GMO food during public comment.
- December 15, 2004 - The Agricultural Commissioner, Farm Bureau, Cooperative Extension, and Cal Poly representatives met with then upcoming chair Supervisor Bianchi, to discuss an approach to address continued public concern. It was agreed to split the issue into two components, GE Crops and GMO Food, and have them addressed separately. It was further agreed not to continue to debate a ban on GE Crops (Measure Q defeated) but to provide educational forums and report the results back to the Board of Supervisors.
- January 6, 2005 - The Agricultural Commissioner released a summary titled “GE Crops in San Luis Obispo County” (attached) explaining a local outreach approach to promote an agricultural industry dialogue.
- January 2005 - The Agricultural Commissioner and the County Health Officer communicated regarding forming two separate committees.
- February 2005 - AB 984, Liability: genetically engineered plants, was introduced but later failed.

- January-April 2005 - The Agricultural Commissioner communicated the planned agricultural review of GE Crops to local agricultural industry associations.
- April 2005 - The Health Commission formed the GMO Task Force (which will report separately to your Board).
- April 2005 - The agricultural GE Crop committee was formed and agreed to a scope of work (more detailed information will follow).
- April 2005 - The revised Federal regulations for GE crops were not posted as proposed and continue to be developed.
- May 2005 to July 2006 - The agricultural GE Crop committee met 11 times, approximately once per month.
- February 2006 - The California Agricultural Commissioner and Sealers Association adopts a legislative platform statement on Biotechnology supporting federal regulation and supporting the rights of agricultural producers to utilize any lawful tools for agricultural production.
- February 2006 - California Senate Bill 1056/Florez was introduced, which provides for state preemption of the regulation of seed and nursery stock (including genetically engineered seed or nursery stock). The Bill has been amended six times and continues to move through the legislative process.
- March 2006 - The GE Crop committee receives a summary of the legal landscape for liability associated with genetically engineered organism contamination (attached) from county counsel.
- March 2006- Committee members heard and evaluated Cal Poly grad student presentations on genetically engineered crops.
- July 2006 -The GE Crop committee holds the last meeting and prepares for the August 22 Board of Supervisors presentation.

The subject of GE crops and GMO foods is of international significance. International trade agreements address and control commerce in this field. In the United States the federal government regulates GE crops. This is done through the USDA (lead agency), the US EPA (GE crops with “pesticidal properties”), and FDA (food and pharmaceutical applications). Revised federal regulations are still under development. The State of California currently yields to federal regulations for GE crops.

Many counties in California have addressed the issue of GE crops. A map of California Counties (attached) shows the various level of activity by county (note the map is only current as of 8-12-05).

Currently, we are aware of GE corn (known as BT corn) grown in San Luis Obispo County as well as interest in GE Alfalfa (newly released and known as Round-up Ready Alfalfa). No other GE crops are known to be grown locally, however the technology is widely used in other parts of the state and nation and many potential applications are under development. In addition, outdoor test plots still in the development stage under USDA permits, could be occurring in San Luis Obispo County. The committee did not review any pharmaceutical or industrial applications of GE crop technology.

The agricultural committee was composed of the following members:

- Bob Lilley – Ag. Commissioner/facilitator
- Jackie Crabb – Farm Bureau
- Dana Merrill – Grape Grower
- Ryan Rich – Organic Grower/President San Luis Obispo Chapter, CCOF
- Karen Mansfield – Ag. Task Force
- Jean-Pierre Wolff – Grape Grower
- Marc Lea – Ag. Commissioner’s Office
- Mary Bianchi – Farm Advisor
- Neal MacDougall – Cal Poly Sustainable Agriculture Resource Consortium (SARC)
- John DeVincenzo – Corn Grower
- Bill Spencer – Corn Grower

The agricultural GE Crop committee agreed to focus the discussion on two crops. The previous committee (2004) provided your Board with a lengthy and broad-based evaluation of GE crops so it was determined appropriate to provide further detailed analysis of two specific crops. Wine grapes was chosen because it is our number one crop in the county and there is genetic research currently underway seeking a cure for Pierce's Disease; and, corn was later chosen because it is an open (wind) pollinated crop with existing GE applications. It was noted by the committee that each individual crop is quite different as it relates to genetic engineering, and may represent different levels of possible risk and potential for successful co-existence. Subsequently, there exists a range of co-existence determined by the adequacy of the co-existence measures and implementation. The evaluation of the two chosen crops may not reflect the level of co-existence for other GE crop applications.

The committee was broad-based and often had spirited conversation around the topic. Although many related topics were discussed, the Co-Existence Methods Table represents the work product from the group. The table has been circulated statewide and may be considered a possible continued approach towards addressing GE crop issues. Some members of the committee were not convinced that co-existence was a desired option (or even possible), especially between organic and GE crop applications, while others felt co-existence was an achievable outcome. However, the committee agreed to proceed with the development of the Co-existence Methods Table.

The Co-existence Table represents a range of possible co-existence methods that relate to agricultural practices for pre-production, in field production, and harvest/post harvest activities. One possible end point of the co-existence relationship is no practical means of co-existence, while the other end point would be complete co-existence that requires no special conditions. The co-existence methods were determined through research of existing GE crop applications (where available), but largely from practices currently utilized for conventional agricultural production and harvesting.

The implementation of the potential co-existence methods still need further industry and public review to determine adequacy and follow-through. Some members of the committee argue that a necessary first step to implement co-existence methods is a local notification system (to the Agricultural Commissioner) when planting GE crops so adequate coordination, communication, and implementation can occur. Most of the committee members recognize some value in notification but there is not agreement as to if it should be voluntary or mandatory (which would require your Board to adopt a local ordinance).

It was determined appropriate, as the next step, to ask for agricultural industry review of the Co-Existence Methods Table and possible methods of implementation. Alfalfa was discussed as a crop to replace grapes since there currently is GE alfalfa available on the market.

The committee accomplished the goal of developing a dialogue and increasing the level of education regarding growing GE crops in San Luis Obispo County. San Luis Obispo County is generally ahead of the other California counties in the discussion of GE crops.

**Other Agency Involvement:**

The UC Cooperative Extension, County Counsel, California Department of Food and Agriculture, California Department of Pesticide Regulation and various agricultural organizations and institutions.

**Financial Considerations:**

The cost, to date, is absorbed through existing budget units.

**Intended Results:**

To present to your Board and the public agricultural information regarding GE crops, and provide for the introduction of a Table of Co-existence Guidelines to address growing GE, conventional and organic crops in San Luis Obispo County. An agricultural industry review of the potential implementation of co-existence guidelines may follow depending on the level of interest in commodity and trade (such as organic growers) groups, which may want to use available GE crops.

RL/ds

Attch: