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GMO Moratorium Goes to Board of Supervisors Proponents request study of financial impact of not implementing measure

FOR IMMEDIATE RELEASE: February 8, 2005

Santa Rosa, California – Today the Sonoma County Registrar of Voters reported to the Board of Supervisors that supporters of the “GE-Free Sonoma County” initiative turned in more than enough valid signatures to qualify for the ballot. County Registrar Eeve Lewis reported that the campaign turned in 45,356 signatures, with a validity rate of over 84%. This means that supporters gathered about 38,000 valid signatures, well above the 29,000 required to qualify for a special election.

When supervisors raised questions about possible enforcement costs for the moratorium, GE-Free Campaign Director Dave Henson urged the Board to also study the potentially greater costs of not preventing contamination by GMOs, asking “What will be the public and private cost to Sonoma County Government, farmers and landowners if we do not pass this moratorium?” (full statement follows.)

According to Henson, likely costs include the loss of foreign and domestic markets for both conventional and organic crops, and the costs of environmental clean-up when genetically engineered salmon, lawn grass, fir trees, cows, bacteria, and viruses contaminate the natural environment of Sonoma County.

The Board of Supervisors directed county staff study the impacts of the measure if passed. The results will be reported back to the Board on March 1, at which time the Board is expected to place the measure on the ballot. The vote on the local initiative is likely to be consolidated with a special election called by the Governor, or held on November 8 if no statewide election date is set.

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Dave Henson's Statement to the Sonoma County Board of Supervisors
February 8, 2005

I'm Dave Henson, the Executive Director of the Occidental Arts and Ecology Center, and the primary author of the initiative that we are discussing today. I am here representing the GE-Free Sonoma County campaign.

Rather than have many people speak on behalf of this initiative, we're asking that, unless there ensues a bout of lively speeches criticizing our intent, the supporters of the initiative here today defer their comments and allow me to represent our views in the next five or six minutes.

Our intention in proposing this nuisance abatement ordinance is to prevent the inevitable contamination of our farms and ecosystems by new genetically engineered organisms, including many of the vegetables, fruits, flowers, fish, trees, and animals we now grow or raise in Sonoma County.

"Inevitable contamination" sounds very strong, and we do not use those words lightly. If any one takes the time to survey the scientists around the world who work in this field, they will find a near consensus that contamination of nearby farms, public and private lands, and ecosystems by genetically engineered varieties is in fact inevitable once they are introduced into the open environment.

We based the details of our initiative language on existing nuisance abatement ordinances already on the books — those that seek to protect us from other noxious and/or invasive organisms like star thistle, loostripe, and the glassy-winged sharpshooter.

This is urgent. We have one chance – right now – to keep our county clean and green. Unlike chemical contamination, you can't clean-up or contain living, reproducing, biological contamination. Once released, no one can put the GE genie back in to the bottle. We in Sonoma County need more time to assess this technology. We have very little to gain and a great deal to lose by not acting.

Today the Registrar is presenting to you their findings that over 38,000 signatures are valid out of the over 43,000 signatures gathered by the GE-Free Sonoma County campaign. 38,000 valid signatures is by a large margin the most signatures ever gathered in a Sonoma County initiative signature drive. And the 84% validity rate that we achieved is also a near record. It speaks very highly of the dedication and integrity of the over 500 volunteer Sonoma County citizens who collectively spent over 4000 hours engaging our citizens all over this county on this issue.

Today, you, our Board of Supervisors, must decide to either 1) enact this initiative language without change, to 2) set an election date later this year, or to 3) order a study that could take up to 30 days after which you must either enact the ordinance or set an election date later this year.

We want to urge you to order a study for that 30 days to assess the economic impacts of the passage or enactment of this ordinance.

But more importantly, we urge you to order a study of the costs to the county of not passing or enacting this ordinance.

Taking an additional 30 days for a study will also increase the chances that you can later merge this ballot measure with a statewide special election that may be called this year by the Governor. We would support any such merger as a way to save county election funds, and to allow more time for public education and discussion around this issue in advance of an election date.

All responsibility to enforce this ordinance is invested in the office of the Agricultural Commissioner. The Sheriff, Public Health officials, and other county agencies have no responsibilities. No one is empowered to go looking for GE organisms. This is like a vicious dog ordinance – the county responds when there is a complaint.

If we pass this initiative, there will possibly be costs incurred by the office of the County Agricultural Commissioner. However, we authors of this initiative spent months seeking guidance from those who could help us draft a better initiative –one that that would be as least costly as possible to our county agencies. We received opinions from our Agricultural Commissioner, attorneys (including our County Council), dozens of growers, scientists, and many others.

The result is a nuisance abatement ordinance that would place a 10-year moratorium on the selling or growing of genetically engineered organisms in our county. Please read the text of the initiative. To be clear: our initiative language is very different and much more specific and reasonable than those in the other six California counties which have debated such ordinances.

With regards to new costs, this initiative will have few. We very deliberately avoided costs to the county and instead placed the burden of costs of investigation, abatement and compliance monitoring on the violator.

Any person who knowingly violates this Ordinance would be held responsible for administrative and abatement costs associated with actions taken by the Agricultural Commissioner, including:

- * Costs of investigation;
- * Costs of removing and destroying the GE organisms, and of cleanup and restoration of the environment;
- * Cost of county employee enforcement time;
- * Court and legal costs; and
- * Costs of monitoring compliance.

A violator of this ordinance would also be fined a civil penalty of \$1,000 for each violation, payable to the County of Sonoma.

BUT, we also must assess what the costs are to the county if we do not pass this initiative.

Some of the genetically engineered organisms slated for near-term commercialization by the biotech corporations include lettuce, apples, alfalfa, strawberries, walnuts, squash, tomatoes, salmon, fir and redwood, lawn, garden flowers, and farm animals. What will be the public and private cost to Sonoma County government, farmers and landowners if we do not pass this moratorium?

Likely future costs to our producers and our county include:

- * The loss of foreign and domestic markets for much of our growing organic agricultural sector. Once organic farms are contaminated by GE varieties, those farmers can no longer market their product as “organic”. Who will compensate them for lost markets and years of fallow fields to remove invasive GE crops?
- * Who will compensate our conventional producers for loss of domestic and foreign markets once they are contaminated by GE varieties? Many buyers require NO GE (as more than 35 countries now do, including all of Europe and Japan, as well as hundreds of domestic buyers like MacDonald’s, Gerber and Frito Lay, for example).
- * This is a Right to Farm issue for any grower who seeks to access the rapidly growing GE-Free markets. Who is liable for these losses when farmers are contaminated and lose their markets? The farmer who grew the GE variety next door? Monsanto? The federal government for not having adequate regulatory structure? The county for not taking action to protect local economy from a known hazard?
- * Who pays for environmental clean-up when genetically engineered salmon, lawn, fir, cows, bacteria and viruses – all planned for near-term commercial release – contaminate our Sonoma County?

We need a study to determine what enforcement of this initiative will cost, but let’s be clear — we also need a study to determine the short and long-term costs of not passing this initiative.

We urge you to take the extra 30 days to do such a study, and we look forward to much public discussion between now and the election date.

Thank you.

Dave Henson

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