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NEWSLETTER

Support AB 541

[AB 541 is one step closer to becoming California's first protective GE law. On July 1st, it passed through the Senate Judiciary Committee, having already cleared the full Assembly and the Senate Ag Committee.](#)

California's GMO Bill Approved by Senate Judiciary Committee

Bill Would Protect Farmers from Monsanto's Harassment

AB 541 is one step closer to becoming California's first state law protecting farmers from the hazards of genetically engineered crops. Having already passed the Assembly, it passed out of the Senate Judiciary Committee on July 1st. It has the support of Community Alliance with Family Farmers, the California Farmers Union, California Certified Organic Farmers, the California Farm Bureau, the California Cotton Ginners and Growers Associations, and many food safety and environmental organizations.

Introduced by Assembly Member Jared Huffman (6th AD) early in 2007 as a comprehensive bill to address many aspects of the problems associated with genetic engineering (GE) contamination, the bill was held over in the Agriculture Committee in April. Since then, AB 541 has been scaled back to address two provisions related to farmer protections.

AB 541 will enact protections for California farmers against frivolous lawsuits that intimidate and harass those who have not been able to prevent the inevitable – the drift of GE pollen or seed. It will level the playing field for farmers accused by agricultural biotechnology companies and other patent holders of contract violations, and discourage the practice of biotech companies sampling crops without explicit permission from farmers and prosecuting based on unverifiable testing results.

Specifically, the newly amended bill would provide for:

1. Protection from patent infringement lawsuits for farmers unknowingly contaminated by GE crops. Currently, farmers with crops that become contaminated by patented seeds or pollen have been the target of such lawsuits without clear recourse or defense.
2. The establishment of a mandatory crop sampling protocol to be used by patent holders when investigating farmers they believe may have violated patents or seed contracts. This protocol would require the farmer's written permission for sampling, and provide for a state agriculture official to accompany the patent holder during the sampling and collect duplicate samples for independent verification if requested by either party.

"I am very pleased that the stakeholders on this issue have found a way to address one of the issues related to genetic contamination of crops," stated Assembly Member Huffman. "While there is still work to do on other issues concerning genetic engineering contamination, AB 541 would be an important step in establishing basic protections for California's farmers."

"While AB 541 as currently amended represents only a small piece of what our stakeholders identify as issues to be addressed, we think this represents a move in the right direction," stated Renata Brillinger, director of the Genetic Engineering Policy Project, the 13-member coalition of organic and conventional farmers, food industry, environmental, and faith organizations sponsoring AB 541.

The bill will be heard in the Senate Appropriations Committee on August 4th and then the

full Senate.

Genetic Engineering Policy Project

California Certified Organic Farmers
California Council of Churches IMPACT
Center for Food Safety
Center for Environmental Health
Community Alliance with Family Farmers
Earthbound Farm
Environment Now
Good Earth Natural Foods
Oakland Institute
Occidental Arts and Ecology Center
Ocean Beach Peoples Organic Food Coop
Pesticide Action Network North America
United Natural Foods Inc.



Assemblymember Huffman announcing the introduction of AB 541 in February 2007. Also present were supporters from California Certified Organic Farmers, Earthbound Farm and the Sierra Club.

BACKGROUND ON AB 541

AB 541 represents a compromise solution to the controversial GE issue. Assemblymember Huffman introduced a much more comprehensive bill in 2007 that was held over in the Assembly Agriculture Committee. Since then, stakeholders have been working very hard to arrive at a compromise on the bill. AB 541 as currently amended represents the fruit of those negotiations. It has the support of the bill's thirteen co-sponsors (the Genetic Engineering Policy Project) as well as the California Farm Bureau Federation.

The Issues

GE and non-GE plants can cross-pollinate and crops can be mixed together during harvest, handling and processing. It is widely known that it is virtually impossible in every case to prevent contamination of non-GE crops by patented GE plants or seeds.

In spite of the uncontrollability of genetic contamination, farmers contaminated by GE crops can be and have been sued by GE manufacturers for patent infringement.

Existing Law

The State of California has no state laws or regulations governing GE crop production. 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 California farmers in these ways:

1. Protects farmers unknowingly contaminated by GE crops from patent infringement lawsuits by biotechnology corporations.
2. Establishes a mandatory crop sampling protocol to be used by patent holders when investigating farmers they believe may have violated patents or seed contracts. This protocol would require the farmer's written permission for sampling, and provide for the option of the presence of a designee of the Secretary of Agriculture to accompany the patent holder during the sampling and collect duplicate samples for independent verification if requested by either party.

AB 541 levels the playing field for farmers accused by Monsanto and others of contract violations, and discourages their practice of sampling crops without explicit permission from farmers and then prosecuting based on unverifiable testing results.

A full copy of the bill as currently amended can be found at the following web site:

www.legislature.ca.gov

AB 541 Supporters

California Certified Organic Farmers
California Farm Bureau Federation
California Council of Churches IMPACT
California Farmers Union
California Seed Association
Center for Food Safety
Center for Environmental Health
Community Alliance with Family Farmers
Earthbound Farm
Occidental Arts and Ecology Center
Natural Products Association West
Pesticide Action Network North America
United Natural Foods Inc.

— and many others

The Original Bill

The original AB 541 introduced in February 2007 included several other elements that have been removed in order to reach the agreement with opponents. It would have established of the country's first system of notification for the locations of GE crops; confined experimental pharmaceutical-producing crops to greenhouses to protect the food system from contamination; and, clarified that the GE crop manufacturer, and not farmers, is liable in the event of contamination. Assemblymember Huffman and the bill's sponsors remain concerned about these issues and committed to pursuing more protections in the future.

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