

State Legislative Analyst's Office

According to the State Legislative Analyst's Office (LAO), violations of the measure could be prosecuted by state, local or private parties. The measure allows the court to award these parties all reasonable costs incurred in investigating and prosecuting the action. In addition, the measure specifies that consumers could sue for violations of the measure's requirements under the State Consumer Legal Remedies Act which allows consumers to sue without needing to demonstrate that any specific damage occurred as a result of the alleged violation.

The LAO estimates that this measure would result in potential additional state costs for DPH to regulate the labeling of genetically engineered foods ranging between a few hundred thousand dollars to over \$1 million annually. The LAO also anticipates potential increased costs associated with litigation due to the number of cases filed in state courts. However, the LAO does not anticipate that such costs would be significant in the long run.

According to the Legislative Analyst's Office (LAO), in 2011, 88 percent of all corn and 94 percent of all soybeans produced in the U.S. were grown from genetically engineered seeds. Other commonly engineered crops include alfalfa, canola, cotton, papaya, sugar beets, and zucchini. The LAO estimates that between 40 and 70 percent of food products sold in grocery stores in California contain some genetically engineered ingredients.

According to the LAO, federal law does not specifically require the regulation of genetically engineered foods. However, the U.S. Department of Agriculture currently places some restrictions on the use of genetically engineered crops that are shown to cause harm to other plants. The U.S. Food and Drug Administration is responsible for ensuring that most foods and food additives are safe and properly labeled. California law does not specifically require California agencies to regulate genetically engineered foods. However, the Department of Public Health is responsible for regulating the safety and labeling of most foods.

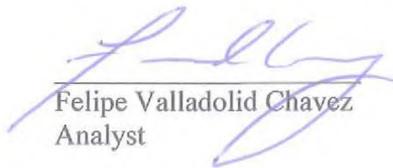
World Health Organization

The World Health Organization refers to genetically engineered food as genetically modified organisms and genetically modified foods. According to the World Health Organization, genetically engineered foods are developed and marketed because there is a perceived advantage either to the producer or consumer of these foods. This is meant to translate into a product with a lower price, or greater durability or nutritional value. Genetic engineering is often used to improve a plant's resistance to pests or to allow a plant to withstand the use of pesticides.

According to the World Health Organization, genetically modified foods and their safety should be assessed on a case-by-case basis given the various types of genes and gene transfer methods. The World Health Organization has further indicated that genetically modified foods, currently available on the international market, have passed risk assessments and are not likely to present risks for human health or the environment. Additionally, no effects on human health have been shown as a result of the consumption of such foods by the general population in the countries where they have been approved.

While sources have indicated that there are presently no health or environmental risks associated with genetically engineered products, individuals deserve to be informed about what they are eating and what they are feeding their children. However, a public awareness campaign that helps the public understand the implications of genetically engineered foods would help them make wiser choices and would help mitigate the potential impact to businesses by having a more aware customer base.

The City of Los Angeles supports efforts that provide greater disclosure to the public. It is therefore recommended that the City support Proposition 37.


Felipe Valladolid Chavez
Analyst

Attachments: 1) Resolution (Koretz-Englander)
GFM:fvc

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, California consumers have the right to know whether the foods they purchase were produced using genetic engineering; genetic engineering of plants and animals often causes unintended consequences; manipulating genes and inserting them into organisms is an imprecise process; the results are not always predictable or controllable, and they can lead to adverse health or environmental consequences; and

WHEREAS, government scientists have stated that the artificial insertion of DNA into plants, a technique unique to genetic engineering, can cause a variety of significant problems with plant foods. Such genetic engineering can increase the levels of known toxicants in foods and introduce new toxicants and health concerns; and

WHEREAS, mandatory identification of foods produced through genetic engineering can provide a critical method for tracking the potential health effects of eating genetically engineered foods; and

WHEREAS, no federal or California law requires that food producers identify whether foods were produced using genetic engineering; at the same time, the U.S. Food and Drug Administration does not require safety studies of such foods; unless these foods contain a known allergen, the FDA does not even require developers of genetically engineered crops to consult with the agency; and

WHEREAS, polls consistently show that more than 90 percent of the public want to know if their food was produced using genetic engineering; and

WHEREAS, fifty countries-including the European Union member states, Japan and other key U.S. trading partners-have laws mandating disclosure of genetically engineered foods; no international agreements prohibit the mandatory identification of foods produced through genetic engineering; and

WHEREAS, without disclosure, consumers of genetically engineered food can unknowingly violate their own dietary and religious restrictions; and

WHEREAS, the cultivation of genetically engineered crops can also cause serious impacts to the environment; for example, most genetically engineered crops are designed to withstand weed-killing pesticides known as herbicides; as a result, hundreds of millions of pounds of additional herbicides have been used on U.S. farms; because of the massive use of such products, herbicide-resistant weeds have flourished-a problem that has resulted, in turn, in the use of increasingly toxic herbicides; these toxic herbicides damage our agricultural areas, impair our drinking water, and pose health risks to farm workers and consumers; California consumers should have the choice to avoid purchasing foods production of which can lead to such environmental harm; and

WHEREAS, organic farming is a significant and increasingly important part of California agriculture. California has more organic cropland than any other state and has almost one out of every four certified organic operations in the nation; California's organic agriculture is growing faster than 20 percent a year; and

WHEREAS, organic farmers are prohibited from using genetically engineered seeds; nonetheless, these farmers' crops are regularly threatened with accidental contamination from neighboring lands where genetically engineered crops abound; this risk of contamination can erode public confidence in California's organic products, significantly undermining this industry; Californians should have the choice to avoid purchasing foods whose production could harm the state's organic farmers and its organic foods industry; and

WHEREAS, the labeling, advertising and marketing of genetically engineered foods using terms such as "natural," "naturally made," "naturally grown," or "all natural" is misleading to California consumers; and

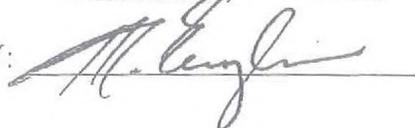
WHEREAS, currently qualified for the November, 2012 California State-wide ballot is a measure, Proposition 37, which would requires labeling on raw or processed food offered for sale to consumers if made from plants or animals with genetic material changed in specified ways; prohibits labeling or advertising such food as "natural;" exempt foods that are: certified organic; unintentionally produced with genetically engineered material; made from animals fed or injected with genetically engineered material but not genetically engineered themselves; processed with or containing only small amounts of genetically engineered ingredients; administered for treatment of medical conditions; sold for immediate consumption such as in a restaurant; or alcoholic beverages;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2011-2012 State Legislative Program support for Proposition 37, the California Right to Know Genetically Engineered Food Act, which would mandate the disclosure of genetically engineered foods, as further detailed in the text of this Resolution.

PRESENTED BY:


PAUL KORETZ
Councilman, 5th District

SECONDED BY:



ak

1 2 4 2012