

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: February 19, 2013

TO: Honorable Members of the Rules, Elections and Intergovernmental Relations Committee

FROM: Gerry F. Miller ^{KEL}_{for} Chief Legislative Analyst
Council File No.: ^{13-0002-S22}~~11-0002-S119~~
Assignment No.: 11-08-0734

SUBJECT: Resolution (Koretz - Rosendahl) to oppose any action by the US Food and Drug Administration to approve genetically engineered salmon.

CLA RECOMMENDATION: Adopt the attached Resolution to include in the City's 2013-2014 Federal Legislative Program OPPOSITION to any action by the United States Food and Drug Administration (FDA) to approve genetically engineered salmon and SUPPORT for any legislation which would prohibit the FDA from such an approval.

SUMMARY

On February 1, 2013, Resolution (Koretz - Rosendahl) was introduced to oppose to any action by the FDA to approve genetically engineered salmon and support for any legislation which would prohibit the Food and Drug Administration from such an approval. The Resolution advises that the FDA announced on December 26, 2012 that it is prepared to give transgenic/genetically engineered salmon final approval. According to the Resolution, the FDA has not conducted sufficient safety tests and scientists have predicted that the introduction of genetically engineered salmon could devastate populations of native salmon and have detrimental economic impacts on coastal communities. The Resolution further states that the use of pout fish genes - a type of eel - presents religious observance concerns for Jews and Muslims. The Resolution notes that the City previously adopted a Resolution (Koretz - Englander) to include in its 2011-12 State Legislative Program support Proposition 37, the California Right to Know Genetically Engineered Foods Action, which would have mandated the disclosure of genetically engineered foods. The Resolution therefore requests the City to oppose to any action by the FDA to approve genetically engineered salmon and support for any legislation which would prohibit the FDA from adopting such an approval.

BACKGROUND

On December 26, 2012, the FDA issued a preliminary finding that the application of AquaBounty Technologies, Inc. (ATI) to produce and grow genetically engineered salmon will not have a significant impact to environmental quality in the nation and is safe to consume. According to its website, ATI is a bioengineering company based in Waltham, Massachusetts focused on the improvement of productivity in agriculture.

Transgenic or genetic engineering (GE) refers to the introduction of a gene to produce desirable traits in livestock such as faster and larger development, stronger resistance to disease, and a higher yield of products for industrial use. The FDA reports that GE animals were first produced in the 1980s. Currently, there are a variety of scientific techniques used to produce GE animals such as viral vector-mediated transgene introduction and, more recently, cloning. It should be noted that the FDA only requires GE-produced food to be labeled if the food has changed in a material way (such as increased levels of omega-3 fatty acids). The federal government does not currently require that food to be labeled to merely indicate that the food is derived from GE sources.

In 2010, ATI submitted an application to the FDA for review and approval in accordance with the National Environmental Policy Act (NEPA) and federal food safety standards. Under the proposed action, ATI will produce salmon which grow two times faster but attain the same size as adult wild salmon. As part of its draft environmental assessment, the FDA analyzed potential hazards and risks, such as the likelihood of salmon escaping and surviving in the natural environment and causing harmful ecological impacts. The FDA

analysis did not include a discussion of cultural, social, and economic factors within the United States or potential environmental effects in foreign nations.

According to the FDA, the ATI application states that the GE salmon eggs will be produced in facilities at Prince Edward Island in Canada and will be shipped to Panama to be grown and harvested. The GE salmon will not be produced, grown, or processed within the United States.

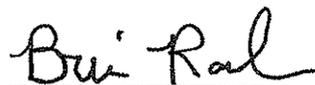
The FDA opined that the GE salmon will be sterile, female, and grown in secure facilities and unlikely that the salmon would escape, survive, and reproduce. The FDA advises, however, that its findings are based on the specific proposal brought by ATI and that harm to the environment is difficult to assess if production occurs in other countries or under less stringent conditions. The FDA reviewed food safety impacts and determined that there is a 'reasonable certainty' that GE salmon is safe to consume. It should be noted that the FDA established a 60-day comment period ending on February 25, 2013 to allow the public an opportunity to provide feedback on the findings contained in the FDA environmental assessment.

According to a Los Angeles Times article dated July 31, 2011, a group of eight United States Senators representing coastal states such as Alaska, Oregon, and Washington requested the FDA to cease its approval process. The article indicates that environmental groups expressed concerns that GE salmon could escape and harm seagoing fish by out-competing them for food and that a small percentage of GE salmon could remain fertile despite sterilization efforts. However, as stated in the article, an animal sciences expert at Purdue University opined that production of the ATI salmon was safe for the environment.

On October 24, 2012, the Council adopted a Resolution to support Proposition 37, the California Right to Know Genetically Engineered Food Act, which was a ballot measure which appeared on the November 2012 California Statewide Ballot but failed to pass (C.F. 12-0002-S67). The City places a high priority on allowing residents the opportunity to make an informed choice whether to consume GE foods and having access to complete information on potential social, economic, and health impacts. In addition, given the uncertain effect on employment levels within the fishing industry in coastal communities nationwide, opposition to the FDA action is consistent with existing City policy to preserve jobs within the United States. Therefore, we recommend that the City adopt Resolution (Koretz - Rosendahl) to oppose the FDA from approving genetically engineered salmon and support for any legislation which would prohibit the FDA from issuing such an approval.

Departments Notified

None



Brian Randol
Analyst

Attachment: Resolution (Koretz - Rosendahl) to oppose any FDA action to approve genetically engineered salmon.

RESOLUTION

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, despite overwhelming opposition from citizens and public interest groups to genetically engineered (GE) food, including 400,000 public comments opposing GE salmon, the Food and Drug Administration (FDA) announced December 26, 2012 that it is prepared to give transgenic salmon its final stamp of approval; and

WHEREAS, the FDA has not conducted any safety testing and has generally neglected to adequately address serious concerns about the safety of consuming salmon that has been genetically engineered to produce growth hormones at all times, allowing it to grow faster and bigger than natural salmon; and

WHEREAS, scientists have predicted that the introduction of GE salmon into populations of native salmon could have severely detrimental ecological and economic impacts on coastal communities whose livelihood depends heavily on fishing, including the devastation of populations of native salmon, as well as other fish and marine mammals that feed on native salmon populations; and

WHEREAS, with the exception of Alaska, the FDA will not require GE salmon to be labeled as GE, which presents religious observance concerns for Jews and Muslims, due to use of pout fish genes - which is a type of eel; and

WHEREAS, the City previously adopted a Resolution (Koretz - Englander) to include in its 2011-2012 State Legislative Program support for Proposition 37, the California Right to Know Genetically Engineered Food Act, which would have mandated the disclosure of genetically engineered foods;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that upon the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013-2014 Federal Legislative Program opposition to any action by the Food and Drug Administration to approve genetically engineered salmon and support for any legislation which would prohibit the Food and Drug Administration from such an approval.

PRESENTED BY


PAUL KORETZ
Councilmember, 5th District

SECONDED BY



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