

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: October 14, 2015

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

FROM: Sharon M. Tso *Sharon Tso for* Council File No.: 15-0002-S84
Chief Legislative Analyst Assignment No.: 15-08-0614

SUBJECT: Resolution (Koretz - O'Farrell - Huizar) to OPPOSE H.R. 1599 (Pompeo)

CLA RECOMMENDATION: Adopt Resolution (Koretz - O'Farrell - Huizar) to include in the City's 2015-16 Federal Legislative Program OPPOSITION to H.R. 1599 (Pompeo) which would prohibit states and cities from regulating or enacting labeling requirements for genetically-modified foods or GMOs, among other provisions.

SUMMARY

The Resolution (Koretz - O'Farrell - Huizar), introduced on August 4, 2015, states that genetically-modified organisms (GMOs) are agricultural products that have had genes removed and/or added in a laboratory to produce desirable traits. The Resolution indicates that proponents of GMOs believe that producing these products will result in benefits such as increased food supply, lower food costs for consumers, and decreased pesticide use. According to the Resolution, several countries have enacted additional regulations in food supplies in response to concerns that GMOs are harmful to the environment, result in decreased crop yields and are a danger to human health.

The Resolution indicates that on July 23, 2015, the United States House of Representatives approved H.R. 1599 (Pompeo) which would ban states and cities from regulating or enacting labeling requirements for GMO foods. The Resolution states that H.R. 1599, if enacted, would undermine our ability to provide information to City residents about the food they consume. According to the Resolution, H.R. 1599 is in conflict with the City's current efforts to regulate the propagation, cultivation, growth and sale of GMOs and should be opposed.

BACKGROUND

Genetically-modified organisms (GMO), when used as part of the food supply, are food products that have had genes removed and/or added in a laboratory to produce desirable traits such as pest resistance, faster growth and development, and a heightened ability to withstand high and low temperatures.

According to Pennsylvania State University (PSU), the first GMO plant, a tomato which remains firm longer, was approved for commercial use within the United States in 1992. The first GMO animal, a goat that produces an anticlotting agent in its milk, was approved for use in 2009. Other GMO foods approved for sale in the United States include potatoes, sugar beets, canola, corn, soy, and cotton. According to PSU, most GMO foods produced within the United States are used to feed livestock.

PSU states that there are no special federal regulations for GMO foods. GMO foods are currently reviewed by any of the following federal agencies for health, safety, and environmental impacts: the federal Food and Drug Administration (FDA), the Department of Agriculture, or the Environmental Protection Agency. PSU indicates that the use of pesticides on GMO crops has increased the likelihood that more and stronger pesticides will be needed to keep pace with weed resistance. Researchers at PSU have stated that there is currently no reputable scientific study to date which has shown any negative health effects of GMOs but scientists continue to look for evidence of risk or unintended consequences.

GMO foods are cultivated and sold throughout the Americas, and in Asia, but are restricted in Europe. According to European Union (EU) regulations, GMOs can only be cultivated or sold within member states if they have been authorized by the EU. In April 2015, the EU adopted rules to allow member states to enact restrictions on the cultivation of GMO crops. The European Union is currently considering a new proposal to allow member states to prohibit the sale of GMO foods.

Various organizations and health groups have raised concerns about the health and environmental effects of GMOs. The Institute for Responsible Technology states that GMOs contaminate the environment by dispersing GMO seeds into adjacent areas and increase the prevalence of chronic health issues as a result of consumption of GMOs.

H.R. 1599

H.R. 1599, introduced on July 16, 2015, is also known as the Safe and Accurate Food Labeling Act of 2015. Among other provisions, the bill would:

- Preempt state and local requirements for GMO food unless the state or local government establishes a program that matches the program set forth in H.R. 1599.
- Authorize the FDA to require a GMO food to have a label if the disclosure is necessary to protect public health and safety or to prevent the label from being false or misleading.
- Allow the sale of a GMO food only if the FDA determines through a consultation process with the Department of Agriculture that the GMO food is as safe as comparable foods.
- Require the Agricultural Marketing Service to establish a voluntary genetically engineered food certification program. Under this requirement, a food's label or advertising cannot suggest that non-GMO foods are safer or of higher quality than GMO foods.
- Require that products from certified organic producers be labeled as non-GMO.
- Require the FDA to regulate the term "natural" on food labeling and preempt state and local requirements for the term "natural."

The City has taken various actions relative to the use and labeling of GMO foods. On October 24, 2012, the City Council adopted a Resolution (Koretz – Englander) 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). On May 28, 2012, the City Council approved Resolution (Koretz – O'Farrell) to support SB 1381 (Evans) which would require genetically engineered food to be labeled (C.F. 14-0002-S31). On February 20, 2013, the City Council adopted a Resolution (Koretz – Rosendahl) to oppose actions by the FDA to approve genetically engineered salmon and support for any legislation which would prohibit the FDA from issuing such an approval (C.F. 13-0002-S22).

On November 20, 2014 and as initiated by Motion (Koretz – O’Farrell – Bonin), the City Attorney submitted a draft ordinance which regulates the propagation, cultivation, raising, growth, and sale of GMOs within the City. The ordinance is currently pending within the Health, Mental Health, and Education Committee for further consideration (C.F. 13-1374).

Conclusion

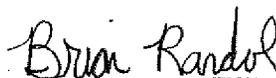
H.R. 1599 is inconsistent with existing City positions regarding the labeling and cultivation of GMOs and the City’s efforts to provide greater disclosure to the public. Therefore, we recommend that the City oppose H.R. 1599.

Department Notified

City Attorney

Bill Status.

July 23 Passed by House of Representatives (Ayes 275, Noes 150).
July 24 Received by the Senate and referred to the Committee on Agriculture, Nutrition, and Forestry.



Brian Randol

Analyst

- Attachments: 1. Resolution
2. Text of HR 1599

SMT ME PS BMR

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 first have been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, genetically-modified organisms (GMOs) are agricultural products that have had genes removed and/or added in a laboratory to produce desirable traits, such as pest resistance; and

WHEREAS, proponents of GMOs believe that producing these products will result in benefits such as increased food supply, lower food costs for consumers, and decreased pesticide use; and

WHEREAS, several countries have enacted additional regulations on food supplies in response to increasing concerns that the production of GMOs are harmful to the environment, result in decreased crop yields, and are a danger to human health; and

WHEREAS, an article published by Harvard Medical School indicated that the creation of GMOs that are resistant to pesticides has caused weeds to develop resistance to the pesticide, which in turn has resulted in the use of even more pesticides; and

WHEREAS, on July 23, 2015, the United States House of Representatives passed H.R. 1599 (Pompeo), which would ban states and cities from regulating or enacting labeling requirements for GMOs; and

WHEREAS, if enacted, H.R. 1599 would undermine our ability to provide information to City residents about the food they consume by eliminating the City's ability to regulate and properly inform citizens about GMO crops; and

WHEREAS, H.R. 1599 is in direct opposition to the City's current efforts (C.F. 13-1374) to regulate the propagation, cultivation, raising, growth and sale of GMOs and should be opposed;

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 2015-16 Federal Legislative Program OPPOSITION to H.R. 1599 (Pompeo), which would ban states and cities from regulating or enacting labeling requirements for genetically-modified foods or GMOs.

PRESENTED BY: Paul Kretz
PAUL KORETZ
Councilmember, 5th District

SECONDED BY: [Signature]
[Signature]

1
2
3
4
5
6
7
8
9
10