

Ordinance No. 6196 R

An Ordinance Of The County Of Sonoma, State Of California,

THE PEOPLE OF THE COUNTY OF SONOMA ORDAIN AS FOLLOWS:

Section 1 – Title

This ordinance shall be known as the Sonoma County Transgenic Contamination Prevention Ordinance.

Section 2 - Purpose

The purposes of this chapter are (1) to protect Sonoma County's native plants, trees, and animals from transgenic contamination from genetically engineered ("GE") organisms; (2) to defend and promote the economic integrity of organic and other markets that are harmed by transgenic contamination by GE organisms; and (3) to preserve the right of Sonoma County residents to grow the plants and crops of their choice and to be free from transgenic contamination from GE organisms. This chapter shall be liberally construed to fulfill these purposes.

Section 3 - Findings

- (a) The rapid, long-term, and unregulated growth of commercial agricultural entities engaged in the cultivation and development of GE organisms threatens the stability and growth of Sonoma County's agricultural economy, the health of its citizens, and its environment.
- (b) Sonoma County residents have the right to decide that the risks associated with cultivating genetically engineered crops are unacceptable and to take action to prohibit such crops.
- (c) Agriculture is a vital component of Sonoma County's economy. Sonoma's agricultural economy relies on maintaining its reputation for high quality organic and conventional crops. According to the Sonoma County Agricultural Commissioners' (SCAC) Office, as of January 1, 2014, there were approximately 260 individual organic registrants in Sonoma County encompassing more than 20,000 acres. The SCAC 2013 Crop Report stated that there were approximately 40 individual registrants for organic dairy operations with approximately 6,846 head of cattle, and about 52 individual organic wine grape registrants. According to the SCAC Crop Report for 2013, there was a total of approximately 64,073.3 acres of registered wine grapes in Sonoma County. The SCAC Crop Report for 2013 also recorded 13 organic individual meat registrants, raising about 956,071 head, and approximately 20,224 acres of organic pasture/rangeland. The SCAC 2013 Crop Report states that traditional livestock and poultry production was valued at approximately \$65,103,100. Preserving the identity, quality, and reliability of Sonoma's non-GMO conventional and organic agricultural products, and exports is therefore critical to its economic well-being.
- (d) Transgenic contamination can and does occur as a result of cross-pollination, comingling of conventional and GE seeds, accidental transfer by animals, weather, and other mechanisms. Transgenic contamination results in GE crops growing where they are not intended.

- (e) The contamination of both conventional and organic agricultural products with GE material can have a myriad of significant impacts. Organic and many foreign markets prohibit GE crops, and even a single event of transgenic contamination, can and has resulted in significant economic harm when the contaminated crops are rejected by buyers. Farmers and other parties who lose markets, through no fault of their own, as a result of transgenic contamination may not find adequate legal recourse. Further, contamination causes the loss of the fundamental right to choose, for the farmer and the public, to sow crops that are not engineered.
- (f) Currently, no mechanisms exist to guarantee that transgenic contamination will not occur.
- (g) The rapid development and introduction of GE crops, combined with inadequate regulatory oversight at the state and federal levels, have left the citizens of Sonoma County with significant concerns regarding the long-term safety of GE crops. The U.S. Food and Drug Administration does not require or conduct safety studies of genetically engineered foods. Instead, any safety consultations are voluntary, and genetically engineered food developers may decide what information to provide to the agency. Market approval of genetically engineered food is based on industry research alone. There have been no long-term or epidemiological studies in the U.S. that examine the safety of human consumption of genetically engineered foods.
- (h) Manipulating genes in plants and animals via genetic engineering and inserting them into organisms is an imprecise process and often causes unintended consequences. Mixing plant, animal, bacterial, and viral genes through genetic engineering in combinations that cannot occur in nature may produce results that lead to adverse health or environmental consequences.
- (i) Independent scientists are limited from conducting safety and risk-assessment research of genetically engineered materials due to industry restrictions on research of those materials.
- (j) The cultivation of GE crops can have serious effects on the environment. For example, in 2014, 94 percent of all soy grown in the U.S. was engineered to be herbicide resistant. In fact, the vast majority of GE crops are designed to withstand herbicides, and therefore promote indiscriminate herbicide use. As a result, GE herbicide-resistant crops have caused 527 million pounds of additional herbicides to be applied to the nation's farmland over the 16 year period from 1996- 2011. These toxic herbicides damage the vitality and quality of our soil, harm wildlife, contaminate our drinking water, and pose health risks to consumers and farm workers.
- (k) Increased use of herbicides in GE agriculture has resulted in the rapid development and proliferation of previously unknown herbicide-tolerant superweeds. These superweeds threaten to overtake the habitat of native flora and fauna in uncultivated lands and force farmers to use increasingly toxic and expensive herbicides to remove them from cultivated lands.
- (l) Insect-resistant GE crops pose a high risk of fostering rapid evolution of pests resistant to organic pesticides, to the detriment of organic farmers, and they also facilitate agriculturally and environmentally harmful monocultures, such as growing corn continuously on the same field year after year.
- (m) The impacts of the direct introduction into Sonoma County of genetically engineered

organisms such as trees or fishes, or contamination by them, would be unknowable in advance. However, such introduction or contamination would have the potential to seriously imperil local ecosystems, to threaten traditional ways of life in our rural county, and to undermine critical local industries including forestry, fisheries, and tourism. Many countries and regions around the world have prohibited or strictly regulated their cultivation, use and/or importation. In the absence of such appropriate, effective regulation in California or the broader United States, many local governments in our region have acted to restrict or prohibit the growing of genetically engineered organisms within their borders. Such local governments include the Counties of Mendocino, Marin, Trinity, Humboldt and Santa Cruz.

- (n) For these reasons, the People of Sonoma County find that the propagation, cultivation, raising or growing of genetically engineered organisms in the County is not consistent with proper and accepted agricultural customs and standards of Sonoma County. Furthermore, because the risk of transgenic contamination increases the longer a genetically engineered organism remains in an uncontrolled environment, the People find that the contamination risk caused by the propagation, cultivation, raising or growing of genetically engineered organisms shall be remedied as set forth below.

Section 4-Definitions

- (a) "Commissioner" means the Sonoma County Agricultural Commissioner.
- (b) "Genetically engineered" means produced from an organism or organisms in which the genetic material has been changed through the application of:
- 1) In vitro nucleic acid techniques which include, but are not limited to, recombinant deoxyribonucleic acid (DNA) or ribonucleic acid (RNA), direct injection of nucleic acid into cells or organelles, encapsulation, gene deletion, and doubling; or
 - 2) Methods of fusing cells beyond the taxonomic family that overcome natural physiological, reproductive, or recombination barriers, and that are not techniques used in traditional breeding and selection such as conjugation, transduction, and hybridization.
- (c) "Organism" means any biological entity capable of replication, reproduction or transferring of genetic material, exclusive of human beings and human fetuses.
- (d) "Genetically engineered organism" means an organism, or the offspring of an organism, the DNA of which has been altered or amended through genetic engineering. Such organisms are also sometimes referred to as "genetically modified organisms" or "GMOs." For the purposes of this definition, an animal, which has not itself been genetically engineered, regardless of whether such animal has been fed or injected with any food or drug that has been produced through means of genetic engineering, shall not be considered genetically engineered.

Section 5-Prohibitions

It is unlawful for any person, partnership, corporation, firm or entity of any kind to propagate,

cultivate, raise or grow genetically engineered organisms in the County. Any act in violation of this provision is subject to the enforcement measures outlined in Section 8.

Section 6-Exemptions

- (a) Nothing in this Ordinance shall make it unlawful for:
- 1) any person or other legal entity in the County to purchase, sell, or distribute genetically engineered human food or animal feed;
 - 2) any licensed health care practitioner to provide any diagnosis, care or treatment to any human patient or animal; or
 - 3) any research institutions, laboratories or manufacturing facilities in the County to conduct research involving genetically engineered organisms whose reproduction in the environment can be physically contained. Such research activities must be conducted under secure, enclosed indoor laboratory conditions, with utmost precautions to prevent release of genetically engineered organisms into the outside environment.

Section 7 -Effective Date and Transitional Period

- (a) This Ordinance shall take effect immediately upon approval by the Board of Supervisors or voters of Sonoma County, except as set forth here and below.
- (b) Any person or other legal entity that is already propagating, cultivating, raising or growing genetically engineered organisms in the County on, or before, the date this Ordinance is approved by the Board of Supervisors or voters of Sonoma County shall be permitted to maintain such organisms until the end of their natural agronomic growth cycle. Any person or other legal entity in possession of genetically engineered seed purchased before the date this Ordinance is approved may cultivate those seeds in the growing cycle immediately following the enactment of this Ordinance. At the conclusion of that time period, any person or other legal entity who has continued propagating, cultivating, raising or growing genetically engineered organisms in the County during this transitional period shall be required to destroy and safely dispose of, or remove completely and permanently from the County, any remaining genetically engineered organisms.
- (c) None of the provisions of this Ordinance shall be construed to permit any person or other legal entity that is not currently in possession of genetically engineered seed or already propagating, cultivating, raising or growing genetically engineered organisms in the County to begin to do so after this Ordinance is approved by the Board of Supervisors or voters of Sonoma County.
- (d) Other than Section 7(a) above, none of the provisions of the Ordinance shall be construed to permit any person or other legal entity who is already propagating, cultivating, raising or growing genetically engineered organisms in the County to propagate, cultivate, raise or grow any genetically engineered organisms not already living and established in the County, or otherwise to begin any new activity prohibited by Section (5) of this Ordinance, after it takes effect.

Section 8-Regulations

If necessary, the Commissioner may enact and enforce regulations to implement this chapter, but it may not create any new exemption not listed in this chapter.

Section 9 -Enforcement

- (a) The Commissioner shall create and provide for a procedure for any person to report any known or suspected violation of this Ordinance. The procedure shall include the creation of a reporting form to document the nature and location of the reported violation, the basis for the report, and contact information for the reporting party.
- (b) The Commissioner may bring an action in a court of competent jurisdiction to enjoin any person or entity from violating this chapter.
- (c) The Commissioner shall assess a civil monetary penalty against any person or entity violating this chapter, in the amount of:
 - 1) One hundred dollars for a first violation;
 - 2) Five hundred dollars for a second violation; or
 - 3) One thousand dollars for a third or subsequent violation.

In assessing penalties, each day of violation must be considered a separate violation.

- (d) The Commissioner may also assess to the violator of this Ordinance any costs of enforcing the provisions of this Ordinance.
- (e) The Commissioner shall submit an annual report to the Board containing a brief description of all complaints received and enforcement actions taken under this Ordinance, if any, along with any other relevant information or analysis the Commissioner may choose, at his or her discretion, to include. A copy of such report shall be posted on the County Department of Agriculture's official website.

Section 10-Severability

The provisions of this Ordinance are severable. If any provision of this Ordinance or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

APPROVED BY THE FOLLOWING VOTE OF THE VOTERS OF SONOMA COUNTY AT THE GENERAL ELECTION HELD ON NOVEMBER 8, 2016.

YES 122,399 (57.4%)

NO 90,947 (42.6%)

On December 13, 2016, the Sonoma County Board of Supervisors adopted the certification of the official canvass of the vote for the November 8, 2016 consolidated Presidential General Election.



Chair, Board of Supervisors
County of Sonoma

Attest:

Sheryl L. Bratton,
Clerk of the Board of Supervisors

By: 
Deputy Clerk of the Board