

# **AB 541 – The Food and Farm Protection Act**

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## **Assemblymember Jared Huffman**

### **IN BRIEF**

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AB 541 establishes California's only state law related to genetic engineering (GE) in agriculture. It protects California farmers from frivolous lawsuits and harassing investigations commonly used by some biotechnology corporations.

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 was supported in the January 2008 Agriculture Committee hearing by the bill's sponsors as well as the California Farm Bureau Federation, the California Seed Association, and the Western Plant Health Association.

### **THE ISSUES**

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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**

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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**

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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.

### **SUPPORT**

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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  
Natural Products Association West  
Pesticide Action Network North America  
United Natural Foods Inc.  
Western Plant Health Association

— and many others

### **FOR MORE INFORMATION**

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