Oregon Senate Considers 'Biopharm' Crops Ban

in

- Biopharming [1]

Lawmakers mull temporary halt to growing biologically engineered foodstuffs

SALEM -- Lawmakers are considering a temporary ban on growing food crops in Oregon that are biologically engineered to produce drugs or chemicals, such as vaccines.

Supporters of the bill say it would protect Oregon farmers from potentially harmful crop contamination. Opponents say the bill is an attempt to ban biologically engineered crops in general.

Oregon would become the first state to ban the crops, called biopharmaceuticals or biopharms, under a bill that was brought up for its first hearing Friday in the Senate Environment and Land Use Committee.

Currently in Oregon, genetically modified bentgrass is grown in Central Oregon and several varieties of insect-resistant corn are commercially available for farmers to grow.

But biopharm crops are a different type of genetically modified organism that represent a small percentage of U.S.-grown biologically engineered plants.

To create the crops, genes from other organisms are spliced into the plant -- usually corn -- that prompt it to produce the desired chemical compound, such as an anticoagulant or vaccine.

None are currently grown in Oregon, but the ban would prevent pharmaceutical companies from looking to put fields here.

"Plant species grown for use as food for humans or animals should not be grown to produce drugs and industrial chemicals," said Chris Schreiner, quality control director for Oregon Tilth, Inc., a nonprofit organization that certifies organic farms.

Schreiner compared biopharm crops to DDT, a chemical used more than 30 years ago because it was found to be toxic to humans and animals. Schreiner said the effects of DDT could have been avoided if the chemical wasn't "widely promoted and used prior to our full understanding of their toxic effects."

The bill would not ban growing other genetically modified organisms, but some warned that biopharm crops could contaminate food crops and have other unforeseen biological consequences that would tarnish the image of Oregon-grown foods.

"There is too much potential for leakage of these genes into the human food supply," said Bitty Roy, a biology professor from Eugene.

Roy said the risks and benefits of such crops needs to be more carefully studied before they are
grown in the open air.

But others said the bill could cut off future economic benefits for Oregon's farms and research facilities, and that the federal government should create policy instead of a patchwork of state laws.

"This is a science discussion and these crops need to be grown under the best management practices," said Katie Fast of the Oregon Farm Bureau, but she said there's no reason to ban the crops altogether.

She said the bill could negatively affect Oregon's research facilities by prohibiting them from growing experimental crops that could be medically beneficial.

Katie Coba, director of the Oregon Department of Agriculture, said the agency has no official position on the bill, but that "it's important to remember that biopharming is regulated in the U.S. by the federal government," and that new guidelines are expected in one to two years.

She also said biopharm crops are "not the scary stories that we've heard," and said an example could be genetically enhancing a tomato to provide more health benefits.

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73rd OREGON LEGISLATIVE ASSEMBLY--2005 Regular Session

biopharm bill [3]

NOTE: Matter within { + braces and plus signs + } in an amended section is new. Matter within { - braces and minus signs - } is existing law to be omitted. New sections are within { + braces and plus signs + }.

LC 1205

Senate Bill 570

Sponsored by Senators SHIELDS, GEORGE, BATES, MONNES ANDERSON (at the request of Oregon Physicians for Social Responsibility)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Prohibits growing, raising or cultivating certain genetically engineered plants. Imposes civil penalty for violation, not to exceed $25,000. Applies to period commencing August 1, 2005, and ending July 31, 2009. Declares emergency, effective on passage.

A BILL FOR AN ACT
Relating to crops; and declaring an emergency.
Be It Enacted by the People of the State of Oregon:

SECTION 1. { + Sections 2 to 4 of this 2005 Act may be cited as the Oregon Genetically Engineered Pharmaceutical and Industrial Crop Act. + }

SECTION 2. { + As used in this section and section 3 of this 2005 Act:
(1) 'Genetically engineered' means that genetic material has been changed through modern biotechnology in a way that does not occur naturally by multiplication or natural recombination.
(2) 'Industrial crop':
(a) Means, except as provided in paragraph (b) of this subsection,
genetically engineered plants that are designed to produce industrial products, substances for use in industrial products, industrial or research chemicals, or industrial or research enzymes.

(b) Does not mean a crop that is genetically engineered to produce:

(A) A greater or lesser quantity of a chemical or enzyme that naturally occurs in the plant; or

(B) A chemical or enzyme that is generally recognized as safe by the federal Food and Drug Administration.

(3) 'Modern biotechnology' means:

(a) Recombinant deoxyribonucleic acid, the direct injection of nucleic acid into cells or organelles, and other in vitro nucleic acid techniques;

(b) Fusion of cells beyond the taxonomic family, if the fusion:

(A) Overcomes natural physiological, reproductive or recombination barriers; and

(B) Is not used in traditional breeding and selection; and

(c) Any other process within the definition of 'modern biotechnology' adopted by the Codex Alimentarius Commission of the United Nations Food and Agriculture Organization and in effect on the effective date of this 2005 Act.

(4) 'Pharmaceutical crop' means genetically engineered plants that are designed to produce human or veterinary drugs or biologics. + }

SECTION 3. { + A person may not grow, raise or cultivate a pharmaceutical crop or industrial crop:

(1) In an outdoor environment; or

(2) Using a plant species that is commonly grown for use as food for humans or animals. + }

SECTION 4. { +

(1) The State Department of Agriculture shall administer and enforce section 3 of this 2005 Act. The department may impose a civil penalty for a violation of section 3 of this 2005 Act. The penalty may not exceed $25,000. The department may consider each day of a continuing violation to be a separate violation that is subject to a separate civil penalty.

(2) In imposing a civil penalty under this section, the department shall consider the following factors:

(a) The gravity and magnitude of the violation, including the actual or potential threat to health, safety or well-being of humans or animals.

(b) The amount of any benefit the person realized from the violation.

(c) The past history of the person incurring the penalty.

(3) If the department determines that action is necessary to collect a civil penalty imposed under this section that has become final and no longer subject to appeal, the department may bring an action in any court of competent jurisdiction to collect the penalty. The department is entitled to recover all attorney fees, costs and disbursements incurred by the department in bringing the collection action. + }

SECTION 5. { + Sections 1 to 4 of this 2005 Act become operative August 1, 2005. + }

SECTION 6. { + Sections 1 to 4 of this 2005 Act are repealed July 31, 2009. + }

SECTION 7. { + This 2005 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect on its passage. + }
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Published on NW Resistance Against Genetic Engineering (http://nwrage.org)

Source URL: http://nwrage.org/content/oregon-senate-considers-biopharm-crops-ban

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