

JAN 17 2014

A BILL FOR AN ACT

RELATING TO GENETIC ENGINEERING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the economic health
2 of Hawaii's agricultural sector is critical to the overall
3 health of Hawaii's economy, and that this depends in major part
4 on the high reputation of Hawaii's farmers and their
5 agricultural products.

6 Growth in genetically engineered agricultural production
7 has been swift and pervasive throughout the nation. The quick
8 acceptance of the new technology by American farmers may,
9 however, pose serious consequences for conventional
10 agriculture -- consequences that scientists do not yet fully
11 understand. Those consequences have created doubt within the
12 farming community and Congress about the wisdom of growing
13 genetically engineered agricultural products.

14 The greatest potential harm of genetically engineered crops
15 is that the use of genetically engineered seeds and plants by a
16 farmer could unintentionally alter the crops being produced by a
17 neighboring farmer or alter other plants or animals, including



1 insects and microorganisms that interact with domestic crops, as
2 well as plants and animals within the natural environment.

3 No practical way of safeguarding against this risk is
4 available, other than abstaining from use of genetically
5 engineered material. The effect on the United States economy is
6 significant. China recently rejected 545,000 tons of imported
7 U.S. corn found to contain an unapproved genetically modified
8 strain, according to a December 20, 2013, Associated Press
9 article. In Hawaii, the counties of Kauai and Hawaii recently
10 adopted ordinances to restrict the growing of genetically
11 modified organisms, while Maui is considering a similar
12 ordinance. As reported in the *Honolulu Star-Advertiser* on
13 December 9, 2013, "Some environmentalists and farmers on Maui
14 appear poised for a conflict on a bill to add more regulations
15 on those using pesticides commercially, including businesses
16 involved in producing genetically modified organisms . . . [T]he
17 bill is similar to legislation passed in November in Kauai
18 County."

19 In light of the great uncertainty surrounding the safety of
20 emerging biotechnologies and their effects upon human health,
21 government must respond in a rational and compassionate way.
22 The "precautionary principle", while not a new concept, has



1 gained acceptance in Europe and within the scientific community.
2 Perhaps the best known formulation of this principle within the
3 scientific community is the Wingspread Statement, which states
4 in pertinent part: "Therefore, it is necessary to implement the
5 Precautionary Principle: When an activity raises threats of harm
6 to human health or the environment, precautionary measures
7 should be taken even if some cause and effect relationships are
8 not fully established scientifically." In this context the
9 proponent of an activity, rather than the public, should bear
10 the burden of proof. When government faces a decision regarding
11 the introduction of technologies where the health and safety
12 consequences to the public are unknown, the precautionary
13 principle provides that precautionary measures should be taken,
14 even if the risk to the public is uncertain, to mitigate
15 possible negative consequences.

16 The purpose of this Act is to require the department of
17 agriculture to adopt the precautionary principle in order to
18 anticipate, prevent, or minimize the adverse effects of
19 biotechnology and genetic engineering.

20 SECTION 2. Chapter 142, Hawaii Revised Statutes, is
21 amended by adding a new section to part IV to be appropriately
22 designated and to read as follows:



1 "§142- **Precautionary principle; genetic engineering.**

2 The department of agriculture shall take precautionary measures

3 to anticipate, prevent, or minimize the adverse effects of

4 biotechnology and genetic engineering. Where there are threats

5 of serious or irreversible damage, lack of full scientific

6 certainty should not be used as a reason for postponing the

7 application of precautionary measures, taking into account that

8 policies and measures should be at the lowest reasonable cost.

9 To achieve this, policies and measures should take into account

10 different socioeconomic contexts, be comprehensive, cover all

11 relevant sources, and comprise all agricultural sectors."

12 SECTION 3. New statutory material is underscored.

13 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: *F. Helen Eglor*

Procell Palmer

Don A.C. Reddy

Mark H.

Spencer

S.B. NO. 2739

Report Title:

Genetic Engineering; Precautionary Principle

Description:

Mandates the department of agriculture to take precautionary measures to anticipate, prevent, or minimize the adverse effects of biotechnology and genetic engineering.

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