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Mendocino County Bans Genetically Modified Organisms

by Kristy Charles

Some hope it will save agriculture as they know it. Others see it as uncertain and risky, and a certain number simply shrug their shoulders at the issue. But in Mendocino County, voters have decided to act now.

On March 2, residents of this rural California county chose to pass the nation's first complete ban on cultivating, propagating, raising or growing any type of genetically modified organism (GMO). Opinions within the county are divided: on one hand, genetic engineering has the potential to eliminate many of the wine industry's pests and diseases, and on the other, its effects on humans and the environment are largely unknown.

Els Cooperrider, owner of the organic **Ukiah Brewery** and one of the individuals who formed the measure, said that in the end the ban would benefit the county.

"We're trying to protect the county's economy, environment and health of its people," Cooperrider, a former research scientist, said. "This is brand new technology and it's not tested and not required to be tested, and so the consequences are unknown. We'd like to take a cautionary measure until we see that GMOs are in fact safe."

The ordinance, known as Measure H, includes every living organism except bacteria, which naturally exchange segments of DNA. The county agricultural commissioner enforces it and any person found growing a GMO is subject to confiscation and destruction of the organism and a fine. The amount of the fine is still under discussion.

Because the new regulation is a county law, it only applies to unincorporated areas--where most of the county's wine industry is based. The ban does not apply to American Indian lands and federal or state lands. This means the bulk of the county's land, and all the cities, are exempt from Measure H.

The ban also does not apply to processed foods bought within the county: for instance, products made with genetically modified corn.

No matter what the crop, some growers are vehemently opposed to the measure because it leaves no room for exceptions when the technology does come of age. They feel that a complete ban is not the right way to address the issue.

"Genetically modified organisms can be a problem and a solution," said **Peter Bradford**, president of the **Mendocino County Farm Bureau**. "It's very short-sighted for government or the county to completely ban GMOs based on an irrational fear that something may happen in the future. There's research now at the **University of California, Davis** for Pierce's Disease resistant grapevines. That vine cannot be planted in Mendocino County. Other nearby counties can utilize the vine, but no one in Mendocino County can plant it."

Pierce's Disease has destroyed vineyards throughout the state, notably in the Temecula and Napa valleys. Mendocino County has a much cooler climate and there the insect-spread disease has never been as much of a threat, said Mendocino County agricultural commissioner **Dave Bengston**. Mold, however, is, and any threat to the \$80 million-a-year industry could mean devastation for the local economy.

For the time being, however, there are no genetically engineered vines on the market. According to a **University of Virginia** database, most GM crops are field crops such as wheat, corn and soybeans. In fact, a genetically engineered grapevine is estimated to still be 10 years off.

What's the Harm?

As much good as disease resistant vines could do for the industry, some organic growers argue that they could cause an equal amount of harm.

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"If we find a cure for Pierce's Disease we could grow vines in Florida, Mexico and Panama," said **Charlie Barra**, owner of **Barra of Mendocino** vineyard and winery. "If they want to make grapes easier to plant and grow, go ahead, but as a producer it makes me laugh. It could ruin the market for our grapes."

Barra has been growing organic grapes in Mendocino County for 50 years, and he said that he feels any experimenting with GMOs should be done in the lab, not the field. He is also concerned about the effects genetically engineered vines could have if they were to cross pollinate with organically grown vines like his.

There have been recent cases where corn or other GE crops pollinated non-GE crops in nearby fields. Organic growers and agencies have been in debate about whether or not this type of contamination, called drift, could cause an organic grower to lose his or her license.

However, under federal regulations drift does not necessarily decertify a grower, said **Joan Schaffer**, a spokesperson for the **National Organic Program**. Under the program's regulations, which state certifying agencies must adhere to, an organic grower must not apply a prohibited substance like seed or pollen from a GMO to his or her crop. The grower must also take precautionary measures against contamination, such as those most growers already take to prevent pesticide drift from neighboring farms. If the growers follow these guidelines, drift from GMOs should not affect their organic certification.

Katrina Frey of Frey Vineyards, also organic, voted for Measure H. Her family has been growing organic grapes since the late 1960s and is very involved in the organic agriculture industry.

"We have been aware of genetic engineering for years and are concerned about it," Frey said. "When Els Cooperrider came up with the idea (for Measure H) we thought it would be a wonderful way to bring it to the public consciousness. We were not directly concerned with our crops, but looking more at the big picture of genetic engineering in the United States in the future. We also hoped it would be an inspiration for other counties and regional groups to follow suit."

So far, setting the precedent has worked. Residents in Marin and Humboldt counties recently announced their intention to put similar measures on their own ballots in the near future. It has been rumored that 10 other California counties are now considering taking action against GMOs.

More Than Just a Local Problem

Genetically modified organisms, however, are more than just a California concern. Genetically modified grapevines could feasibly be planted anywhere in the United States, and national organizations have been discussing the issue.

"Officially, we haven't taken a stand on whether we approve or disapprove," said **Keith Klingele**, chairman of the **Winegrape Growers of America**. "Personally, I don't like to see a trend on banning GMOs. It's a knee-jerk reaction. Naturally, we have to be careful, but when the science is proven to be safe, we have to allow it to go forward."

Measures similar to the one in Mendocino County have been attempted elsewhere in the United States. In 2002 a ballot measure in Oregon attempted to require labeling for all products with genetically modified ingredients. Biotech companies stepped in and the measure was defeated. The Vermont Legislature is currently debating a moratorium on GMO crops, and coffee growers in Hawaii are pushing for a ban to prohibit genetically engineered coffee plants.

Local organizations in California have also taken a closer look at the issue of GMOs. "We believe this is a hugely important issue," said **Sandra Elles**, president of the **Napa Valley Grape Growers Association** and executive director of the **Napa County Farm Bureau**.

"We have a commitment to a year-long printing in our newsletter of different viewpoints about the issue so people will be thoroughly informed about issue and discussion on either side," she said.

The Association will also hold a forum next February to discuss GMOs with growers and the public alike. Elles said that she hopes there will be a community dialog to evaluate what would truly be good for the county before any action is taken.

Karen Ross president of the **California Association of Winegrape Growers**, said that although her organization has not taken an official stance on Measure H, they have discussed GMOs. According to a statement the organization produced, allowing research to move forward is the top priority.

"People throughout the California wine industry have strong feelings about both sides of the issue," Ross said. "Our focus has been on allowing advancement in scientific research. People have a choice in what they apply in their own fields. If research and development are allowed to move forward then each business can choose what they would like to apply."

Some companies involved in biotechnology opposed Measure H from the very beginning. The **Western Plant Health Association** (WPHA), formerly the **California Plant Health Association**, was one of the most prominent opponents, as was **CropLife America**, which represents companies like **Monsanto**, **Dow** and **DuPont**. Altogether, these groups contributed more than \$500,000 to defeat Measure H. In comparison, proponents of the measure contributed approximately \$100,000, mostly from local donations.

The WPHA also filed a lawsuit against the ballot arguments supporting Measure H. There has been some speculation whether the biotech industry will attempt to challenge the ban in court now that it has passed. **Steve Beckley**, president and chief executive officer of the WPHA, said that as far as his company is concerned, no decisions have been made regarding further legal action.

Marketing Advantages, Inspection Processes

If the measure is not overturned, growers may be able to use the phrase "GMO-Free" to market their wines. Europe and Japan, the two biggest international markets for California wine, are firmly opposed to genetically engineered grapevines. Declaring Mendocino County vineyards GMO-free may increase the market for these wines.

While grape growers and residents still debate the controversial measure, county officials are facing the reality of enforcing the new law.

"We're the first county or city in the nation to do this, and we don't have the infrastructure from the state or federal government supporting us, so we can't coordinate with or plagiarize anyone else," Bengston said. "We're winging it a little bit and are still in the process of getting some legal questions answered, but the day after the election, my people started looking for GMO plant material coming into the county in the course of their normal work."

Because no genetically modified organisms are known to be in Mendocino County, Bengston said that the measure has had no real impact so far. As county agriculture inspectors scrutinize local nurseries and farm supplies for foreign pests and diseases, they have simply added GMOs to the list of prohibited substances to look for.

However, there are real concerns about the ability of the county to fund the measure long-term. Because genetically modified grapevines are virtually impossible to detect by just looking at them, special tests have to be performed and can be costly.

"Because of state and county budgets, if we had a big case we'd have to go to the Board of Supervisors and ask for money," Bengston said. "I could see how if we got just one big case it would run into a lot of money and it could cause some problems."

Another problem is that nurseries inside the city limits are able to sell GMO seeds because they are located in an incorporated area. A nursery just a block away from, yet outside, the city limits cannot.

"If this thing lasts, looking down the road, when one nursery can sell these seeds and when one can't, I envision people getting pretty upset and yelling foul," Bengston said. "Growers do not like uneven playing fields."

Even now, two months after the measure passed, there are still a lot of questions about the legality of Measure H. Some question whether counties have the jurisdiction to regulate GMOs, and claim that Mendocino County may gain an unfair marketing advantage that could violate the commerce clause of the Constitution.

In the end, most wine grape growers agree the choice that the choice will come down to the consumer. If the consumer does not feel safe, Barra said, they will not buy the products and producers will simply not grow them. **wbm**

Kristy Charles is a freelance writer based in Sonoma County, California.

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