

September 8, 2003

The Honorable Gray Davis
Governor of California
State Capitol Building
Sacramento, CA 95814

RE: SB 245(Sher) - VETO

Dear Governor Davis:

The below signed organizations are opposed to SB 245 (Sher) and respectfully request your **veto** of the bill. This proposal makes it unlawful to raise certain types of fish, including transgenic fish species, in waters of the Pacific Ocean that are regulated by the state. Our opposition stems from the negative precedent the bill sets for California's biotechnology industry by its specifically targeting an individual application of the science.

Regulatory oversight of crops and animals produced through biotechnology is coordinated between three federal agencies: the Food and Drug Administration (FDA), Environmental Protection Agency and the Department of Agriculture and is reviewed by numerous other agencies as deemed appropriate. This oversight holds true to transgenic fish species as well. The FDA evaluates research designs and study results to determine whether transgenic fish are safe for human consumption, for the fish themselves and for use under a range of environmental conditions. Contrary to what the bill's proponents assert, FDA's environmental assessment is conducted with the cooperation of the National Marine Fisheries Service and the US Fish & Wildlife Service under the requirements of the National Environmental Policy Act and the Endangered Species Act.

Further protection is afforded to California's fisheries via regulations adopted by the California Fish and Game Commission earlier this year in regards to the rearing of transgenic fish. Even if the federal regulatory agencies were to approve a species of transgenic fish for commercial rearing and sale, an individual would have to obtain a permit from the Commission prior to doing such in California. The current provisions of these regulations in and of themselves already create a de-facto ban on the raising of transgenic fish species in waters of the state.

In closing, SB 245 does little to further enhance the protection of California's native salmonid species. It does, however, single out a controversial biotechnology application such as transgenic fish for discriminatory treatment. Doing so delivers a damaging message to the hundreds of California-based biotechnology companies and their investors with respect to the state's attitude towards this vital industry and the vulnerability of their research programs to political attack. It is for these reasons we respectfully request your veto of SB 245.

Sincerely,

Aqua Bounty Farms
BIOCOM san diego
California Fisheries and Seafood Institute

Bay Area Bioscience Center
Biotechnology Industry Organization