Prop 37 White Paper

The U.C. Davis School of Law's California Environmental Law and Policy Center (CELPC) has published a new white paper examining California's Proposition 37, formally titled "The California Right to Know Genetically Engineered Food Act." Proposition 37 is an initiative measure that will appear on California's November 6th general election ballot.

The U.C. Davis white paper, which can be accessed **here**, is entitled "California's Proposition 37: A Legal & Policy Analysis." It was authored primarily by CELPC Environmental Law Fellow Miles Hogan (King Hall `12). The report does not argue in favor of or against Proposition 37. Instead, it is intended to serve as an independent and objective analysis of the initiative, to help inform the public debate over the measure and be of use to California voters and interested observers.

Proposition 37 has two key features. First, if enacted it would create the first comprehensive labeling law in the nation for genetically engineered foods. With some exceptions, the initiative would require genetically engineered foods to bear a "clear and conspicuous" label indicating that fact at the point of retail sale to California consumers. Second, Proposition 37 would deem illegal "misbranding" any genetically engineered foods advertised or labeled as "natural," "naturally grown," etc.

CELPC's white paper on Proposition 37 contains several components. First, it provides a detailed, background discussion of the origins of and political impetus for the measure; an overview of genetically engineered food labeling laws in other states and nations; and a survey of past litigation over genetically engineered foods. Second, the report provides a detailed discussion of each of the major features of Proposition 37. Third, the white paper identifies several important ambiguities in the initiative measure, including a number of unresolved legal and policy issues that would likely arise if Proposition 37 is approved by California voters.

Proposition 37 is the most important environmental measure appearing on California's crowded November election ballot. It is attracting national attention as well as millions of dollars in campaign contributions from both supporters and opponents of the initiative. That's because the proponents of Proposition 37 hope, and those opposing the measure fear, that if enacted the initiative will prompt

similar laws in other states and, perhaps, at the national level.

Hopefully, “California’s Proposition 37: A Legal & Policy Analysis” will contribute to a thoughtful public debate over this important initiative.