

DELIBERATE RELEASE

WIDE ACCLAIM FOR NORTH CAROLINA REGULATIONS

WASHINGTON, D.C.—A recently enacted state-level bill to regulate the environmental introduction of genetically engineered organisms is being greeted with widespread enthusiasm—acclaimed by representatives of biotechnology companies and by environmentalists alike. Perhaps that's no surprise since a broadly based, 27-member advisory committee helped draft the North Carolina legislation, which establishes a new Genetic Engineering Review Board within the state Department of Agriculture. According to a survey recently completed by the Industrial Biotechnology Association (IBA, Washington, DC), 16 state-level biotechnology initiatives have been enacted, and legislation is now pending in 29 states. Although those efforts are highly diverse, in general they are "being used to enhance the growth of biotechnology," says IBA president Richard Godown.

The North Carolina law establishes a 10-member Genetic Engineering Review Board with rule-making authority. The board will delegate considerable responsibility to the scientific staff of the state Commissioner of Agriculture. That office can issue permits, and the board is entitled to exempt "classes of activities that would not require individual permits." The new law also specifies a time-frame for decision making, procedures for public notice and partici-

pation, guidelines for maintaining confidentiality of business information, and an appeal process. The law also specifically prohibits passage of county or municipal ordinances governing genetic engineering within the state, and contains a five-year "sunset" clause.

The Association of Biotechnology Companies (ABC, Washington, DC) is touting the North Carolina legislative-drafting process as a "model" for other states to follow in devising biotechnology regulatory initiatives. Bruce Mackler, executive vice president and general counsel of ABC, calls the North Carolina law "momentous"—the consensus approach followed in the state establishes regulatory procedures that put "the emphasis on science, not on the politics." Moreover, the new law has produced "a framework for industry that allows public input." The law "allows public participation, yet does not allow an unreasonable viewpoint to prevail," adds Richard Herrett, government relations scientific liaison for ICI Americas (Wilmington, DE), who served on the drafting committee. "Industry could ill afford to spend millions of dollars on research and development only to see that effort blocked by an individual or an isolated viewpoint."

"Most adverse public reactions to field testing during the brief history

of modern agricultural biotechnology have occurred at the local level," says Loy Newby, director of public affairs for the agricultural division of CIBA-Geigy (Greensboro, NC), which also was represented on the drafting committee. "The existence of state regulation in North Carolina will provide the public with additional confidence."

Because of "serious gaps and inconsistencies" in federal regulatory schemes, state governments "must take the lead" in regulating biotechnology, particularly in screening for potential ecological effects from deliberate release experiments, says Rebecca Goldberg of the Environmental Defense Fund (New York, NY), whose organization also helped draft the new law. Nonetheless, the "impetus for the North Carolina [law] was not the inadequacy of federal regulations," says William Hancock, former chairman of the North Carolina Biotechnology Center (Research Triangle Park, NC) and a former state senator, who helped coordinate the legislative effort. The state law is intended to be "minimally burdensome and consistent" with federal regulations. "The purpose is to reassure the public that biotechnology is proceeding safely in our state...[and that] nothing about the industry gives us concern about imminent peril."

—Jeffrey L. Fox

State Environmental Release Legislation**HAWAII**

H 540, introduced 2/1/89 by James Shon (D). Appropriation for studying the spread of genetically modified organisms or their genes during field testing.

Status: Passed House Committee on Health, with amendments; bill later died in Committee on Finance. Proposal to appropriate funds for this study in the budget bill was not accepted. No further action scheduled.

ILLINOIS

HB 446, introduced 3/2/89 by Jim McPike (D). Requires notification of the state prior to biotechnology field testing.

Status: Passed the House 5/11/89 and the Senate 6/19/89. Awaiting Governor's signature.

MINNESOTA

H 1201, introduced 3/16/89 by Steve Trimble (D). Designates the Environmental Quality Board as state coordinating agency for activities relating to the release of genetically engineered organisms.

Status: Passed the House 5/19/89, incorporated by Senate Finance Committee into S 1083. S 1083 enacted 6/1/89.

S 1143, introduced 3/20/89 by Charles Davis. Regulates the release of genetically engineered organisms.

Status: Incorporated into S 1083, enacted 6/1/89.

NEW JERSEY

S 1802, introduced 1/12/89 by John Dorsey (R). Regulates the release of genetically engineered microorganisms outside the confines of a laboratory.

Status: Referred to Senate Committee on Energy and the Environment. No further action scheduled.

NEW YORK

AB 1151, introduced 1/10/89 by Alex Grannis (D). Creates a commission to review the release of genetically engineered microorganisms into the environment.

Status: Referred to Committee on Health. No further action scheduled.

NORTH CAROLINA (see text)**TEXAS**

H 194, introduced 1/10/89 by Bob Richardson (R). Creates a committee to study the release of genetically engineered organisms.

Status: Died in the House Committee on Science and Technology.

WASHINGTON

S 5448, introduced 1/25/89 by Phil Talmadge (D). Regulates the release and use of genetically engineered organisms in the environment and creates a biotechnology advisory committee to conduct a study assessing the impact of such releases and report its findings to the Governor and legislature.

Status: Referred to Senate Committee on Agriculture. No further action scheduled.

WISCONSIN

AB 14, introduced 1/10/89 by Spenser Black (D). Requires state notification of the release into the environment of genetically engineered organisms.

Status: Enacted 6/2/89.

SOURCE: INDUSTRIAL BIOTECHNOLOGY ASSN.