



The Long View

Climate Change Plaintiffs Advance in Court of Appeals

By Liam Sherlock

On May 4, 2011, two young women and their mothers filed an action in Lane County Circuit Court seeking declaratory relief against the State of Oregon and Governor Kitzhaber (*Chernaik v. Kitzhaber*, Case No. 161109273).

The Complaint alleged that Defendants had breached their fiduciary duty to the citizens, and in particular the youth, of Oregon, by allowing the degradation of certain inalienable natural resources of the State. These resources include rivers, estuaries, wildlife, and the atmosphere.

The Complaint made factual allegations based on recent findings by the Oregon Climate Change Research Institute (OCCRI). In 2007, the Oregon state legislature created OCCRI, which includes more than 150 researchers from regional universities and federal and state laboratories. The OCCRI's mandate is to advance climate change research and to function as a clearinghouse for climate information to the public.

The OCCRI concluded in 2010 that “[t]he human race is profoundly altering the composition of Earth’s atmosphere, chiefly by burning fossil fuels, and there is strong evidence that these changes are responsible for much of the global increase in temperature since the mid-20th century.” The OCCRI has recently predicted that significant increases in average annual temperatures per decade will cause a wide range of adverse impacts that

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threaten Oregon's economy and environment, including:

- a. A reduction of Cascade snow packs by 50 percent by mid-century along with reduced summer precipitation that will result in significant decreases in summer stream flows and water supply;
- b. Impacts to Oregon's \$1.6 billion per year agricultural industry, including drought, disease and limitations on the availability, quality and costs of irrigation water;
- c. Increasing sea levels of at least 2-4 feet and greater storm intensity will result in severe coastal erosion, flooding, loss of beach areas and coastal wetlands, and damage of coastal infrastructure;
- d. Changes to the marine environment including ocean temperature, salinity, and acidity, which can inhibit the formation of calcium carbonate shell and skeletons for marine organisms like oysters and plankton.

Concurrent with the creation of the OCCRI, the State Legislature enacted House Bill 3543. The law sets the *targets* for reducing Oregon's greenhouse gas emissions:

- By 2010, arrest the growth of Oregon's greenhouse gas emissions and begin to reduce greenhouse gas emissions.
- By 2020, achieve greenhouse gas levels that are 10 percent below 1990 levels.
- By 2050, achieve greenhouse gas levels that are at least 75 percent below 1990 levels.

According to the Oregon Global Warming Commission's latest 2011 report to the Legislature, however, while Oregon has made some effort to curtail emissions, "[p]rogress toward Oregon's 2020 and 2050 goals – to reduce greenhouse gas emissions by 10 percent and at least 75 percent below 1990 levels, respectively – remains challenging."

Recognizing that, despite the best available scientific predictions and recommendations, the legislators and regulators in Salem were not likely to pass legislation or create a regulatory scheme with enforceable emissions standards and, consequently, the State's natural resources would continue to unravel, Plaintiffs sought recourse through circuit court to declare that the State's inadequate response to the growing threat of climate change violated the public trust doctrine.

This ancient body of law was first articulated under Roman emperor Justinian in the 5th Century AD and held that the sea, the shores, the air, and the running water were common to everyone and could not be appropriated for private use. This doctrine became the law in England and subsequently was incorporated into the common law of the United States as first recognized in Illinois Central Railroad v. Illinois, 146 U.S. 387 (1892). In that case, the Illinois Legislature had granted a large section of the Chicago harbor to the Illinois Central Railroad. A later legislature sought to re-

voke the grant. The court held that the public trust doctrine prohibited the state government from alienating the public right to the lands under the state's navigable waters.

Oregon courts have likewise held that "navigable waterways are a valuable and essential natural resource and as such all people have an interest in maintaining them for commerce, fishing and recreation. * * * As representative of the people, the sovereign bears the responsibility to preserve these rights." *Brusco Towboat Co. v. Oregon*, 30 Or App 509 (1977). As the trustee of Oregon's natural resources, the State must protect them from "substantial impairment." *Morse v. Division of State Lands*, 285 Or 197 (1979) (State may not make a grant to "a private party which results in such substantial impairment of the public's interest as would be beyond the power of the legislature to authorize")

In the present Oregon case, prior to filing its Answer, the State moved to dismiss the action on various grounds, including that the court lacked jurisdiction under the Declaratory Relief Act, and that any relief granted would violate the separation of powers and political question principles.

Honorable Karsten Rasmussen, the trial court judge, granted the State's motion on all points and dismissed the case. Plaintiffs appealed. The Court of Appeals reversed, finding that the Declaratory Judgments Act confers power on the court to declare the law regardless of the source of law. The Court further held that:

[P]laintiffs are entitled to a judicial declaration of whether, as they allege, the atmosphere "is a trust resource" that "the State of Oregon, as a trustee, has a fiduciary obligation to protect * * * from the impacts of climate change," and whether the other natural resources identified in plaintiffs' complaint also "are trust resources" that the state has a fiduciary obligation to protect. The answers to those questions necessarily will inform the court's determination whether plaintiffs are entitled to any of the other relief they request.

Chernaik v. Kitzhaber, 248 Or App 463, 481 (2014). On remand, Plaintiffs are awaiting Defendants' Answer to the substantive allegations that the public trust doctrine requires conservation of trust resources, that those resources are threatened by climate change, and that the State has an affirmative duty to provide Plaintiffs with an accounting of the status of those resources as well as a plan for their protection. ■

Liam Sherlock is a shareholder with the Eugene firm Hutchinson Cox Coons Orr & Sherlock and one of Plaintiffs' attorneys in Chernaik v. Kitzhaber.

Guardians for Future Generations

By Jesse Matsukawa

Threats to future generations, including climate change, present unprecedented, unique challenges that require creative new solutions. Consequently, several governments around the world have created a new position, a Guardian for Future Generations. The Guardian protects the interests of future generations by scrutinizing the actions of the other branches of government, taking complaints from the citizens, and, in some circumstances, overseeing government plans to address climate change and sustainable development. The position currently exists in Hungary and Finland and is being proposed in Wales. Studying their structure provides an opportunity for the policy makers in the United States to consider the benefits and feasibility of creating an office here.

The Hungarian Model

The Hungarian Guardian advocates for future generations in two main ways. First, the Guardian evaluates the decisions of other government agencies, determining if the actions take into account the needs of future generations, especially in relation to sustainability and combatting climate change. This power acts not as a legislative veto, but more as an Environmental Impact Statement, requiring more analysis from the corresponding government agencies. Second, the Guardian investigates complaints by the public.

The Guardian possesses the power to investigate all government offices to answer the public's questions relating to the environment. The Guardian then releases an annual report to the public which details how the government is addressing the public's environmental concerns.

The exercise of these powers have resulted in the protection of a World Heritage site and the preservation of Hungary's public water utilities. Unfortunately, these protections caused some political backlash, and the Hungarian Parliament downgraded the Guardian's position to Deputy Ombudsmen.

The Finnish Model

Finland's government employs the Guardian strategy through the Ministry of the Environment, and uses a series of goals with a set of metrics to protect future generations. The Ministry sets out a series of sustainability goals including: sustainable work; sustainable local communities; a participatory society for citizens; equal prospects for well-being; a carbon neutral society; a resource-wise community; respect for the carrying capacity of nature; and decision making that promotes biodiversity and sustainable use of natural resources.

Each of these goals promotes sustainability, and, thus, protects the interests of future generations. To ensure the goals are more than rhetoric, the Finnish government has created a series of monitoring indicators to determine how much progress is being made on these various goals.

For example, the goal of having a carbon neutral society is determined by examining energy consumption; share of renewable energy; total greenhouse gas emissions; and carbon intensity. This detailed plan allows for the public to track progress towards a more sustainable Finland.

The Welsh Model

The Wales government's proposal would combine the Finnish model and the Hungarian model together. Currently, the Office of Commissioner for Sustainable Futures promotes sustainability throughout Wales, but has no power to investigate or critique other government programs. The proposal would rectify this, by giving the Commissioner the power of the ombudsmen for future generations. The proposal first requires other government agencies to submit to sustainability goals and implementation plans for them. The Commissioner would evaluate these plans, and offer suggestions to help improve them, similarly to the Hungarian model.

To ensure transparency and the functionality of the programs, reports would be published for the public, using metrics to indicate progress being made towards sustainability, like the Finnish model. If the proposal passes, the Welsh government may provide the most modern and integrated model for an American counterpart.

The Importance of the Office

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The Guardians for Future Generations provide an important and novel service to the citizens they serve. They connect the public to government, ensuring that the environmental concerns of the public are heard. Further, by advocating for future generations, Guardians provide a much needed check on their governments, preventing them from ignoring long term consequences for short

term gains. Additionally, by providing concrete metrics by which to judge progress towards sustainability, governments are held accountable to the public and to future generations. Such a position in American state or local governments could provide citizens with environmental protection and transparency in government. ■

Jesse Matsukawa is 3L at Lewis and Clark Law School, studying environmental law. He greatly enjoyed working for the Sustainable Future Section this past summer as an intern.

Are Livestock Animal Welfare and Environmental Sustainability Compatible?

By Marie Burcham

Animal welfare and environmental sustainability in farming practices have become increasingly important to consumers. The demand for products made with concern for animal welfare, in particular, has also prompted the creation of independent food labeling systems. Because product labeling is one of the factors in a consumer's choice of products to purchase, labeling is a good marketing area for companies focusing in special sectors like grass-fed beef, pasture-raised eggs, or organic dairy products. However, one has to consider whether a "humane" label also makes claims of sustainability – and if humane treatment of livestock is compatible with environmental sustainability at all.

For animal products, there are several sources for labeling and other certifications, in addition to the USDA's "organic" requirements. Some of these food labels are certified by an independent audit, while others are based on the claims of the organization or farmer without third party verification. Common independent labels include the Global Animal Partnership, Animal Welfare Approved, American Humane Certified, and Humane Certified. These labeling standards differ in their emphasis and coverage, and the consumer usually has to go out of the way to find detailed information on the certification processes. This is a disadvantage to using product labels: consumers may assume that a stamp of approval from an organization means something that it does not.

A close examination of the requirements for a given welfare rating system can highlight the potential incompatibilities between sustainable livestock production and good animal

welfare. Pork production provides a good example of possible conflicts between animal welfare and sustainability, as there are serious animal welfare considerations present for pigs raised in industrial confinement operations. Some of the welfare concerns include overcrowding, floors that prevent natural behaviors like rooting, and the use of gestation crates for breeding sows which keep them from turning around for the majority of their lives. However, pigs are also harsh on pasture land as their rooting tears up the ground, and very few pig breeds do well on an all-grass diet, requiring that other food be brought in for them. The land use issue is always present as well: a parcel of pasture land offering maximum animal welfare consideration will produce less pork than its industrial counterpart.

For an animal welfare labeling system to take sustainability

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"Where environmental sustainability conflicts with animal welfare, what side should we land on?"

into account, certain welfare or sustainability concerns may be compromised. There are numerous examples of these compromises throughout animal welfare rating systems: most current labeling schemes allow nose rings or disks to be used on pastured pigs to prevent destructive digging. Other schemes allow livestock treatment – including how long the animals can be confined – to depend on local environmental conditions, which may not be for the animals' benefit. Nonetheless, it is more common to see sustainability concerns compromised, since most rating systems focus on animal welfare. For example, few labeling systems support the exclusive use of native vegetation, since American grasses cannot provide adequate nutrition for the popular European-based livestock breeds. While most rating systems reward farmers for using rotational pasture systems, many also allow for a certain amount of the land to become denuded, causing runoff and other environmental issues.

Despite these concerns, if consumers take a close look at the externalities of industrial animal agriculture, it becomes clear that the industrial livestock production has systemic sustainability issues, despite industry claims of efficiency through confined feeding operations using less land and growing animals quickly. For example, there are enormous costs, both monetary and environmental, involved in feeding livestock soy, hay, and grain products, including the dedication of huge portions of farmland to animal feed and the use of chemical fertilizers.

Is there a way that we can have both animal welfare and sustainability issues addressed in our food systems without one overshadowing the other? Where environmental sus-

tainability conflicts with animal welfare, what side should we land on? A simple answer would be to allow the consumer to choose, and let market forces influence the demand for both sustainable and humane products. However, this strategy does not take into account that consumers may not recognize that sustainability and animal welfare may not be compatible in a particular rating system.

Ultimately, the high consumption rate of animal products in the United States drives the industrial animal complex. It is difficult to imagine how to produce all the meat an average individual consumes, particularly as human population expands, in a way that is both affordable and environmentally sustainable. For systems that focus on animal welfare rather than efficiency, land use is a real concern if demand is to be met. For those consumers that care about both sustainability and animal welfare while still choosing to eat meat, labeling systems are an easy way to support specific products and farmers working toward a balance between the two causes. The way that consumers and producers view animal products in relation to issues like welfare and sustainability seems to be evolving as more labels come onto the market. While animal welfare labeling seems to be gaining in popularity, this trend does not necessarily mean that meat production is becoming more sustainable. With informed consumers, and labeling standards based on an awareness of the deeper issues and understanding of acceptable compromises, animal welfare and sustainability need not be incompatible. ■

Marie Burcham is an attorney interested in finding and forging connections between science and the law.

Section News

2014-2016 Partners in Sustainability

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Opinion

Why You Should Vote NO YES on Measure 92

By John A. DiLorenzo, Jr.

The authors of Measure 92 say the measure is founded on the proposition that consumers have a “right to know” whether the food they purchase is produced with genetic engineering so that consumers may make informed decisions. The measure states that labels will provide informed consent and prevent consumer deception. And, the measure promises in its statement of purpose, to establish a “consistent” standard for labeling and thus provide Oregonians knowledge of how their food is produced.

Measure 92 does not live up to its promises.

Unlike other labeling laws, this measure is so poorly designed it won’t tell consumers what is in their food. It is so poorly written and fraught with ambiguity that in some cases the courts will ultimately have to decide which products are subject to the labeling requirements and which are not. Measure 92’s complex web of labeling requirements and exemptions will mislead the public rather than inform them. And, it will raise food prices overall in a way and at a time that Oregonians can least afford.

First, Measure 92’s labeling requirements do not consistently apply to “all” foods. The definitions in the measure (Section 3) refer to ORS Ch. 616 and incorporate that chapter’s definition of food: “Articles used for food or drink, including ice, for human consumption . . .” Although not apparent from the four corners of the measure itself, the measure also, by operation of ORS 616.330, exempts from the definition of food, all alcoholic beverages.

Section 3(3) of the measure provides further exemptions from the measure’s labeling requirements, by defining packaged foods as “any food offered for retail sale **other than raw food and food served, sold or provided ready to eat in a bake sale, restaurant or cafeteria.**” [emphasis added].

Importantly for consumers who are seeking information about which foods contain “GMO” ingredients and which do not, the measure exempts two-thirds of our typical food and beverage expenditures. For instance, as noted above, food sold in restaurants and in cafeterias is not to be labeled – even when it is made with or contains genetically engineered ingredients.

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By George A. Kimbrell

Right now Americans in every state are working to secure the mandatory labeling of genetically engineered foods, which have been subject to significant controversy since their introduction in 1996. Polls regularly show that over 90% of Americans support mandatory labeling. Unfortunately, unlike six-four countries across the globe—including all of the European Union, Japan, New Zealand, and many others—the United States’ federal government has so far declined to require labeling for genetically engineered foods, leaving the public in the dark about whether the foods we buy are transgenic.

Into this breach, state-required labeling efforts have proliferated, in the venerable “states-as-laboratories” tradition of American federalism. In 2013 and 2014, more than thirty states introduced legislation requiring the labeling of genetically engineered foods, totaling over seventy separate bills. Connecticut and Maine passed labeling laws in 2013, albeit with clauses tying their effective dates to similar laws in other states. Earlier this year, however, Vermont became the first state to pass a stand-alone labeling law, which goes into effect in 2016. Advocates are also going directly to the people: In 2012, a California labeling ballot initiative was narrowly defeated—51.4 percent to 48.6 percent—and in 2013, a Washington state initiative lost by only 38,000 votes—51 percent to 49 percent. This Fall, the labeling tide continues to rise, with voters in both Oregon and Colorado set to vote on labeling ballot initiatives in November.

Why is there a nationwide furor for labeling? Because Americans are increasingly aware that most processed foods, and a few whole foods, are now produced through genetic engineering, without labeling. Further, they correctly conclude that the omission of this basic fact of production is misleading and deceptive, or, at best, confusing.

Americans are also increasingly aware of the vast chasm between industry’s hype and the reality of genetically engineered crops. For example, on the human health side, the public is realizing that the U.S. Food and Drug Administration does not actually “approve” the food safety of genetically engineered foods. Instead FDA only has confidential meetings with industry in which the agency reviews the industry’s own testing—and even that limited review is merely volun-

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...continued....Why You Should Vote on Measure 92

NO

Alcoholic beverages produced in part with genetic engineering are not to be labeled. And by the proponents' own statements, even if cows are fed genetically engineered feed, the meat and dairy products derived from them are not required to be labeled. This is hardly a "consistent" standard as promised by the measure.

Which particular foods are covered and which are not is also quite nebulous. While alcoholic beverages are exempt due to the application of ORS 616.330, non-alcoholic beer would have to be labeled if it was produced in part with genetic engineering – but alcoholic beer would not. Pizza in a grocery store would be labeled if its cooking oils were derived from genetic engineering. But the same pizza at a pizza parlor would not be labeled due to the application of Section 3(3) of the measure. What about the pizza that is delivered? Is it sold or provided "ready to eat" in a restaurant? Or is it sold at the consumer's door? The measure does not address that situation.

A can of soda in a grocery store will need a label if it contains sugars derived from GE sugar beets or corn syrup from GE corn. But the same soda from a dispenser at a restaurant would not require a label. What about the soda can in a vending case? Does labeling depend on whether the product is consumed on the premises or not? The measure does not address this issue nor the hundreds of other circumstances which will no doubt arise. Those will all have to be addressed by the courts.

The labels themselves will be misleading. If GE labeling is introduced, consumers will fairly assume that the absence of a label will mean there is no genetic engineering involved in the manufacture of the product. That will be untrue for many foods, especially those consumed by seniors in senior centers, school children in cafeterias, patients in hospitals, families in restaurants and fast food outlets, and as mentioned previously, for meat and dairy products derived from animals that have been raised and fed on genetically engineered feeds, as well others.

The labeling requirements in Section 4 and 5 of the measure are also notable for what they do not do. They differ from every other labeling law because they do not tell consumers which ingredients are genetically engineered or what percentage of the products contains GE content, if any – leaving the consumer to guess. Many ingredients such as sugars or oils which may have been derived from GE crop varieties actually do not themselves contain any GE content. Is it the sugar or the corn starch or the soy which triggers a genetic engineering label? How much GE content is actually present in the food product (if any)? This measure does not aid the consumer in

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YES

tary. Americans are also realizing that there have been no long-term or epidemiological studies in the U.S. that examine the safety of human consumption of genetically engineered foods, and that without labeling, there is no accountability or traceability to link such foods to proliferating public health problems.

On the environmental side, Americans are recognizing that genetically engineered crops are a key cog in the inherently unsustainable industrial agriculture paradigm and cause significant adverse environmental impacts. Among other things, agricultural biotechnology is at its core a pesticide-promoting technology: genetically engineered crops are overwhelming engineered to be resistant to pesticides. Accordingly, genetically engineered crops have dramatically increased agriculture's overall pesticide output into our environment.

On the agricultural side, transgenic contamination of traditional crops from engineered crops has caused U.S. farmers literally billions of dollars in lost markets. And the widespread adoption of crops engineered for pesticide resistance has created an epidemic of pesticide-resistant "superweeds" now covering more than 60 million acres of American farmland. The industry's "solution" to this epidemic? More and more toxic pesticides: the newest genetically engineered crops proposed for commercialization are resistant to 2,4-D (a component of Agent Orange) and Dicamba.

Juxtaposed against these health risks and environmental harms, Americans have discovered that genetically engineered crops offer them no benefits: despite billions of dollars in research and nearly two decades of commercialization, there still are no engineered crops that increase crop yields, help reduce world hunger, mitigate global warming, or benefit the public in cost, nutrition, or other ways. Instead, the chemical companies that genetically engineer crops have largely succeeded only in making these crops resistant to their own products—pesticides.

The bottom line is that Americans reasonably believe, at minimum, that they deserve the right to choose whether to buy genetically engineered foods. In other words, they think they are entitled to the same rights that are already provided to the European, Russian, Japanese, and Chinese customers of U.S. food corporations. Labeling is not an attempt to stop the advance of science and technology, but rather an effort to preserve the right of free choice and transparency in the marketplace and create a healthier, more sustainable food supply. Requiring genetically engineered foods to be labeled will not adversely impact any company's ability to conduct new, forward thinking research. In fact, if future genetically engineered products claim to offer benefits to consumers, labeling

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...continued....Why You Should Vote on Measure 92

NO

answering those questions.

Measure 92 also provides for an extreme zero tolerance threshold for products that may have been produced with genetic engineering. Section 4 of the measure states that “all raw food and packaged food that is entirely or partially produced with genetic engineering must be labeled according to the provisions of the measure and provides that the food is “otherwise misbranded if that fact is not disclosed.” This provision provides zero tolerance for foods which may have been made in any part by utilizing genetic engineering – even if there is no “genetically engineered” content in the final food product. The consequence of this zero tolerance is designation of the food as “misbranded,” a term of art which triggers a cascade of consequences.

Section 6 of the measure allows the Attorney General to bring action for injunctive relief and permits citizen suits unless the materials produced by genetic engineering do not account for more than nine-tenths of one percent of the total weight of the food. However, the 0.9% threshold only relates to injunctive relief and not the other remedies permitted under ORS Ch. 616.

ORS 616.215 prohibits misbranding. The zero threshold in Section 4 results in many foods being “misbranded” if GE labels are not present. ORS 616.305 allows a district attorney to prosecute anyone who misbrands. Misbranding carries criminal penalties (ORS 616.992) and fines up to \$10,000 per day (ORS 616.997). The nine-tenths of one percent threshold does not apply to these penalties.

Finally, Measure 92 will surely raise food prices. The Independent Legislative Revenue Officer for the State of Oregon recently issued a report in which he unequivocally stated that food prices will go up as a result of this measure. We believe that the average family of four will suffer increases between \$350 and \$500 annually for food. We must be mindful that over 800,000 Oregonians are on the federal food stamp program today. Over 655,000 of our neighbors are at the federal poverty level. Those families of four at the federal poverty level in our state that will see their food prices rise by between \$350 and \$500 each year are only making \$23,850 annually as it is. Too many families in Oregon simply cannot afford Measure 92.

Measure 92 is poorly drafted. The labels it requires will mislead consumers. It is at the same time over inclusive and under inclusive and it will raise food prices. It is no wonder that the Independent Citizens Initiative Review Committee recommended a “no” vote on Measure 92. We should all do the same. ■

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YES

provides these companies with an opportunity to distinguish their products in the marketplace. Of course, no beneficial products currently exist.

Faced with this reality, the industry has fought to stem the tide of progress on labeling at all costs, including pouring unprecedented fortunes into lobbying. Lobbying disclosures show expenditures of over \$80 million between 2012 and the first quarter of 2014 just on opposing labeling. In 2012 and 2013, in order to narrowly defeat the California and Washington state ballot initiatives, industry spent lavishly—over \$68 million total—smashing state initiative spending records.

Food industry lobbyists realize that it is a losing proposition for them to outright oppose labeling, because polls show that over 90% of Americans favor it. So, using its massive financial advantage to monopolize airtime, Big Food tries to poke niggling holes in the language of initiatives, as they will here in Oregon this fall. Under this desperate strategy, industry alleges that state labeling laws are poorly written or are uneven in their scope, despite being consistent with international labeling standards. And that labeling will increase food costs, even though there is no evidence of that and food companies change labels regularly. Or that labeling in the U.S. is enormously burdensome for companies, even though the same multinational corporations already comply with similar laws in dozens of other countries. Make no mistake, it is all a façade: these trivial, indirect criticisms demonstrate that industry lacks a legally or analytically substantive argument against labeling. And that means we will eventually prevail.

All Americans have the right to know if their food is produced with genetic engineering. Because the federal government has so far failed the public, it is up to states to lead the way. As Justice Brandeis famously explained over eighty years ago, one of federalism’s chief virtues is that “a single courageous State may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.” For example, the organic label, which also started at the state level in Oregon before developing into a national standard, is but one closely analogous instance where states led the way and the federal government eventually followed. Other notable examples include ending child labor, establishing minimum wage laws, and regulating global warming-causing emissions.

Opponents of labeling thus struggle against the great weight of our democratic process. Eventually, all Americans will receive the labeling they seek and deserve. It is not a matter of if, only when. The time for Oregonians is now: Vote yes on Measure 92. ■

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...continued....Why You Should Vote on Measure 92

Mr. DiLorenzo is an attorney who has been involved in public policy issues for more than 25 years. He has extensive experience in litigation, public policy, initiatives and referendums, and agricultural issues. He has authored and been a primary advocate for major legislation in the areas of state and local taxation, farming, tort reform, natural resources and economic development. Mr. DiLorenzo has been selected by Best Lawyers as Portland's "Lawyer of the Year" in Government Relations and a "Best of the Bar" award recipient by Portland Business Journal. He also serves on the Oregon Bar Commission.

Mr. DiLorenzo is a partner with Davis Wright Tremaine in Portland.

George Kimbrell is senior attorney for the Center for Food Safety (CFS), a nationwide public interest organization dedicated to addressing the impacts of industrial agriculture on health and the environment, see www.centerforfoodsafety.org. A pillar of CFS's mission is the protection of transparency in our food and agricultural system, through labeling and other means. Mr. Kimbrell's litigation and policy practice areas include, as relevant here, genetically engineered organisms and food labeling. He co-authored Measure 92, as well as labeling ballot initiatives in Washington and California. Mr. Kimbrell is also an adjunct professor of law at Lewis & Clark Law School, where he teaches food and agriculture law. The ideas expressed above are his own.

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The Long View

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