



THE CENTER FOR  
FOOD SAFETY



The Ocean  
Conservancy

June 15, 2004

Dr. Ed Pert  
Chief, Fisheries Program Branch  
Department of Fish and Game  
1812 Ninth Street  
Sacramento, CA 95814

**RE: One Year Review Transgenic Aquatic Animal Regulations**

Dear Mr. Pert:

The Center for Food Safety (CFS) and the Ocean Conservancy (TOC) appreciate the opportunity to submit comments regarding the one year review of the transgenic aquatic animal regulations. CFS and TOC have a large number of members and constitutes in California. CFS and TOC, along with its members and constituents, are concerned about the introduction of transgenic aquatic animals into the state through commercialization and research use and commend the Fish and Game Commission and the Department of Fish and Game (hereinafter Commission/Department) for becoming the national leaders in adopting comprehensive and precautionary transgenic fish regulations. CAL. CODE REGS. tit.14, §§ 1.92, 671.1.

CFS recommends that the Commission/Department not modify any part of the current transgenic fish regulations. These regulations have already proven to be extremely valuable in preventing the commercialization of transgenic fish, and subsequent invasion into California's fragile ecosystems, without a thorough public review and assessment.

Although the GloFish was allowed to be sold in 49 states without public review and comment, California's regulations prevented these fish from being sold here.<sup>1</sup> Other states, realizing that the GloFish entered their states with no regulatory oversight, are now trying to catch-up to California's standards. See NY S6537 and A10315 (2004)

California should continue to be the leader in preventing the harmful introduction of transgenic fish. California has already recorded more varieties of exotic species

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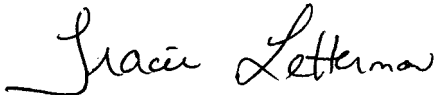
<sup>1</sup> Although California is proposing to exempt the GloFish from its regulations, we encourage the Commission/Department to scientifically scrutinize these fish further before making this significant regulatory change.

introductions than any other state. See Pam L. Fuller, et al., Nonindigenous Fishes Introduced Into Inland Waters Of The United States, 2, U.S. Geological Survey (1999)(explaining that California has recorded 162 nonindigenous fish taxa). Once transgenic fish invade California's ecosystems, the impacts are predicted to be severe. A recent laboratory study confirms the aggressive and competitive nature of transgenic fish. This study shows transgenic salmon out competing their wild relatives to the point of extinction. Robert H. Devlin, et al., Population effects of growth hormone transgenic coho salmon depend on food availability and genotype by environment interactions at <http://www.pnas.org/cgi/doi/10.1073/pnas.0400023101> (2004). Due to the harm predicted to be caused by transgenic fish, California cannot risk loosening these regulations

The floodgates for unimaginable types of transgenic fish are opening and therefore, it is not the time to weaken the regulatory standards for transgenic fish. Soon there will be more and more varieties of transgenic aquatic aquarium and food fish on the market. To ensure that each genetic variety of these fish are scrutinized by the public before these fish are allowed in California, it is imperative that the Commission/Department retain the current regulation and thereby, continue to be the national leader in preventing transgenic fish from entering the state.

Sincerely,

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Fish Program Director



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