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August 27, 2003

The Honorable Gray Davis
Office of the Governor
State Capitol, First Floor
Sacramento, CA 95814

Dear Governor Davis:

On behalf of the Biotechnology Industry Organization (BIO), I am writing to express strong opposition, and ask for your veto of California Senate Bill 245. This legislation would make it "unlawful to spawn, incubate, or cultivate any species of finfish belonging to the family Salmonidae, transgenic fish species, or any exotic species..." The portion of the bill addressing transgenic fish is unnecessary and inconsistent with the policies that have earned California its reputation as a world leader in biotechnology research and development. This bill does little more than send a negative message about biotechnology without furthering the environmental interests of the state.

The effect of the proposed legislation would directly contradict California's historically strong support of biotechnology. As you know, California is the birthplace of the modern biotechnology industry. The state has more biotechnology companies than any other state or, for that matter, any other country in the world. The passage of this legislation will be tantamount to the state condemning specific types of biotechnology research and development – an action that runs counter to everything the state has done in the past 20 years to support the industry.

Moreover, S.B.245 puts into place unnecessary restrictions.
Transgenic fish under development are already being thoroughly

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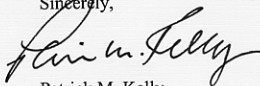
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scrutinized for consumer and environmental safety. The Food and Drug Administration, Environmental Protection Agency, U.S. Department of Agriculture, U.S. Fish and Wildlife Service, and the National Marine Fisheries Service will each have regulatory authority to evaluate the safety and ecological impact of such fish. We feel it is imperative that California not enact this legislation without the results of a comprehensive regulatory review by the above-mentioned agencies.

This bill will have a negative impact on the biotechnology industry in California: we strongly encourage you to veto SB 245. BIO is a national trade organization representing more than 1,000 companies, universities, research institutions, state biotechnology associations, and affiliates. We represent more than 250 member companies in California and work closely with BIOCOM, the California Healthcare Institute, and the Bay Area Bioscience to represent the more than 1,000 California-based biotechnology companies. Collectively, our members are working on applications for biotechnology in human and animal healthcare, agriculture, and the environment.

Again, we urge you to veto this onerous legislation. If you or your staff have any questions or need additional information, please contact me at 202-962-9200 or by e-mail at pkelly@bio.org. Thank you for your consideration.

Sincerely,



Patrick M. Kelly
Vice President, State Government Relations
Biotechnology Industry Organization

cc: BIOCOM, Joe Panetta
California Healthcare Institute (CHI), David Gollaher
Bay Area Biotechnology Center (BayBIO), Caitlyn Waller