

## Federal court appears likely to preempt Hawaiian counties' GMO ordinances

**The GLP aggregated and excerpted this blog/article to reflect the diversity of news, opinion and analysis.**

On June 15, 2016, the U.S. Court of Appeals for the Ninth Circuit heard oral arguments in three related bids to invalidate separate Hawaiian county ordinances. The counties of Maui and Hawaii ban the cultivation of genetically engineered crops or plants, while Kauai County requires that cultivation of . . . GMOs be annually disclosed to the county. Opponents allege that the ordinances are preempted by state and federal statutes and regulations governing agriculture and "plant pests." Three separate federal district courts found that the ordinances were preempted, causing the counties, or their interested intervenors, to appeal to the Ninth Circuit.

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. . . [T]he panel seems inclined to invalidate at least the more restrictive Maui and Hawaii ordinances. However, since the judges seemed anxious to avoid an overly broad holding, the court might write its opinion in a way to limit its practical effect. Even so limited, any holding that invalidates the ordinances would restore the type of regulatory uniformity that is essential for nationally engaged businesses, and perhaps also deter localities in other states from following Maui, Hawaii and Kauai's lead.

**Read full, original post:** [At Oral Argument, Ninth Circuit Appeared Poised To Preempt Hawaii 'GMO' Ordinances](#)