



COMMUNITY FOOD INITIATIVES

Who We Are



Community Food Initiatives (CFI) is a 25 year-old social benefit organization serving Southeast Ohio. Our Mission is to foster communities where everyone has equal access to healthy, local food.

Programs Include:

- Community Gardens
- Garden & Culinary Workshops
- School Gardens & Youth Education
- Donation Station
- Discovery Kitchen
- Ridge & Hollow Seed Alliance

Ridge & Hollow Seed Alliance



"Seed is not just the source of life. It is the very foundation of our being."
-Vandana Shiva

Building upon years of work with regional seed savers, Ridge & Hollow Seed Alliance is dedicated to increasing food security for future generations by supporting the preservation of regionally adapted, open-pollinated seeds.

We partner with skilled growers to make locally hardy seeds available in retail locations to the public.

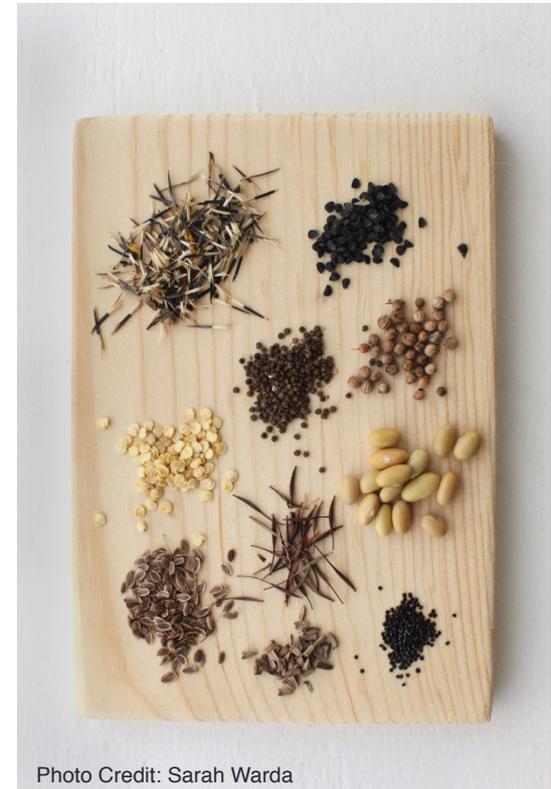


Photo Credit: Sarah Warda

Seed to Sustainability Workshop Series



- Partnership supported by Ohio State University Initiative for Food and AgriCultural Transformation (InFACT)
 - *Provide professional training for seed savers and plant breeders*
 - *Establish foundation for a state-wide seed savers coalition*
 - *Expand opportunities and reduce barriers for small-scale seed producers*
- Supported by faculty from Ohio State University, Ohio University, and Antioch College
- Partnership support from the Cleveland Seed Bank, Rural Action, and the Ohio Ecological Food and Farm Association

What's Coming Up Next?

State-Wide Seed Savers Coalition Conference Call

- Report findings from project
 - Review and discuss steps to update Ohio's seed laws
 - Explore how to address needs of seed savers
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- **SEO Seed Exchanges: February and March 24th in Athens OH**

An Introduction to Seed Policy

Community Food Initiatives



Why Policy Matters

Who Is Impacted

- Stewards
- Exchanges/Swaps
- Libraries
- Banks
- Companies

Acknowledgements

- Beth Bridgeman,
Antioch College
- David Francis,
The Ohio State University
- Jack Loomis,
Vermont Law School

Colonial Times

- Seed Production mainly among Agricultural Elites



1839

- Commissioner of Patents secured funding to collect and distribute free agricultural seed nationally



1855

- Over 1 million seed packets sent via mail to citizens from the Patent Office



1862

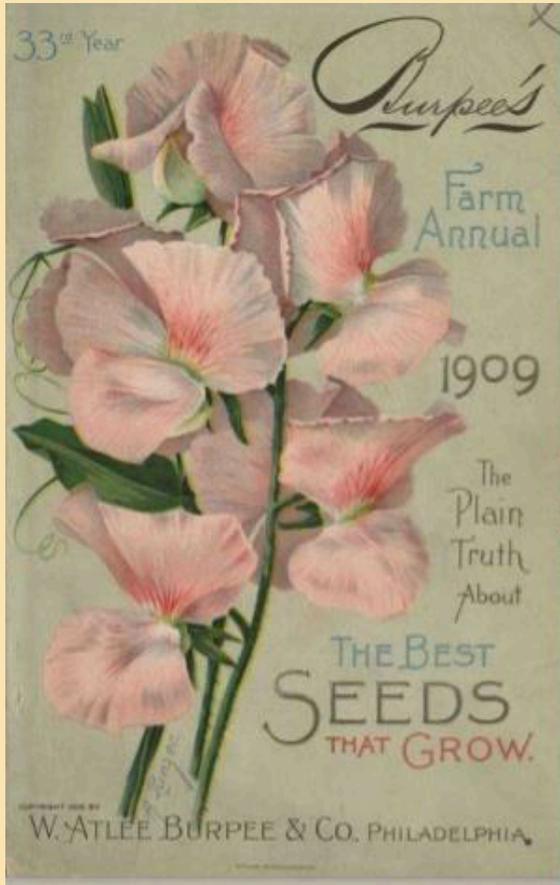
- Patent Office is succeeded by creation of the U.S. Department of Agriculture (USDA)
- 30% of the USDA budget was dedicated to collecting and distributing seeds

1877

- Now over a third of the USDA budget supporting free seed distribution programs
- Start-Up Seed Companies begin forming

1883's

- American Seed Trade Association forms, made of private seed companies
- They were intent on lobbying Congress to end the free seed distribution program



Inspecting ears of hybrid seed corn, Reinbeck, Iowa, Sept. 1939.
Photo by Arthur Rothstein for the FSA.

Early 1900's

- Gregor Mendel's work on genetics and heredity leads to hybridization
- Among other benefits, this created product protection for the start-up seed companies and plant researchers



1924

- USA Seed Distribution program ends



1930

- Plant Patent Act passes, making it possible to patent new asexual plant varieties



1939

- Federal Seed Act requires accurate labeling and purity standards for seeds in commerce

1970

- Plant Variety Protection Act passes, creating prohibition commercial use of certain unique seed varieties



1980

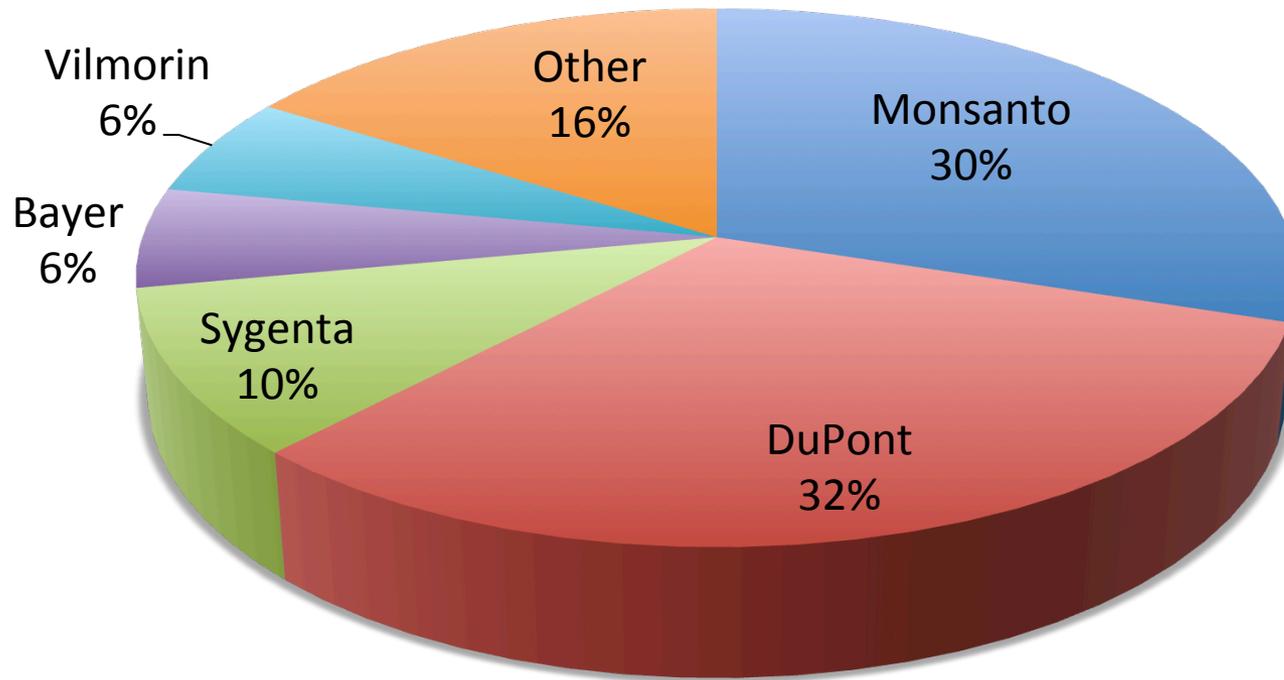
- US Supreme Court allows the genetics of plants to be patented



2000

- Plant Protection Action passes
 - Requires accurate labeling, purity standards and prevention transmission of weed seed and seed-borne pathogens

2012: Three Companies Control 72% of Seed Industry Internationally



Most International Corporations in the Seed Industry are focused on developing varieties that can work in tandem with the chemical fertilizers and pesticides and other products, and protecting their property through hybridization and patents.

Who is in Charge of What? The Seed Regulators



Federal USDA Animal and Plant Health Inspection Service



Department of
Agriculture

Ohio Revised Code Chapter 907: AGRICULTURAL SEED (907.01-907.17; <http://codes.ohio.gov/orc/907>)



Ohio Seed Improvement Association: Tests and certifies seed

The Limitations

- **Plant Variety Protected (PVP)**
 - Granted by the USDA, protects unique varieties by prohibiting unauthorized commercial use, and remain in effect for 20 years
 - Seeds from PVP varieties CAN be saved and used on your farm but NOT shared or sold
- **Patent**
 - Granted by the US Patent and Trademark Office based on variety attributes (not genetics)
 - Seeds can only be used for production and CAN NOT be saved, re-planted, shared, or sold in any way. Patents remain in effect for 20 years
 - They can be used in breeding programs
 - They can't be granted for tuber-produced crops (potatoes, Jerusalem artichokes)
- **Utility Patent**
 - Granted by the US Patent and Trademark Office based on attributes including genes, traits, methods, plant parts, or varieties
 - Seeds can only be used for production and CAN NOT be saved, re-planted, shared, used in breeding programs or sold in any way. Patents remain in effect for 20 years

RUSSL to the Rescue: Setting Standards

- **Association of American Seed Control Officials (AASCO)** consists of seed regulatory officials from the United States and Canada, organized in 1949.
- AASCO updates the **Recommended Uniform State Seed Law (RUSSL)** which they developed and maintain as a "model" law for states and federal programs.

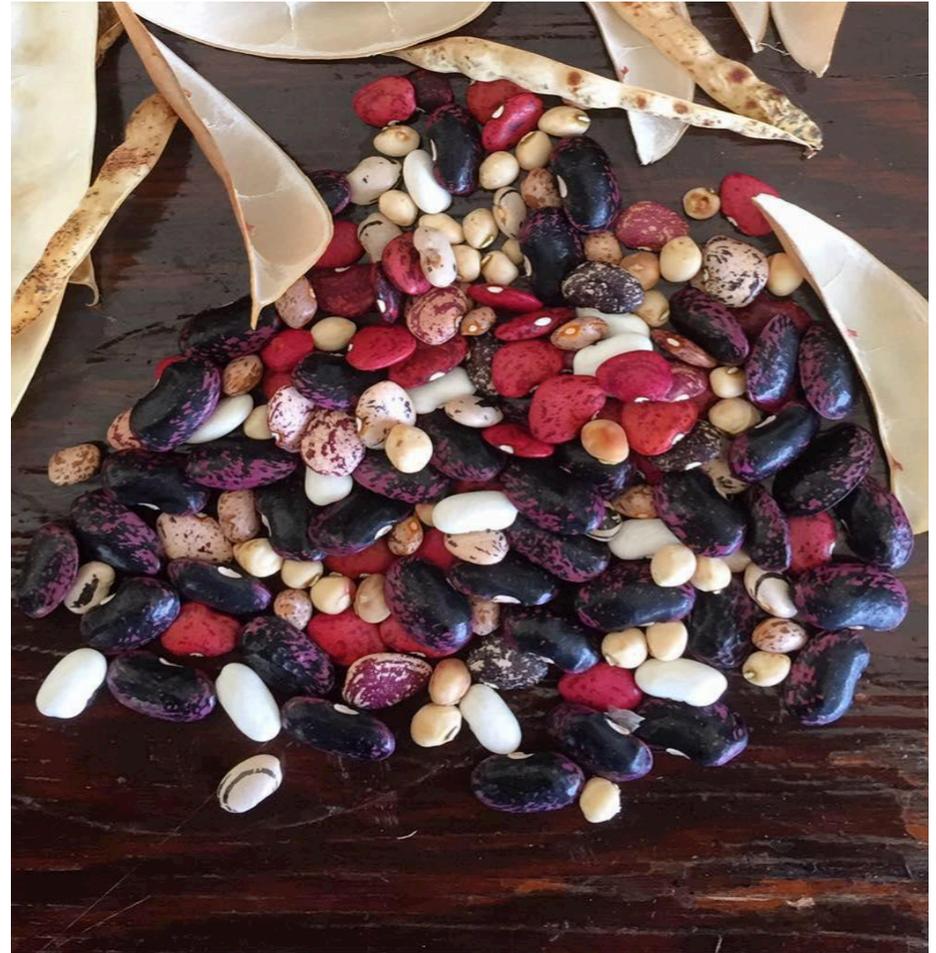
RECOMMENDED UNIFORM STATE SEED LAW
(<http://www.seedcontrol.org/russl.html>)



The Ohio Law

- The current language of the Ohio Revised Code law on seeds includes all seed sharing activity as sales, whether or not money changes hands.
- Requires:
 - Certification from the state of all seeds
 - Specific label requirements
 - Record Maintenance
 - Restrictions on use of certain words, advertising, labeling, sales
 - Report of all seed sales to the state
 - Provide samples of all seeds to the state for inspection and analysis
- This means that seed libraries, seed banks and seed exchanges are technically breaking the laws in Ohio
 - Following RUSSEL offers some protection
 - Join Ohio Seed Savers Coalition to advocate for changes

Note: Officials aren't out to get local seed exchangers, but are required by law to intervene.



The Opportunities

Diversity is Not All Lost-Just out of Circulation

USDA National Plant Germplasm System

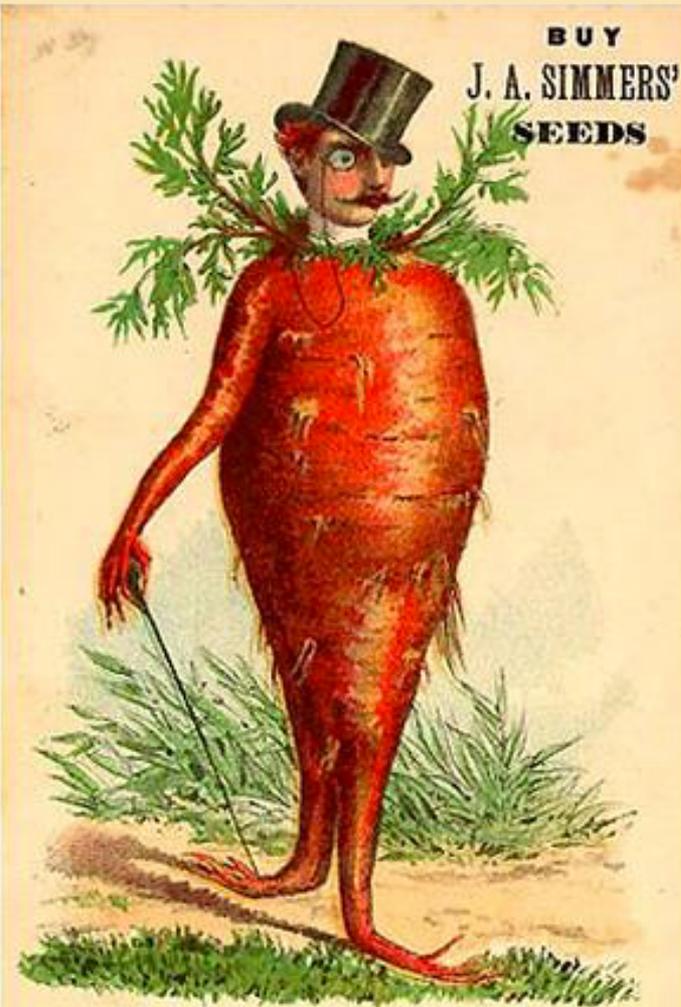
- **Germplasm** is a collection of genetic resources. Germplasm is living tissue from which new plants can be grown. It can be a seed or another plant part – a leaf, a piece of stem, pollen or even just a few cells that can be turned into a whole plant.
- Searchable website to help locate open pollinated varieties
- You can place an order and get free seeds in the mail! (sound familiar?)

Open Source Varieties

- Open Source Seed Initiative



What About the Little Guy? What We Need to Know



Know Your Seed

Is it a patented or protected variety?

Seed Cleaning

Treating to Prevent Seed Borne Pathogens

Germination Testing

Federal Standards for each plant type

For retail distribution, seeds must be tested every 9 months unless stored with hermetic seal (vacuum seal)

Storage

Needs to be cool, dry, and have insect and rodent protections (desiccant, no-pest strip)

Labeling for Non-Commercial Use

1. The name of the species
2. Statement indicating if the seed has been treated
3. Reference identification that provides traceability
4. Name and city or address of the non-commercial seed sharing entity
5. Calendar month and year the seed was packaged

Liability Protection

A legible and visible sign shall state that the seeds being distributed may not meet germination or varietal purity standards prescribed by the state seed law. The sign must also state that patented seed or varieties protected by the Plant Variety Protection Act will not be accepted or distributed without permission of the certificate holder.

Don't like the law? Let's Change It!

The Sustainable Economies Law Center Can Help.

Recommendations Include

- Redefine “sell” to reflect the plain meaning of the word and remove the potential for this word to include non-commercial seed sharing.
- Exempt non-commercial seed sharing from:
 - Labeling requirements
 - Seed labeler’s permits and fees
 - Record maintenance requirements
 - Exempt micro-enterprises (sales under \$10,000) from requirements as above

Minnesota, California, Nebraska, and Illinois have all succeeded in changing their seed laws. We can, too!



Resources to Improve Compliance

Verify plant protected or patented status:

<http://www.ars-grin.gov/cgi-bin/npgs/html/pvplist.pl>

Germination Testing Standards:

<https://www.law.cornell.edu/cfr/text/7/201.31>

Seed Cleaning and Storage Information:

https://www.carolinafarmstewards.org/wp-content/uploads/2012/05/SeedProcessingandStorageVer_1pt3.pdf



Seed Material Resources

Open Source Seeds

www.osseeds.org/seeds/

Germplasm Resources

<https://www.ars-grin.gov/npgs/>

All Presentations from Seed to Sustainability Workshop Series

<https://communityfoodinitiatives.org/presentationhost.net/news-events/resources.html>



Questions?

THANK YOU!

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