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2016 REVISIONS TO CALIFORNIA SEED LAW ENACTED BY AB 2470, CHAPTER 294, STATUTES OF 2014

BACKGROUND

According to a July 2011 report by the *National Geographic*, “Food Ark,” in the United States an estimated 90 percent of our historic fruit and vegetable varieties have vanished. Of the 7,000 apple varieties that were grown in the 1800s, fewer than a hundred remain. In the Philippines thousands of varieties of rice once thrived; now only up to a hundred are grown there. In China 90 percent of the wheat varieties cultivated just a century ago have disappeared.ⁱ

Public access to seeds has been decreasing since a 1980 United States Supreme Court ruling that a life form can be patented.ⁱⁱ

Due to a growing public recognition of the spiraling loss of seed diversity, seed libraries and other forms of protecting heirloom seed have been steadily gaining popularity, with more than 400 seed libraries currently documented in the United States.ⁱⁱⁱ A seed library houses a local community’s collection of seeds in a public place and serves as a community-based organization offering public free access to seed.

Preservation of heirloom and organic seed plays a critical role in local food security and a healthy supply of food for all citizens of the State and around the globe.

Chapter 294 of 2014 prohibits a city, county or district, including a charter city or county, from adopting or enforcing a local ordinance regulating plants, crops or seeds without prior approval by the Secretary of the California Department of Food and Agriculture.

Chapter 294 also restricts non-commercial exchange of seed by narrowly defining “neighbor” to mean a “person” who lives in close proximity, not to exceed three miles, from another, for purposes of sale, exchange, barter or trade of agricultural seed, with a net effect of severely restricting seed libraries, seed banks and other forms of non-commercial seed exchange.

PROPOSAL SUMMARY

- 1) Repeal provisions of the California Seed Law requiring prior approval by the Secretary of California Department of Food and Agriculture of enactment or enforcement of any local ordinance (proposed by a city, county or district) to regulate plants, crops or seed.
- 2) Remove arbitrary geographic limits on non-commercial seed exchange contained in the California Seed Law with a net effect of severely restricting seed libraries, seed banks and other forms of non-commercial seed exchange.
- 3) Remove “corporation” from the definition of “person” in the California Seed Law.

- 4) Strengthen access by State government to independent intellectual resources available to the State through CA's world class public academic and science-based research entities to assist in maximizing the success of California agriculture and seed industries.

ⁱ Siebert, Charles, "Food Ark," National Geographic, July 2011 <http://ngm.nationalgeographic.com/2011/07/food-ark/siebert-text>

ⁱⁱ United States Supreme Court: Diamond v. Chakabarty (1980), No. 79-136, Argued: March 17, 1980; Decided: June 16, 1980, "Find Law for Legal Professionals," <http://caselaw.findlaw.com/us-supreme-court/447/303.html>

ⁱⁱⁱ "Is Sharing Seeds Illegal In Your State?" Creative Commons, Food Tank, May 8, 2015 <http://foodtank.com/news/2015/05/is-sharing-seeds-illegal-in-your-state>