



Legal education, research, advice, and advocacy for just and resilient economies
1428 Franklin Street | Oakland, CA 94612 | www.theSELC.org

The Seed Democracy Advocacy Toolkit

You've rolled up your sleeves, planted some seeds, even attended a seed swap to encourage local seed sharing. Now, it's time to roll your sleeves back down and flex your citizen muscles to create laws and policies that protect and promote seed sharing.

Sustainable Economies Law Center has supported and successfully advocated for changes to 4 state seed laws between 2014 and 2016. Over the course of our campaign, we've developed a handful of essential documents and resources to empower others to engage in similar efforts around the United States.

This toolkit contains several sample documents we've created over the course of the Save Seed Sharing campaign that you can use to raise awareness, build support, and effectively advocate for changes to your state's seed law that promote seed saving and sharing and protect our seed commons.

What's inside?

- **Seed Advocacy FAQs** – If you've never engaged in policy advocacy before, these FAQs will answer some common questions and help you start down the right path.
- **Sample Bill Summary** – A one-page summary is essential when you are raising awareness about a policy and are shopping it around to legislators who are potential authors for the bill.
- **Sample Legislation** – While your bill will have to be uniquely tailored to your state's seed law, this sample contains language for all of the relevant sections that might exist, and can be easily formatted to fit your state's law.
- **Sample City Council Resolution** – One effective tactic to build statewide support for a bill is to have local city or town councils adopt resolutions in favor of your bill and direct their lobbyist to support the legislation. It's also a great way to involve community members and allies in other parts of the state.
- **Sample Letter of Support** – During the legislative process, you will need to gather written support from many stakeholders to show legislators and committee staff that there is broad support for the bill. This sample letter has been successfully used in previous seed advocacy campaigns.

SEED DEMOCRACY ADVOCACY FAQs

Q. Who should I talk to first?

A. If your city or town has a seed library, regular community seed swap, seed bank, or other seed sharing organization, you should talk to them first. Tell them you support seed sharing and that you are interested in advocating for policies that support seed sharing. Some of the people you meet may not be aware that your state has a seed law that might restrict seed sharing, and they will appreciate you for sharing this information with them. If your city doesn't yet have any seed sharing organizations, then call your city councilor and ask to meet with her to explain why you think the city should support the creation of a seed library.

Q. Who else should I talk to?

A. A key part of successful advocacy is building collective power. Working with others who share similar visions and goals will not only motivate you, but also build a stronger support structure for your advocacy efforts. Community gardens, master gardeners, local farmers, community development organizations, food security organizations, anti-hunger organizations, are just some of the groups that will likely share your vision for a more resilient local food system that is based on collective free access to the seed commons. Call these people and tell them that you want to start a seed library, support your existing seed library, or grow the seed sharing movement locally.

Q. How do I approach local elected officials?

A. Pick up the phone and call them! Now, you may not get to speak to them the first go around (or maybe you will!), but be sure to let the staff person know that you are a constituent in the representative's district and that you would like to speak to her about a community-based project that will benefit the rest of the city. Representatives tend to have busy schedules, so when you do get an opportunity to speak with one be sure you have a clear message to share. Consider printing out a summary of the points you want to make to give to her when you meet. In short, be ready to explain the issue, why the city should support your efforts, and what she can do to help.

Q. Who do I approach at the state level?

A. State legislators tend to be less available than local elected officials and also have more constituents to respond to, but remember that they still work for you. The first person you should reach out to at the state level is your representative. This person has a direct interest in listening to and meeting with constituents, so you'll have the most luck getting a meeting with this person. You can also consider reaching out to the Chairperson of the Agriculture Committees in the state legislature, since they will likely have an interest in issues related to seed regulation and sharing.

Q. Is it better to write/call/e-mail, or visit my state representative?

A. When you first contact your legislator, it's probably best to call **and** send an e-mail. You can call your state legislator's office and ask to speak with her/him, but you will probably not get through directly. Instead, the staffer will ask you what issue you are calling about and will direct your call to the appropriate staffer who works on that issue. In this case, you will likely be directed to the staffer who works on agriculture issues. Tell them why you want to speak with your legislator, give them your contact information, and ask for their contact information. Then, follow up with an e-mail directed to your legislator and the staffer you spoke with to recap the phone call and request a meeting. If you are

contacting your legislator simply to support a specific bill, then you can simply call their office and say which bill you are requesting the legislator's support for, why you support it, and that you are a constituent located in their district.

Q. I'm not sure what to say when I meet with my representative?

A. Once you've scheduled a meeting with your local elected official or state legislator, make sure you prepare for the meeting. Here's a list of things to do *before* your meeting:

- **Read** through your state's seed law (use our [Seed Law Tool Shed](#) to start). Learn how the law might restrict seed sharing activities.
- **Identify** two or three key reasons why seed sharing is important to you, personally, and to your organization or coalition. Be ready to explain these reasons clearly.
- **Ensure** that any action you request from the representative is within their authority. For example, a city councilor cannot introduce a state law to exempt seed sharing from the state's seed law. Likewise, a state legislator cannot change the department of agriculture's enforcement practices. But, a city council can pass a local resolution, a state representative can introduce a bill, and the Director of the state department of agriculture may have enforcement discretion.
- **Bring** written materials that you can leave with the representative or her staff.

Q. What if I don't know the answer to a question?

A. That's OK. You don't need to be an expert in order to be an effective advocate. It's always good to acknowledge if you don't know that answer to a question instead of making up an answer on the spot and not being accurate. You can offer to find out the answer and get back to the representative or staff person who asked you the question. This raises another important point. It's very helpful to have a coalition of interested people to work with, because different people bring different skills, knowledge, expertise, and experience with them. When you're working in a coalition, even if you don't know the answer to a particular question it's likely that someone else in the coalition does! Just be sure to confer with everyone else attending the meeting beforehand about who will cover what issues. You want to be on the same page going into the meeting.

Q. What do I do after the meeting?

A. Follow up! In addition to sending a thank you note for meeting with you and your partners, follow up on the substance of the meeting and any next steps that were identified. Stay in regular, but not overly invasive, contact with the staff person assigned to your issue and ask if there are any ways that you can help going forward.

Q. Are there other government agencies that I should speak to?

A. Yes, there might be. In most states, the state department of agriculture regulates seeds and will have a seed program manager. You should be able to find out who this person is by visiting your state's department of agriculture website. Of course, you can also call the state department of agriculture and ask for the contact information for the person in charge of the seed program. Once you have their contact information, you can send them an email or give them a phone call to share your comments and thoughts about why seed sharing should not be regulated the same as seed sales. Keep in mind that this person will likely be aware of the issue already, so you probably do not have to provide too much background. Instead, spend your time explaining why regulating seed libraries and seed sharing will cause harm to you or your community and be sure to explain that the benefits of seed sharing outweigh any perceived risks. Like with all phone calls and emails to government officials, try to be brief, specific, and polite.

SAMPLE BILL SUMMARY

SEED EXCHANGE DEMOCRACY ACT

SUMMARY

The Problem: In 2014, several states, including Pennsylvania, Minnesota, Nebraska, and Maryland, places legal restrictions on seed sharing by demanding that seed libraries comply with burdensome testing and labeling regulations designed for commercial seed companies. In California, the seed law contains vague language that could be construed to restrict non-commercial seed sharing. Testing and weighing requirements would place an undue burden on the resources of nonprofit seed libraries and make it impossible for them to operate as community-based, often volunteer-run, organizations.

Seed libraries, and other forms of community-based seed sharing, offer free seeds to communities to grow their own food, learn seed saving skills, and encourage home-scale food production. In the face of several challenges to the resilience of our food system, particularly climate change and a dramatic 90% decline in plant genetic diversity in the last century, community-based seed sharing is a vital tool for strengthening local food systems by conserving locally adapted, genetically diverse seeds. Yet, **[insert your state's]** state seed law contains vague language that creates legal uncertainty about its applicability to existing seed libraries and exchanges throughout the state. These requirements, intended to regulate commercial transactions, inadvertently create an undue financial and practical burden on community-based seed sharing initiatives because of the amount of seeds required for testing, the cost of testing and labeling, and the scale at which community-based seed sharing happens.

The Solution: Remove legal barriers for communities to establish free seed sharing activities and organizations. This policy proposal explicitly exempts non-commercial seed sharing activities, like seed libraries, exchanges, and swaps, from regulation under commercial state seed laws. This amendment to state seed laws will maintain a safe commercial seed supply while removing undue labeling, permitting, and testing burdens in the law that currently inhibit the community-based seed sharing community.

Thus far, at least four other states (California, Illinois, Minnesota, and Nebraska) have already passed similar legislation with broad, bipartisan support.

PROPOSAL

- Appropriately redefine “sell” in the state seed law so that noncommercial seed sharing does not fall within the scope of the law.
- Declare the state seed law’s intent to regulate commercial seed sales, not noncommercial seed sharing.
- Promote seed sharing and equitable access to healthy food by removing burdensome labeling, testing, and registration requirements for in-state noncommercial seed sharing.

Contact Information: **[Insert Responsible Contact Person’s Name]**
[Insert E-Mail Address]
[Insert Phone Number]

SAMPLE LEGISLATION

SEED EXCHANGE DEMOCRACY ACT

An amendment to the *[INSERT STATE HERE]* state seed law

SECTION 1. Findings and Declarations

The people find and declare the following:

- (a) The official legislative purpose of the state seed law is to protect consumers who purchase inadequately or illegally labeled seed in the commercial marketplace and to promote fair competition.
- (b) The sharing of seeds between individuals of facilitated by noncommercial seed sharing entity is a voluntary, community-based activity that does not take place within a marketplace and does not involved a commercial transaction.
- (c) Noncommercial seed sharing activity contributes significant value to the health of our communities and to the resilience of our food system by preserving local seed biodiversity, cultural heritage, and natural resources for the common benefit of the people.

SECTION 2. Definitions

In this chapter:

- (a) “Noncommercial seed sharing” means the receiving or giving away of seed without the creation of a contractual obligation to receive anything of value in return. Noncommercial seed sharing does not include receiving, storing, or distributing patented seed.
- (b) “Sell” means to offer, expose, or possess for sale in a commercial transaction.

SECTION 3. Label requirements for Noncommercial seed sharing

Each container of seeds distributed for sowing purposes through noncommercial seed sharing shall bear, or have posted in a conspicuous place, a plainly written or printed label or tag with the following information:

- (a) The name of the species or commonly accepted name or kind or variety of each seed present. Hybrids shall be labeled as hybrids.
- (b) Name of the noncommercial seed sharing entity, if applicable.
- (c) Calendar month and year the seed was donated.

SECTION 4. Violations

For purposes of this section, anyone determined to be engaging in noncommercial seed sharing shall not be subject to the criminal prosecution or monetary fines for violations of any other section of this chapter.

SAMPLE CITY COUNCIL RESOLUTION

[CITY NAME] CITY COUNCIL

RESOLUTION NO.

Introduced by: ***[COUNCILMEMBER NAME]***

RESOLUTION SUPPORTING SEED SAVING WITHIN THE CITY OF *[CITY NAME]* AND REQUESTING CITY STAFF TO SUPPORT CHANGES IN STATE SEED LAW TO ALLOW SEED SHARING WITHOUT COST OR GERMINATION TESTING

WHEREAS, the City of ***[CITY NAME]*** wishes to promote access to healthy food for all citizens; and

WHEREAS, Article 25 of the United Nations Declaration on Human Rights recognizes that every person has the right to food; and

WHEREAS, seed libraries are nonprofit repositories of seed for the benefit of the public where free seed is distributed to promote seed sharing, provide increased access to healthy food, educate about seed saving skills, strengthen local food security, improve the health of our community members, preserve and promote our local biodiversity, celebrate local varieties that are important to our community's cultural heritage and provide seed that is locally adapted to local soils and climate; and

WHEREAS, gardening is a healthy activity supporting food access and promoting physical activity; and

WHEREAS, humans have a history of sharing seeds that created and supported civilizations for over 10,000 years; and

WHEREAS, in the US, we have lost over 90% of the vegetable varieties grown 100 years ago; and

WHEREAS, the three largest seed companies control over 50% of the market share in commercial seeds; and

WHEREAS, the current industrial model of agriculture relies on a few, patented varieties of seeds to produce the majority of the food in our food system, putting our food system at considerable risk; and

WHEREAS, seed libraries and seed sharing have been able to preserve fruit and vegetable varieties that have historical and cultural significance to communities; and

WHEREAS, many locally adapted varieties are only available through seed libraries and not through commercial seed companies; and

WHEREAS, local seeds adapted to local soils and climate make our bio-regional food system more resilient; and

WHEREAS, the City of **[CITY NAME]** supports strategies to strengthen community food assets, including community gardens, seed banks, seed libraries, community kitchens, and community-supported agriculture farms; and

WHEREAS, the official legislative purpose of the **[STATE NAME]** Seed Law is to protect consumers who purchase seed inadequately or illegally labeled seed and to promote fair competition; and

WHEREAS, the sharing of seeds between individuals or facilitated by seed libraries is a voluntary, community-based activity that does not take place within a marketplace and does not involve a commercial transaction; and

WHEREAS, seed libraries do not “sell” seeds, as that term is commonly defined, nor are the members of seed libraries “customers”; and

WHEREAS, there are nearly **[#]** seed libraries in **[STATE NAME]** and at least **[#]** seed libraries in **[CITY NAME]**; and

WHEREAS, the **[#]** seed libraries located in the **[location of seed libraries in your city]** have disbursed over **[####]** packets of seeds to hundreds of library patrons over the past three years; and

WHEREAS, the seed libraries offer seed saving classes to educate members on best practices for saving seed and water conservation; and

WHEREAS, seed libraries protect our food supply and seed libraries can play an important role in strengthening our communities’ access to healthy food; and

WHEREAS, seed libraries and seed sharing facilitate access to healthy, locally grown food in communities where little may be available; and

WHEREAS, many members of the community cannot afford to meet their family’s food budget; and

WHEREAS, seed sharing enables people to grow and feed wholesome food to their families and by saving seed they can ensure their food supply in the future; and

WHEREAS, seed libraries and seed sharing protect and encourage seeds that have cultural and historical significance; and

WHEREAS, there are over 450 seed libraries in the United States with the longest one being in operation for over 15 years; now, therefore, be it

RESOLVED: That the City of **[CITY NAME]** supports and encourages the ongoing 10,000-year legacy of seed sharing between community members without legal barriers of labeling fees and germination testing; and be it

FURTHER RESOLVED: That the City Council of **[CITY NAME]** supports and encourages the efforts of seed libraries to facilitate sharing of locally grown and saved seed; and be it

FURTHER RESOLVED: That the City of **[CITY NAME]** supports the work of our seed libraries –in working with educators and community organizations to support seed saving, educate community members about the value of seed sharing, develop best practices to grow seed saving skills, and encourage voluntary and accurate seed labeling; and be it

FURTHER RESOLVED: That the City Council of **[CITY NAME]** supports **[BILL NUMBER]** - the Seed Exchange Democracy Act - that supports the sharing of seeds between individuals and through seed libraries by removing application of any labeling, testing, and permitting requirements to interpersonal or seed library seed sharing; and be it

FURTHER RESOLVED: That the City of **[CITY NAME]** directs the city’s legislative liaison to communicate its support for **[BILL NUMBER]** to other municipalities, counties and the state of **[STATE NAME]**.

IN COUNCIL, **[CITY NAME]**, **[STATE NAME]**,

PASSED BY THE FOLLOWING VOTE:

AYES -

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

City Clerk and Clerk of the Council of
the City of **[NAME]**, **[STATE NAME]**

SAMPLE LETTER OF SUPPORT

[DATE]

TO: [Insert Legislator's Name & Address]

RE: Support for Seed Exchange Democracy Act

Dear [Insert Name],

I am writing [on behalf of (Insert organization name here)] to express support for the Seed Exchange Democracy Act.

Noncommercial seed sharing initiatives, often referred to as *seed libraries*, offer free seeds to the public as a way of increasing food literacy through education, encouraging healthy diets, promoting self-sufficiency by teaching seed saving, and preserving seeds as common cultural resources. There are over 500 such initiatives in the United States, and nearly **[Insert number of seed sharing initiatives in your state]** in **[Insert your state name]**. These initiatives promote an important public good - the health and wellbeing of the public.

Currently, the state seed law stands in the way of these community based initiatives. Originally passed as a consumer protection statute for farmers, the law's outdated language creates a legal barrier to the ability of seed libraries to operate in the state. The seed law requires anybody who "sells" seed to register, test, and label their seeds in accordance with the law. *Unfortunately, the definition of "sell" is so broad that it includes even noncommercial sharing of seeds.* This was not the intent of the law, nor should it be enforced this way - but until the law is changed to reflect its intended focus on commerce, noncommercial seed sharing initiatives exist in a legal gray area where they are subject to changing regulatory interpretations.

[Insert a few sentences about your/your organization's specific interest in seed saving and why seed sharing is important to you/your organization. Be sure to mention if you are a constituent in the legislator's district.]

Since the passage of the state seed law, the landscape of our food and seed system has drastically changed. Now, multinational companies claim ownership of the majority of seeds in the marketplace (the 3 biggest control 55% of the market). Simultaneously, we've lost nearly 90% of plant genetic diversity, globally. The seed law is as important as ever, yet *it is outdated* with respect to noncommercial seed sharing initiatives. The Seed Exchange Democracy Act updates this law to protect and promote responsible community seed stewardship.

[Insert one or two sentences describing the specific change the bill makes to the state seed law.] The bill will create the conditions for seed libraries and other noncommercial seed sharing initiatives to operate and grow in communities across the state and provide residents with free access to seeds, and through the seeds, healthy and affordable food.

Thank you for considering my comments and your strong leadership in passing the Seed Exchange Democracy Act.

Sincerely,

[Insert your name and title]

[Insert organization name, if applicable]