



Food and Agriculture
Organization of the
United Nations



The International Treaty
ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

**Views, Experiences and Best Practices as an example of possible options for
the national implementation of Article 9 of the International Treaty**

Note by the Secretary

At its [second meeting](#) of the Ad hoc Technical Expert Group on Farmers' Rights (AHTEG), the Expert Group agreed on a revised version of the [template](#) for collecting information on examples of national measures, best practices and lessons learned from the realization of Farmers' Rights

This document presents the updated information on best practices and measures of implementing Article 9 of the International Treaty submitted by the United States of America on 30 July 2019.

The submission is presented in the form and language in which it was received.

Template for submission of

Measures, Best Practices and Lessons Learned from the Realization of Farmers' Rights as set out in Article 9 of the International Treaty

Federal Seed Act

Basic information

- Title of measure/practice **Federal Seed Act**
- Date of submission **July 30, 2019**
- Name(s) of country/countries in which the measure/practice is taking place **United States**
- Responsible institution/organization (name, address, website (if applicable), e-mail address, telephone number(s) and contact person) **U.S. Department of Agriculture**
- Type of institution/organization (categories) **Government**
- Collaborating/supporting institutions/organizations/actors, if applicable (name, address, website (if applicable), e-mail address, telephone number(s))

Description of the examples

Mandatory information:¹

- Short summary to be put in the inventory (max. 200 words) including:
 - Implementing entity and partners
 - Start year
 - Objective(s)
 - Summary of core components
 - Key outcomes
 - Lessons learned (if applicable)

The Federal Seed Act (FSA) (7 U.S.C. 1551–1611) is a truth-in-labeling law that ensures the accuracy of plant genetic resources used by farmers. Federal enforcement actions typically involve the assessment of a monetary penalty against seed companies that ship mislabeled seed in violation of the law. The FSA requires that seed shipped in interstate commerce be labeled with information that allows seed buyers to make informed choices. Seed labeling information and advertisements pertaining to the seed must be truthful. The FSA helps promote uniformity among state laws and fair competition within the seed trade.

- Brief history (including starting year), as appropriate

In the beginning of the 20th century, Congress became aware of several low quality or adulterated seed kinds being imported into and circulated within the United States. In fact, USDA estimated that over 20 percent of the seed traded within the United States was misrepresented or adulterated. In 1939, Congress with strong support from cooperating States, authorized the framework for the modern-day Federal Seed Act (FSA) which established rules for testing, labelling, and advertising of agricultural and vegetable seed. Today the FSA serves as the backbone for seed marketed in the United States by ensuring truthful labelling and fair competition in the seed industry.

- Core components of the measure/practice (max 200 words)

¹ This mandatory information is required in order for the measure/practice to be included in the Inventory.

USDA Agricultural Marketing Service (AMS) maintains comprehensive market monitoring and enforcement programs within the seed industry to ensure varietal labelling, noxious weed seed content, and other quality determinations are truthfully represented on seed labels. Cooperative work agreements between USDA and each of the 50 State departments of agriculture allow USDA AMS to train, authorize, and direct the FSA related activities of more than 500 State seed inspectors nationwide at no cost. These cooperative partnerships facilitate USDA AMS's comprehensive monitoring of over 3000 locations in even the most remote locations within the country. By cooperating with USDA AMS, States are able to hold out-of-state companies accountable for the seed they sell to farmers and families within their jurisdictions.

- Description of the context and the history of the measure/practice is taking place (political, legal and economic framework conditions for the measure/practice) (max 200 words)

The Federal Seed Act (7 CFR Part 201) (1) prohibits interstate transportation of agricultural or vegetable not bearing a label prescribed by the Act and regulations, (2) establishes that only properly certified seed shall bear certified labels, (3) authorizes the Secretary of Agriculture to inspect records required to be kept by seed companies concerning the quality and handling of seed, (4) prohibits false labelling and advertising, (5) prohibits the shipment of seed into a state containing noxious weed seed prohibited from sale in the State, and (6) prohibits the sale of non-certified seed of a variety for which a plant variety protection certificate specifies sale only as certified.

- To which provision(s) of Article 9 of the International Treaty does this measure relate
Art. 9.2b

Other information, if applicable

- Please indicate which category of the Inventory is most relevant for the proposed measure, and which other categories are also relevant (if any):

| No. | Category | Most relevant ² | Also relevant ³ |
|-----|---|----------------------------|----------------------------|
| 1 | Recognition of local and indigenous communities', farmers' contributions to conservation and sustainable use of PGRFA, such as awards and recognition of custodian/guardian farmers | | |
| 2 | Financial contributions to support farmers conservation and sustainable use of PGRFA such as contributions to benefit-sharing funds | | |
| 3 | Approaches to encourage income-generating activities to support farmers' conservation and sustainable use of PGRFA | | |
| 4 | Catalogues, registries and other forms of documentation of PGRFA and protection of traditional knowledge | | |
| 5 | In-situ/on-farm conservation and management of PGRFA, such as social and cultural measures, community biodiversity management and conservation sites | | |

² Please select only one category that is most relevant, under which the measure will be listed.

³ Please select one or several categories that may also be relevant (if applicable).

| | | | |
|----|--|---|--|
| 6 | Facilitation of farmers' access to a diversity of PGRFA through community seed banks ⁴ , seed networks and other measures improving farmers' choices of a wider diversity of PGRFA. | | |
| 7 | Participatory approaches to research on PGRFA, including characterization and evaluation, participatory plant breeding and variety selection | | |
| 8 | Farmers' participation in decision-making at local, national and sub-regional, regional and international levels | | |
| 9 | Training, capacity development and public awareness creation | | |
| 10 | Legal measures for the implementation of Farmers' Rights, such as legislative measures related to PGRFA. | X | |
| 11 | Other measures / practices | | |

- In case you selected 'other measures', would you like to suggest a description of this measure, e.g. as a possible new category? _____
- Objective(s)
- Target group(s) and numbers of involved and affected farmers⁵
- Location(s) and geographical outreach
- Resources used for implementation of the measure/practice
- How has the measure/practice affected the conservation and sustainable use of plant genetic resources for food and agriculture?
- Please describe the achievements of the measure/ practice so far (including quantification) (max 200 words)
- Other national level instruments that are linked to the measure/practice
- Are you aware of any other international agreements or programs that are relevant for this measure/practice?
- Other issues you wish to address, that have not yet been covered, to describe the measure/practice

Lessons learned

- Describe lessons learned which may be relevant for others who wish to do the same or similar measures/practices (max 250 words).
- What challenges encountered along the way (if applicable) (max 200 words)
- What would you consider conditions for success, if others should seek to carry out such a measure or organize such an activity? (max 100 words)

Further information

Link(s) to further information about the measure/practice

⁴ Including seed houses.

⁵ Any classification, e.g. of the types of farmer addressed, may be country-specific.