



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  
Submitted by Contracting Parties and Relevant Organizations**

*Note by the Secretary*

*This document presents the views, experiences and best practices on the implementation of Farmers' Rights, as set up in Article 9 of the International Treaty submitted by the United States of America on 29 June 2018.*

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

## **Examples of U.S. Measures to Realize Farmers' Rights as set out in Article 9 of the International Treaty on Plant Genetic Resources for Food and Agriculture**

Recently the Ad Hoc Technical Expert's Group was formed and charged with:

- (1) producing an inventory of national measures that may be adopted, best practices and lessons learned from the realization of Farmers' Rights, and
- (2) based on the inventory, to develop options for encouraging, guiding and promoting the realization of Farmers' Rights.

Article 9.2 of the International Treaty on Plant Genetic Resources for Food and Agriculture provides that Parties should, as appropriate and in accordance with national legislation, take measures to protect and promote Farmer's Rights, including: 1) protection of traditional knowledge related to genetic resources for food and agriculture (GRFA); 2) the right to participate in sharing benefits arising from their use; and 3) the right to participate in making decisions relative to the conservation and sustainable use of GRFA.

The United States has implemented Farmers' Rights in a variety of different ways. Many programs are funded or governed at the federal level, with some implementation aspects designated to the individual states. Others are purely run at the state level.

### **Federal**

- Agricultural Conservation Easement Program

Administered by USDA's Natural Resources Conservation Service, [ACEP](#) provides financial and technical assistance to help conserve agricultural lands and limit non-agricultural uses of the land.

- Conservation Reserve and Conservation Reserve Enhancement Program

[Both programs administered by the Farm Service Agency of the USDA](#) help farmers preserve environmentally sensitive land. The programs work by providing annual payments to farmers in exchange for removal of environmentally sensitive land from agricultural production, as well as planting species that improve environmental quality.

- Crop Insurance

Administered by the USDA Risk Management Agency, the Federal Crop Insurance Corporation (FCIC) promotes the economic stability of agriculture through a sound system of crop insurance and providing the means for the research and experience helpful in devising and establishing such insurance.

- Environmental Quality Incentives Program

[EQIPs is administered through the USDA's Natural Resources Conservation Service](#) and aims to help farmers confront agricultural challenges such as weather and pests. The voluntary program provides farmers with financial resources and one-on-one help to plan and implement improvements that lead to cleaner water and air, healthier soil, and better wildlife habitats all while improving agricultural operations.

- Farm Loans

The [USDA Farm Service Agency](#) makes and guarantees loans to family farmers and ranchers to promote, build, and sustain family farms in support of a thriving agricultural economy.

- Farm to School

Many state's partner with the [National Farm to School Network](#), to increase access to local food and nutrition education to improve children's health, strengthen family farms, and cultivate vibrant communities.

- Farmers' Markets

The [USDA Farmers Market Promotion Program](#) promotes increased domestic consumption of, and access to, locally and regionally produced agricultural products, and to develop new market opportunities for farm and ranch operations serving local markets by developing, improving, expanding, and providing outreach, training, and technical assistance to, or assisting in the development, improvement, and expansion of, domestic farmers markets, roadside stands, community-supported agriculture programs, agritourism activities, and other direct producer-to-consumer market opportunities

- Federal Advisory Committees

The U.S. government has several federal advisory committees that provide opportunities for farmers to participate in making decisions, relative to the conservation and sustainable use of plant genetic resources including the Plant Variety Protection Board (PVPB) and the National Agricultural Research, Extension, Education, and Economics Advisory Board (NAREEEAB). The PVPB advises the Secretary of Agriculture concerning the adoption of rules and regulations to facilitate the proper administration of the PVP Act; makes advisory decisions for the Secretary on appeals concerning decisions on applications by the PVPO and on requests for emergency public-interest compulsory licenses; and advises the Secretary on any other matters under the rules and regulations. The NAREEEAB provides advice to the Secretary of Agriculture and land-grant colleges and universities on top priorities and policies for food and agricultural research, education, extension and economics.

- Federal Seed Act

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.

- Germplasm Resources Information Network

The Germplasm Resources Information Network (GRIN)-Global system is a suite of software programs for managing germplasm-associated information, facilitating genebank workflows, and providing a public interface for users to access germplasm and information. Users can search for accession information via its public website, fill a shopping cart with their desired germplasm, and have

it delivered freely and without restrictions for use in plant breeding. In fact, in 2015 alone, USDA distributed over 239,000 orders.

- National Plant Germplasm System

The U.S. National Plant Germplasm System (NPGS) is collaborative effort to safeguard the genetic diversity of agriculturally important plants. The NPGS is managed by the Agricultural Research Service (ARS), the in-house research agency of the United States Department of Agriculture (USDA). Many NPGS genebanks are located at state land-grant university sites, which contribute lab, office, greenhouse and field space for operations, as well as staff for technical and support services. The private sector is a major user of the NPGS collections and is the primary means by which new and improved plants are commercialized. The mission of the NPGS is to support agricultural production by 1) acquiring crop germplasm, 2) conserving germplasm, 3) evaluating and characterizing germplasm, 4) documenting germplasm, and 5) distributing germplasm

- New Farmer Resources

USDA maintains an [online resource library](#) to connect farmers with information resources on farming in the United States. It provides specific information for new farmers generally, and for women in agriculture, young farmers, and military veterans getting into farming.

- Office of Technology Transfer

The USDA Office of Technology Transfer (OTT) is responsible for facilitating the adoption of USDA research discoveries, which ultimately benefit farmers with new varieties that are disease, pest, and stress tolerant and produce higher yields. This provides broad public benefits,, including public release of information, tools, and solutions (e.g., germplasm, plants and other materials), adoption and enhancement of research outcomes by partners through collaborative research, formal cooperative research and development agreements, direct Federal, state, or local technical assistance, or through licensing of biological materials or protected intellectual property directly to not-for-profit entities and for-profit private sector firms.

- Open Access to agriculture research results

The public access policy for scholarly publications funded by the USDA requires that authors submit all final peer-reviewed journal manuscripts to the USDA public access archive system once accepted for publication. The USDA will ensure easy search and download of scholarly publications resulting from USDA funds without charge no later than 12 months following publication. By providing research in a transparent and accessible manner, farmers can access information from USDA funded projects.

- Public Access to Expired PVP Seeds

In the U.S. seed samples of protected varieties are available to the public through the Germplasm Resources Information Network when the plant variety protection on the variety expires for any reason. At that point seed samples are transferred to the National Plant Germplasm System general collection and can be requested by farmers, breeders, and the public without restrictions for use in plant breeding.

- Right to save seed under U.S. PVPA

The U.S. PVP law encourages the development of novel varieties of sexually reproduced plants and makes them available to the public, providing protection available to those who breed, develop, or

discover them, and thereby promotes progress in agriculture in the public interest. Under this law, farmers have the right to save seed of a protected variety for use on their own land as long as no other agreements have been established between the breeder and farmer, which may restrict this.

- Rural Prosperity Task Force

This USDA task force is investigating technological innovation to assist farmers by enabling technological innovation in agriculture that will improve the efficiency of farmers, increase sustainable use of resources, and enhance the quality of agricultural output, all while creating new jobs and increasing rural incomes.

- Suicide Prevention

The United States Government makes competitive grants to support cooperative programs between State run entities to establish a Farm and Ranch Stress Assistance Network that provides stress assistance programs of individuals who are engaged in farming, ranching and other agriculture-related occupations.<sup>1</sup>

- USDA Crop Germplasm Committees

The Crop Germplasm Committees (CGC) are comprised of a cross section of National Plant Germplasm System (NPGS) users, including farmers, who provide technical support to NPGS genebanks and collections. They serve as subject matter experts to guide curatorial staff on best practices, including the priorities and techniques for characterizing the collections. They also help review proposals that fund plant explorations and evaluate grants for scientific rigor. There are currently 42 CGCs representing almost all major and minor crops of economic importance in the United States. Each committee includes a chair and members from government agencies, universities, and commercial interests groups who volunteer their time and expertise to support the NPGS.

- USDA Urban and Community Agriculture Working Group

The working group has a mission to contribute to ongoing USDA-wide efforts that study, support and strengthen local and regional food systems, and urban and community agricultural systems. An online Urban Agriculture Tool Kit was developed and used as an educational tool at various conferences nationwide. The Toolkit provides a foundation for urban farmers. It lays out operational elements that urban farmers must consider, and identifies technical and financial resources and Federal programs and services that can support a variety of activities related to urban farming.

## **State**

- Farmers Markets

A number of states seek to link consumers with freshly grown foods through the establishment of programs relating to farmers' markets. For example, New York State created its "[FreshConnect](#)" program to bring farmed foods to underserved areas with limited supermarket access.

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<sup>1</sup> 7 U.S.C. § 5936 (2018).

- Right to Farm Laws

Many states implement so called “right-to-farm” laws in which farmland, generally speaking, is immune from tort suits for actions amounting to less than gross negligence.<sup>2</sup>

- New Farmer Programs

For example, a program run by New York’s Department of Agriculture & Markets generated a [“New & Beginning Farmer One Stop Shop”](#) internet resource page to assist new farmers with their endeavors.

- Agricultural District Laws

These programs are designed to ensure priority land use for viable agricultural land, and to provide benefits and protections to promote continued farming and the preservation of agricultural land. For example, [New York’s Agricultural District Law](#) was enacted in 1971 seeking to create economic and regulatory incentives to encourage farmers to continue farming

- Mental Health/Suicide Prevention

In March of 2018, [Washington State enacted a law](#) to help reduce agricultural worker suicides through a task force that will create a pilot program to provide free counseling and suicide prevention resources online and by phone in both English and Spanish. Similarly, [Minnesota maintains its “Farm & Rural Helpline”](#) to provide a free, confidential 24/7 resource for farmers facing unique stresses of farm work. Iowa, Nebraska, New York, North Dakota, South Dakota, Vermont, and Wisconsin, also maintain similar hotlines.<sup>3</sup>

## **Tribal Law**

- Indian Agricultural Resource Management Planning Program

This federal law ensures that affected tribes are provided the right to participate in making decisions, relative to the sustainable use of Indian agricultural lands and resources with the aim of conserving such assets.<sup>4</sup>

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<sup>2</sup> See *e.g.*, Iowa Code § 352.11 (“Incentives for Agricultural Land Preservation – Payment of costs and fees in nuisance Actions”).

<sup>3</sup> <http://www.agriwellness.org/hotlines.htm>

<sup>4</sup> 25 U.S.C. § 3711 (2018) (Enacted in 1993 as part of PL 103-177 the American Indian Agricultural Resource Management Act).

**Links:**

USDA Agricultural Conservation Easement Program

<https://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/programs/easements/acep/?cid=stelprdb1242695>

USDA Conservation Reserve and Conservation Reserve Enhancement Programs

<https://www.fsa.usda.gov/programs-and-services/conservation-programs/index>

USDA Environmental Quality Incentive Programs

<https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/financial/eqip/>

USDA Farm Loans Fact Sheet (PDF download)

[https://www.fsa.usda.gov/Internet/FSA\\_File/loanprograms2012.pdf](https://www.fsa.usda.gov/Internet/FSA_File/loanprograms2012.pdf)

Farm to School Network

<http://www.farmtoschool.org/about>

USDA Farmers Market Promotion Program

<https://www.ams.usda.gov/services/grants/fmpp>

USDA New Farmer Resources

<https://newfarmers.usda.gov/>

New York's "FreshConnect" Program

<https://freshconnect.ny.gov/content/about-freshconnect>

New York's New and Beginning Farmer One Stop Shop

<https://www.agriculture.ny.gov/AP/BegFarmers/NewFarmersResources.html>

New York's Agricultural District Law

[https://www.agriculture.ny.gov/ap/agservices/Agricultural\\_Districts\\_FAQ.pdf](https://www.agriculture.ny.gov/ap/agservices/Agricultural_Districts_FAQ.pdf)

Washington state's law on Suicide Prevention

<http://jtwilcox.houseRepublicans.wa.gov/2018/03/15/governor-signs-wilcox-bill-designed-to-reduce-agricultural-worker-suicides/>

Minnesota's Farm and Rural Helpline

<http://www.mda.state.mn.us/news/releases/2017/nr20171005helpline.aspx>