



December 11, 2014

To Whom it May Concern:

I am writing on behalf of Gardening Matters to share our support for changes in the Minnesota Seed Law to allow for the community-based sharing of seeds. Gardening Matters is a Twin Cities-based organization that supports successful and sustainable community gardens. We connect gardeners with resources, training, and networking opportunities, advocate for supportive community garden policies, and build community and regional collaboration. The sharing of seeds in community-based contexts are a vital part of this mission.

We have recently become aware of Minnesota Department of Agriculture enforcement action against the Duluth Seed Library. We have learned that the Seed Library is in violation of state law, as it relates to the sale of seed ([New Minnesota Seed Law Minnesota Statutes, Sections 21.80 - 21.92](#)). We are particularly concerned with the Seed Law Section 21.81, defining "sell" to include selling or transferring ownership; offering and exposing for sale, exchange, distribution, giving away, and transportation in or into this state; (c) having in possession with intent to sell, exchange, distribute, give away, or transport in or into this state.

As we understand, the intended purpose of this law is to protect consumers from inadequately or illegally labeled seed and to promote fair competition. Yet, compliance with the Minnesota Seed Law, as currently written, could result in the closure of the Duluth Seed Library and prevent farmers, gardeners, other seed libraries, schools and community organizations from engaging in interpersonal seed sharing. These voluntary, non-commercial seed sharing activities are long-standing practices of home and community gardeners.

Under the law, this means school classes cannot harvest seeds from a school garden and store them with the intention of sharing with students the next year for replanting. Community gardeners cannot share seeds they have collected with friends, other gardeners, or farmers. There are a number of seed sharing activities in the Twin Cities, including seed libraries, seed swaps, seed saving classes that encourage community-based seed sharing, and the sharing of seeds through Little Free Libraries. These are practices on which Minnesota was built and help Minnesota thrive. *Many of these activities have been going on for years, without any issue.* Yet, according to this law, those who have saved and shared seeds with neighbors for generations are in violation of law.

As a staff and community with decades of combined experienced saving and sharing seeds, we would like to specifically address the following Department of Agriculture concerns with community-based seed sharing:

1) Concern over noxious weed seed contamination

Unlike some commercial seed saving, community-based seed-saving takes place largely by hand. There is little room for noxious weed seeds to contaminate the seeds being saved, because the plant and/or fruit from which the seeds are taken are harvested by hand, with a keen eye for any potential contaminants.

Gardeners often complain about experience garden contamination from noxious weed seeds from municipal compost. However, we have yet to hear a complaint about a seed sharing experience that resulted in weeds.



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2) Concern over germination rate

Though it would certainly be disappointing if shared seeds did not germinate as expected, it would be far more disappointing to disallow community-based seed sharing based on this rare possibility. We have experienced germination failure from commercial seeds, even those that have been tested for germination. However, we have yet to experience a complete germination failure from any community-shared seed crop.

3) Concern over proper labeling

For most community-based seed savers, many portions of the labeling requirements in the MN Seed Law are irrelevant. There is no lot number, germination results for noxious weed seeds or inert matter, or names of noxious weeds included. The origin IS the address of the seed saver. It is certainly important to label seeds properly, with type and variety of seed, the date the seed was harvested, and perhaps the seed saver's contact information.

4) Concern about saving and sharing patented seeds

Community and home gardeners are saving and sharing open-pollinated, heirloom seeds that have no patent rights. Most seeds that are patented are F1 hybrids or GMO seeds for commodity crops that aren't grown in home or community gardens.

The new Minnesota Food Charter (www.mnfoodcharter.com) provides a timely vision on how Minnesota can provide healthy, affordable and safe food reflecting the input of thousands of Minnesotans. The Charter, which is supported by the Department of Agriculture, provides an important context to recreate a Seed Law with the primary goal of protecting the public good and legacy of seed saving at local, bioregional and statewide levels.

We believe the Seed Law negatively impacts the future health of Minnesota by equating commercial and non-commercial seed activities. We are writing to share our support for changes in the Seed Law, so that the Law distinguishes between the commercial *sale* of seeds, protecting the long legacy of unregulated interpersonal saving and sharing of seeds in many community-based contexts.

Thank you,

Susan Phillips, Executive Director

Nadja Berneche, Program Director

