



March 30, 2022

The Honorable Robert Rivas, Chair
Assembly Agriculture Committee
1020 N Street, Room 362
Sacramento, CA 95814

RE: AB 2457 (Gray) – OPPOSE

Dear Chair Rivas,

The undersigned businesses and organizations representing farmers, consumers, and the environment in California regretfully **oppose AB 2457, Agricultural Seed Labeling: QR Codes**. If enacted, this legislation would allow seed packagers to hide key information about seeds from farmers and consumers purchasing these seeds in a digital QR code that requires a smart phone and access to phone service or the internet to scan to obtain information about seeds inside the container.

We are deeply concerned with the lack of transparency about how seeds are produced and propagated under changes to the state's seed labeling law proposed in AB 2457. The current requirement for seed labeling requires that key information be conspicuously placed with a plainly written or printed label on the seed package. Under the proposed legislation, such key information about what is inside the seed container, which may include how the seeds are produced or propagated, would no longer be in printed text on the label, and instead be hidden in a digital "QR" code. This is also concerning because of limits to QR code and internet access.

The bill adds the following provision to Section [52452](#) of the California Food and Agriculture Code: “The requirements of this section may be met with a quick response (QR) code or other electronic label or tag that provides as much ease, access, and information as a written or printed label or tag,” meaning that **any information that is currently required to be printed on a seed container label can be “hidden” in a digital QR code that requires a smartphone and cellular or Wi-Fi service to access.** Putting labeling information *solely* into QR codes obscures critical information about seeds, especially for residents and consumers in rural and low-income areas.

In particular, we are concerned about allowing seed producers to place information about seeds solely in QR codes for the following reasons:

- 58 million Americans do not own smartphones. This percentage is higher among older Americans in rural areas.
- 34 million Americans lack access to broadband, especially in rural and tribal areas.
- Many Americans in rural areas lack reliable cell phone service that would allow them to send or receive text messages.
- Rural retailers are less likely to have broadband access, and small retailers will struggle to make costly investments in Wi-Fi networks. As a result, farmers and consumers who shop at these stores will face difficulties accessing digital disclosures.
- Poor people, minorities, rural communities, and older citizens are less likely to own cell phones, more likely to have cellular service cut off, and less likely to have reliable cellular service. (Source: USDA’s congressionally mandated [study](#): A Third-Party Evaluation of Challenges Impacting Access to Bioengineered Food Disclosure (July 2017))
- University of California Cooperative Extension Small Farm Advisors have expressed concern that Southeast Asian growers in particular would be unlikely to access QR codes on their cell phones, depriving them of information currently printed on seed packages.

It is inconvenient and impractical to expect a farmer or consumer to, when shopping for seeds, pull out a phone, turn on the camera or open an app, and scan a QR code just to get basic information that has always been available plainly written or printed on a seed package. Putting basic information about food and agricultural products in a QR code reduces transparency and is not a precedent California should set. Seed manufacturers can voluntarily place a QR code on their product which can contain additional information about the product. This bill is not required for seed packagers to use QR codes to augment a plainly written or printed label on the package.

For these reasons, we oppose AB 2457.

Sincerely,

Rebecca Spector, West Coast Director
Center for Food Safety

Paul Muller, Partner/Owner
Full Belly Farm, Inc

Tyler Lobdell, Staff Attorney
Food & Water Watch

David Runsten, Senior Policy Analyst
Community Alliance with Family Farmers

Jered Lawson, Co-Director
Pie Ranch

Dana Perls, Program Manager
Friends of the Earth

