

Seeds Canada's Principles for a Modern Seed System:

Canada's seed system is over 100 years old and boasts a proud track record of delivering safe, quality-assured seed products to Canadian and international customers. However, considerable change has occurred since the regulations were last modernized three decades ago. As a result, the regulatory framework must adapt to meet the present and future needs of the seed sector.

Seed Regulatory Modernization must include a fulsome review of the regulatory framework. Including starting with a blank slate, a meaningful assessment of the needs of users of seed regulatory framework, international benchmarking, and a cost-benefit analysis.

Seeds Canada is the leading voice of the seed sector in Canada, with members including analysts, breeders, distributors, processors, seed growers and other contributors to the seed sector, located from coast to coast.

The principles below outline Seeds Canada's vision for a regulatory framework that supports a modern, diverse, competitive, and growing seed sector.

Seeds Canada's principles

- 1. A diverse and inclusive seed sector-led and government-enabled partnership.**
 - 2. A system that supports certified seed and delivers value for the seed sector and its customers.**
 - 3. A regulatory framework that enables choice and is open, competitive, and accessible to all seed sector participants.**
 - 4. An approach that is responsive, agile, and adaptable and easy to use and navigate.**
 - 5. Regulations that foster innovation, growth, diversity and inclusivity and support continuous improvement.**
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- 1. A diverse and inclusive seed sector-led and government-enabled partnership.**
 - a. The primary priority for the government should be to protect the health and safety of plants, animals and humans and the environment they live in.
 - b. Outcome-based labelling requirements should be used to protect the customer by providing fit-for-purpose information.
 - c. Efficient international trade should be enabled.
 - d. Where applicable, the government should have the legal authority for all official seed tags.



- e. Responsibilities should only be transferred to the seed sector following a cost-benefit analysis and industry consultation.

The regulatory framework has enabled – from the very beginning – a partnership between the public and private sectors. However, the seed sector has consistently gone above the standards set in the regulatory framework to meet the needs of its customers. This includes delivering certified seed that consistently exceeds government standards, innovating to serve new and niche markets and striving to provide value for money to the customer, including farmers and their downstream customers.

As the seed sector has evolved, it has become essential to modernize the roles and responsibilities within the public-private partnership to deliver a diverse and inclusive seed sector-led and government-enabled partnership.

Government must continue to enable a competitive, forward-thinking and efficient regulatory framework. The government's priority for regulatory intervention should be to protect plant, animal and human health, and the health of the environment they live in. For example, the government must maintain standards for noxious weeds and diseases that could be spread through seed while maintaining a science and risk-based approach that considers modern equipment and management capabilities to manage risks.

The seed sector has always taken its responsibility for delivering quality, competitive seed to farmers seriously. That is why most seed exceeds the standards set by the government. The seed sector is committed to protecting its consumers through transparency achieved through outcome-based labelling requirements. A more outcome-based approach will ensure information is made available but give seed sellers and seed customers flexibility on what information is shared and how it is communicated from seller to customer.

International trade, both imports and exports, are critical for Canada's seed sector. Therefore, the regulatory framework must continue to enable efficient international trade.

As part of enabling a seed sector-led system, the government should maintain responsibility for all official tags. Breeder and select seed tags should be the responsibility of CFIA, who could authorize a seed crop certification body to issue these tags. Government and the industry should remain open to discussing options around transferring administrative responsibilities for official tags.



Government must conduct a cost/benefit analysis and consult broadly with the value-chain before it transfers any responsibility to the seed sector.

2. A system that supports certified seed and delivers value for the seed sector and its customers.

- a. A level playing field for all seed sold in Canada.
- b. Systems that are fit for purpose and have value by addressing legitimate risks.
- c. One step forward and one step back traceability.
- d. Enhanced traceability measures that are market-driven and voluntary.
- e. Data protection and privacy measures that protect sensitive information.

Canada's seed growers produce high-quality, competitive certified seed. While all seed sold must meet regulatory standards, including transparency on seed quality, not all common seed sales meet those requirements. The government's risk-based approach to monitoring and enforcement has led to a huge gap between certified and common seed oversight. The government must ensure a level playing field for all seeds sold in Canada or imported into Canada.

The regulatory framework must deliver value for the sector and its customers by ensuring that systems are fit for purpose and have value by addressing legitimate risks. For example, as is the case with the food system, the regulations should require a "one step forward, one step back" approach to traceability. Any other traceability measures must be voluntary and market-driven.

Data collected through the regulatory framework should be fit for purpose and reflect the need to protect personal and confidential information. Accordingly, the regulations should require seed sector participants to maintain records without requiring information to be shared unless to fulfill legitimate health and safety or customer protection functions.

3. A regulatory framework that enables choice and is open, competitive, and accessible to all seed sector participants.

- a. A regulatory framework that fully enables choice in service delivery, including crop inspection, crop certification, seed analysis, and conformity verification, allows for all businesses to participate in the system (small, medium and large).
- b. An independent, neutral mechanism for setting market-driven seed production standards that represents the entire seed sector.

The roles and responsibilities in the current seed certification system were established mainly when horses did most of the field work on seed farms in Canada. Establishing a single

certification service and standard-setting body reflected the reality of the time. In the 100 years since, the approach to delivering services has changed drastically. That is why the government has enabled services added to the system recently, including accreditation of seed establishments, crop inspection, seed testing, and seed grading, to be delivered by multiple service providers.

Canada's seed sector needs a regulatory framework that enables competitive service delivery for all regulated services. For example, competitive service delivery for certification services is used extensively across government, including by Transport Canada, Innovation, Science and Economic Development Canada, Health Canada and the CFIA, including for lumber standards and forestry directives, some food safety programs and organic certifications.

Competitive service delivery will allow participants in the seed system to find the accredited certification system that meets their needs while ensuring that the certified seed meets the high standards that customers expect.

The regulatory framework also needs to ensure that standards are set through an independent, neutral mechanism that is open, diverse, and inclusive that represents all stakeholders. The Government of Canada typically leverages independent organizations (ex. Standards Council of Canada, Canadian General Standards Board) to set standards to avoid concerns about conflict of interest and issues with impartiality.

Internationally, OECD Seed Schemes are delivered by a network of competent authorities across the globe, and AOSCA standards are delivered by state governments or crop improvement associations. In contrast, Canada's seed standards are set by and delivered by one group only. The concept of multiple Canadian service providers for crop certification, authorized and accredited by CFIA, aligns with the approach in major seed-producing markets.

4. An approach that is responsive, agile and adaptable and easy to use and navigate.

- a. Using Incorporation by Reference to the fullest extent possible to permit regulatory flexibility and facilitate future change.
- b. Seed quality standards that are dynamic and market-driven.
- c. The record-keeping process should be more outcome-based and less prescriptive. (e.g. The pedigreed seed declaration should be voluntary.)



Seed regulatory modernization presents a generational opportunity to make the regulatory framework more outcome-based to be more adaptable, accessible, and able to change as the seed system changes.

Parts of the regulations could be incorporated by reference, allowing for more regular changes while still maintaining a rigorous, independent, neutral and inclusive standard-setting process. This could include Part IV (the section that addresses granting, suspending, and cancelling registration or licenses of establishments or personnel, and the operation of registered seed establishments), Schedule I (the grade tables), Schedule II (the list of seed crops that may be sold by variety name for the purpose of conditioning if the seed is of pedigreed status) and Schedule III (the list of crop kinds which require variety registration). Once incorporated by reference, these sections should be managed by a value-chain technical committee, with sub-committees established to provide expertise in the different crop groups.

The broader regulatory framework is quite complex, fragmented and not easy to navigate. Besides the Seed Regulations, other acts and regulations such as the Plant Breeders Right's Act, the Plant Protection Act, and the Grains Act are all part of a broader framework that influences the production, marketing and planting of seeds. This web of regulatory interaction has to be kept in mind in the modernization efforts. Every effort should be taken to harmonize and simplify the system for all its users and market participants.

An outcome-based and less prescriptive record-keeping process will reflect the different systems used within the seed sector and new ways information can be communicated to customers.

5. Regulations that foster innovation, growth, diversity and inclusivity and support continuous improvement.

- a. Encouraging increased access to varieties that meet the needs of the industry and customers. Where applicable, this might be facilitated by variety registration requirements that are use-specific and meet the minimum needs of the value chain.
- b. Ensuring compliance with intellectual property obligations to attract investment.
- c. Using modern technology and tools as part of the verification and certification processes.
- d. Encouraging ongoing professionalization of the seed sector through continuous education.
- e. Regulations and standards that are science and risk-based.

The Canadian seed sector – which develops and commercializes plant innovation – is a critical enabler of these goals and drives the success of the entire agriculture sector. However, to assure its continued success, the seed sector requires a bold new vision and important structural changes to adapt to the demands of new technologies, new business models and an increasingly global marketplace.

While the Variety Registration system played an important role historically, the current approach can discourage or delay varieties from being introduced into Canada and may serve as a disincentive to innovation and growth without delivering the desired outcomes. New tools, techniques and approaches can provide the seed sector and end-users with other mechanisms to achieve outcomes related non-health and safety criteria, including end-use qualities and merit.

There needs to be a fulsome review of the Variety Registration system in Canada and the possibility for a fundamental shift away from the current approach. At a minimum, the requirements for variety registration should become more adaptable and outcome-based. The review should be driven by the benefits of variety registration by crop kind and geographic region. A new approach should ensure environmental protection is achieved while encouraging the development and registration of new varieties to meet the needs of different value-chains, regions, crop types and new, emerging and niche markets.

The seed sector is key to the continued productivity improvements and sustainability efforts in the Canadian agriculture and food sectors. Commercialization of new varieties that improve yields, offer disease resistance, provide attributes required by buyers of grains and oilseeds, including niche opportunities, and improve per acre profit margins are necessary for the continued competitiveness of the agriculture sector in domestic and export markets.

New technologies and innovations, including new diagnostic and testing tools, should be accessible within the seed regulatory system. For example, genetic testing should be a tool for identifying varieties and for post-harvest variety verification. New tools and techniques can enable the seed system to move beyond the visual identification tools used for a century. These new tools can help the seed sector meet evolving consumer needs.

Clear, science and risk-based regulations and standards that support continuous growth and improvement throughout the whole value chain of the seed sector are essential.



Attracting, retaining, and continuous training of skilled labour for all areas within the seed sector will be the basis to achieve these goals.