

What Does Success Look Like in Seed Regulatory Modernization?

The seed and greater agriculture sectors have an opportunity to revise the current regulatory framework that governs aspects of variety registration, seed production and seed quality management, through the Canadian Food Inspection Agency's (CFIA) [Forward Regulatory Plan](#). Announced in 2018, initiated in 2021, and now extended to 2025, the [Seed Regulatory Modernization](#) (SRM) process seeks to bring together various players across the value chain to help shape a system for the future.

CFIA staff have indicated an intention to extend the SRM process to 2026- one additional year beyond the currently scheduled 2025 year-end. **Seeds Canada does not support an extension in the consultation window and the continuation of the current pathway of conversations.**

The SRM process provides an opportunity to reimagine the Seeds Regulations within the context of a modern and ever-evolving Canadian seed landscape. While they have served us well in the past, the Seeds Regulations were originally drafted, and programs were put in place, for a system that looks remarkably different than it does today. Additionally, today, there are new investors, new technologies, new commercial relationships, and new organizations advocating on behalf of the industry.

Moving forward, the SRM process must shift to focus on issues that could make a large impact on the entire agriculture industry, such as variety registration frameworks and domestic seed quality assurance needs. There are many technical details that only those involved in the immediate seed sector will take an interest in. These details should be pushed to an independent advisory group to resolve on an ongoing basis, not bound to the SRM consultation timeframe. Incorporating the various sections of the regulations which are more prone to operational change by reference through the SRM process will ensure we can make these changes once the window closes. Ensuring our regulations are fit for purpose and relevant to the needs of an evolving sector should not be restricted to a single five-year window.

Roles and Responsibilities of Government and Industry in Seed Regulation

In a modern seed system, roles and responsibilities of stakeholders are clearly defined and are accepted by the sector. Changes to these roles and responsibilities within the seed regulatory framework are discussed and decisions are made based on consensus.

Seeds Canada

Seeds Canada, a not-for-profit organization representing the full spectrum of the Canadian seed industry, including seed growers, analysts, breeders, distributors, processors, retailers, service providers and other stakeholders on the seed value chain, functions as an advocate of seed industry

needs in the areas of new breeding innovation, trade, intellectual property, sustainability and seed related policy and legislation. Seeds Canada also offers services including RSE accreditation, Canadian Identity Preserved Recognition System (CIPRS), sustainability audits (SIA) and organic certification, as a conformity verification body based on standards set by official regulators, including the CFIA.

In a modern seed system, Seeds Canada would continue to represent the seed industry on all needs listed above. Seeds Canada would serve as an alternative service delivery provider in seed regulatory areas including RSE accreditation. Seeds Canada would not be responsible for seed certification services or setting standards within the seed regulatory framework. Their members would be represented on the independent advisory body which advises on policy, legislation and other issues related to seed.

Canadian Seed Growers' Association (CSGA)

The CSGA is a non-profit organization representing Canadian seed growers. Their membership is composed of those who pay a membership fee to have their seed crop certified under the Canadian pedigree seed system. Their board is composed of seed grower representatives put forward by provincial seed grower associations. In the Seed Regulations, CSGA is given delegated authority to establish varietal purity standards and issue crop certificates.

In a modern seed system, CSGA would serve as an alternative service delivery provider in seed regulatory areas including seed crop certification. As seed crop certification is an important part of Canada's seed system and enable international exports, it is important that this function be continued. CSGA can continue to deliver seed crop certification services, however, these must be based on standards developed by an independent body representing the diversity of the seed sector, including CSGA members, and set by CFIA. CSGA would not be responsible for seed lot certification, which is carried out by first-party application of a seed tag permitted by RSE and subject to regular audits under the authority of CFIA.

Canadian Food Inspection Agency (CFIA)

The CFIA is responsible for administering and enforcing the Seeds Act and Regulations, as well as accreditation of laboratories, analysts and graders, licensing of operators and samplers and registration of approved conditioners, bulk storage facilities and authorized importers, as well as verifying compliance with the regulations to maintain the integrity of the seed industry. CFIA also collaborates with stakeholders to develop policy in alignment with the regulations and changing needs of the sector, conducts risk assessments and plays a role in public awareness around regulations, standards, and best practices.

While industry must play a role in developing standards, best practices, and policy, CFIA should have ultimate authority in this space. CFIA provides standards, service providers deliver programs based on these standards, and CFIA verifies the conformity of these programs to the standards that are set.

Inclusive Industry Advisory Body (ISSB)

The clearest path to modernizing and futureproofing the Canadian seed regulatory space under the SRM process is the establishment of an inclusive industry advisory body to advise CFIA on seed-related policy and to advance standards for approval and implementation. The recently released international benchmarking study, commissioned by CFIA, supports the position that seed sector inclusive bodies are a hallmark of a successful seed system.

The most efficient and effective way to complete the SRM process is to incorporate by reference pieces of the regulations which are most likely to need modifications in the next five-year period, such as schedules, and establish the ISSB to review the need for updates in these areas, review and recommend standards and advise on more long-term policy implications. This would allow a shift of focus of the broad-scale consultation away from operational details and towards large-scale processes, like variety registration, that will require significant input from a wide range of stakeholders.

With a make-up of representatives from across the entire seed value chain, the ISSB would ensure that those who have made a contribution to the seed sector have a voice at the table on issues pertaining to their business. The seed sector has changed significantly since the institution of the Seeds Act and Regulations. Changing the balance of control over policy and processes reflects the sector's evolution and fosters a vibrant, progressive seed commerce landscape.

What is the ISSB?

The ISSB is an advisory body composed of industry members from across the spectrum of the crop sector, including users of seed and seed products. The ISSB provides advice on policy and regulation to the CFIA and establishes standards under the seed regulation. The ISSB is not beholden to any single industry association but rather represents the diversity of those who operate in the seed space.

Who is eligible to serve on the ISSB?

Any individual member of the crop sector, with an interest in advancing the Canadian seed sector.

Who does the ISSB report to?

The ISSB reports directly to the CFIA but is accountable to the crop industry.

Why do we need a new body to serve this function?

No all-encompassing industry body currently exists to provide advice and guidance into the seed regulatory process. Existing bodies have governance limitations that only allow for some invested parties to be represented. The ISSB will have a lean operating structure and will be coordinated by the CFIA. Its formation will not create significant overlap or undue administrative burden.

What types of issues will the ISSB deal with?

The ISSB will be charged with reviewing and updating seed regulatory standards and advising on seed policy and regulations, including parts of the regulations that are incorporated by reference and subject to periodic updates, as well as any changes to externally delegated responsibilities. As active participants in the seed sector, ISSB members will be able to positively influence policy and legislation with real-world industry experiences. This will help to foster an environment of continuous improvement in the seed regulatory space.

How will the ISSB be administered?

The ISSB will be administered similarly to the CFIA Plant Breeder's Rights Advisory Committee. CFIA will provide administrative support to the body. Topics of discussion will include both items identified for review by CFIA, and items advanced by industry based on industry needs.

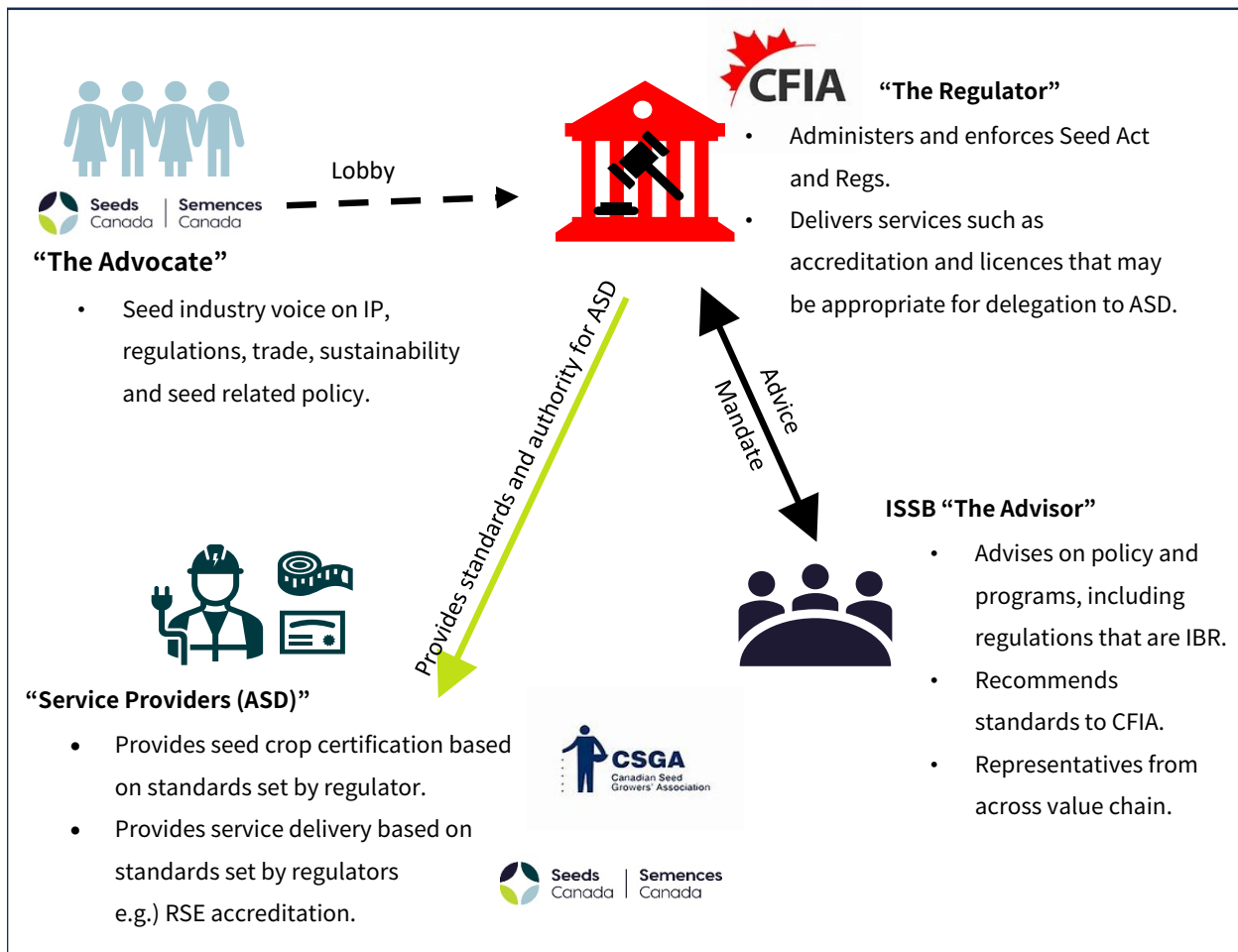


Figure 1: Schematic of Roles and Responsibilities in a Modern Seed System

Summary of Recommended Next Steps in SRM

- Establish the ISSB (independent industry advisory body for seed legislation), with a mandate extending beyond the SRM consultation window.
- Confirm roles and responsibilities of alternative service providers within the regulatory framework.
- Incorporate by reference appropriate regulations, with the ISSB made responsible to review and recommend changes to the CFIA.
- Focus remaining SRM consultation on key issues with broad industry interest, including variety registration and domestic crop quality assurance requirements.