

Seed Regulatory Modernization (SRM) was framed as the opportunity for the Canadian agriculture sector to modernize seed regulations and enable the seed sector to better deliver the commercial seed products that farmers and grain markets need for future success. Seeds Canada, the national seed value chain organization, has been consulting members and stakeholders since before the SRM consultation window even opened, in an attempt to accurately convey the needs of the sector and represent the diversity of operations, as well as to streamline legislation so that cost of regulation is proportional to mitigated risk, while striving to find a mechanism for more timely and less resource intensive updates in the future.

Seeds Canada is the voice of the Canadian seed sector, representing seed growers, analysts, breeders, distributors, processors, retailers, service providers and all stakeholders along the seed value chain from coast to coast. Our mandate is to support the growth of the seed sector in Canada and worldwide, for the benefit of thriving food systems, sustainable environments, and successful businesses. Delivering innovation is our members' job. To be successful at that, the cost of delivering quality seed must be kept as low as possible. Farmers know what they need from the seed system with regards to testing and information, and they know there is a point of optimization where steps taken beyond this point do not pay for themselves. At the end of the day, all costs are passed on to the farmer- the price taker- and the seed sector takes this seriously. If farmers are successful, so are we. Of course, the opposite is true as well.

The CFIA's Winter 2024 Seed Regulatory Modernization Consultation (excluding seed potatoes) opened for feedback on February 9. This online survey covers Seed Regulatory Modernization (SRM) task team topics: variety registration, seed testing, common seed, and seed exports and imports. It also covers alternative proposals that were submitted through the SRM Working Group. Through extensive consultation with members and stakeholders, Seeds Canada has developed the following responses to the CFIA survey questions. On Tuesday, members will receive Seeds Canada's organizational survey responses, which they can adapt.

Variety Registration: Should a registrant continue to be able to cancel their own variety registration?

Yes. Variety registration cancellation is not done arbitrarily. There are many reasons why a registrant might need to cancel a variety, including market access and environmental or trait stewardship concerns. If there are no other concerns, and there are active certified seed sales, it is unlikely a registration would be cancelled. While cancellation does prevent further seed sale, it does not prevent the continued use of farm-saved seed.

Variety Registration: Should CFIA take over responsibility of verification of varietal eligibility for certification?

No- at least not through additional regulation. Seeds Canada members and stakeholders working with crops that are not subject to variety registration feel well served by the current industry-led process. Seeds Canada is supportive of initiatives that provide transparency to what varieties are available for sale for both farmers and grain market access. If the Form 300 variety process operated by CSGA is no longer viable, then an industry-supported solution is needed that does not require additional regulation or result in delays in getting innovation into the hands of farmers.

Sampling, Testing and Grading: Should all seed types be tested by official labs, or, for accredited graders in the case of purity of major field crops?

Yes. Any seed that is being planted can introduce environmental risks, such as weeds, that can persist and spread. All seed sold should have transparency with regards to whether it meets the standards set out in regulation (Schedule 1), whether it is pedigreed seed that is conditioned and sold under a quality management system or is common. Currently, common seed is a “buyer beware” product which does not support the consumer protection mandate of the regulations. Education, outside of regulation, should be supported to encourage testing of farm-saved seed to ensure continued cropping systems health.

Sampling, Testing and Grading: Should applying a common seed name be restricted to accredited graders?

Yes. As mentioned above, common seed can introduce risks to the farmer and environment. It is important that all seed sold is assessed for risk by someone who is trained to recognize purity concerns. Graders should be supported by industry-led education to ensure they are equipped with the latest information on weed seeds of concern.

Sale, Import and Export: Should seed be required to be pre-cleared (by CFIA or Authorized Importer) or post-cleared by Authorized Importer only?

Yes. Ensuring seed is either post-cleared by an Authorized Importer, or pre-cleared, will reduce the risk of non-compliant seed being introduced into the environment. Authorized Importers have the capacity to hold seed until compliance is confirmed.

Sale, Import and Export: Should small seed lots imported for personal use be verified for conforming with purity standards?

Yes. Small seed lots that are imported for personal use can pose risks to Canada’s domestic ecosystems that can not only impact native species and urban communities but spread into agricultural production. Ensuring seed is free of weed seeds of concern prior to import will help mitigate these potentially costly risks. Small lot imports for research purposes do not require testing prior to import as they are handled in a controlled manner by trained users and are subject to further screening prior to use.

Sale, Import and Export: Should common seed sellers be licensed by the CFIA?

Yes. As indicated previously, common seed has the potential to introduce risk to the user and the environment. Licensing is especially important if further quality controls are included in regulation because it facilitates enforcement. If a common seed seller is already subject to licensing by the CFIA for other seed regulatory purposes, alignment with those processes to avoid duplication for those sellers is encouraged.

Advisory Body: Would a standing advisory body, providing recommendations and input to the CFIA on regulations and policy assist in future modernization and amendments to the Seeds Regulations?

Yes. Seeds Canada has approached SRM with cost of regulation in mind, and with ensuring regulation allows for the existence of diverse operations. It is with the spirit of embracing the diversity of Canadian cropping systems that Seeds Canada originally proposed the concept of an ISSB- an Independent Standard Setting Body- in July 2022. After member and stakeholder consultation, that concept has evolved into an independent, inclusive industry advisory body with a wider scope.

Seeds Canada envisions an advisory committee that would work with all aspects of the seed regulations and seed policy from seed developer all the way to end-user including farmers. This group would work with CFIA to provide industry-relative feedback on existing regulations and policy. They would provide feedback on regulatory services contracted out to alternative service delivery providers and recommend changes to standards that are set within the seed regulations, including seed crop certification standards. To best serve the industry's diverse needs, this body needs to be independent and should provide guidance directly to CFIA and the Minister.

Advisory Body: Should an Advisory Body work with the CFIA to recommend and set all standards, with CFIA ultimately being responsible? (Option 3)

Yes. Seeds Canada supports option 3, with CFIA being responsible for setting all standards within the Seeds Regulations, with an independent, inclusive industry advisory body facilitating this process and providing recommendations. Although this may mean changing the status quo for some Alternative Service Delivery (ASD) arrangements, it is critical for controlling costs and ensuring effective delivery of services to the sector that these standards are set by CFIA. Standards impact the entirety of the sector and decisions should be governed in a neutral manner to avoid conflict of interest.

Digitalization and Information Collection: Should CSGA collect additional information through their SeedCert platform? What concerns or benefits do you see?

No. Seeds Canada is opposed to the mandatory collection of any data by CSGA that is not needed for them to fulfill their mandate as an alternative service delivery provider for seed crop certification. Any collection of data that is outside of this regulatory function, should not be considered for inclusion in regulation.

While digitalization is generally a positive step to approach modernization, this is not a discussion that is well served within the existing SRM consultation and should be first had in an inclusive industry forum. How this additional collection of data would provide tangible benefits to seed growers and farmers is not apparent at this time and our members have mixed opinions on its value. Collection of additional data does come at a cost, and this cost will be passed on through the sale of seed.

Whenever sensitive data is collected, there are certainly legitimate concerns, including those listed in the survey: data security and privacy, who should be able to access different information, how information/data will be used by the administrator and whether payment for access will be required. These concerns should not be dismissed and should be addressed thoroughly.

Alternative Service Delivery Arrangements: Should CSGA take on additional roles and responsibilities currently carried out by CFIA?

Government budgets are tight, and one opportunity for relief is for departments to identify services or programs offered as a requirement of regulation that have the potential to be offered at lower cost and greater efficiency by a third-party, without compromising the integrity of those processes. The contracting out of these services to a third party is referred to as an Alternative Service Delivery (ASD) arrangement. The CFIA's winter consultation survey gives a false impression that ASD's are initiated by a third-party requesting more responsibility.

There are alternative service delivery policies that CFIA must adhere to that do not begin with a current ASD writing CFIA services and processes into their business plan. CFIA should follow internal government process to identify services and processes that could be delivered by a third-party ASD at a lower cost and without any interruptions to service or international obligations. While CSGA is one option, they are not the “default service provider” and their proposal to provide additional services must stand up to assessment by the CFIA.

With CSGA unwilling to consider broader industry involvement in decision making with regards to standards, it is difficult to endorse the delegation of more services to them. These services are essential to the broader seed sector, and costs and service timelines must be optimized. Additional costs to certifying seed will lead to higher certified seed costs; the saved seed in the bin will start looking a lot more attractive to the farmer.

Seeds Canada recognizes that the current SRM process won’t immediately result in regulations that will put Canada on the leading edge and ready for the rapid onslaught of innovation that is sure to come. However, through SRM, we do have a chance to rebalance decision making in the seed regulatory space considering the current landscape, ensure broad oversight to keep costs down and provide farmers with the commercial seed products they need to be successful, and create a mechanism for future improvements, without another all-out five-year regulatory modernization quagmire.