

National Forum on Seed Meeting Report



23 March 2006, Winnipeg, Manitoba

The fourth meeting of the National Forum on Seed (NFS) was held at the Fairmont Hotel in Winnipeg on March 23, 2006. About 35 Forum members and observers were in attendance. The Forum reviewed reports and discussed next steps related to the Working Groups on Plants with Novel Traits, Adventitious Presence and Variety Registration, received updates on the Forum's budget and ACAAF funding, and made plans for forthcoming meetings and to initiate a call for identifying other issues.

As per the Governance Document, the NFS has undertaken not to add to or change a Working Group's conclusions. It remains desirable for interested groups and individuals to contribute directly to Working Group deliberations. However, when this is not feasible, organizations and individuals are encouraged to provide input either directly to government regulators or to the Forum Secretariat.

▼ Plants with Novel Traits (PNT) Working Group

A draft report from the PNT Working Group was presented by Dale Adolphe of the Canadian Seed Growers' Association. Due to the short time since the Working Group met in Ottawa on March 6, participants had not yet had an opportunity to comment on the draft; however, the Management Committee had reviewed it and felt it substantively reflected the discussions and conclusions of the meeting. The NFS Secretariat subsequently sent the draft report to all Working Group participants seeking their feedback on any errors or omissions.

A number of Forum members who had attended the Working Group made comments and suggested revisions to the draft to fully capture:

- the success of the group in reaching consensus on the need to use specific criteria, including both risk factors and novelty, to determine when PNT regulations should be triggered;
- the clarity achieved during the discussions with government regulators that the vast majority of new plants developed through conventional plant breeding would not trigger PNT regulations;

- concerns about potential liability of plant breeders/ developers if decisions not to trigger full PNT regulatory requirements are later questioned;
- the willingness of Canadian Food Inspection Agency (CFIA) officials to engage in early-stage consultations about applicability of PNT rules and the suggestion to have written acknowledgments that this 'due diligence' has occurred; and,
- the need for CFIA to also clarify when novelty "ends".

Other Forum members posed questions which led to clarification of several points, including:

- Working Group discussions of PNT regulations were in the context of making them clearer and less burdensome to Canadian plant breeders and developers as well as more transparent to the complete value chain (seed growers, crop producers, processors, etc.) and international customers. Working Group members agreed that if Canada continues its unique PNT regulatory system, it must be scientifically sound and defensible. CFIA officials reiterated that they believe the uniqueness of Canada's system—the fact that it is product-based rather than process-based—remains highly defensible, and could be a model for other countries.
- Nonetheless, international acceptance of recombinant traits cannot be assured and this will continue to be factored into plant developer and value chain decisions about marketability of new products and the extent of risk they are willing to sustain.
- The PNT regulatory triggers under discussion relate to potential impacts of novel plants on the Canadian environment, but such plants would also be subject to assessments related to their safety for use in food and feeds depending on their intended use and their potential to be accidentally introduced into the food and/or feed chain.

- Regarding the possibility of “split decisions”, the Working Group was conscious of the potential risks this might imply and was not suggesting that these risks would necessarily be acceptable or mitigable; however, there could be instances where risk was low and containment possible and some Working Group participants argued that regulations ought not to block innovation in these cases.
- The mention of “potential difficulties for CFIA in enforcing compliance” under the Post-approval Monitoring section of the report was a reference to resourcing requirements and not a reflection of the Agency’s capability to ensure compliance.

There was discussion about whether the PNT Working Group had fulfilled its mandate and whether additional meetings would be required. It was agreed that the initial meeting had been productive in pinpointing areas where clearer definitions and guidelines were needed and in identifying possible process improvements. Some concern was expressed about whether international challenges had been adequately addressed. There was consensus that it would be difficult to provide follow-up instructions to the Working Group until a response was forthcoming from government regulators.

Decisions:

- ✓ It was agreed that the PNT Working Group Summary Report would be revised to reflect feedback from attendees, both comments made at the NFS meeting and written input received by March 31 from other Working Group participants. (Within 2 weeks)
- ✓ The revised report will then be sent to CFIA and Health Canada.
- ✓ CFIA undertook to confer with Health Canada and get back to the NFS with a joint response. (By end of May)
- ✓ The NFS Executive Committee will discuss next steps, make preliminary plans for a further Working Group meeting (if appropriate) and recommend follow-up action. (June-July)
- ✓ A decision on next steps will be made at the next Forum meeting. (Tentatively scheduled for July 25, 2006)

▼ Working Group on Adventitious Presence (AP)

Bill Leask of the Canadian Seed Trade Association presented the draft Summary Report of this Working Group which had met in Ottawa on March 7. As with the PNT Working Group report, he explained that the Secretariat was still in the process of soliciting feedback from participants regarding any errors or omissions.

In response to a query about AP issues experienced to date, CFIA officials indicated Canada hasn’t had as many occurrences as some countries, but has experienced a few minor compliance issues and a very few high profile events such as the problem with Starlink corn. Dr. Leask explained that there is currently no pre-planned process in Canada or any other country to deal with unapproved events, but an increasing need for a proactive approach recognizing that “zero tolerance” isn’t achievable.

There were also questions seeking to clarify the scope of the Working Group discussions—for instance, the extent to which food and feed considerations were covered as well as potential environmental impacts, the weight given to export considerations, and the relative focus on seed versus grain and other plant product imports. Another point not clear from the report was who would negotiate the compliance measures referred to in the Category B option for de minimus tolerances.

Several Forum members who had attended the Working Group session provided their impressions of the meeting and suggested improvements to the draft report to better reflect that while there was full consensus that AP was an important issue, the group had not reached convergence on options to address the regulatory challenges. In particular, it was noted that a number of participants favored putting emphasis on efforts aimed at mutual recognition of approval processes and standards with other countries rather than establishing de minimus AP tolerance levels. Other proposed changes included:

- adding reference to monitoring and compliance implications and costs for de minimus tolerances;

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- inclusion of concern that although de minimus tolerances might be proportionately very low, this would still represent a large absolute volume in a normal grain shipment; and,
- referencing Working Group discussion on the opportunity for Canada to be a leader internationally in setting import rules and admitting that zero tolerance isn't practical.

CFIA officials noted that government agencies have been working together for less than a year on the multiple dimensions of the issues and challenges associated with AP, and appreciate having industry input for the AP Portfolio Working Group at this “developmental” stage. This is a topic where many issues are up in the air and a lot of work by both government and industry will be needed before these issues can be resolved. NFS members thanked government departments and agencies, particularly CFIA, for their active participation and cooperation in both the PNT and AP Working Groups and noted that this open exchange had greatly facilitated the process and progress on these topics.

A number of differing views were expressed in the course of discussing next steps and the need for, and timing of, further Working Group meetings. One member expressed satisfaction with “made-in-Canada” regulations and suggested that the appropriate focus was on Canadian approvals rather than accepting unconditional approvals made elsewhere or developing a framework for de minimus AP tolerances. There was debate about what was achievable internationally and the best strategic approach and timing to pursue and protect Canadian trade interests. One of the meeting observers mentioned that the Canada Grains Council is proposing an AP project and suggested the seed sector join forces with them to go forward on areas of mutual concern. There was discussion about whether seed-specific issues should be dealt with separately, and perhaps after more discussion of grain industry issues, or whether seed aspects were integral to the wider dimensions of the issues at play and would best be dealt with in parallel with grain and oilseed concerns. There was also discussion about possibly widening the mandate of the Working Group on AP to more explicitly address “co-existence” issues. Ultimately, there was coalescence around the idea of

sharing the Working Group report with the Canada Grains Council Biotech Committee and exploring how the NFS Working Group might contribute to the proposed Grains Council initiative or work in parallel with it on AP challenges. NFS members would also like to take account of feedback from the federal government's AP Portfolio Working Group before deciding on future directions for the NFS Working Group on AP.

Decisions:

- ✓ It was agreed that the AP Working Group Summary Report would be revised to incorporate feedback from participants. (Within 2 weeks)
- ✓ The revised report will then be forwarded to the Portfolio AP Working Group.
- ✓ CFIA indicated feedback from the Portfolio Working Group should be forthcoming by the end of June.
- ✓ Meanwhile, informal contact will be made with the Canada Grains Council to explore how best to work together on AP issues.
- ✓ Next steps for the AP Working Group will be discussed again at the next Forum meeting in July.

▼ Variety Registration

CFIA officials presented the Agency's Preliminary Proposal for Seed Regulatory Framework Modernization including the Variety Registration System. It was noted that the National Forum on Seed had contributed significantly to this initiative and that many recommendations made by the Variety Registration Working Group, notably the suggestions concerning the proposed Consultative Framework, were reflected in the revised document, along with feedback from other stakeholder meetings. The presentation highlighted areas where further refinements are still needed—e.g. clarifying roles and responsibilities between the National Forum on Seeds, the new Seed Program Advisory Committee and the proposed Crop Specific Consultative Groups (CSCGs)—and sought NFS involvement in elaborating some of these details over the coming months.

A general discussion followed, ranging from overall comments on the desirability of maintaining a system that will continue to protect farmer interests and the importance of having the whole

value chain participating in the process to specific suggestions about early candidates for CSCG pilots (Canola Council and Ontario corn groups). Questions were raised about the total projected costs for operating the three elements of the proposed process (Consultative Framework, Tiered Risk Assessment and Contract Registration), the difference in roles between the CSCGs and existing Recommending Committees and the scope of the proposed contract registration system and whether third party appeals were envisaged. Members agreed there was ample work to merit a fourth meeting of the Variety Registration Working Group in the near future and discussed which aspects of the CFIA Preliminary Proposal should be dealt with.

Decisions:

- ✓ It was agreed that a meeting of the Variety Registration Working Group would be convened, preferably in Winnipeg on April 25, 2006. Special efforts will be made to encourage grain and oilseed handlers and processors to participate and the Canola Council and Ontario corn representatives will also receive specific invitations.
- ✓ The Working Group will be directed to focus particularly on the following areas:
 - guidelines for development and operation of Commodity Specific Consultation Groups, including Rules of Engagement (particularly the consensus building process), framework, procedures, representation and relationships and linkages to other groups;
 - the role of the National Forum on Seed;
 - the role of Recommending Committees; and,
 - the scope and definition of the proposed Contract Registration system, its risk assessment process and appeal mechanism.

▼ Plans for 2006

NFS Secretary-Manager Monty Doyle explained that while current ACAAf funding ends in April this year, the Forum has applied for interim funding for the next 6-7 months (Phase III) while a full submission for Phase IV funding is completed. He presented the interim Project Work Plan and budget, noting that the activities in the Work Plan may change depending on the progress and timing of Working

Group meetings for PNT, AP and Variety Registration and on priorities set by the Forum for new projects. There was discussion of widening the focus of the proposed Seed Standards project and concerns that the 6 projects currently listed might result in “workshop burnout” and be beyond the resources of some groups to participate fully. The following areas of work were endorsed as being priorities for the coming 6-8 months:

- Variety Registration Working Group IV
- Seed Standards issues (broadened as per discussion)
- Seeds Act & Regulatory Modernization
- Follow up on PNT and AP Working Group meetings.

Members revisited their December governance discussions when a spring call for issues identification had been proposed as part of the annual planning cycle. Although members agreed that the NFS already had a lot on its plate with existing Working Groups and suggested work on Seed Standards and Regulatory Modernization, there was broad support for following the open issue identification process as contemplated in the governance structure.

Decisions:

- ✓ It was agreed that the Secretariat should send out a call letter inviting NFS members to identify potential issues for the Forum’s attention in the coming year(s).
- ✓ The Executive Committee will review the resulting input, along with the possible new projects discussed at this meeting, and bring forward a document that would facilitate prioritization of NFS work objectives and discussion of the ACAAf Phase IV submission at the next Forum meeting.