



National Forum on Seed Secretariat

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Summary of Discussion on Crop Specific Consultative Groups (CSCGs) National Forum on Seed (NFS) Working Group Meeting February 6, 2007 – Winnipeg, Manitoba

INTRODUCTION

The purpose of this report is to provide input into the consultations by the Canadian Food Inspection Agency (CFIA) on its Seed Program Modernization Initiative, specifically with regard to the proposed creation of CSCGs.

A working group meeting was convened and facilitated by the NFS on February 6, 2007 in Winnipeg with the specific objective of developing possible guidelines for the establishment of CFIA-proposed CSCGs. The meeting stems from a decision taken at an NFS meeting December 1, 2006 which read:

The NFS will convene a working group to provide documentation on guidelines, roles and responsibilities related to CSCGs as input into the CFIA consultation process in support of the Seed Program Modernization Initiative. This input will be provided on or prior to February 28, 2007 via the CFIA web site which has been created to facilitate transparent, inclusive consultations.

The working group consisted of 39 participants including members of the NFS and representatives from across the seed value chain who have indicated an interest in this issue (see appended list of participants). In order to stimulate dialogue, the working group referred to a Discussion Paper prepared by the NFS Management Committee which builds on discussions that have taken place and ideas that have been shared in various fora over the past two years. Although the Discussion Paper is appended to this document, it is intended neither to represent the position of the NFS nor that of the working group. Rather, it is included for purposes of clarity, as it will be referred to periodically throughout this document.

The working group meeting was structured around key discussion elements of the CSCG proposal, specifically:

- Purpose, mandate and scope of CSCGs
- Guiding principles, organization structure and operational guidelines
- Membership

For each of these elements, participants worked in small groups and then reported to the plenary where comments were recorded. This document will be structured around each of the discussion elements.

PURPOSE, MANDATE AND SCOPE

There was a broadly held view among working group participants that the mandate of CSCGs initially should focus on seed issues, and specifically Variety Registration (VR) issues for individual crop kinds. Participants discussed the potential for CSCGs to provide broader policy advice but a number of concerns were raised which will be explained further in this document; however, the predominant theme was that CSCGs should “walk before they run”.

Major themes in this section of the working group discussions were:

- The need for clarity in defining the role of CSCGs in order to avoid overlap with other consultative bodies
- Recognition of CSCGs/Establishing CSCGs

Before expanding in this document on the discussions around each of these themes, it should be noted that the National Farmers’ Union expressed a concern around the fundamental concept of CSCGs and how much change the CFIA proposal actually represents. The view was expressed that the mandate of CSCGs is actually to facilitate a two-tiered system where some crop kinds can move into a second tier, thus circumventing the merit system for VR. This, it was argued, is a fundamental change that is neither desirable, nor in the best interest of producers.

An alternative viewpoint was that today’s starting point for all crop kinds is the status quo, and that nothing changes with the establishment of CSCGs unless a transparent and inclusive consultation process results in a CSCG recommending change, at which point CFIA would make the decision.

Clarity in defining the role of CSCGs in order to avoid overlap

The overriding theme of this discussion was the question of where the line is drawn between purely seed issues and issues that are related to seed but might best be addressed further along the value chain.

The broadly held view was that the logical way to define the mandate of CSCGs is to identify exactly where there are gaps in the existing consultative system. Building from there, the working group participants generally held the view that the scope of CSCGs, at least in the beginning, should focus on VR, with a strong cautionary note that the mandate at this time should not go beyond predominantly science-focussed seed issues.

That having been said, many suggested that at some point in the future there could be a role for CSCGs in examining issues such as stewardship; innovation; and communications and outreach programs. But again, the point was made that if the mandate is broader, a fundamental consideration is potential overlap with existing consultative structures (eg. Value Chain Round Tables). One proposal was that if CSCGs expose issues in the course of their work which impact further up the value chain, then those issues could be referred to the appropriate processes. Another suggestion to avoid overlap was to leverage national groups that are already in place such as VR Committees in order to build CSCGs, possibly as subsets of these national structures. This will be explored further in this document under the heading “Organization Structure”.

There was also some discussion that because CSCGs would deal often with issues other than the science-based issues considered by Recommending Committees, it will be important for key stakeholders, particularly producers, to be adequately represented and resourced.

Recognition of CSCGs/Establishing CSCGs

There was debate around who in government would formally recognize and establish CSCGs. In the Discussion Paper the term “government” is used. Working group participants identified Environment Canada, Health Canada, CFIA and Agriculture and Agri-Food Canada (AAFC) among others as relevant government departments/agencies. As the working group examined this question, consensus emerged that the mandate of the CSCGs will depend upon who is formally recognizing them. So if, as working group participants widely believe, CSCGs should be limited to at this time VR issues around seed, then a logical reporting relationship would be the CFIA. This raised questions in the working group discussion about whether CSCGs would have limited capacity to consider broader qualitative issues. There was also recognition that CSCGs may need to deal with issues that fall within the purview of provincial jurisdictions.

GUIDING PRINCIPLES, ORGANIZATIONAL STRUCTURE AND OPERATIONAL GUIDELINES

This discussion predominantly addressed process issues relating to CSCGs.

Guiding Principles

The appended Discussion Paper sets out a proposed list of guiding principles for CSCGs which closely parallel those of the NFS: openness, honesty and forthrightness, inclusiveness, transparency and accountability. The working group was generally supportive of these principles but participants offered a number of tailoring suggestions, particularly around the principles of accountability and inclusiveness.

Accountability

As part of the discussion of this principle, the group debated the decision-making processes that CSCGs might employ. Should CSCGs aim to develop recommendations in a consensus-based process, or should they simply provide information to the regulators? It was generally accepted that CSCGs should work toward building consensus where possible, recognizing that unanimity in a truly inclusive process is rare. That being the case, CSCGs would be in a position to provide recommendations based on consensus. This raised two issues during the working group meeting:

First, how should dissenting and convergent views be expressed? The general perspective was that the objective of CSCGs should be to facilitate discussion among stakeholders and move toward consensus, taking care to record and present dissenting views and identify the stakeholders holding those views and their reasons. As one working group participant said “If you are going to be open and inclusive, dissenting views should be recorded and the degree of consensus quantified.”

Second, from a liability standpoint, the proposal was widely accepted that “responsibility” more appropriately reflects this principle because CSCGs may recommend, but only CFIA or other government systems have the authority to decide and, hence, the accountability.

Other points made around accountability were as follows:

- Assuming that CFIA is the agency that will recognize CSCGs, then it would play the central role in setting the agenda for the groups by identifying issues that require consultation and discussion. That said, a strong theme emerging from the working group was that CSCGs need the ability to also identify issues.
- Both CSCGs and the government departments/agency to which they report should be held to timelines so that issues are not protracted and stakeholders can be confident that when they put forward advice or recommendations, they will be told in a timely fashion how the input was used.

Inclusiveness

Working group participants strongly supported this principle. Specific points raised during the discussion were:

- CSCGs need to find the right balance so that appropriate weight is given to key interests, most often producers, on any given crop kind or issue.
- To achieve true inclusiveness, resources will be required for stakeholders such as producers who may not otherwise be able to participate. Resourcing and finance issues are further explored in this document under “Organization Structure”.
- There was debate around who should be “at the table” and how other interested stakeholders should be engaged. These other stakeholders would include non-governmental organizations and other parts of civil society who might have an interest in a particular issue. There was agreement that a process would need to be established to ensure other interested parties have an opportunity to input. There was a suggestion that to address this issue, the last sentence in the “Inclusiveness” section of the Draft Discussion Paper should be amended to read “No interested party should be excluded.”

Other Principles

The following are specific points raised during the discussion on guiding principles:

- ***Honesty***: While it is recognized that stakeholders inevitably come to meetings with unstated agenda, reports coming out of CSCGs should not have unstated agendas.
- ***Openness***: Before CSCGs are implemented, the responsible government department/agency should clearly define how public input will be proactively sought.

Organization Structure

There was general support for the description of Organization Structure set out in the Discussion Document; however, a number of themes emerged which served to further define the views of the working group:

- Flexibility
- Regional versus National
- Role of the NFS

Flexibility

Flexibility was examined from several angles, the prevalent theme being how to build flexibility into the structure of CSCGs in order to accommodate the uniqueness of crop kinds, regions and specific issues. The question of regional versus national committees is examined in the “Organization Structure” section of this document because that is where the working group more thoroughly discussed the issue.

In terms of building flexibility around issues, the consensus was that while the balance of stakeholders on a CSCG may remain constant, the actual individuals representing those stakeholders may vary depending on the nature of the issue. As one participant put it, “We need a framework that ensures proper representation but that allows the flexibility to draw on different individuals depending on the issue.”

Regional versus National

As referenced earlier in this document under the “Purpose, Mandate and Scope” section, the question of regional versus national CSCGs was discussed extensively. While there were suggestions that many crop kinds and issues lend themselves to regional CSCGs, the predominant theme by day’s end was that regional flexibility is best addressed within a national structure. Part of the rationale was that while a certain crop kind may be particular to one region, CSCGs need the flexibility to allow for the potential expansion of the crop into other regions.

Two suggestions were put forward for the start-up of CSCGs:

- Start with national CSCGs and allow stakeholders to self-select whether they need to “be in the room” on any given issue.
- Where feasible, provide for the grouping of crop kinds into national CSCGs, which in turn would have subsets to reflect specific crop kinds and regions.

Role of the NFS

The working group discussed the possible role of the NFS in the CSCG process, but strongly cautioned against CSCGs reporting to the NFS, or the NFS in any way becoming a filter for advice and recommendations emanating from CSCGs. Suggestions for roles the NFS might play were as follows:

- The value of the NFS is in its capacity to identify issues that cross crop kinds. In that sense, CSCGs should consult NFS as a client.
- NFS may have a role to play in facilitating communication between a stakeholder group and a particular CSCG which may be dealing with an issue of interest to that group.

Operational Guidelines

Finance was the dominant theme in this section of the working group's discussion. It was recognized that the operation of CSCGs will require resourcing in the following areas:

- To ensure stakeholder participation is not limited by their capacity to pay.
- To fund meeting facilities such as room rentals, document translation and at-meeting interpretation, as well as a secretariat service to arrange logistics, prepare agendas, record and report discussions and possibly facilitate meetings.

General principles emerged from the discussion around how CSCGs should be funded; the most fundamental of which was the principle of user pay. Reference was made to a guiding principle of the Federal Government's Smart Regulation initiative launched in March 2005 -- that whomever receives the benefit of a consultative service should pay for it. This makes the case for government funding of CSCGs. There was broad support for the principle that CFIA should be a major funding source because it will be the regulatory beneficiary of the CSCGs who will perform the necessary consultations prior to regulatory change. A dissenting view was that if user pay were to be the principle, true inclusiveness would not occur because of inability to pay expenses.

There was discussion around AAFC as a possible funding source, again applying the principle of the Smart Regulations Initiative; however, another perspective was that this implies a broader policy mandate for CSCGs than the more limited seed and VR mandate widely supported by the working group. As well, the point was made that the CSCG value chain from time to time is going to want to identify the issues and call the meetings, and the concern was expressed that their ability to do so might be limited if government is the funding source.

Other points made during this discussion were as follows:

- The Value Chain Round Table is a good finance model for CFIA in establishing a funding model for CSCGs.
- If funding is to be shared between CFIA and the value chain, then the basis for allocating costs could be whether it is the CFIA or a particular CSCG who has identified the issue in need of consultation. On the other hand, caution was advised to ensure that industry funding does not undermine the perceived integrity of the CSCG process.
- Financial vigilance should be practised at all times to identify and avoid overlap in consultation processes.
- The true cost of the VR system is not known and should be made known.

MEMBERSHIP

At best, the proposed membership framework in the Discussion Paper could be described as a guideline. It was clear at the working group meeting that there are concerns about whether the proposed framework could limit the flexibility of CSCGs to be adequately inclusive and to function effectively. As one working group participant said, “the nature of crop kind, the nature of the industry, and how easily it is identified in the value chain means that a framework will not work for everyone. There must be the flexibility for each crop kind and issue to determine what works best.”

While one perspective was that the concept of a framework runs counter to the principle of inclusiveness, another perspective was that a framework can provide guidance and help to ensure balance in committee representation. Various approaches to membership were put forward which might guide CFIA in their deliberations:

- A membership framework could be established whose elements would include guidelines and percentages to determine representation. Either CFIA could establish CSCGs, or crop kinds could identify an issue, in which case industry would take the lead on organizing a group across the crop kind value chain. When regional CSCGs exist, they would come together as necessary to deal with national issues.
- An executive committee for each crop kind could be established to build CSCGs as appropriate to deal with issues as they come up, most of those issues being identified by CFIA. The executive committee would not set the agenda, but could assist CFIA in ensuring inclusiveness.
- The existing chairs of Recommending Committees should be considered as excellent resources to include in CSCGs.
- Pilot CSCGs could be established for groups that can be assembled quickly. The functioning of these groups could be analysed in order to define the best approach for future CSCGs.
- A national working group could be established utilising subsets of the Recommending Committees.
- CFIA’s participation should be as a resource and possibly an organiser.
- The fourth point in the proposed membership framework document states: “representatives would be selected on their ability to represent the entire sector.” While there was some support for this proposal, the view also was expressed that this could easily become very political.

NEXT STEPS

This document is being forwarded to the CFIA as input into their consultation process on its Seed Program Modernization Initiative.

Participants

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Don Dewar	Keystone Agricultural Producers
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