

National Forum on Seed Meeting Report - April 2008



Winnipeg, Manitoba - April 9, 2008

The 9th meeting of the National Forum on Seed was held on April 9, 2008 at the Delta Hotel in Winnipeg with 17 Forum members and approximately 20 observers in attendance. The meeting objectives were to:

- Review the results of recent work on novelty, and on seed tags and labelling;
- Confirm the 2008-09 workplan for the NFS; and
- Establish a process to review the long-term mandate and operation of the Forum beyond 2008-09.

The meeting facilitator opened the day's discussion by providing an update on the status of NFS funding. On January 31, 2008 the ACAAF (Advancing Canadian Agriculture and Agri-Food) Program approved funding for NFS and industry-related activities for January 31, 2008 to March 31, 2009 in the amount of \$1,595,000 - of that, \$500,000 is earmarked for meetings of the NFS and its working groups. While NFS has a policy-oriented focus, the remaining ACAAF funding supports seven industry-related activities of a more technical nature, for example, the Seed Tag and Labelling Review. Industry in-kind contributions for 2008-09 total \$1,417,000. There will be no further ACAAF funding past March 2009.

It was highlighted that the application for funding requires as an outcome, a plan for the NFS from March 31, 2009 onward.

Update on Recent Work

Working Group on Plants with Novel Traits (PNTs)

NFS member Dale Adolphe updated the NFS on the PNT Working Group meeting held on March 4, 2008 in Winnipeg.

Mr. Adolphe noted that an initial working group meeting on PNT's was held in March 2006. That Working Group produced a number of recommendations that were provided to government including:

- greater transparency in the regulatory system;
- the concept of a single window for assessing novelty;
- the use of experience from other countries;
- tiered risk assessment; and
- post-approval monitoring.

In response to these recommendations, the Canadian Food Inspection Agency's (CFIA) Plant Biotechnology Office (PBO) and Animal Feed Division, and Health Canada's (HC) Novel Foods Section provided a response letter in July 2006 outlining 10 key proposed activities aimed at addressing the recommendations.

1. Clarify newness & environmental safety linkages
2. More clearly define & interpret novelty trigger
3. CFIA Draft of guidance document on novelty
4. Recognizing early consultation as due diligence
5. Exploring concept of single window approach
6. Recognition of other country data
7. Development of appeal mechanism
8. Recognizing scientific rationale in lieu of *de novo* data
9. Clarifying no split decision policy
10. Commitment to working with stakeholders

The PNT Working Group on March 4, 2008 in Winnipeg focused on these 10 activity areas.. Participants at the session confirmed that all activity areas remain important and expressed the desire that all activities should be completed by the end of 2008 with the exception of the appeal mechanism, which will take longer to develop. At this meeting, three additional priorities emerged from the discussion:

- a request for more clarity on the point at which a novel trait is no longer novel;
- a request for example cases where products have/have not been successful in the regulatory process as an education tool for breeders and the industry; and,
- a request for clarification on whether or not Heritage varieties could trigger novelty.

In response to the proposed activities and priorities CFIA noted that a guidance document on PNTs will be available for on-line consultation in the Spring of 2008. This document is expected to address a number of the concerns noted above. For example, it will provide examples of both successful and unsuccessful submissions. The Animal Feed Division should have clarified guidelines ready by the end of 2008. The proposal for a single window approach is at the CFIA senior management discussion stage, with a view to implementation by the end of 2008. CFIA and HC recognize the need for continued improvement in

Winnipeg, Manitoba - April 9, 2008

communication with stakeholders. Mr. Adolphe expressed the opinion that if progress is made as discussed at the meeting, and communicated regularly in a “report card” to industry, there should be no need for the Working Group to meet again.

Much of the discussion following Mr. Adolphe’s presentation focused on the consultation process for the guidance document on PNTs, and on whether the Working Group needs to meet again.

The concern was expressed that on-line consultation could be limiting and that the intended time frame of two months might be too short. Others said that a two- month consultation period allows sufficient time while ensuring that the issue continues to move forward. It was generally recognized that in order to ensure maximum participation, the consultations need to be well publicized.

Some NFS members expressed the view that another Working Group meeting would incur costs that may not be necessary if the guidance document is produced on schedule, and if a CFIA report card demonstrates that adequate progress is being made on the activity areas. Other members held the view that scheduling a meeting conveys a strong message to regulators that the current approach to novelty is viewed by industry as a major impediment to innovation and must be addressed on a priority basis.

Comments on other PNT issues were as follows:

- Asked whether crop-specific annexes will be part of the draft guidance document, a CFIA representative said that an annex on field crops (including forages and vegetables) will be part of the first document, while annexes on ornamentals and forestry will follow later.
- A CFIA representative explained that while a Heritage variety may not meet the definition of merit for registration, it should not trigger novelty in the regulatory system; however, the comment was also made that novelty for purposes of food and feed is determined by whether the variety appears on the official list. If it is not on the list because it has been out of use for some time, that triggers novelty under the current system.

- An NFS member asked whether the number of novel submissions received by CFIA could be categorized according to rDNA, mutagenesis, or other conventional breeding. A CFIA representative said such a report could be produced for industry drawing from an existing database.
- There was debate around whether a more fundamental discussion on the “novel” definition in Canada is needed. It was acknowledged that this issue requires more thinking and it could be an agenda item for a future working group meeting.

Decisions:

- ➔ **Because this is such an important and urgent issue for industry, a Working Group meeting on PNT’s/ Novelty will be notionally scheduled to monitor progress. This decision can be revisited if circumstances warrant.**
- ➔ **The PNT Working Group report of March 4, 2008 will be translated and published to the web site.**
- ➔ **CFIA is planning a strong communication initiative around the web-based consultation to ensure maximum participation.**

Seed Tag and Labelling Review Technical Committee

NFS Member Bill Leask reported on the February 8, 2008 meeting of the Seed Tag and Labelling Review Technical Committee.

This Technical Committee, which is one of the industry-related technical issues covered by the current ACAAF application, was convened to address several issues including:

- The current cardboard tags are often disregarded, can be lost or damaged, and do not support modern information management systems.
- There is often a desire by sellers of seed to put more information on the tag than is permitted in regulation, for example, information around inventory control and promotion.

National Forum on Seed Meeting Report - April 2008



Winnipeg, Manitoba - April 9, 2008

- The regulations for tagging and labelling are confusing and often overlap
- Companies in the seed trade want to move to more modern information management tools and technology, such as bar codes.
- The requirement to provide the seed tag to the purchaser at the “time of sale” is also an issue. For example, does “time of sale” mean when the order is placed, when the seed is delivered/picked up, or when the invoice is paid?

Dr. Leask also pointed out that traceability is growing in importance within the industry, so seed tags and labelling are increasingly important. He explained that as the seed industry comes together around labelling issues, this will naturally lead to the issue of traceability. In that regard, the technical committee has involved a relatively new group – the National Agriculture and Agrifood-Traceability System – in its current work with a view to future partnership with the NFS.

Dr. Leask indicated that the Technical Committee had a successful discussion and will be providing several recommendations to CFIA shortly including:

1. providing flexibility, or options, for seed sellers on how the “official” information is provided (the actual carrier mechanism for the information) and provide flexibility as well on how and when the “required” information is provided.
 - a. “peel and stick” tags were considered an initial option that would provide sellers the flexibility of using the existing tag or sticking the official tag to weigh bills, invoices, or other documents that contain “required” information
 - b. “all in one” labels were considered an option whereby the official tag, required information and a bar code could be incorporated into one document. Consideration could be given, for example, to authorizing Registered Seed Establishments to print the blue tag and information on the tag that includes other required information.

2. amending regulations to allow official and required information to be delivered to the purchaser at time of sale and provide flexibility on how time of sale is defined i.e. at pick-up, at invoicing, at time of payment, etc.

In response to Dr. Leask’s presentation, a CFIA representative outlined proposals for developing and implementing a program whereby industry may print official tags. The Seeds Regulations were recently amended to define “official tag” as a label that is issued or approved by the Agency. This will allow official tags to be printed by private companies where a service agreement between CFIA and the company is in place. The official tags could include the current tag format, the current tag format plus a space for non-official information, or the current format printed on top of the longer industry tag. The spaces for “official information” and “unofficial information” will have to be clearly defined. The service agreements will define roles and responsibilities, and an accreditation and audit program to monitor these activities. While this is occurring, CFIA would research a “peel and stick” tag option. Further discussions with the seed sector will be required to identify how accredited printed tags would be used and what information would be included.

Other points of discussion:

- Questions were posed regarding quality control and inventory control when tags are being produced by authorized seed establishments. A CFIA representative responded that pursuant to the audits of authorized seed companies, a high priority will be placed on ensuring that seed establishments have proper systems for keeping track of tag use.
- There were comments about international labelling requirements. The OECD seed scheme sets out requirements. A CFIA representative cautioned that while changes to labelling regulations in Canada will be helpful, labelling is part of the seed certification system and the blue rectangular tag is the recognized symbol of certified seed around the world.
- The view was expressed that the current system is designed to protect the buyer of seed, the farmer, whereas the

Winnipeg, Manitoba - April 9, 2008

Technical Committee's recommendations would serve to diminish this protection. Another view was expressed that the recommendations will actually better protect the buyer of seed because the measures increase traceability down the value chain.

Decision:

- ➔ **The Technical Committee will continue to work with CFIA on seed tag and labelling issues.**

Focus on 2008-09 Workplan

Review of Phase IV Workplan

The meeting facilitator outlined the current fiscal year's workplan for the NFS as approved under ACAAF funding. The funding provides for four NFS meetings, including the one on which this report is based. Funding for Technical Working Group meetings are also included.

Decision:

- ➔ **NFS meetings will continue to be a priority. The next meeting will be held around November 2008, and another one before March 31, 2009. A possible meeting in July 2008 is under consideration.**

Regarding the Working Group on PNTs, while it was agreed earlier in the meeting that the group should meet again, there was some question around timing, given that the clarified guidelines for feed may not be ready until the end of 2008. There was no consensus among NFS members as to whether "novel" versus "new" should be part of the Working Group discussion. A CFIA representative pointed out that the definition of novelty is established by the Government of Canada. He said the issue is not with the definition, but rather with the fact that novelty is often wrongly applied to products which are new, not novel. Therefore, the issue is one of clarification and communication.

Decision:

- ➔ **The Working Group on PNTs will be organized for the early Fall of 2008 and/or January/February 2009.**

With respect to the Working Group on Variety Deregistration, several important objectives were identified as needing to be addressed. One concerns questions around the treatment of Heritage varieties which may at some time have been registered. Product discontinuation around biotechnology products is another issue. CropLife Canada is involved in this work, so this should be considered as the Working Group moves forward. Another matter of interest is the fact that variety deregistration does not apply to many products, such as ornamentals. Enforcement is a topic of interest to ensure that deregistered varieties do not continue to be produced.

Decision:

- ➔ **The Variety Deregistration Working Group will meet in the Fall of 2008 to continue addressing objectives as identified by the NFS.**

There was discussion about the future work of the legislative review on impediments to innovation and competitiveness. A number of ongoing projects relate to the review. For instance, the Government of Canada's Paper Burden Reduction Initiative will result in a 20-percent reduction in regulatory requirements. As well, the Canada Grains Council is undertaking a study of impediments to the successful introduction of technology with completion targeted for June 2008. One of the areas being examined is regulation.

An NFS Member made the point that framing the discussion in terms of legislative impediments implies a biased view; legislation is not always an impediment and can in fact enhance trade and innovation.

Decision:

- ➔ **The NFS will monitor the outcomes of the Canada Grains Council's undertaking in order to define any possible future work in this area.**

National Forum on Seed Meeting Report - April 2008



Winnipeg, Manitoba - April 9, 2008

As funding exists in the ACAAF application for two new priorities, the NFS discussed several possibilities for new work. A CFIA representative outlined projects where the agency would like to involve industry in making progress. None of these were identified as NFS priorities moving forward. It was suggested that these projects might best be dealt with through a technical committee.

There was considerable discussion about whether NFS could contribute to changes that are occurring as a result of the future elimination of kernel visual distinguishability (KVD) as a segregation tool and variety registration requirement for western Canadian wheat classes. It was noted that the Western Grain Elevators Association has assembled an industry committee to work out the details of how the grain industry will function in a non-KVD world, so it is not clear how NFS might be involved. It was also noted that KVD will be eliminated by August 1, 2008. Given the timing, it is not clear whether the involvement of NFS would come too late. The point also was made that the implications of using technology in the future for variety name usage and identification may be the actual issue of interest to NFS.

Decision:

- ➔ **The NFS Secretariat and Management Committee will capture the suggestions for further NFS work in 2008-09 and circulate a written document back to the membership for further consideration.**

THE FUTURE OF NFS

Review of the NFS projects and outcomes to date

NFS Member Dorothy Murrell presented the meeting with an overview of the Seed Sector Review and the subsequent establishment of the NFS. Since the Forum's inception, there have been 17 meetings of the NFS or its working groups, all resulting in reports which were made publicly available. Ms. Murrell expressed the view that the most important outcome of the entire process has been the establishment of a transparent process which has improved working relationships, and promoted mutual respect and understanding. She reminded the meeting that the purpose of the Forum is to share concerns and ideas, to enhance

understanding and where possible, to develop consensus. The NFS and its working groups were instrumental in CFIA's development of a variety registration proposal and subsequent consultations. A CFIA representative strongly echoed this view, saying the NFS helps the Agency identify priorities. In fact, CFIA has been working with Agriculture and Agri-Food Canada under the Growing Forward initiative to create processes in other regulatory policy areas modeled after the NFS approach. NFS Member, Barry Reisner, who co-presented with Ms. Murrell, said the NFS is at a crossroads, both as a group and within the organizations the membership represents, as to what extent they see the NFS process continuing. He expressed the view that to not continue would be to take a big step backward.

An important focus of the discussion was how to fund the work of NFS once ACAAF funding terminates March 31, 2009, and how to get the best value. One observation was that if NFS operations are fully resourced, this would add more predictability for planning purposes, more control of its destiny and as a result, more productivity.

The NFS will need to factor in a number of considerations. For instance, it was noted that the Canadian Seed Trade Association (CSTA) has put forward a proposal to the NFS Management Committee which addresses these questions. As well, the NFS Management Committee has done some preliminary work on a possible funding model. Another consideration is that the Canadian Fertilizer Products Forum has expressed an interest in possible collaboration with the NFS.

Other viewpoints expressed during the discussion:

- It was suggested that the NFS in the future might want to consider an approach used by L'Union des producteurs agricoles (UPA) where proposals are discussed and taken from the meeting.
- The definition of consensus in the governance document consensus model used by NFS needs to be revisited. The weighting of opinion and the degree of engagement of different views is an issue.

Winnipeg, Manitoba - April 9, 2008

- Issues around membership and how to engage the sector more broadly (ie: the organic sector), need to be addressed. Organizations that work around seed issues and issues of intellectual property could add new perspectives to the NFS.
- The working group process requires that very complex issues are addressed in a restricted time frame (ie: one-day meetings). A different approach should be considered.

Decision:

- ➔ **The NFS will devote a substantive portion of its next meeting to planning the future of NFS.**
- ➔ **To aid in that discussion, these documents will be circulated to NFS members: A perspective on a revised consensus model and revised membership from the National Farmers Union, a description of the UPA model, the CSTA proposal, and the NFS Management Committee proposal on funding.**
- ➔ **NFS members are asked to talk with their respective groups about these issues and provide written comments to the NFS Management Committee. These comments will be organized and presented to the NFS in order to facilitate discussion.**
- ➔ **Prior to the next NFS meeting, all organizations on the NFS mailing list will be informed so that they have the opportunity to participate in the discussion.**

Governance

There was consensus that presentations/updates from the seven technical committees funded under the ACAFF application would be useful at future NFS meetings.

Wrap-Up

The specific schedule for future NFS meetings including anticipated Working Groups, will be prepared by the Management Committee and circulated by early May 2008. It was suggested that the November 2008 meeting could be extended to an extra half-day, in order to adequately address the issues of the day. There was agreement that meetings should be held in Winnipeg and Ottawa. There was debate around whether meetings should be scheduled immediately before or after other industry related events.

Anyone who wishes to obtain a copy of presentations made at the meeting can visit www.nationalforumonseed.com.