

National Forum on Seed Meeting Report - November 2008



Winnipeg - November 12, 2008

The 10th meeting of the National Forum on Seed (NFS) was held at the Delta Hotel in Winnipeg on November 12, 2008, with 35 Forum members and observers in attendance. The Forum reviewed a summary report from the Working Group on Plants with Novel Traits (PNTs), received updates on five seed sector related projects, discussed the status of the Phase IV Work Plan including plans for meetings this winter, considered a proposal for an ongoing consultative framework for the seed industry, its value-added chain and other stakeholders, and agreed on next steps for moving forward on all these activities.

Report from the Working Group on PNTs

A Working Group on Plants with Novel Traits (PNTs) was convened by the NFS in March of 2006. Its recommendations led to a government response proposing follow-up actions in 10 areas, including the development of guidance documents to assist stakeholders in understanding and navigating the relevant government approval processes. Another Working Group meeting in March of 2008 confirmed the importance of completing this work as soon as possible and requested further clarification and guidance on several points. At its April 2008 meeting, the Forum reiterated the need for more information to be provided and for effective consultations with all interested parties as government guidance documents are revised and finalized.

A further Working Group meeting was scheduled to monitor progress on this issue which continues to be a high priority for the seed sector and its downstream customers. Dale Adolphe made a short presentation on the outcomes of this meeting which was held on October 27, 2008 in Winnipeg. *(Note: The full meeting report was not available in time for the Forum's November meeting, but will be posted on the NFS website when it has been translated and finalized.)*

The Working Group concluded that the Canadian Food Inspection Agency (CFIA) is moving in the right direction on

the previous recommendations, but much work still remains. The guidance document for environmental assessments of PNTs should incorporate more examples to demonstrate a range of risk levels. The Working Group also discussed funding levels for regulatory affairs in the public sector, suggesting that more funding may be required to enhance outreach and ensure timely responses to industry and other stakeholders.

The Working Group identified next steps as follows:

- A small, focused group from the public breeding sector will be assembled by year end to develop examples and address specific issues.
- CFIA will redraft its PNT Guidance Document and develop an accompanying paper highlighting the areas where suggested changes have been incorporated.
- The revised draft will be circulated to a broad group of stakeholders for comment, including Working Group participants.
- By early 2009, the Guidance Document will be revised to reflect all the input (Working Group, plant breeders, on-line consultation).

CFIA officials indicated that the recent Working Group meeting had been useful for them and this input would be reflected in the next draft of the Guidance Document which will hopefully be circulated in late December or early January.

Forum members noted that guidance documentation on novelty is also required for the animal feed and food approval processes. CFIA representatives said their colleagues in the feeds area expect to have a clarifying paper ready by the end of 2008, and noted that the "single window" concept for approvals of plants with novel traits is still under discussion within the Agency.

Regarding the government's position on no split decisions, it has been clarified that there could be determinations under one stream (food, feed, environment) without a requirement for approvals being sought in the other areas, but where

Winnipeg - November 12, 2008

multiple decisions are necessary prior to commercialization, then these would all have to be made concurrently and consistently. There has been no progress yet on development of an appeal mechanism.

Frustrations were expressed about timing of the October Working Group meeting, which had to be rescheduled due to the federal election. Some Forum participants continue to question whether the energies directed towards clarifying the government's interpretation of novelty wouldn't be better spent trying to get the novelty definition/requirements changed.

Decisions:

- ➔ ***The Forum will monitor progress on the environmental approvals Guidance Document as well as the one forthcoming from the animal feeds section.***
- ➔ ***The Forum requests that CFIA circulate the draft Guidance Documents widely, particularly to public plant breeders and seed importers.***
- ➔ ***Another Working Group meeting will be convened in February or March to review the revised environmental Guidance Document and the new one for Animal Feeds; the discussion sessions on the two documents will be split to avoid any confusion about the differing requirements of these separate regulatory approval streams.***

Update on Seed Sector Related Activities

Warren Wilson reported on five technical seed sector projects that have been undertaken with Phase IV funding from ACAA (Advancing Canadian Agriculture and Agri-Food Program). The status of these projects, along with points clarified in response to questions from Forum members and observers are summarized below.

1. Harmonization of Canada-U.S. Methods and Procedures for Seed Testing

- Seed analysts and officials from the two countries met in late September to compare seedling evaluation methods and standards. On balance, those present saw potential benefits from harmonizing existing methods, in particular seedling evaluation and sample sizes. They developed criteria to assess these opportunities and identify priorities for follow-up action. A harmonization Steering Committee was set up to develop specific proposals and recommendations which could feed into the formal processes for making change within each jurisdiction. The earliest any changes could occur would be late 2009, and it could take another year following agreement at the government level before such changes would take effect.
- A CFIA member clarified that the respective government agencies are looking towards a situation where they could accept the seed testing results in the other country rather than necessarily changing their own sampling and testing protocols. Bill Leask of the Canadian Seed Trade Association noted that creating better understanding of one another's systems should lead to reporting test results in such a way that they can be more readily accepted as equivalent in the other country's marketplace.

2. Licensed Samplers

- Meetings were held in June and October to look into the possibility of harmonizing the three separate sampler programs run by the Canadian Food Inspection Agency, the Canadian Grain Commission and the Canadian Seed Institute. Program design elements have been compared and commonalities and differences noted. The objective is to achieve one protocol for sampling with annexes that would capture program-specific variants, such that the three licensing

National Forum on Seed Meeting Report - November 2008



Winnipeg - November 12, 2008

bodies could recognize one another's accreditation process wherever possible.

- The next step is to set up pilot projects in each jurisdiction.
- CFIA representatives clarified that there would still be two classes of seed samplers under its program--one for export movement and the other for domestic purposes. Seed sampling for plant health purposes--i.e. phytosanitary certificates--is not being included in the harmonization efforts at this time, but could be considered at a later date.

3. Weed Seeds Order

- About 35 seed growers, seed analysts, members of the seed trade, and officials from provincial governments and CFIA met at the end of October to review and discuss the current Weed Seeds Order (WSO). There was general agreement that revisions are needed, as well as a more systematic approach to placing species within the WSO, perhaps something akin to the Pest Risk Analysis (PRA) process. There was a desire to see new definitions applied for Class 1 & 2 weeds, as well as possibly collapsing other classes into a new Class 3, and to align the WSO classes and definitions more closely with the International Plant Protection Convention.
- CFIA will be working over the winter to develop a draft proposal for changes to the WSO. A further meeting of interested parties may be held in February or March, after which the proposed changes could enter the formal regulatory change process.
- Early detection/identification of new weeds is a mutual priority for government and industry and CFIA has a strong interest in developing procedures in this area, as well as finding ways to regularly update the WSO in future.

- The presence of Class 1 weeds is prohibited in seed, and there is some necessary movement down the classes when a weed species becomes more prevalent. The seed sector's interest is mainly with ensuring that the lists for Classes 2 & 3 are current and relevant for farmers and processors. It was noted that issues related to eradication of noxious weeds are the purview of CFIA's plant health regulations, as well as provincial and municipal regulations. In looking at WSO changes, CFIA is also mindful of not overlapping or duplicating regulatory aspects of the Alien Species Initiative.

4. Grade Tables

- A similar government-stakeholder meeting was held to discuss the longstanding Seed Grade Tables. There was general agreement that changes are needed, but not much clarity nor consensus on how to proceed. CFIA has concluded that there will need to be a broader-based review of some of the specific standards after system-wide issues are addressed. More detailed observations and suggestions on specific grade standards are documented in the written account of this late-October meeting.
- The intent of the grading system is still supported, but simplification could enable more effective communication between seed buyers and sellers. There appears to be general support for decoupling some of the varietal purity/pedigree aspects of the certified seed system from the quality/grading component. The Grade Tables support informed decisions by seed buyers, but if the system is too complex, it doesn't serve their interests.
- It may be desirable to reduce the number of grades for some crop kinds.
- Work on the Grade Tables must take into account changes in the WSO, so will proceed in tandem or

Winnipeg - November 12, 2008

perhaps lag a little behind the WSO amendments.

- While there could be downstream developments from dropping the KVD (kernel visual distinguishability) requirement for wheat, on the whole this is not a concern since the varietal purity requirements have always been much more stringent for seed than for grain.
- CFIA is planning to come back to the seed sector in early 2009 with proposed options/approaches to overall changes in the grade quality framework.

5. Seed Tags and Labels

- As reported at the last Forum meeting in April, a Technical Committee met last February to discuss seed tag and labeling issues. In response to recommendations from this committee, CFIA agreed to consider allowing firms who could meet accreditation standards to print and issue seed tags. The Agency also indicated that some flexibility in the form and format of seed tags would be possible.
- Mike Scheffel reported that considerable progress has been made since then and the Agency is hopeful it can begin to implement this new approach at year-end or early in 2009. However, the seed handling season has already begun and, regrettably, the changes cannot be widely applied for this year's production. Probably, the initiative will be tested with a couple of registered seed establishments before being rolled out more widely.
- Further standardization work is required within the seed trade before bar codes can be incorporated into the tags.
- In response to concerns about CFIA's ability to control and track seed movements once seed tags are produced outside the Agency, officials indicated that

the new licensing agreements being proposed will actually give CFIA more control over reporting by registered seed establishments, as well as strengthening the follow-up audit process.

Forum members expressed interest in having future updates on these technical projects. Copies of the full reports from the respective workshops on these projects are available, on request, from the NFS Secretariat.

Review of Phase IV Work Plan and Winter Meeting Schedule

Under the approved ACAAF funding, the Forum has sufficient resources for four Working Group meetings and one full Forum meeting before the end of March 2009. A Working Group on Variety Deregistration is being convened on November 13 (back-to-back with this Forum meeting) and a Working Group meeting on the Variety Naming and Identification has been scheduled for December 16, 2008, also in Winnipeg. In receiving the PNT Working Group report, Forum members called for another meeting of this Working Group in February or March.

Following discussion of industry/stakeholder priorities, it was agreed that it would be preferable to try to complete work on variety de-registration and variety names rather than setting up new Working Groups to address other issues. It is hoped that Forum member concerns about impediments to innovation will be adequately dealt with in the follow up to the Canada Grain Council's (CGC) work on this topic. The CGC is expected to recommend the creation of a Field Crops Value Chain Roundtable and this could be a venue for continuing efforts on the innovation front.

The next meeting of the PNT Working Group should not conflict with scheduled meetings of the various Variety Recommending Committees and could be timed to take advantage of many plant breeders being in Alberta the last week of February.

National Forum on Seed Meeting Report - November 2008



Winnipeg - November 12, 2008

Clarification was sought about the purpose of the Working Group on Variety Naming and Identification. It was explained that there are issues about the use of variety names, both on common seed (for Schedule 2 crops) and grain (in relation to deliveries to the Canadian Wheat Board, and for crop insurance purposes). The use of variety names in these instances, outside the varietal purity preservation measures of the pedigreed seed system, may be misleading and/or give rise to liability claims. There appears to be a need to clarify the current rules and requirements governing the use of variety names, as well as have a full airing of potential problems that may arise, especially in view of changing circumstances in the marketplace (e.g. no more KVD requirement for new wheat varieties).

Forum members suggested changing the name of this Working Group to "Use of Variety Names", confirming that it will deal with use of variety names for both common seed and grain, and ensuring that grain handlers and grain buyers further down the value-chain are encouraged to participate in this Working Group.

Decisions:

- ➔ **A Working Group on Use of Variety Names will meet in Winnipeg on December 16. An agenda will be developed and circulated shortly, specifying that the intended scope covers both the implications of using variety names on common seed and on grain crops. Special efforts will be made to attract representatives from the whole value chain.**
- ➔ **The next PNT Working Group meeting will be tentatively scheduled for February 27, 2009 in Calgary.**
- ➔ **A follow-up meeting of the Working Group on Use of Variety Names and/or the Working Group on Variety Deregistration could be held in Winnipeg sometime in February.**

- ➔ **The 11th meeting of the National Forum on Seed is tentatively being scheduled for March 2009 in Ottawa.**

Future of the National Forum on Seed

Agriculture Canada funding for the National Forum for Seed will end on March 31, 2009. There is a requirement in the Phase IV funding agreement for the Forum to consider options for future Forum activities and funding and report on its conclusions and future plans. As discussed at previous Forum meetings, the NFS has successfully broadened communication across the seed value chain, increased understanding among stakeholder groups and made progress on several issues. On the other hand, it is not "officially recognized" by the government, is limited in the number of issues it can address at a time, has not been able to bring to the table all of the issues important to individual members and progress on the issues it has dealt with can be characterized as slow.

The future of the NFS was discussed at some length in the course of the last Forum meeting in April. The "straw dog" thinking has continued to evolve in the intervening months. On behalf of the Forum's Management Committee, Warren Wilson presented a proposal for a Seed Sector Consultative Framework which could be a way to conceive of and handle consultations on issues such as the ones the NFS has been dealing with in the last four years.

This framework would see the demise of the NFS in its current construct. Issues would be identified by seed sector stakeholders, value chain stakeholders, governments, or other interested parties. Depending on the nature of the issue, it might be dealt with through consultations within the seed sector, broader consultation across the seed value chain, or even more broadly in a form that would involve all stakeholders, government and other interested parties. These three categories of consultation are not mutually exclusive.

Winnipeg - November 12, 2008

An issue initially of interest within the seed sector might later require discussions with others who might be impacted. Conversely, a broad policy or regulatory change being contemplated by government and subject to a very broad consultation process could concurrently be the subject of internal discussion within the seed sector or between the seed sector and components further along the value chain.

Typically, seed sector consultations would be technical in nature, and be held for the purpose of developing understanding and consensus within the seed sector and communicating the sector's views to government and others with a shared interest in the issue under discussion. The framework proposes that such consultations would be managed and funded by the parties organizing the consultations and would likely involve meetings of industry organization leaders and senior staff or technical working groups with a relatively small number of participants.

Consultations at the level of the Seed Value Chain would be appropriate for issues of significant interest to both the seed sector and its upstream and downstream value chain counterparts. Their purpose would be to build consensus where possible across the value chain or at least to identify both consensus viewpoints and understand/describe areas of divergence. Government departments and agencies could be active participants in these consultations, which might take place in a working group format similar to that used by the NFS. The party organizing these consultations—possibly one or more seed sector organizations or a government body—would organize the meeting(s), set the agenda in consultation with other stakeholders, and bear the costs of the meeting infrastructure (e.g. meeting room, audio-visual, simultaneous interpretation, report writing), while participants would pay their own travel and meal costs.)

The broadest, multi-stakeholder consultations under the framework would likely focus on government policies and regulations which had wide implications for the seed sector value chain, the agriculture sector as a whole and civil society. They would generally be convened by

government to seek the views of stakeholders and other interested parties on proposed policy or regulatory changes. The party organizing the meeting would set the agenda—possibly in consultation with key stakeholders—and cover the overall meeting costs. Industry associations would typically pay travel costs for their participants, but government might choose to pay some costs for non-industry participants who might not otherwise be able to take part. These consultations might take the form of national stakeholder workshops like those sometimes convened by CFIA or a series of regional sessions and might also include on-line consultations with structured questions, workbooks or other tools to elicit responses to a policy white paper or regulatory change proposal.

Key seed stakeholder groups would need to take a leadership role within this framework in terms of agenda development, meeting organization and reporting. Options for facilitating this role include shared or alternating administrative support services between the Canadian Seed Growers Association (CSGA) and the Canadian Seed Trade Association, contracting this work out to a third party as meetings are scheduled, or sharing administrative services for consultations with the Canadian Fertilizer Products Forum.

There was general support from Forum participants for maintaining a consultative process or processes to deal with seed-related issues. It was seen as important to preserve the governance principles adopted by the Forum and to have efficient, affordable and sustainable consultations with participation appropriate to the issue under consideration. Concerns were expressed about governance and continuity, particularly how appropriate inclusiveness would be achieved and how outcomes of consultations would be communicated. The following were among the points raised during the Forum's discussion about the proposed framework:

- Some believe CFIA has been the main beneficiary of the NFS process and should pay a significant part of the costs for an ongoing NFS-style consultation process.

National Forum on Seed Meeting Report - November 2008



Winnipeg - November 12, 2008

- CFIA officials acknowledged that the NFS consultations have helped them understand seed sector concerns and explore divergent stakeholder positions on these issues; nevertheless, they pointed out that the resources they can devote to funding consultations with the seed sector and others are limited; a consultation process dependent on government funding may not respond adequately or promptly to stakeholder priorities.
- One Forum member noted that the proposed framework may be perceived as going back to the Seed Sector Review which existed before the NFS model— with its more inclusive style of communications—was developed. Another member countered that the proposed framework is not about trying to exclude anyone, but rather a practical approach “to salvage what we can” and bring some predictability to ongoing consultations about seed issues. Another participant noted that the seed sector is bound to look after its own day-to-day regulatory requirements but can’t and shouldn’t bear the burden of large public policy debates on biotechnology or cross-sector consultations on major regulatory changes.
- The Value Chain component of the proposed framework is the one most at risk. Seed sector organizations are capable of sustaining technical work on issues more internal to the sector, and government will ensure some type of broad multi-stakeholder input is sought before major policy and regulatory changes are promulgated.
- The proposed framework is calling for farm organizations and others in the value chain to pay their way to participate in consultations that will improve understanding and seek outcomes to benefit the entire value chain. Several participants echoed the need for end users to be included reflecting the stake they have in specific seed-related issues.
- The NFS Secretariat and meeting reporting functions are seen as essential for continuity, and one Forum member expressed concern that the proposed model would fall apart after a year or two without this infrastructure. The NFS Website was also referenced as an element that should be maintained if possible.
- It was suggested that the Forum explore funding as a Value Chain Roundtable. There was some support for doing so, although one Forum participant commented that his experiences with the Roundtables had not been positive and he wouldn’t encourage the Forum to emulate that model nor try to get seed issues dealt with by existing Roundtables. It was noted that the government’s response had been lukewarm when the idea of a Seed Value Chain Roundtable was floated 4-5 years ago. Also, Agriculture and Agri-Food Canada (AAFC) has its own Value-Added Secretariat and is unlikely to support an independent secretariat such as the one now used by the Forum.
- If support for Seed Sector Value Chain consultations could be garnered from the Value Chain Roundtables initiative, it might still be desirable for the Forum to meet at least once a year to review progress. A question was posed about whether CFIA or AAFC could underwrite or provide ongoing Secretariat support for the Forum.
- Another suggestion was to approach AAFC’s senior management seeking a long-term commitment not just from the Value-Added area in the Market and Industry Services Branch, but one that would reflect the value of the NFS process to the research and policy parts of the department as well.
- The notion of a Seed Advisory Committee to feed into the whole Agri-Food portfolio and even other departments/agencies (e.g. Health, Canadian Intellectual Property Office) was also proposed.

Winnipeg - November 12, 2008

- It was noted that several Forum members were not represented at the November 12 meeting and it will be important to get their input.

Decisions:

- ➔ ***The Management Committee and Secretariat will take the feedback from this meeting and develop a shorter options paper, strengthening the focus on purpose and principles as well as consultation mechanisms.***
- ➔ ***The revised document will be circulated to Forum members as soon as possible. Forum members will be expected to discuss it within their respective organizations and get back to Management Committee members with their comments early in the New Year.***
- ➔ ***Concurrently, between now and Christmas, other funding/support options will be explored with AAFC and CFIA, and the outcomes of these discussions communicated to Forum members.***
- ➔ ***Prior to the next Forum meeting in March 2009, the results of these two processes will be merged into "an option" for discussion/approval at that meeting.***