

# National Forum on Seed Meeting Report - March 2009



Ottawa - March 19-20, 2009

The 11th meeting of the National Forum on Seed (NFS) was held in Ottawa on March 19 and 20, 2009, with 37 Forum members and observers in attendance. The Forum reviewed summary reports from the Working Groups on Variety Deregistration, Use of Variety Names, and Plants with Novel Traits and Novel Feeds. It also received updates on five technical seed-related projects, considered future topics and issues that should be addressed by the seed sector and other stakeholders, and discussed options for the future of the NFS.

At the outset, facilitator Warren Wilson reminded all participants of the guiding principles which have been adopted by the Forum to govern its operations and the conduct of its meetings:

- equal access and effective participation;
- respecting differences of opinion;
- accurate reporting; and,
- aiming to build consensus.

## Report from the Working Group on Variety Deregistration

A Working Group on Variety Deregistration met on November 13, 2008, in Winnipeg. It drew attendance of about 30 representatives from the seed sector, farm organizations, grain handlers and processors and government. The objectives set out by the Forum for this Working Group were:

- To clarify the current variety deregistration process;
- To identify any issues with the current process; and,
- To identify the next steps for moving forward on these issues.

Dr. Bill Leask made a presentation summarizing the outcomes of the November meeting. (The full Working Group report can be found on the NFS web site.)

The current Variety Registration process, administered by the Canadian Food Inspection Agency (CFIA), includes provision for a variety to be deregistered "for cause" if it poses health and safety risks in food or feed, may harm the environment, is highly susceptible to disease, or if there are issues with its purity or identity. Varieties may also be deregistered "on request", usually because

the company or breeder organization responsible no longer plans to sell/maintain pedigreed seed of the variety.

If there is still pedigreed seed available when deregistration is requested, a disposal plan is required. However, there is no set time-frame for phasing out use of the variety and no formal requirement for the entity seeking deregistration to notify potentially affected parties. A list of any varieties proposed for deregistration is posted quarterly on the CFIA web site.

The Working Group had input from consultant Grant Watson, a former head of CFIA's Seed Section, who had surveyed 22 organizations to scope issues related to deregistration. They also heard comments from a panel representing the interests of variety developers, seed savers, grain handlers, oilseed marketers and processors, organic growers and commercial crop producers. In the course of table and plenary discussions, the Working Group participants identified nine issue areas where they saw opportunities to improve the current system:

1. Improve communication--better notification to seed sector, farmers and other interested parties.
2. Introduce more transparency--possible role for Recommending Committees, minimum consultation requirements and/or appeal process.
3. Flexibility to allow interested parties to acquire voluntarily deregistered varieties.
4. Restricted registration or other accommodation for heritage/artisan varieties.
5. Resolve issues around use of variety names in grain handling and export.
6. Possible decoupling of Canadian Grain Commission (CGC) Class Eligibility List from registered variety list.
7. Deregister inactive varieties and use freed-up resources to develop new varieties.
8. Add structure to deregistration process--timelines for advance notice to seed sector, crop producers and to handlers/marketers/end users.
9. Consider fixed registration life, depending on crop kind and other factors.

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In consideration of the wider context in which variety deregistration decisions are being made, participants at the November meeting also noted that the seed regulatory system:

- needs to maintain flexibility and choice;
- must be responsive to the needs of a clientele that includes both crop producers and end users; and,
- should recognize the need for linkages between the seed and grain regulatory frameworks as changes in one often impact on the other.

The Working Group concluded that the next step was for CFIA officials to develop a proposal/options for:

1. short-term action in areas such as improving communication; and
2. addressing other issues such as flexibility to meet the needs of organic growers.

Participants did not see a need for further Working Group meetings on the subject of variety deregistration.

Following Dr. Leask's presentation, there were several comments and questions. Clarification was provided that organic growers are seeking continued access to older varieties to fill niche/artisan markets and to have the choice to grow varieties with unique quality and agronomic characteristics that may no longer meet the needs of commercial crop producers. The organic sector expressed interest in taking responsibility to maintain some varieties developed in the public sector which might otherwise be deregistered. Producer "choice" was also a concern for farm-saved seed advocates concerned about ongoing access to non-genetically-modified canola varieties.

For commercial grain producers, the bigger concern is the effect of variety deregistration on the CGC class eligibility lists. An example cited was the durum variety Pelissier, whose deregistration caused farmers still growing it to have their deliveries downgraded because it was no longer eligible for the top durum grade classes. The Canadian Wheat Board is making special efforts to move the Pelissier durum shipments through the system without economic losses to producers, but this shows how variety deregistration decisions can have impacts downstream in the grain handling and marketing system.

A CGC representative confirmed that the Commission intends to continue listing varieties of wheat, durum and flax as the basis for eligibility for certain grades. Discussion ensued about whether this puts undue onus on variety developers to ensure nobody is still growing the variety commercially before they deregister it. The Pelissier example underscores the need for better communication of plans to deregister a variety. The CGC representative noted that the merit-based variety registration system has always been closely linked to the class eligibility system because the variety grown is a reliable indicator of end-use characteristics; in the post-KVD (kernel visual distinguishability) world, there's even greater reliance on variety distinctions to break grain into classes. Another participant pointed out that the farther away you get from Certified seed, the more uncertainty there is that the variety characteristics are being maintained, which could cause a problem for the grain-handling system if it's just relying on the variety name.

Cindy Pearson, CFIA's Chief of Variety Registration reported that the Agency had found the Working Group meeting useful in identifying issues, priorities and possible solutions. She outlined CFIA's follow-up plans, which include:

1. Posting a description of the deregistration process on the CFIA web site.
2. Improving the communication process for voluntary deregistration so affected parties, especially seed sector and crop producers, can adjust.
3. In the longer term, continuing to look at linkages between the seed and grain regulatory systems and working with industry and other government agencies to ensure those regulatory systems work in a logical way with awareness of downstream impacts.
4. Further probing of issues related to the role and responsibilities of "registrants" so these will be clear when a variety is being registered or transferred.
5. Working with the organic sector to explore how the regulatory framework can meet their needs as well.

Forum participants offered further suggestions/comments, including:

- Confirmation that reaching 60,000 western grain growers isn't easy, but getting grain elevators to understand the issue and enlisting their assistance is a good place to start.

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- Organizations participating in the NFS can also help in getting information to their members.
- Having "terms and conditions" for registrants would not only help to clarify their role and responsibilities, but shed light on what rights and responsibilities others might have re: deregistration.
- Issue of "responsibility" goes beyond the legal realm--variety developers have reputation and "brand" associated with the variety.
- Although responsibility for a variety could be transferred (e.g. if a group of organic growers had someone who could maintain varietal purity for them) the current registrant would have to agree. Help may be needed to arbitrate/negotiate arrangements.
- A two-year notification period may work for some annual crops, but perennial crops like forages will need a longer time to adjust when a variety is deregistered.

## Decisions:

- ➔ **The Forum accepted the Working Group report and considered whether any further action was required. There was general satisfaction with the follow-up steps proposed by CFIA, but stakeholders around the NFS table expressed a desire to continue to be informed and consulted as the Agency moves forward with this work.**

## Report from the Working Group on Use of Variety Names

Dr. Leask presented a summary of the outcomes of the Working Group on Use of Variety Names which met December 16, 2008, in Winnipeg. (The full Working Group report can be found on the NFS web site.) The Working Group's objectives were:

- To clarify the regulatory requirements for the use of variety names, including prohibitions.
- To identify any issues with the current process.
- To identify next steps for moving forward on these issues.

Regulations concerning variety names fall under the Seeds Act and the Seed Regulations then specify, for the 79 species listed in Schedule II, that no one can use a variety name on a package, invoice or advertising unless the seed is pedigreed.

The Working Group had a wide ranging discussion about options and impacts of extending the use of variety names to common seed. It was noted that the current limitations on the use of variety names were introduced in the 1960-1980 period. Any change to the prohibition of variety name use beyond pedigreed seed would require an impact study and consensus on the need for change. The variety name issue is included in the CFIA Seed Section's Strategic Action Plan as an item for further attention in the longer term.

A panel of stakeholders presented their perspectives on the use of variety names. Major points included:

1. Canadian Grain Commission--uses variety names to identify which varieties are eligible for certain "Class" designations in respect to grain grading; variety names are also used in cargo grade certificates.
2. Canadian Wheat Board--uses variety names in its Guaranteed Delivery Contracts; also for "Class" designation lists; says seed-related restrictions on variety names should not apply to grain grading or marketing.
3. Provincial Crop Insurance--varies by province; Quebec requires use of Certified seed for crops to be insured; other provinces require that the variety be named in the insurance contract, including plantings of non-Certified seed and unregistered varieties.
4. Canadian Plant Technology Agency--provided example of loss of export market by deliberate misuse of a variety name; not in favour of using variety names on Common seed.
5. Plant Breeders--variety name more important post-KVD; variety names carry the developers' brand and reputation.

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Presentations were also made by a seed industry representative, a grain grower, a grain handler and a seed grower.

Other issues discussed included whether sufficient resources are available to enforce the current rules, the need for clarification of variety testing methods and the difference between testing for varietal purity and varietal identity, and whether the current seed regulations adequately support Return on Investment (ROI) for variety development.

Next steps identified by the Working Group included:

- CFIA to develop a communications document/tool clarifying the current system.
- Seed industry and regulators to further discuss varietal ID testing methods and the role of certification.
- Discussion on ROI to be brought forward to the March NFS meeting.
- No further Working Group meetings on Use of Variety Names necessary at this time.

Cindy Pearson reported on the take-away government regulators had from the Working Group meeting:

1. There was little appetite for changing the current prohibition of using variety names on Common seed.
2. There was a good discussion of related issues and enforcement procedures and both the CFIA and the Canadian Grain Commission (CGC) accept that they need to clarify and communicate the rules and ensure consistent enforcement.
3. CGC and CFIA have committed to better understand each other's methods of testing for varietal identity and purity.

There was a lively discussion about whether the use of variety names by grain handlers and marketers constitutes a "free ride" without respecting the rights of the variety developer/owner. The CGC representative defended the use of variety names in the grain grading/handling/marketing system as variety names have proven to be a reliable proxy for end use characteristics. It was explained that grain growers declare

that what they are delivering is an eligible variety for a certain Class. The CGC tests (at a bulk level) to verify what's in that Class of grain are eligible varieties; if they find a significant quantity of something else, there's a trace-back process. Although farmers don't specify variety names in their declarations for delivery to a Class, there's an expectation that they know what variety they're growing. The seed regulations prohibition regarding the use of variety names doesn't mean that Common seed or saved seed isn't of that variety. Without testing, it would be difficult to establish whether the grain grown from non-Certified seed is or isn't a specific variety, so it would be a practical impossibility to enforce the Seed Regulations at this level even if the regulation applied to grain.

CFIA and CGC are pursuing the follow up to the Working Group meeting as a joint project. CGC will be bringing a group to Ottawa in late April to meet with CFIA officials. The seed industry and Western Grain Elevators should be involved in the discussions about varietal identity and purity testing.

There was general agreement that understanding linkages between the seed and grain regulatory systems is essential to both systems operating smoothly. There was a lot of interest for the seed sector to continue to be involved, as should grain producers, in any further discussions on the issues that have been raised. The regulators said they would take the next step to clarify the current system, which would be followed by education efforts and further discussion with interested industry players.

#### Decisions:

- ➔ **The Working Group has completed its task. CFIA and CGC will proceed with the follow up as discussed and will involve the seed sector and members of the grain value chain when appropriate to do so.**

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## Working Group Report on Plants with Novel Traits and Novel Feeds

Dale Adolphe presented results from the Working Group on Plants with Novel Traits and Novel Feeds which was held in Calgary on February 27, 2009.

He explained that the Working Group has evolved somewhat since its inception in March of 2006 and has changed names to reflect this. Initially, it focused on Plants with Novel Traits (PNTs), particularly the desirability of changing or clarifying the definition being used by CFIA's Plant Biosafety Office (PBO) to regulate plants with novel traits which could have a significant negative environmental impact. CFIA's Feed Section and Health Canada also have regulations that may impact new traits being introduced in plant breeding programs.

CFIA officials subsequently produced a guidance document on the PNT regulations which was discussed by the Working Group on Novelty last October. Since that time, a small group from the plant breeding sector developed examples that were added to the guidance document which was then circulated and further revised early this year.

The Calgary meeting was convened to review both the revised PNT guidance document and a similar guidance document covering Novel Feeds.

The revised PNT directive is considered a substantial improvement over earlier drafts in terms of clarity, simplicity and usability. It contains a clear explanation that a plant must have new traits and potentially pose a risk to the environment in order to trigger the regulatory requirements for PNTs. It also clarifies that conventional breeding is not likely to trigger a PNT assessment. The Feed guidelines explain that the trigger for Novel Feeds is novelty, not risk. Any feed that is new (not listed in current Schedules) or has been modified must be assessed.

The Working Group suggested that the Feed Guidelines need to include a worksheet and examples, which could be

developed with a small working group of plant breeders as was done for PNTs. Volunteers for such a working group were identified at the meeting. They further recommended that:

- If "new" is the trigger, that term should be used rather than "novel".
- Letters of confirmation of regulatory determinations would be beneficial, along with regular consultation with the seed industry and variety developers.
- The Schedules are out of date and should be updated.
- Regulatory amendments should be considered to include the concept of risk in the "novel" feed trigger.
- Better coordination among PBO, Animal Feeds Division and Health Canada is desirable (i.e. a single window approach). The fact that there are differences in the regulatory triggers for each program should be explained in all three guidance documents.

With respect to PNTs, the Working Group made a similar recommendation about better coordination between the PBO, the Animal Feeds Division and Health Canada. Other recommendations were:

- Further consideration of how CFIA defines and makes determinations on sustainable management systems (a requirement under the PNT assessments).
- Follow up on the outstanding issue of how, or if, determinations can be challenged.
- Further evolution of the system to exempt products based on experience.
- Examples in the PNT directive should be updated regularly to include new, challenging, controversial or unusual examples as these arise.

Next steps identified by the Working Group were:

1. CFIA is further refining the PNT Directive and will be posting it to the CFIA website.
2. The Feed Guidelines will be revised to incorporate the feedback received from the Working Group.
3. The Animal Feed Division is contacting volunteers for the creation of a small group to develop examples and a worksheet.

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Mr. Adolphe summed up the significant progress that has been made by the Novelty Working Group. Work has been completed on all of the initial activities undertaken with the exception of further exploration of a single window approach and development of an appeal mechanism. In addition, the further work undertaken on the feed side is still in progress.

It was noted that an importer of flower and vegetable seeds had also participated in the meeting with Canadian plant breeders to identify examples and develop the worksheet for PNTs. The report of the February 27 Working Group meeting is still being revised and translated, but it should be posted on the NFS website by the end of March.

Krista Thomas, Acting National Manager of CFIA's Plant Biotechnology Office, commended the work of the small group, noting that they helped make the documentation clearer and came up with very helpful specific examples to add to the PNT directive. She confirmed that the directive is still being finalized but will be put out for wider consultation early in the new fiscal year. She also said that the PBO understood the Working Group's desire for coordination among the three offices regulating novel plant traits, feeds and food and assured NFS members that they would continue to talk and to collaborate on the overall approach in the coming year.

In response to a question about whether the PBO is looking at the broader issue of possible changes to the PNT definition, CFIA said there is no consensus that the definition needs to change and the Agency is still committed to a product rather than a process-oriented regulatory approach.

A suggestion was made to keep a data base of past PNT determinations and to consider having it available to the public. It was noted that there could be potential issues with sharing the letters of determination with competing firms/breeders. Nonetheless, it was suggested that there will be developments over time which need to be reflected in the directive and its examples.

#### Decisions:

- ➔ **There does not appear to be a need for another Working Group meeting at this time. CFIA's Animal Feeds Division will follow up directly with the volunteers to develop examples and a worksheet for its guidance document. Communication is needed, though, to ensure that other crop sectors, such as horticulture and ornamentals, are aware of the work which has been done, primarily based on the concerns and needs of the field crop sector.**

## Update on Seed Sector Related Activities

As requested at the November 2008 Forum meeting, further updates were received on several technical seed sector projects that have been undertaken with Phase IV funding from ACAAF (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. *Methods and Procedures for Seed Testing*

Willy Drost, Acting Chief of Seed Standards for CFIA, reported on the initiative that is underway to harmonize Canadian and American seed testing methods and procedures. Following an initial meeting last fall between government officials and seed analysts from both countries, a Harmonization Steering Committee was struck to develop specific proposals and recommendations which could lead to more compatibility between the seed testing systems on opposite sides of the border. Small working groups are now being set up to meet this summer to look at harmonization options in the areas of seedling evaluation methods and Working Sample Weights (WSWs) for certain crop kinds.

Responding to a question about whose methods and procedures are more likely to be changed, Ms. Drost said that in some cases the U.S. system is ahead of Canada's and vice versa. It may be that leadership on possible changes

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may vary by crop kind--e.g. U.S. analysts leading the way on crops like corn and Canadians exercising their expertise for crops such as canola.

It was noted that the American Seed Trade Association has recently voiced its support for this harmonization initiative.

## 2. Licensed Sampler Program

Canadian Seed Institute (CSI) Executive Director Jim McCullagh gave an update on activities of the Licensed Sampler Technical Working Group. This group was set up to help the seed industry comply with international and domestic requirements for sampling to be done by officially recognized samplers. At the time of the group's first meeting in June of 2008, separate sampler recognition programs were being launched by the Canadian Grain Commission (for its Certified Container Sampling Program and Accredited Container Sampling Program) and the Canadian Food Inspection Agency (for its domestic and seed export programs, as well as for plant health/phytosanitary inspection). To avoid duplication and make sampling compliance easier for industry, the Working Group was asked to try to develop a single system for approving and monitoring facilities and samplers.

Following a series of meetings, and working towards the idea of having "competent people working under a Quality Management System (QMS)", the group has made significant progress to develop/document a streamlined common approach to the sampling process, including:

- a draft QMS for Sampling Facilities;
- a draft Written Evaluation for Samplers;
- a single draft document for "Sampling Methods and Procedures"
- draft auditing and monitoring procedures;
- a database to manage the information requirements for licensing samplers;
- an updated technical manual has been distributed to RSEs (Registered Seed Establishments);
- initial training of CSI auditors;
- a first outline and delivery of RSE training.

Unfortunately, however, the work on this project cannot be completed before the government's fiscal year ends on March 31. The next steps required are a joint CFIA/CGC/CSI pilot project to identify any deficiencies in the proposed approach, to revise and finalize the documentation and to deliver joint training to future licensed samplers and CSI auditors.

There was speculation about how long it may take before a successor program to ACAAF is in place; it could be almost Christmas before new projects are approved for funding. While the various players could sit down and review what they've done and learned to date, they won't be able to proceed with publishing the documents and training samplers and auditors unless additional resourcing can be found for the project. Agriculture and Agri-food Canada officials suggested a submission be made now to explain what remains to be done and they would look into whether/how this could be carried on as an extension of the original project.

## 3. Pedigreed Seed Tag Review

Louise Duke, Chief of Design & Delivery in CFIA's Seed Section, gave an update on progress in the Pedigreed Seed Tag Review. This initiative is a follow-up to a previous Technical Committee on seed tag and labeling issues which recommended that CFIA allow Registered Seed Establishments (RSEs) who could meet accreditation standards to print and issue their own seed tags. As reported at last November's NFS meeting, the Agency agreed to explore this option, including exercising flexibility where possible in the form and format of the seed tags in question. It was hoped, at that time, that a pilot test with one or two firms would be possible this spring.

Ms. Duke said that CFIA staff, in consultation with their legal advisors, have now developed a 50-page document which could serve as the basis for accrediting seed plants to produce their own tags or contract out the tag printing process. It includes an application form, terms and conditions for a licensing agreement and a description of the approval process. The draft materials have been shared with a few seed trade representatives and once their feedback has been

incorporated, the package will be submitted for final approval on the CFIA side. While a pilot project this spring hasn't been ruled out, it appears more likely that the first licensing agreements won't be in place until later in the year.

Seed trade representatives indicated that there is a lot of interest in this proposal and significant take-up is expected within the next year or two. CFIA now manages pedigreed seed tags for about 1,000 RSEs, so this could represent significant resource savings for government as well as flexibility and convenience for seed plants. By printing their own tags, RSEs licensed for this purpose could incorporate more information on a single tag and avoid having to manually attach a second tag to bags of seed. Additionally, tags could be printed on weather-resistant material or on sticky labels that can be attached to invoices. It was noted that it may later be possible to have the tag information passed on through bulk handlers who could print it out for their customers and to use bar codes on the final packaging to allow trace backs.

NFS members congratulated Ms. Duke and other CFIA officials on moving forward promptly with this project. Some expressed reservations about the length of the proposed documentation and suggested they would need their own lawyers to go through it before signing up. One participant queried whether the material could be simplified if the tag was just being used to indicate the certified status of the seed and did not include other information (quality/grading). Ms. Duke said this might result in a shorter licensing agreement, but it was probably preferable to have a broader template where the applicable sections could be ticked off, rather than entering into a series of shorter agreements for single purposes.

Regarding the information currently printed on the back of certified seed tags, Ms Duke said the first priority was to get the licensing agreements drafted. The actual wording that would have to go onto the tags will be included in an Annex to the agreement so it can be changed later, as required.

#### **4. Weed Seeds Order**

Willy Drost, Acting Chief of Seed Standards for CFIA, reported on the recent (March 11, 2009) workshop on the Weed Seeds Order (WSO), which was attended by about 26 seed growers, seed analysts, members of the seed trade, and federal and provincial officials. A previous workshop last October had concluded that revisions are needed to the placement of species within the WSO and to align WSO classes and definitions more closely with the International Plant Protection Convention.

In the interim, CFIA staff had drafted an Options Paper with proposed definitions for Prohibited, Primary and Secondary & Noxious weeds and options for how many separate weed classes should be maintained under the WSO. These were discussed at the workshop and CFIA will be revising its paper to include some of the points suggested. Participants also reviewed possible changes to current weed placements within the classification system and the addition of new species to the Prohibited category. There was general support for adding new species that could pose a threat if introduced to Canada and a few suggestions for moving species that are becoming established here down from the Prohibited to the Primary category or from Primary down to Secondary.

Ms. Drost indicated there would be further consultation about proposed WSO changes this summer. She also noted that some of the WSO changes would require revisions in the grade tables.

An NFS member who had attended this workshop and the one on grade tables said both had been very productive meetings and attributed this to the fact that so many key players and experts had attended. Another commended the Canadian Food Inspection Agency for addressing the need to bring the WSO up to date with changing agricultural practices, growth in international trade and the constantly evolving threats/presence of new weeds. He also congratulated the Agency for its willingness to challenge the basic structure and concepts of the WSO and not just tweak a few lines in the regulations.

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## 5. Grade Tables

Ms. Drost also reported on the Grade Tables workshop which was held on March 12, 2009. This event which drew about 20 seed growers, seed analysts, seed trade representatives and government officials, was a follow on to a meeting last fall which had scoped some of the issues and options for amending the current seed grading system.

At the workshop, CFIA officials put forward possible options for simplifying and modernizing the grading system and proposed establishing future seed standards based on Working Sample Weights (WSWs). There was also a presentation on whether Canada might want to consider creating maximum seed lot sizes. Workshop participants were generally supportive of expressing standards in terms of WSWs, noting that this would reduce confusion, move towards more crop-specific standards and make it easier to harmonize seed testing methods and procedures with major trading partners. There was significant support for decoupling seed certification from grading (as it affects grade names) and a lot of discussion about the possible merit of handling grading of Common seed differently or perhaps not having grades for Common seed.

Ms. Drost indicated that CFIA will continue consulting over the summer. Officials have undertaken to develop a short presentation that can be made to various seed sector stakeholder meetings to explain the general options for change and their implications for seed production and marketing. A further Working Group meeting would be needed this fall to flesh out the options prior to wider consultation with crop sectors and other producer organizations. The proposed changes to the Grade Tables, including those arising from amendments to the Weed Seeds Order, are quite extensive and may take several years to complete.

NFS members expressed satisfaction with the consultation efforts to date. One participant commented that the seed sector can get by for another few years with the current grading system, but it does need to be changed eventually and industry wants and needs to be involved at every stage in the change process.

## The Future of the National Forum on Seed

Agriculture Canada's ACAAF 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 and report on options for future Forum activities and funding.

NFS members have discussed alternative approaches and funding at several previous meetings. At the November 2008 meeting, a proposed consultative framework was presented. It proposed dividing future activities into three tiers--seed sector, seed value chain, and broad multi-stakeholder consultations--depending on the degree of interest/impact that the issue being addressed would have. Forum members asked to have a shorter options paper developed, emphasizing purpose and principles as well as consultation mechanisms.

The Management Committee drafted an options paper which was circulated in preparation for the current NFS meeting. They also designed a survey which was sent to the approximately 300 organizations and individuals.

Anne-Marie Parent, of the NFS Secretariat, presented a summary of the survey results. Highlights included:

- 92 responses, mostly from seed growers, seed trade and crop producers
- Majority of respondents said they were familiar with the NFS, but only about a third said they regularly attend NFS meetings.
- Almost two-thirds saw the NFS as "a forum to facilitate broad discussion" and "a consultation body for federal regulators and policy makers", while 27% saw it as "a voice for the seed industry".
- A strong majority said the Forum has provided them with the opportunity to learn about seed issues, given them access to government regulators and increased their understanding of different perspectives on seed issues.
- A little over half agreed the NFS has facilitated improvements in the policy and regulatory environment

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for seed.

- More than 75% agree the NFS is valuable and should continue its activities; however, 59% said it should continue only if there is government funding to do so; 25% noted their organization might consider financially supporting NFS activities (e.g. paying travel costs to attend meetings), but most said they do not have funding available to contribute to the NFS.
- Some respondents suggested improvements such as broadening membership, attracting representation from more government departments and agencies, reducing duplication between the NFS and other standing consultation processes, placing more emphasis on results and accountability and better communicating results/impacts of meetings.

The following conclusions were identified based on the survey results:

- There are tangible benefits in getting the value chain together to discuss and clarify specific issues (increase understanding, provide advice).
- Stakeholders expect regulatory and policy changes will result from the input provided.
- Government should leverage and use (not duplicate) this consultation process and respond to the input provided by stakeholders.
- The Working Groups were valuable and this mode of consultation should be continued.
- Some respondents would financially support the NFS (most by covering travel expenses), but the majority of potential members/participants say they lack the resources to do so.

In the course of discussion among NFS members and observers, the following points were made:

- The survey got a better response than some had expected and its results provide useful information to work with as the Forum considers its future.
- The survey captured agreement that the NFS activities were useful and should be continued, but this may not be an endorsement for the NFS itself and that should

be taken into account when looking at the options.

- Only 4 respondents said they would pay for travel, meeting registration costs and some type of annual fee.
- A weakness in the process to date has been not having enough members of the value chain present (e.g. grain handlers, grain and oilseed processors). Time constraints may be one reason for this, but also the fact that organizations can't anticipate, based on an agenda, what related topics will be discussed or how the original topic may be relevant to them.
- It was noted that representation was broader at Working Group meetings than Forum sessions per se. The Working Group meetings are where the action is, while the Forum is working at the governance and priority setting level. Also, the NFS does post meeting reports on its website, which allows others to follow what's being said in the meetings and gauge whether their point of view is being expressed.
- Members acknowledged it has been difficult to keep grain producers and general farm organizations present at the Forum, let alone attract representation from further down the value chain.
- The point about duplication of consultation activities is a major concern. However, a CFIA representative pointed out that the NFS consultations have filled a different role than the formal consultation process mandated by the Treasury Board which the CFIA carries out prior to any regulatory change. One of the main differences is that the Forum sets its own agenda and priorities. Another government participant noted that consultation meetings can't reach everyone because some interest groups lack the expertise, time and money required to participate. When government does a further round of on-line consultations, it gets additional groups and individuals taking part.
- CFIA officials remarked that they have found the input from the NFS extremely useful. It has pulled people together on a national basis and built appreciation for different regional and sectoral perspectives. In terms of measuring success, they noted that there is a lag

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time in the process and lack of immediate regulatory change doesn't mean that the input provided isn't being used and that it won't show up in later outcomes. The Variety Registration example shows how the Forum contributes. Five years ago, there was an impasse; after the NFS got people talking, it paved the way for a regulatory proposal going forward.

- The major issues identified by the seed sector five years ago, before the Forum was created, have now been fully discussed and input passed on to government. Even if the pace of change has been slower than the seed sector and crop producers would like, that has more to do with issues internal to government than with the Forum process.

Meeting facilitator Warren Wilson returned attention to the three-tiered consultation framework model presented in the Proposed Options paper. There was discussion about how past, current and future issues might fit with this division. Most technical projects that deal with sampling, testing methods and so on, would fit in the first tier, while the broad consultations which government carries out prior to regulatory changes are an example for Tier 3. The NFS work on Variety Registration and PNTs are examples that fit in Tier 2. Discussion of possible consultation mechanisms led inevitably to questions and suggestions about possible funding sources. Among the highlights of this dialogue were the following considerations:

- Some of the initiatives under Tier 1 (e.g. Licensed Seed Sampler project) still require/merit government funding (e.g. publishing manuals, communicating the new licensing system).
- There are also issues that may appear to be internal to the seed sector but which would have effects on others; the seed sector needs to know where other groups stand on its proposals.
- Would having a Value Chain Roundtable for seed be less expensive than operating as the Forum has? AAFC officials indicated the costs might be similar.. An important distinction is that the Value Chain Roundtables are funded from AAFC's operating budget whereas ACAAF provided the NFS with program

dollars that it could spend.

- The Value Chain Roundtables have fixed membership, whereas Working Group meetings have been open to anyone and the Forum meetings provided the opportunity for observers as well as members to participate.
- The Roundtables are co-chaired by government and industry, with AAFC handling meeting logistics and industry leading in terms of agenda setting. They have the attention, and sometimes attendance, of senior AAFC and CFIA management.
- One participant commented that a Seed Value Chain Roundtable would be an oxymoron as membership would have to be drawn much more widely than the seed sector to embrace a complete value chain.
- Regarding ACAAF's successor program, it was noted that this program initially supported many broad industry marketing strategies, but perhaps there will be more chance for smaller projects to receive funding in future.
- The National Forum on Seed is both a "work with progress" and a "work in progress".

Participants were asked to do some further thinking overnight about the Proposed Options and how the various priorities identified for future action could best be addressed.

The next morning, participants confirmed that the four "Guiding Principles" that were part of the NFS Governance Model are still relevant and should be observed in any successor consultation framework and related activities. It was agreed that "building understanding" was also a key value of the NFS process and should be incorporated into the consensus-building principle. It was also suggested that the phrase "seed value chain" be widened to "agriculture and agri-food value chain" to make it clearer that this includes both crop and livestock producers as well as those handling, processing and marketing their products.

Participants discussed the most appropriate consultative mechanism for specific priorities requiring further action. On

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Variety Deregistration and Use of Variety Names, CFIA and CGC have agreed to further discuss the seed/grain regulatory linkages and their respective roles and responsibilities. Follow-up is also slated on flexibilities for "artisan" varieties, interim registrations, enhanced communication and varietal identity/varietal purity. This work may involve members of the seed value chain, including grain growers and handlers and seed importers and exporters. Some suggested there might be a need for another Working Group down the road. An alternate suggestion was to convene a group of those interested in western wheat issues, since many of the particular concerns are related to this commodity and region. (In fact, it was noted that there may be a longer list of issues that need to be addressed regarding seed/grain linkages, with post-KVD impacts in wheat being just the starting point.) Others argued that participation in the follow up needed to be broader, including the forage, oilseeds and special crop sectors. It was agreed that the "trigger" for discussing an issue shouldn't restrict who is involved in crafting the solution, especially since the process which might emerge would likely be applied to other crop sectors and other regions.

A CFIA representative pointed out that industry's involvement in the follow-up work in these two areas would involve a mix of roles--i.e. inputting ideas and suggestions, establishing priorities, communications. Whatever consultation mechanism(s) might be used to further the work in these areas, there might need to be a way of ensuring that the input and advice is acted upon--i.e. monitoring progress, "holding government's feet to the fire".

On the PNT/Novel Feeds file, further work is required to polish the feed guidance document. There is still seed sector interest in a single window for regulatory requirements related to novel plants and in creating an appeal mechanism. The need to communicate more widely what has occurred to clarify this regulatory process was also cited. A CFIA official noted that the NFS was very successful in getting the Agency to respond on this need for clarification. When individuals first complained about the PNT definition, regulatory staff weren't convinced there was a problem. But after a couple of Working Group

meetings sorted out what the issue was and what could be done about it, CFIA officials were able to clarify that they were looking at potential environmental threats as well as novelty when triggering regulatory requirements for PNTs.

The meeting participants moved on to consider how leadership and agenda setting might be carried forward in the absence of ongoing funding for the NFS. Without regularly scheduled meetings of the players who have made up the Forum, what could replace the role the NFS played in identifying issues managing Working Groups and following up on the recommendations they have made?

If priority setting and monitoring are the key functions, it was suggested that the existing NFS Management Committee could play this role, getting input, as necessary, from the existing Executive Committee--which comprises CSTA, CSGA, CSI, CFIA, the Canadian Federation of Agriculture (CFA) and Grain Growers of Canada (GGC). This smaller group should be able to decide what issues are important and what consultation mechanisms or other actions are needed to address them.

Concern was expressed that this smaller group of seed sector staff wouldn't get the attention of the regulators the way a body as broad and representative as the Forum could do. However, if the Management Committee were speaking for the presidents or Boards of Directors of their organizations and continued to engage the CFA and GGC, government officials suggested they would still be able to "get the regulator's ear". It was confirmed that Management Committee members do have processes to bring issues forward from their respective Boards and to link back to them and get their support for proposals and recommendations being put forward on their behalf. CFIA officials agreed that a group like this could be one of the sources the Agency would look to in order to identify issues and set priorities as it maintains and revises its Strategic Action Plan for the seed area

There was general support for having a group with a similar composition as the current Management Committee play a

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leadership and coordinating role going forward. This would include identifying issues, setting priorities, convening Working Groups (either with government financial support or self-funding), monitoring and reporting and acting as a clearing house for questions, additions or revisions to the NFS website and other communications activities.

Representatives of the Canadian Seed Trade Association and the Canadian Seed Growers Association indicated that they were willing to share the secretariat role on a rotating basis, with CSTA providing the necessary administrative support for the first year. This would include maintaining the NFS website, organizing meetings of the "Leadership Committee" and organizing Working Group meetings, as necessary.

#### **Further discussion points included:**

- NFS members generally liked the way this leadership proposal retained industry leadership in filling the functions and pursuing the unfinished business they would like to have continued after the National Forum on Seed ceases to exist in its present form.
- However, this does not preclude seeking government support and funding for future activities from the Value Chain Roundtable process, the successor program to ACAAf or other sources.
- Should the Canadian Seed Analysts Association be part of this initiative? It was explained that they were involved in initial Seed Sector discussions that preceded the NFS and have participated in some of the Working Groups and technical committees, but have limited resources to participate in the ongoing leadership group.
- In the absence of government funding for future Working Groups and technical committees, it may be possible for members of the proposed leadership/coordinating group to take turns providing meeting rooms or other support.
- For the Licensed Sampler project, a work plan and cost estimates will be required for the outstanding elements. These could be reviewed by the new

leadership/coordinating group who could seek government funding or try to assemble other resources to finish the work. The CGC representative noted that the work to date on this project has raised expectations for a harmonized approach to sampling across CGC and CFIA programs, but the two regulators lack additional resources to put this approach into practice.

- Some favoured retaining the NFS name and "brand" for future initiatives; while others suggested the list of participants in future Working Groups and other activities would carry sufficient "clout". The NFS name could be retained on the website and might have value in future communications with the broader public concerning the Canadian seed sector.
- There may still be a need for a seed roundtable or other Tier 2 mechanism, so that option shouldn't be ruled out. There was value in attending face-to-face Forum meetings and hearing Working Group reports rather than just reading them. It might still be valuable to have a yearly forum for that sort of thing.
- The NFS general stakeholder list is worth maintaining and updating and could be used to continue to communicate the results of work initiated by the NFS.
- AAFC representatives encouraged the Management Committee to share the ACAAf report with Susie Miller, Director General of AAFC's Food Value Chain Bureau, with whom they will be meeting on April 14 to further explore what support might be available from the Value Chain Roundtables initiative. Although there is little money available to create new roundtables, there may be opportunities to bring issues forward to existing roundtables such as the Canada Grains Council Roundtable on Innovation. Glyn Chancey, Executive Director of CFIA's Plant Health & Biosafety Directorate will also be attending this meeting and it was suggested that the director responsible for ACAAf also be included since some of the further work being proposed may be eligible for funding under the ACAAf successor program.

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## Next Steps:

- ➔ Finalize the report required by the ACAAF agreement as soon as possible. It should include:
  - a summary of the Forum's activities since its inception;
  - the areas where its value has been acknowledged (survey results, regulator comments);
  - progress made in specific areas (e.g. Variety Registration, PNTs);
  - the interest in continuing to have industry-led activity to identify issues, to prioritize and set timelines, to convene Working Groups, technical committees or other meetings, and to monitor and report on progress;
  - the four principles that will continue to guide future activities;
  - a description of the agreed-upon leadership process;
  - a list of potential priorities (follow-up items) for the next period; and.
  - an indication of the administrative/secretariat role that will be played by CSTA and CSGA.
  
- ➔ Report on this Forum meeting to be drafted within the next week, sent to participants for approval and then posted on the NFS website.
  
- ➔ Management Committee to seek approval from respective organizations (CSGA, CSTA, CSI, CFIA) and from CFA and GGC to strike a leadership/ coordinating group to guide and direct future seed sector consultative initiatives as discussed.
  
- ➔ April 14, 2009 meeting with AAFC and CFIA officials to continue exploring potential government support and funding to complete existing technical projects and Working Group follow up and to discuss support for future priority issues.