

May 1, 2024

Seed Regulatory Modernization
Canadian Food Inspection Agency
Health Canada
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To whom it may concern,

RE: Seed regulatory modernization (excluding seed potatoes) – Winter 2024

The Ontario Federation of Agriculture (OFA) is pleased to provide input to the Canadian Food Inspection Agency (CFIA) on the current consultation: *Seed regulatory modernization (excluding seed potatoes) – Winter 2024*. OFA is encouraged by this next step in modernizing Canada's current seed regulatory framework. Our topline feedback is summarized below.

Variety Registration

- OFA does not support registrant ability to request variety cancellation, as this creates the potential to reduce choice for farmers, and results in producers unable to receive fair returns on deregistered varieties.
- It is critical that CFIA maintains an active role in consulting with producers and other stakeholders to ensure deregistration decisions are informed through adequate public consultation.
- OFA supports CFIA assuming the responsibility of the Form 300 process only if this added responsibility allows CFIA to maintain the expediency and efficiencies currently afforded through the existing approach delivered by Canadian Seed Growers Association (CSGA).
- OFA also supports the Variety Registration Task Team recommendations to harmonize eligibility determination processes and consolidate existing systems into one to register a variety or list a variety as eligible for certification, however, adequate funding is critical for establishing and maintaining the new system and making necessary improvements to the timeliness of CFIA's variety registration system.

Sampling, Testing and Grading of Seed

- Since seed can be a conduit for the spread of weed seed, OFA recommends that seed imported or sold in Canada be tested by competent individuals to ensure compliance with minimum standards.
- OFA believes unadvertised sales of common seed between farmers should not require testing by accredited laboratories.
- Confidence in the seed system is due in part to the accreditation of graders, ensuring knowledge of the regulatory requirements and confirmation that minimum standards are met, therefore OFA supports measures that ensure producers can continue to trust in the quality of the seed they use.

- OFA notes that further testing is required to ensure seed mixtures clearly identify and communicate the presence of weeds and crop types in each mixture, and that claims regarding the efficacy and performance of such mixtures should also be closely monitored by CFIA to ensure they are not misleading or inaccurate.

Import, Export and Sale of Seed

- OFA recognizes that there is opportunity for non-compliance, confusion and delays with post-clearing of seed, and therefore supports the Import Task Team recommendation that all imported seed be pre-cleared with an exemption of seed imported by an Authorized Importer, with continued ability to pre-clear and post-clear imported seed.
- OFA supports the Import Task Team recommendation that imported small lots of seed for personal use be tested to verify standards for seed purity are met prior to import.
- However, OFA recognizes that there must be an exemption for small seed lots for research purposes to support ongoing small plot tests in Canadian conditions.

Other Concepts

- OFA recognizes value in establishing a stakeholder-led Advisory Committee with representation from across the seed value chain to advise government and co-regulators on strengthening existing processes and contributing to ongoing improvement of Canada's seed system.
- OFA understands that CSGA's SeedCert system provides a unique, digital platform that enables real-time oversight of the entire seed crop certification program to support essential regulatory functions through mandatory collection of data.
- OFA believes transparency and access to information on the seed certification system and broader seed program are critical in meeting the needs of diverse commodities with equally diverse information needs.

The Ontario Federation of Agriculture (OFA) is the largest general farm organization in Ontario, proudly representing more than 38,000 farm family members. OFA has a strong voice for our members and the agri-food industry on issues, legislation and regulations administered by all levels of government. We are passionate and dedicated to ensuring that the agri-food sector and rural communities are considered and consulted with for any new or changing legislation that would impact the sustainability and growth of our farm businesses.

OFA supports the efforts of CFIA to update and modernize seed regulations with the goal of reducing complexity, strengthening existing rules to further protect producers and consumers and adapting to technical advances and innovation. Our detailed responses to the survey questions follow, and were also submitted to the online survey portal.

Variety Registration

1. Do you support registrants being able to cancel varieties at their own request when there are no safety concerns with the variety?

No. OFA understands that the 53 crop kinds listed in Schedule III of the Seeds Regulations require variety registration to be sold in Canada. Currently, variety registrations can be cancelled by the

CFIA where cause is found, as outlined in the Regulations, or by the registrant, the person or company who owns the variety, through request to CFIA.

Allowing registrants to cancel varieties at their own request, in the absence of safety concerns, creates the potential to reduce choice for farmers, and results in producers unable to receive fair returns on deregistered varieties (grain derived from cancelled varieties cannot be assigned an official grade higher than Feed). This could adversely affect producers and end users who have chosen a variety based on specific traits for processing or value-added opportunities. Concerns also exist around CFIA's capacity to monitor and enforce sales of deregistered varieties.

Rather than allow registrants to deregister varieties at their own request, CFIA should engage broader value chain stakeholders on factors beyond health and safety, such as disease resistance, environmental considerations, and market access concerns, to determine whether to cancel varieties for cause. It is critical that CFIA maintains an active role in consulting with producers and other stakeholders to ensure deregistration decisions are informed through adequate public consultation.

OFA understands that there is no financial or administrative burden on the registrant in discontinuing a variety. Where deregistration of a variety is sought by a registrant, focus should be on phasing these varieties out of production and/or transferring variety maintenance to another interested party to maintain choice for farmers, unless consultation signals a clear rationale for deregistration.

Unique consideration should be given to deregistration requests for varieties with novel traits that require stewardship on the part of the registrant. Decisions regarding deregistration in these cases, particularly where another party has not signaled an interest or capacity to transfer variety maintenance, should similarly consider associated stewardship costs as a criterion in determining cancellations for cause.

To avoid the list of registered varieties expanding to an unwieldy state, efforts should be made to filter active vs. inactive varieties and consult to assess whether deregistration of inactive varieties is warranted.

2. Do you support CFIA taking over the responsibility of determining variety certification eligibility for crops not subject to variety registration?

Yes (conditionally). OFA supports CFIA assuming the responsibility of the Form 300 process only if this added responsibility allows CFIA to maintain the expediency and efficiencies currently afforded through the existing approach delivered by Canadian Seed Growers Association (CSGA). The preamble to the question implies that CFIA's current service standards and fees would likely be applied, and this is unacceptable. Adding lengthy service standards to Form 300 crops would negatively impact the timeliness of new varieties and newer technology entering the marketplace, particularly compared to other countries, reducing the competitiveness of Canadian farmers.

OFA also supports the Variety Registration Task Team recommendations to harmonize eligibility determination processes and consolidate existing systems into one to register a variety or list a variety as eligible for certification. Adequate funding is critical for establishing and maintaining the

new system and making necessary improvements to the timeliness of CFIA's variety registration system. The adoption and advancement of digital solutions should also be pursued wherever possible, to contribute to more responsive service delivery. This also requires focused succession planning to ensure CFIA has the resources available to ensure business continuity.

3. Please provide any additional feedback you would like CFIA to consider related to variety registration.

Nothing further to add at this time.

Sampling, Testing and Grading of Seed

1. Do you support the requirement for all seed types to be tested by officially recognized, accredited or supervised laboratories only, (or in the case of purity testing for crop kinds listed in Grade Tables I-VI, by an accredited grader)?

Yes (conditionally). OFA understands that after harvest all Canadian pedigreed seed must be tested for mechanical purity by an accredited grader or seed analyst, tested for germination by an officially recognized laboratory and graded by an accredited grader.

OFA views that seed, whether pedigreed or common, is a vital component of crop production, and as such needs to be protected for quality and purity. Since seed can also be conduit for the spread of weed seed, OFA recommends that seed imported or sold in Canada be tested by competent individuals to ensure compliance with minimum standards.

However, while there is merit in pursuing testing by accredited laboratories for commercial sale of common seed, OFA believes unadvertised sales of common seed between farmers should not require testing by accredited laboratories. Recognizing the potential for unintended consequences, there is a need for the value chain to engage in a focused discussion in this area to address potential nuance in making this kind of distinction. The Advisory Committee noted later in this submission would present a platform to explore this matter further to ensure a sufficiently valuable and implementable approach.

2. Do you support allowing individuals to apply a Common seed grade name only if they are an accredited grader? This would apply to all crop kinds of common seed with the exception of seeds in the horticultural sectors.

Yes. OFA understands that only accredited graders may apply the Canada pedigreed grade name to seed, as qualified by the analytical results. Anyone may apply non-pedigreed grade names (i.e.. Common No. 1, No. 2 etc.) to non-pedigreed seed. Identifying seed by grade name rather than by labelling of analytical results is unique to the Canadian grading system and provides information to buyers about the seed quality.

Confidence in the seed system is due in part to the accreditation of graders, ensuring knowledge of the regulatory requirements and confirmation that minimum standards are met. OFA supports measures that ensure producers can continue to trust in the quality of the seed they use.

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3. Please provide any additional feedback you would like CFIA to consider related to the sampling, testing and grading of seed.

Seed mixtures pose distinct concern for producers, as the presence of weeds and particular crop types is often not communicated through labelling, and many seed mixtures are often accompanied by unsubstantiated claims. Accounting for the distinction needed between farmer-to-farmer sales and commercial sales of common seed, OFA notes that further testing is required to ensure seed mixtures clearly identify and communicate the presence of weeds and crop types in each mixture. Claims regarding the efficacy and performance of such mixtures should also be closely monitored by CFIA to ensure they are not misleading or inaccurate.

Import, Export and Sale of Seed

1. Do you support continuing to allow imported seed to either be pre-cleared or post-cleared by an Authorized Importer but require all other seed imported into Canada to be pre-cleared only?

Yes. OFA understands that the Regulations prescribe the requirements and exemptions for seed imported into and sold in Canada. At the time of import, seed is subject to the same minimum standards as seed sold domestically in Canada. At the time of import, CFIA or an Authorized Importer conducts an import conformity assessment (ICA) to verify standards compliance. When the ICA is prepared to pre-clear seed, it is released at the border without requirements and can be moved to any location for use. Seed to be post-cleared can be released at the border but must remain separate, intact and in original containers until the ICA is completed by CFIA, so a post-cleared seed lot must not be planted, moved, sold or conditioned until compliance is determined.

OFA recognizes that there is opportunity for non-compliance, confusion and delays with post-clearing of seed. As such, OFA supports the Import Task Team recommendation that all imported seed be pre-cleared with an exemption of seed imported by an Authorized Importer, with continued ability to pre-clear and post-clear imported seed. This will reduce the risk of introducing foreign pests and minimize confusion and accidental release where post-clearance is requested.

2. Do you support purity testing of small lots of seed for personal use to verify that seed purity standards are met prior to import?

Yes (conditionally). The Regulations define small lots of seed based on large and small-seeded crops. While imports of small lots for personal use by the importer must be free of noxious weed seeds, OFA understands that these imports are exempt from verification. As such, OFA supports the Import Task Team recommendation that imported small lots of seed for personal use be tested to verify standards for seed purity are met prior to import. This approach minimizes the biosecurity risk, particularly in light of increased online sales of foreign seed.

However, OFA recognizes that there must be an exemption for small seed lots for research purposes to support ongoing small plot tests in Canadian conditions. Delays imposed on research small seed lots would hinder early-stage research, negatively impacting the competitiveness of Canadian farmers. Additionally, research seed is used in controlled conditions minimizing biosecurity risks.

3. Please provide any additional feedback you would like CFIA to consider related to the import, export and sale of seed.

Nothing further to add.

Advisory Committee

1. Would you find value in the establishment of an Advisory Committee with balanced representation from across the value chain for the purpose of making recommendations and providing input and advice targeted towards the continuous improvement of Canada's seed system?

Yes. There is value in establishing a stakeholder-led Advisory Committee with representation from across the seed value chain to advise government and co-regulators on strengthening existing processes and contributing to ongoing improvement of Canada's seed system. Stakeholder leadership and inclusivity are critical to avoid unnecessary administrative burdens or delays that may accompany a Ministerial appointment process or government-led process. The Committee must be dynamic to keep pace with rapid evolutions in the Canadian seed system.

In addition, this Committee would provide a much-needed, ongoing venue for stakeholders to share perspectives, generate consensus and promote increased transparency around decision-making with respect to the entire Canadian seed program. The Committee should take an outcome-based approach to ensure input from all stakeholders can contribute to decision-making, ensuring information asymmetries do not preclude all parties from contributing to the future direction of the Canadian seed program.

2. When it comes to standard setting which would you prefer:

Option A. This Advisory Committee should provide an interface for the value chain to engage on the entire seed program, flagging priorities, providing input, and ensuring the value chain is at the table informing the future developments in Canada's seed system. The value of such an Advisory Committee would be to provide a unique venue to provide input and collaboratively work through issues, rather than have formal oversight responsibilities for standard-setting.

The Advisory Committee could provide an added function in the context of Seed Regulatory Modernization, advising on how recommendations should be implemented.

3. Please provide any additional feedback you would like CFIA to consider related to the establishment of an Advisory Committee and its role.

To ensure inclusivity, organizations with a vested interest in Canada's seed and seed certification system should have the opportunity to appoint a representative to be part of this collaborative Advisory Committee. This would ensure inclusivity and agility, in ensuring the committee remains reflective of the key stakeholders involved in Canada's seed system.

Establishing a Digital Seed Certification Info Management System

1a) In addition to the information that is already collected through SeedCert, are you supportive of the following additional information being collected: information currently contained in a pedigreed seed declaration, seed grading reports and quantity of seed certified?

Yes. OFA understands that CSGA's SeedCert system provides a unique, digital platform that enables real-time oversight of the entire seed crop certification program to support essential regulatory functions through mandatory collection of data. The most apparent example is the quantity of certified seed available in Canada.

With Canada's seed sector evolving at a rapid pace, the SeedCert system also holds potential to expand voluntary data collection in response to identified data gaps.

By housing such a platform with CSGA, rather than under CFIA itself, the platform can remain responsive to real-time developments in the market, while providing necessary checks and balances to support existing regulatory mandates in the Canadian seed program.

1b) What would be your concerns with the development and use of a digital end-to-end seed certification information management system?

As outlined in response to Question 2 below, input from an Advisory Committee would be critical in addressing outstanding concerns with respect to use and collection of voluntary data. Input from the value chain would help distinguish where data collection should be voluntary or compulsory. Compulsory data is required to support core regulatory functions, while value-added opportunities afforded by voluntary data collection could be explored. Furthermore, this provides a venue for well-informed cost-benefit analyses, building on input from the entire value chain, to ensure any data collected is beneficial to the seed sector and relevant end users.

The key concern that must be addressed is data privacy and confidentiality. Ensuring there is sound governance and data protection in place to safeguard security and confidentiality of users' data, and warranting that data is only used for its stated objectives, will be critical to ensure trust in such a platform to provide credible and accurate data.

1c) What do you see as the most important advantages of a digital end-to-end seed certification information management system?

By enabling a single digital platform for data collection, SeedCert provides an opportunity to increase transparency and ensure all parties in the Canadian seed system have data available to inform decision-making. In this regard, the platform would be beneficial for all users as it relates to regulatory oversight, traceability, and data access.

2. Please provide any additional feedback you would like CFIA to consider related to the establishment of a digital end-to-end seed certification information management system.

In advancing this platform, the Advisory Committee has a key role to play in identifying compulsory data needs to support regulatory requirements, while assessing the costs and benefits associated

with collecting further information on a voluntary basis to support opportunities in the market. This capacity to support compulsory data collection is essential for accurate regulatory oversight and accountability, while enhanced, voluntary data collection presents an opportunity to further support transparency and integrity in the system by addressing data gaps as the seed system and its information needs continue to evolve and extend beyond considerations core to CFIA's mandate.

Alternate Service Delivery Arrangement with CSGA

1a) A proposal was put forward to the Seed Regulatory Modernization Working Group to simplify the seed certification process by having certain aspects of seed certification (for example some of the items listed in 12-15 above) handled by the CSGA. CFIA would still be the responsible authority and would oversee the work undertaken by the CSGA. CSGA would be responsible to set their own fees for services provided. Are you of the opinion that the process would be improved if CSGA took on these additional tasks?

Yes. OFA understands that since 1904, CSGA has been responsible for administering the national seed crop certification program, which aligns with the best practices of mature seed systems around the world. CFIA has a critical role to play in overseeing Canada's seed certification services, while providing for agility through delegating authority to a non-governmental entity. Recommendations resulting from this Seed Regulatory Modernization process present an opportunity for CFIA and CSGA to work together and advance further transparency, simplification and streamlining of services in Canada's seed program through alternate service delivery.

1b) If consolidating a number of the seed crop certification and seed certification activities were to happen, which activities would you support CSGA taking on? CFIA would still be the responsible authority and would oversee the work undertaken by the CSGA.

CSGA's SeedCert platform is a prime example of how such a delegation can facilitate improved access to information and more expedient and effective means of getting seed to market. CFIA should work closely with CSGA to explore opportunities for delegation of additional authority to enable CSGA to administer a more agile and transparent seed system.

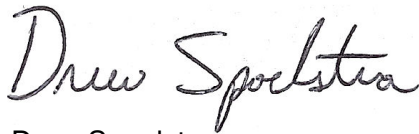
2. Please provide any additional feedback you would like CFIA to consider related to the establishment of an ASD with CSGA for certain seed certification tasks currently done by CFIA (not including regulatory compliance and enforcement).

OFA believes transparency and access to information on the seed certification system and broader seed program are critical in meeting the needs of diverse commodities with equally diverse information needs. By advancing a digital platform like SeedCert, the system can provide regulators with necessary information, while providing a platform for further voluntary data collection that would allow producers to more readily access information and understand the data available to them. The current approach, whereby producers can only access information that is not compulsory from a regulatory perspective through individual requests, could result in missed opportunities to increase transparency where voluntary data collection could provide a more streamlined and straightforward means of accessing additional information.

Digital platforms like SeedCert hold the potential to support improved capacity for all stakeholders, including CFIA's ability to deliver on its core mandate through streamlined access to additional information. Adequate funding is critical for both establishing and maintaining digital systems, as a tool to support more responsive service delivery throughout the seed system.

OFA supports a seed regulatory system that is effective, efficient, and transparent. Farmers must have timely access to new and innovative products to remain competitive, and continue to provide safe, and sustainable food to Canada and the world. OFA appreciates this opportunity to provide our feedback on this phase of Seed Regulatory Modernization and looks forward to continuing engagement as the modernization framework progresses.

Sincerely,



Drew Spoelstra
President

cc: Hon. Lisa Thompson, Minister, Ontario Ministry of Agriculture, Food and Rural Affairs
Hon. Lawrence MacAulay, Agriculture and Agri-Food Canada
OFA Board of Directors
Canadian Federation of Agriculture