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This consultation workbook is part of the Canadian Food Inspection Agency's (CFIA) consultation on a *Proposal to Facilitate the Modernization of the Seed Regulatory Framework*. This Proposal has been developed over a three-year period with broad stakeholder participation. The elements of the proposal are:

- a strengthened consultative framework;
- a more flexible variety registration system;
- a strengthened capacity for contract registration within the variety registration system; and
- a call for issues.

The Proposal is intended to strengthen the current variety registration system and facilitate ongoing discussion, analysis and consensus building activities on options for addressing a range of other important seed regulatory issues.

The CFIA is seeking stakeholder feedback on this Proposal, with a view to gauging the level of support for the changes being considered and identifying priority areas for investigation within an ongoing seed regulatory framework modernization agenda.

Your participation in this consultation will help the CFIA better understand your views on the change elements within this Proposal as well as the priority areas for future work.

The information gathered through this consultation will allow the CFIA to finalize its *Proposal to Facilitate the Modernization of the Seed Regulatory Framework* and to introduce, in early 2007, any required regulatory amendments.

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How to Use this Workbook

Depending on your familiarity with the Seed Program and the issues being discussed, you may wish to read the *Proposal to Facilitate the Modernization of the Seed Regulatory Framework* and related documents (<u>Pre-Proposals</u> and <u>National Forum on Seed meeting reports</u>) before completing the consultation workbook.

It should take approximately 30 to 60 minutes to complete the workbook. Completion of all questions in the workbook is mandatory. For technical reasons, answers from incomplete workbooks cannot be included in the analysis of responses. Please allow sufficient time to complete the workbook in one session. If you close the workbook or shut down your computer before completing all of the responses, you will have to re-enter your answers.

Detailed <u>instructions</u> for completing the workbook are provided.

The workbook is arranged in seven parts:

- Part 1 pertains to you, the respondent.
- Part 2 pertains to the Proposal to strengthen the consultative framework.
- Part 3 pertains to the Proposal to increase the flexibility of the variety registration system.
- Part 4 pertains to the Proposal to strengthen the contract registration capacity of the variety registration system.
- Part 5 pertains to the future direction and form of seed regulatory framework modernization.
- Part 6 provides an opportunity for you to give additional comments and advice about the Proposal.
- Part 7 pertains to your experience with this consultation process.

The results of this consultation, including participant names and responses, will be made public in reports of the consultation results. Provision of the information requested in this consultation document is voluntary and you may, without prejudice, decline to respond. However, if you chose not to respond to some questions or to identify yourself, your responses may not be considered in the evaluation of the responses to the Proposal. The information you provide on this workbook is collected by the CFIA for the purpose of consultation on the Proposal.

Personal information may be disclosed subject to the requirements of the Access to Information or Privacy Acts. Personal information will be protected under the provisions of the Privacy Act and will be stored in the Personal Information Bank CFIA PPU 100.



PART 1 — Questions About You

Question 1:	Are the views expressed your own, that of a corporation, association or other? My Own Corporation Association Other, please specify
Question 2:	What is your primary business or professional focus? Please select all that apply. agricultural producer pedigreed seed grower public plant breeder private plant breeder seed company seed analyst crop marketer or handler processor or end user federal government provincial government municipal government farm organization industry association general public other, please specify (for example: Corporation 'X')



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PART 1 — Questions About You, continued

Question 3:	If rep	re do you reside? oresenting a corporation re are your Canadian hea			•
		British Columbia Alberta Saskatchewan Manitoba Ontario Quebec New Brunswick	000000	Prince Newf North Nuna Yuko	
Question 4: If a	Nc Bri Alk	rable, where do you do bu ot applicable itish Columbia perta skatchewan	usines	ss? (cr	neck all that apply) Northwest territories Nunavut Yukon United States of America
	Ma Or Qu Ne No Pri	anitoba ntario lebec ew Brunswick ova Scotia ince Edward Island ewfoundland and Labrador)	Europe Asia Latin America Australia Africa Other, please specify





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PART 1 — Questions About You, continued

Question 5:	Identification of respondents
First Name:	
Last Name:	
Organization or A	Association (if applicable):
Address:	
City:	
Province / State:	
Postal Code / Zip):
Country:	
E-mail address:	

Question 6: Contact List

Your participation in this on-line consultation indicates your interest in seed policies and regulations. Please indicate if you would like the CFIA to add your contact information to a list of stakeholders for further communication on this and other CFIA Seed Program related issues.



Yes



No





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PART 2 — Seed Consultative Framework

Background

The ability of the CFIA to maintain an efficient, effective and responsive seed regulatory framework is largely dependant on the mechanisms available to build stakeholder awareness and facilitate consensus on seed and seed related issues.

Recent experience with a number of stakeholder-led consultation and consensus building initiatives, most notably the work of the National Forum on Seed, has demonstrated the value and reinforced the importance of a strong consultative framework to the functioning of the CFIA Seed Program as well as to seed policy development in general.

As a result of a series of National Forum on Seed led working group sessions on variety registration, the CFIA has been able to increase stakeholder awareness of the variety registration system and its role in the broader seed regulatory framework. More importantly, in just over a year, these sessions achieved what previous CFIA led consultations had been unable to achieve in almost five years of consultation: consensus across a wide range of regional and crop based stakeholder interests on the key elements of a variety registration change proposal.

The National Forum on Seed experience highlighted the weaknesses of the consultative component of the CFIA's seed policy, program and regulatory change model and gave rise to an assessment of options to strengthen the Seed Program consultative framework. This assessment highlighted the value of a forum for ongoing permanent dialogue at a national level among the entire range of crop type and regional perspectives that make up the Canadian seed sector and its customers. However, it also concluded that many seed program issues are region- and crop-type specific and therefore require a region/crop specific focus to resolve.



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PART 2 — Seed Consultative Framework, continued

Regulatory Proposal

In this light, the CFIA proposes to introduce provisions that would allow it to recognize as part of the official Seed Program Consultative Framework:

- 1) a national stakeholder forum; and
- 2) crop-specific consultative groups

The national stakeholder forum and crop-specific consultative groups would meet both annually at the same time and place and in separate sessions as required.

1. National Stakeholder Forum

To enhance stakeholder engagement, improve understanding and facilitate stakeholder-to-stakeholder and stakeholder-to-government discussion and consensus building on national, cross-commodity seed policy and regulatory issues, a national stakeholder-led forum with a long-term governance structure would be recognized by the CFIA to provide expert guidance to the Seed Program.

Question 7:

Please rate your degree of support for the CFIA Proposal to introduce provisions that would allow it to recognize a National Stakeholder Forum as part of the official CFIA Seed Program Consultative Framework:

1 2	3 4	5	6	I Don't Know	
Do not support -		strongly	support		
Question 8:					
Please explain th	e rationale for	the rating pr	ovided.		
Question 9:					
Briefly describe to implementatio					ation with respect







PART 2 — Seed Consultative Framework, continued

2. Crop Specific Consultative Groups

The CFIA would, as required, work with stakeholders to establish Crop Specific Consultative Groups (CSCGs). These Groups would be recognized by the CFIA to facilitate dialogue, analysis, options identification and consensus building within specific crop sectors and regions on seed policy issues having regulatory implications.

It is anticipated that where the need for a Crop Specific Consultative Group is established, existing organizations and processes would be drawn upon to the extent practical to help minimize costs and maximize operational efficiencies.

Question 10:

Please rate your degree of support for the CFIA Proposal to introduce provisions that would allow it to recognize Crop Specific Consultative Groups as part of the official CFIA Seed Program Consultative Framework:

1 2	3 4 5 6 I Don't Know
Do not support	strongly support
Question 11:	Please explain the rationale for the rating provided.
Question 12:	Briefly describe the issues that the CFIA should take into consideration with respect to implementation of this particular aspect of the proposal.



PART 3 — A More Flexible Variety Registration System

Background

With some exceptions, most crop kinds are subject to variety registration*. [List of varieties subject to registration]

Variety registration is designed to ensure that:

- health and safety requirements are met prior to commercialization of the variety;
- information (reference samples and variety descriptions) is available to regulators to monitor seed of varieties of agricultural field crops in the marketplace to prevent fraud; and
- the sale of varieties that perform below a minimum standard is prevented.

Variety registration facilitates seed certification and the international trade in seed as well as the tracking and tracing of a variety in commercial channels. An early indication of the performance of the variety is obtained from data gathered in support of the merit assessment component of variety registration. Once a variety is registered and in commercial production, this information is complemented by ongoing, third party performance trials and information from seed companies.

Variety registration in Canada is currently based on two general requirements:

- 1 Official recognition that a variety is new, distinct, uniform and stable (DUS) is confirmed by the CFIA in a review of an application for registration. The CFIA's DUS assessment ensures that the candidate variety has not been previously registered under another name and that it fulfills domestic and international seed certification requirements.
- 2 A variety's merit for production in Canada is determined by a recommending committee recognized by the Minister. The current merit component of registration verifies that the variety performs as well as or better than standard reference varieties with respect to agronomic (e.g., yield, days to maturity, lodging), disease and/or end-use quality (e.g., milling, malting, oil profiles) characteristics.

^{*}Corn is exempt from registration, but is subject to regulatory oversight that includes mandatory use of pedigreed seed and the provision of information similar to what is required for evaluation of distinctness, uniformity and stability for registration. Foodgrade soybeans have been exempt from registration since 1997 in order to allow for the required flexibility to adjust to the primarily foreign market for the crop.







PART 3 — A More Flexible Variety Registration System, continued

Consultations to date have identified three limitations of the current variety registration framework.

- First, merit assessments consume time and resources that might otherwise be productively dedicated elsewhere.
- Second, the mandatory merit requirement may prevent the commercialization of value-added niche-market varieties that do not meet minimum standard performance criteria.
- Third, the current system does not provide a practical alternative to full exemption from variety registration for those crop types sensitive to the regulatory burden associated with a merit assessment.

Regulatory Proposal

The CFIA is proposing a new two-tiered registration framework that would introduce additional registration options where the pre-registration performance assessment requirements could be reduced or completely removed. The framework also includes a transparent, predictable process for making changes to the tier placement of crops to facilitate responsiveness of the system to evolving crop sector challenges.

Tiered Registration System

The CFIA is proposing to amend the variety registration system to include the following two tiers of registration:

1. Tier I: Performance Assessment

2. Tier II: Listing

Crops not subject to either tier of registration would be exempt from registration but would continue to be subject to all other seed regulatory requirements, as is currently the case. Any applicable health and safety requirements will continue to be required for the registration of crop varieties in both tiers.

Once the regulatory change is in place, the process for changing crop tier placement could move forward. Crop Specific Consultative Groups would facilitate discussion within the complete value chain regarding tier changes. In the meantime, the current level of registration (Tier I with merit or exemption) will be the initial placement for crops in the new tiered registration system.



PART 3 — A More Flexible Variety Registration System, continued

Tier I: Performance Assessment

Crop varieties subject to this tier of registration would continue to require assessments of both DUS and performance prior to registration. Whereas the current registration system requires the performance of varieties to be evaluated against established minimum merit criteria for agronomic, disease and/or quality characteristics, the proposed new model would allow increased flexibility to vary assessment parameters to suit the evolving needs of each crop kind community, including registration assessment options to require assessment of the performance of varieties with no minimum merit requirements. Registration options in this tier would range from the status quo to requiring only performance assessment of a characteristic (e.g., agronomic) with no merit criteria applied.

Examples of Some Tier I Registration Options for Crop Varieties*

Crop Kind	Performance Testing Requirements for Registration		
	AGRONOMIC TRAITS	QUALITY TRAITS	DISEASE TRAITS
Crop A	YES + merit criteria	YES + merit criteria	YES + merit criteria
Crop B	YES	YES + merit criteria	No testing required
Crop C	YES	No testing required	No testing required

^{*} There are 26 options associated with this tier.

Requiring performance assessments without merit criteria would ensure availability of third party verified performance information at the time of registration. This would allow registration to occur much earlier in the seed planning cycle (in October/November instead of January-April) because the merit evaluation and recommendation is no longer required.

Recommending committees would continue to be officially recognized as expert bodies that oversee performance testing, formulate procedures, and recommend varieties for crops in this tier. The CFIA will be working with recommending committees to review and refocus them specifically on the recommendation process and also increase the efficiency, effectiveness and transparency of the recommendation process. To aid in this transition, a revised guidance document for the operation of the recommending committees will be developed.

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PART 3 — A More Flexible Variety Registration System, continued

Question 15: Brie con of the con of the con of the con of the control of the cont	strongly support ase explain the rationale for the rating provided. efly describe the issues that the CFIA should take into asideration with respect to implementation of this particular aspect the proposal. et to this tier of registration will require, at minimum, an assessment of the registration. This assessment will be conducted based on information icant including how the variety was developed and appropriate contact ance seed sample; and a description of the variety that would provide the for crop and seed certification.
Question 14: Please rate your de (Tier II):	efly describe the issues that the CFIA should take into asideration with respect to implementation of this particular aspect the proposal. It to this tier of registration will require, at minimum, an assessment of the registration. This assessment will be conducted based on information icant including how the variety was developed and appropriate contact nice seed sample; and a description of the variety that would provide the
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Tier II: Listing Crop varieties subject DUS of varieties for supplied by the appli information; a referen required information f Question 16: Please rate your de (Tier II):	to this tier of registration will require, at minimum, an assessment of the registration. This assessment will be conducted based on information icant including how the variety was developed and appropriate contactnee seed sample; and a description of the variety that would provide the
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Crop varieties subject DUS of varieties for supplied by the appli information; a referent required information for Question 16: Please rate your de (Tier II):	registration. This assessment will be conducted based on information icant including how the variety was developed and appropriate contactnee seed sample; and a description of the variety that would provide the
1 2	egree of support for the establishment of a variety listing option
	3 4 5 6 I Don't Know
Do not support —	strongly support
Question 17:	
Please explain the r	rationale for the rating provided.
Question 18: Briefly describe the implementation of tl	



PART 4 — Contract Registration

Background

Contract registration is a type of variety registration that imposes segregation requirements on seed of certain varieties that do not meet merit and other related requirements (e.g., kernel visual distinguishability). There are currently nine contract registered varieties.

Contract registration requires implementing a documented quality control system that may include isolation distances between fields and post-harvest land use restrictions. Contract registrants are monitored for compliance with the terms and conditions of registration through CFIA-conducted audits.

Consultations to date have identified two limitations of the current contract registration system that have prevented the introduction of new, commercially promising varieties.

- First, the CFIA does not currently have the regulatory authority to vary contract registration requirements in accordance with the specific characteristics of candidate varieties or to ensure compliance with those requirements.
- Second, the CFIA does not currently have adequate capacity to monitor an increased volume of contract registrations to ensure compliance.

Regulatory Proposal

The CFIA proposes to amend the contract registration system to:

- 1. strengthen enforcement and compliance provisions to more effectively mitigate and manage risks associated with contract registered varieties; and
- 2. increase its monitoring capacity through a third party auditing model to ensure consistent, thorough oversight of all contract registrations.

Together, these proposed changes would help ensure the necessary flexibility and capacity within the contract registration system to provide for the registration of value-added varieties that are currently not eligible for registration.

Question 19:



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PART 4 — Contract Registration, continued

Please rate your degree of support for a strengthened contract registration system to support the introduction of value-added varieties: 1 2 3 4 5 6 I Don't Know Do not support — strongly support Question 20: Please explain the rationale for the rating provided. Question 21: Briefly describe the issues that the CFIA should take into consideration with respect to implementation of this particular aspect of the proposal.

Enforcement & Compliance Authority

It is proposed that the terms, conditions and monitoring requirements for contract registration would be stipulated by the CFIA, in consultation with other experts and authorities as required on a case-by-case basis for each variety based on the types and extent of the risks involved. As in the current contract registration system, a process for reviewing decisions of the Registrar with respect to stipulated terms and conditions of registration would be available.

The CFIA proposes to strengthen its regulatory authority to provide for corrective and preventative actions to be taken to resolve or mitigate potential risks of leakage from contract registration based segregation systems. This would include additional provisions to refuse applications for, and suspension or cancellation of, contract registration when unacceptable risks or problems are identified. Provisions for additional review and oversight authorities would also be included to ensure comprehensive and ongoing review, oversight and management of potential risks.

Question 22: Please rate your degree of support for strengthening the CFIA's authority with respect to enforcement and compliance for contract registration.

















Do not support -

strongly support

Question 23:

PROPOSAL TO FACILITATE THE MODERNIZATION OF THE SEED REGULATORY FRAMEWORK CONSULTATION WORKBOOK



PART 4 — Contract Registration, continued

Question 24:	Briefly describe the issues that the CFIA should take into consideration with respect to implementation of this particular aspect of the proposal.
party auditing pro the terms and co conformity verific frequency of the	creased compliance monitoring capacity, it is proposed that an accredited third ogram would be established for contract registrations to monitor compliance with inditions of registration. Audits would be conducted by an accredited third party ation body that would be subject to audits by the CFIA. The degree of detail and audit would be dependant upon the level of risk associated with the variety and impliance. The results of audits would be required to be retained and reported to
of registration wo	trations would be subject to a renewal of registration every two years. Renewal ould be based on reassessment of the risks involved and the history of complims and conditions of registration.
	Please rate your degree of support for strengthening the monitoring ntract registration:
Do not support	3 4 5 6 I Don't Know strongly support
Question 26:	Please explain the rationale for the rating provided.
Question 27:	Briefly describe the issues that the CFIA should take into consideration with respect to implementation of this particular aspect of the proposal.

Please explain the rationale for the rating provided.





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PART 5 — Seed Regulatory Framework

Background

Seed quality in all its facets – germination, analytical purity, health, varietal identity and varietal purity – has a direct effect on the cost and sustainability of the agricultural production systems that rely on them. For that reason, Canada has had federal legislation for seeds for over 100 years.

Originally intended in 1905 to assure relative freedom from weeds seeds, the *Seed Control Act* (and later the *Seeds Act*) was amended on numerous occasions. These amendments introduced further regulatory controls over seed to assure varietal identity, seed quality, health and germination. A significant component of the evolving seed regulatory framework was a system of seed grading, whereby different grade names (Canada No. 1 and No. 2) clearly identified seed lot quality.

The Canadian grading system, variety registration (for most agricultural crop kinds) and the voluntary seed certification program (varietal identity, varietal purity and origin assurance) are the major components of the Seed Program.

The Seeds Regulations, which set out the more detailed requirements for how seed can be imported into, exported from and sold in Canada, have been amended numerous times. These amendments have tended, in recent years, to provide for the delegation of authority for seed quality assurance to the private sector. Regulations provide direction as to how seed must be handled, sampled, tested and labeled in import, export and marketing. For the most part, accredited industry personnel perform these activities under official supervision.

Amendments to the *Seeds Regulations* have also provided for the introduction of innovative products, including ground cover mixtures, land reclamation mixtures, and specialty lawn grass mixtures. A significant amendment in 1973 restricted the use of variety names to pedigreed seed of certain crop kinds.



PART 5 — Seed Regulatory Framework, continued

Current and Future Challenges

Over the past ten to fifteen years, the rapid advances in seed science and technology, structural changes in the plant breeding, seed production and seed trade sectors, and the evolving needs of producers in an increasingly competitive global agriculture environment have challenged Canada's seed regulatory framework. Genetically modified seeds, increasing organic production, interest in heritage varieties, greater use of native species, recent developments in biofuels, industry consolidation, producer profitability, food safety and quality and demands for greater freedom of choice affect, and are affected by, the seed regulatory framework.

The efficiency, sustainability and competitiveness of Canada's agricultural producers are directly affected by seed policies and regulation. Seed policies are no longer only of interest to agricultural producers and the major national associations of the seed industry. Recent experience with consultation on Canada's variety registration system has demonstrated a diverse and expanding community of stakeholders and interested parties.

Modernization of the seed regulatory framework could result in more innovative, competitive, sustainable and efficient food, feed, fibre and fuel production systems.

If you have any specific ideas on how the seed regulatory framework can be improved, we would like to know.

Question 28:	Please briefly identify any other areas within the Seed Program that you feel could be improved and provide a brief explanation of why improvement is needed.







PART 6 — Express Yourself

Question 29:	Last Word about the Proposal you just helped to review.
Please provide (up to 250 word	any additional comments or advice <i>about the Proposal itself</i> s).

The CFIA welcomes you to continue to contact us in the usual ways (phone, email, web sites, etc.).

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PART 7 — Workbook Evaluation

Question 30: Quick Evaluation Please take a minute to tell us about your experience using this "e-Workbook". Indicate your level of agreement or disagreement with the following statements, disagreement strong agreement.

a) I found the workbook well laid out and easy to follow:



b) I found the questions straight-forward and easy to understand:



c) I feel that I was able to express my opinions through this type of format:



d) CFIA should consider using this approach again in the future:



Thank You

The CFIA appreciates your time and effort toward improving the Canadian Seed Regulatory Framework. Responses received during the consultation period ending on February 28th, 2007 will be reviewed and considered in finalizing the proposed changes to modernize the Seed Regulatory Framework and introduce any required regulatory amendments. Please note, however, that due to the volume of responses anticipated, it will not be possible to respond individually to any comments received. A summary report of the consultation results will be published on the CFIA website after the consultation is completed.