



NFU Farmers Guide to the CFIA survey:

***Winter 2023***

## ***Seed Regulatory Modernization Consultation and Update***

The Canadian Food Inspection Agency (CFIA) is leading a major review of Canada's Seed Regulations. As a Canadian farmer you have always operated within the existing seed regulatory framework and it provides a strong foundation for our food system. Our seed regulations were designed to protect farmers from unscrupulous seed dealers, and from fraud and misrepresentation within the seed system. They set standards for germination and purity, and prevent proliferation of noxious weeds and crop diseases through seed grade tables. They regulate imported seed and provide a trustworthy mechanism to supply new varieties to farmers via pedigreed seed production and certification. Our seed regulations build, maintain, and protect the value of Canadian agricultural products for farmers and end-users with an evidence-based and transparent variety registration process, ensures continuous improvement by requiring new varieties to meet or exceed performance of check varieties in each growing region and ensures farmers can easily get relevant and meaningful information about the seed they use.

The Seed Regulatory Modernization review puts all of this on the table -- and the outcome could bring in major changes to our system that harm the public interest, weaken agriculture in Canada, and make seed less reliable and more expensive for farmers.

The CFIA is interested in getting input from farmers and others in the seed sector to inform their recommendations for the future of our seed system. You can add your voice by filling in the [CFIA survey](#). The NFU has carefully analysed the CFIA's questions, and is offering you this **Farmers Guide** to allow you to easily complete the survey with answers that will support farmers' interests. The NFU has also produced fact sheets on [Variety Registration](#), [Seed Grade Tables](#), [Pedigreed and Common Seed](#), and [Incorporation by Reference](#) that you can refer to. Visit [www.nfu.ca/seed-regs](http://www.nfu.ca/seed-regs) for additional information out the Seed Regulatory Modernization process and its implications. In the guide below, the CFIA's questions and background information are shaded and the NFU's recommended answers, NFU background information and suggested comments are not. In the **Demographics** section respond with information about yourself as an individual. Make sure you click the "submit" button when you finish to make sure the CFIA gets your responses.

Survey link - [https://ca1se.voxco.com/SE/93/SRM\\_MRS/?&lang=en](https://ca1se.voxco.com/SE/93/SRM_MRS/?&lang=en)

## Variety registration

<p><b>Do you want to answer this section on variety registration?</b></p>	<p>You must answer <b>YES</b> to proceed to the questions.</p>
<p><b>VR – Question 1:</b>  <i>Canada currently has a national variety registration system administered by the Canadian Food Inspection Agency. The intent of the system is to: confirm that any regulatory approvals required prior to registration have been met (e.g. plant breeders rights name approval, plant biosafety office approvals); confirm that the variety can be identified and meets the basic criteria for a variety in order to prevent fraud in the marketplace; and determine that any health and safety requirements are met. It also facilitates seed certification, the international trade of seed and the tracking and tracing of varieties in commercial channels.</i></p> <p><b>In your opinion should Canada continue to have a national variety registration system?</b></p>	<p><b>YES.</b> You may add comments on your response. Here are some suggestions:</p> <ul style="list-style-type: none"> <li>• Variety registration ensures varieties perform well, do not harbor serious plant diseases, and have qualities our customers value.</li> <li>• Variety registration provides independently verified data about days to maturity, yield, disease resistance, height, and other characteristics relevant to the crop which allows farmers to make informed decisions.</li> <li>• Variety registration ensures Canada produces consistent, high quality export crops that our customers will buy.</li> <li>• Variety registration creates a high level of trust in Canada’s seed and the crops we grow.</li> </ul>
<p><b>VR – Question 2:</b>  <i>The task team defined a heritage variety as a cancelled or "to-be-cancelled" variety of a crop kind subject to variety registration which is 50 years or older, and an heirloom variety as a non-hybrid variety of a crop kind subject to variety registration that was never registered but grown in Canada prior to 1970. Seed of heirloom and heritage varieties of crops subject to variety registration in Canada, are not currently permitted for sale in Canada, however, there is interest in the marketplace for heritage and/or heirloom varieties, particularly for use in organic farming and production for niche markets.</i></p> <p><b>The task team believes in order to allow farmers to take advantage of niche market opportunities and provide assurances of varietal purity, the CFIA should seek a regulatory pathway for heritage and heirloom varieties in Canada. Do you support this recommendation?</b></p>	<p><b>YES.</b> (this question refers to heritage/heirloom varieties of <u>grain</u> seed - there are no restrictions on selling heritage/heirloom varieties of vegetable seed.) You may comment on your response. Here are some ideas:</p> <ul style="list-style-type: none"> <li>• Farmers should be supported through a simple regulatory pathway to grow and distribute heritage/heirloom varieties of seed that provide unique benefits for seed diversity, crop rotations, cultural value, and food security.</li> <li>• The regulatory pathway should create accommodations for heirloom and heritage varieties without removing the provisions that enable variety registration to protect the public interest and preserve seed quality in Canada.</li> </ul>
<p><b>VR - Question 3:</b></p>	<p><b>NO.</b> You <u>must</u> provide some comments to explain why you answered no to this question.</p>

*Incorporation by Reference (IBR) is a drafting technique that introduces the content of a document (such as a policy, directive, list or standard) into regulation without having to reproduce the text of the document in the regulation. The document is named in regulations, and when referenced in the regulations “as amended from time to time”, changes to the document can be made without having to formally amend the regulations. This drafting technique increases flexibility and reduces the length of time it takes for a change to be made to the text in a document that is incorporated by reference, compared to when the text is in the regulations.*

*The task team recommended that [Schedule III](#) of the Seeds Regulations, which lists the 53 crop kinds subject to variety registration and identifies which part they fall into with respect to registration requirements, be moved into a document that can be incorporated by reference. They further recommended that the document should be administered by CFIA. As such, any changes made to the document would follow CFIA’s [IBR policy](#), which requires consultation with stakeholders in advance of any changes being made.*

**The task team believes that using incorporation by reference will allow for a more timely update of the list of crop kinds subject to variety registration in Canada, and the part into which they fall. Do you support removing Schedule III from the Seeds Regulations, and instead using the “incorporation by reference” drafting technique for this information?**

Here is additional background:

Part I of Schedule III lists crop kinds that must demonstrate merit before varieties can be registered. Merit means new varieties must be as good as, or better than existing varieties; they must perform well in Canadian growing conditions and not have negative qualities like disease susceptibility. To prove merit, varieties listed on Part I are independently tested, evaluated by experts and the data is published.

Crop kinds listed on Part III of Schedule III do not have to prove merit. Test data is not available, so farmers cannot have full, comparable information needed to make the best decisions for their farms.

The CFIA’s IBR policy does not require consultation with, or notification of farmers when changing IBR documents, but it does require consultation with seed companies that have an interest in putting seed on the market without independent testing.

There should be a relatively high bar for adding or removing crop kinds, and for moving crop kinds between parts. Any changes to Schedule III can be done through the Canada Gazette process which is public and transparent.

Here are some ideas you can use for your comments:

- Schedule III should remain as part of the regulations. Any changes to Schedule III should be done through the Canada Gazette’s regulatory amending process because it is more transparent, allows for more time to consider implications, and allows broader public input than IBR.
- There is no need to rush changes to Schedule III.
- It should be difficult to move crop kinds from Part I to Part III. Moving crop kinds from Part I to Part III weakens our seed quality standards and would allow varieties to be sold that do not perform well,

	introduce disease problems, or are less valued by our customers.
<p><b>VR - Questions 4 a and 4b:</b>  <i>The plant breeder decides from which regional committee(s) to request testing to support variety registration. The recommendation by that committee(s) supports a national registration unless another regional committee not involved in the testing requests the registration be restricted such that the variety cannot be sold in that region. This has primarily been done to prevent the sale of a variety that is susceptible to disease common to the region. The task team recommended that the process for applying regional restrictions be reviewed so that there is additional clarity regarding which crops this may apply to, and also to ensure that the criteria used for placing a regional restriction is transparent and consistently applied to make it as fair as possible.</i></p> <p><b>Question 4 a)</b>  <b>Do you support regional recommending committees having the authority to recommend placing a regional restriction on a variety registration in their specific region?</b></p>	<p><b>YES.</b> You may comment on your response – here are some ideas:</p> <ul style="list-style-type: none"> <li>• National registration should be allowed <u>only</u> if the variety has been tested for disease resistance and quality in both regions. National registration should be based on proven merit in their area of production.</li> <li>• If Recommending Committee members believe there is a risk of disease or quality issues due to the difference in growing conditions between the Eastern and Western regions, they should have the authority to establish regional restrictions.</li> </ul>
<p><b>Question 4 b)</b>  <b>In your opinion, should CFIA lead a consultation to modernize the stakeholder-driven process for applying regional restrictions on the sale of seed, including which crops should have regional restrictions available and the criteria by which these varieties are assessed (currently disease and seed/grain quality and identity related issues)?</b></p>	<p><b>NO.</b> You <u>must</u> provide some comments to explain why you answered no to this question.</p> <ul style="list-style-type: none"> <li>• Recommending Committees have the necessary expertise to decide whether regional restrictions are needed by using their existing processes.</li> </ul>
<p><b>VR - Question 5:</b>  <b>Please provide any additional feedback you would like CFIA to consider related to variety registration.</b></p>	

## Seed crop certification including crop inspection and crop certificates

<p><b>Do you want to answer this section on seed crop certification?</b></p>	<p>You must answer <b>YES</b> to proceed to the questions.</p>
<p><b>Certification - Question 1</b>  <i>In Canada, the standards and requirements that a seed grower and a pedigreed seed crop must meet to be eligible for certification are established by the Canadian Seed Growers' Association (CSGA) in the <a href="#">Canadian Regulations and Procedures for Pedigreed Seed Crop Production</a>, commonly referred to as Circular 6. In the current system, the CSGA is the national body who establishes these standards and determines if a crop certificate should be issued based on the varietal purity of the seed crop.</i></p> <p><b>Canada should continue to have one national body establishing and determining the seed crop varietal purity standards to issue a seed crop certificate.</b></p> <p>Please rate your level of agreement</p>	<p><b>5 – Strongly Agree.</b> You may include comments about why you strongly agree. Here are some ideas.</p> <ul style="list-style-type: none"> <li>• The CSGA should be the one national body in charge of seed certification.</li> <li>• The CSGA has the proven and trusted expertise and experience to manage seed crop certification. Its members are seed growers who take pride in the quality of seed they produce for farmers and understand the technical and practical requirements to produce pedigreed seed.</li> <li>• CSGA has demonstrated high standards of integrity in carrying out its responsibilities.</li> </ul>
<p><b>Certification - Question 2</b>  <i>Currently the CFIA develops, delivers, licenses and oversees the pedigreed seed crop inspection policies, procedures and training in Canada. The Task Team recommended that CFIA should maintain their role to develop and improve crop inspection policies, inspection procedures, and training materials. The Task Team also recommended that CFIA should maintain their role in licensing and oversight of Authorized Seed Crop Inspection Services, and licensing of Seed Crop Inspectors. A recommendation was made to further explore non-CFIA options to deliver theory and practical training for licenced seed crop inspectors.</i></p> <p><b>To provide additional training options for licenced seed crop inspectors (LSCI), do you support the delivery of training by a non-CFIA party? Individual LSCIs would continue to be evaluated, licenced and overseen (i.e. through check inspections) by CFIA.</b></p>	<p><b>NO.</b> You <u>must</u> provide comments about why your answer is no. Here are some ideas:</p> <ul style="list-style-type: none"> <li>• The CFIA should continue to deliver licenced seed crop inspector training. As our regulator, it is the CFIA's responsibility to ensure our seed regulatory system's integrity.</li> <li>• There is a risk of conflict of interest if LSCIs are trained by companies that are also involved in seed inspection or seed crop production.</li> <li>• The CFIA must maintain its practical capacity and experience to conduct and manage seed crop inspection. By continuing to provide training, the CFIA will ensure its expertise will be kept up to date.</li> </ul>
<p><b>Certification – Question 3</b>  <i>Currently varietal identity and varietal purity assessments are done in the field visually by seed</i></p>	<p><b>Yes.</b> You <u>must</u> provide comments to support your response.</p>



<p><i>crop inspectors on the seed crop. The Seeds Regulations are currently flexible enough to allow for the eventual adoption of biochemical and molecular techniques (BMTs) as an alternative pathway for seed certification in Canada.</i></p> <p><b>Once tools and standards are developed for the use of biochemical and molecular techniques (BMTs), do you have any concerns with their use in supporting seed certification in the future?</b></p>	<ul style="list-style-type: none"> <li>• Biochemical and molecular techniques may become useful tools for the seed system, but they should not be included in our seed regulations.</li> <li>• Testing for genetic purity of seed cannot substitute for the processes, steps, and knowledge that is part and parcel of our pedigreed seed system.</li> <li>• Using BMTs in seed certification would have cost implications that could unfairly exclude smaller seed growers.</li> </ul>
<p><b>Certification - Question 4:</b> Please provide any additional feedback you would like CFIA to consider related to seed crop certification.</p>	

**Seed is harvested, cleaned and conditioned**

<p><b>* Do you want to answer this section on seed is harvested, cleaned and conditioned?</b></p>	<p>You must answer <b>YES</b> to proceed to the questions.</p>
<p><b>Conditioning – Question 1</b> <i>Incorporation by Reference (IBR) is a drafting technique that introduces the content of a document (such as a policy, directive, list or standard) into regulation without having to reproduce the text of the document in the regulation. The document is named in the regulations, and when referenced in the regulations “as amended from time to time”, changes to the document can be made without having to formally amend the regulations. This drafting technique increases flexibility and reduces the length of time it takes for a change to be made to the text in a document that is incorporated by reference compared to when the text is in the regulations. The task team recommended that the prescriptive sections of Part IV of the Seeds Regulations related to such things as registered seed establishment scopes, evaluation marks for licensing operators, references to lists and documents under conditions of registration, operational requirements for the</i></p>	<p><b>NO.</b> You <u>must</u> provide some comments to explain why you answered no to this question.</p> <p>Here is some more background on this question:</p> <p>The text of the prescriptive sections of Part IV should remain in the regulation. Any changes to Part IV can be done through the Canada Gazette process, which is public and transparent. There should be a high bar for adding or removing types of seed establishments that need to be registered, changing the conditions for them to be registered, and revising the licencing for seed establishment operators.</p> <p>Part IV of the Seed Regulations ensures that establishments that clean, treat, and store pedigreed seed abide by the Seeds Act and Regulations and are operated honestly by responsible people with technical expertise. Changing these requirements should only be done</p>

*establishment, etc. be moved into a document that can be incorporated by reference. The document would be administered by CFIA and any changes made to the document would follow CFIA's [IBR policy](#), which requires consultation with stakeholders in advance of any changes being made.*

**Question 1:**

**The task team believes that using incorporation by reference will allow the requirements for registered seed establishments to be updated in a more timely manner. Do you support removing the prescriptive portions of Part IV of the Seeds Regulations and incorporating by reference this information?**

with careful thought, through the Canada Gazette's transparent, inclusive, public process, allowing the time needed to make the right decisions.

The CFIA's IBR policy does not require consultation with, or notification of farmers when changing IBR documents. The CFIA IBR policy does require consultation with companies that operate seed establishments. The IBR process does not include safeguards needed to avoid conflict of interests when proposed changes benefit these companies at the expense of farmers and/or seed growers.

Here are some ideas to use in your comments:

- The text of Part IV should be kept in the Seed Regulations, and it is important for it to be prescriptive so registered seed establishments can have predictability regarding the conditions that are required of them to operate.
- Any changes to seed establishment regulations should be carefully considered through the open, transparent process provided by the Canada Gazette. IBR documents are difficult to find, and the stakeholder consultation process is not as open as the Gazette.

**Conditioning - Question 2:**

**Please provide any additional feedback you would like CFIA to consider related to the harvesting, cleaning and conditioning seed.**

## Sampling, testing and grading of seed

<p><b>Do you want to answer this section on sampling, testing and grading of seed?</b></p>	<p>You must answer <b>YES</b> to proceed to the questions.</p>
<p><b>Testing – Question 1</b>  <i>The Grade Tables set out the minimum standards for weed seeds, other crop seeds, some seed borne diseases and germination. The numerical grades (No. 1 and No. 2) are determined by analysis of seed samples for the seed quality characteristics listed above, the No. 2 standards generally being lower than the standards for No. 1.</i></p> <p><b>In an effort to simplify and streamline the standards, and raise the purity of seed in Canada, the task team recommended to adopt the No. 1 purity standard for both No. 1 and No. 2 grades for pedigreed seed. No change would be made to the germination standard for pedigreed seed. Should the purity standards for No. 1 and No. 2 grades be the same?</b></p>	<p><b>YES.</b> You may add comments. Here are some ideas:</p> <ul style="list-style-type: none"> <li>• It is technically feasible to clean seed to the No. 1 grade’s higher standard of purity.</li> <li>• Germination can vary due to growing conditions, so No. 2 grade should be available for lower germination seed crops.</li> </ul>
<p><b>Testing – Question 2</b>  <i>A seed mixture is defined as containing two or more crop kinds or species. It is currently recommended (i.e., not required) that mixtures always be made with components that have met the standards for individual crop kinds set out in the Seeds Regulations prior to mixing. The final mixture is required (i.e, not recommended) to meet the standards for the mixture which are lower than those of the individual components.</i></p> <p><b>Of the following options, which recommendation for purity and germination testing of seed mixtures do you most support moving forward?</b></p> <p><b>Option 1:</b> The Seeds Regulations should remain as they are now. This means it will remain a recommendation that individual components of a mixture meet their single component standard prior to mixing, and that the final mixture is</p>	<p><b>OPTION 3</b></p> <ul style="list-style-type: none"> <li>• Option 3 ensures mixtures will meet mixture standards for weed seeds and will prevent the introduction or spread of weed seeds.</li> <li>• The standards need to be fit for purpose – some complexity is required to ensure the mixture standards are appropriate for the different crop kinds involved.</li> </ul>



<p>required to meet a mixture standard (i.e. status quo).</p> <p><b>Option 2:</b> Change the Seeds Regulations and require all components be tested for purity and germination before mixing such that they meet their single component standard, and remove the requirement for a mixture to meet the mixture standard. Compared to Option 1, this would simplify and streamline the standards and raise the purity of seed in Canada.</p> <p><b>Option 3:</b> Change the Seeds Regulations and require all components to be tested for purity and germination before mixing such that they meet their single component standard, but also require the final product to meet the mixture standard. Compared to Option 1, it would raise the purity of seed in Canada. Compared to Option 2 it would mitigate the introduction of impurities during the mixing process, but would not simplify and streamline the standards.</p>	
<p><b>Testing – Question 3</b>  <i>Incorporation by Reference (IBR) is a drafting technique that introduces the content of a document (such as, a policy, directive, list, or standard) into regulation without having to reproduce the text of the document in the regulation. The document is named in the regulations, and when referenced in the regulations “as amended from time to time”, changes to the document can be made without having to formally amend the regulations. This drafting technique increases flexibility and reduces the length of time it takes for a change to be made to the text in a document that is incorporated by reference compared to when the text is in the regulations. The grade tables and seed standards task team recommended that the grade tables be incorporated by reference. The document would be administered by CFIA and any changes made to the document would follow CFIA’s IBR policy, which requires consultation with stakeholders in advance of any changes being made</i></p>	<p><b>NO.</b> You <u>must</u> provide some comments to explain why you answered no to this question. Here are some ideas:</p> <ul style="list-style-type: none"> <li>• Seed grade tables need to be easily accessible via the Regulations posted on the government’s Justice Laws website.</li> <li>• Changes to grade tables need to be carefully considered through the Canada Gazette process, which is more transparent and open than the IBR process.</li> <li>• The CFIA policy for changing IBR documents does not require consulting with farmers. This could lead to changes that are not in the interests of farmers.</li> </ul>

<p><b>The task team believes that using incorporation by reference will allow the information currently contained in the grade tables to be updated in a more timely manner. Do you support removing the text found in the grade tables from the Seeds Regulations and incorporating by reference this information?</b></p>	
<p><b>Testing – Question 4</b>  <i>A varietal blend is a mixture of two or more pedigreed seed varieties of the same crop kind. Varietal blends could be used for a number of reasons including to take advantage of the different properties between varieties to mitigate yield losses due to unpredictable weather conditions. With climate change unpredictable weather may be more of a challenge to agricultural production. Currently, if a varietal blend of pedigreed status seed does not meet the definition of a plant pest tolerance management (PPTM) varietal blend, or fall within one of the varietal blend grade tables (as found in Tables VIII to XII of Schedule I of the Seeds Regulations) then it cannot be sold as Certified status seed and must be identified by a Common No.1 or Common No.2 grade. A recommendation was made by the grade tables and seed standards task team to allow pedigreed seed of different varieties of the same crop kind to be mixed as a varietal blend and identified using a Canada pedigreed grade name.</i></p> <p><b>In an effort to allow more flexibility to promote sustainability and address environmental pressures, do you support eliminating the varietal blend standards? This would allow different varieties of pedigreed seed of a single crop kind to be mixed as a varietal blend and enable them to be identified using a Canada pedigreed grade name.</b></p>	<p><b>I DON'T KNOW</b> You may add comments to explain why your answer is “I don’t know”. Here are some ideas:</p> <ul style="list-style-type: none"> <li>• The question is not clear as to how pedigreed grade names could be allowed on blends if varietal blend standards were eliminated, so it is difficult to answer.</li> <li>• Varietal blend standards should not be changed without objective proof this would be in the interest of farmers and sustainability.</li> <li>• The PPTM Varietal Blend standards that protect the value of wheat midge resistance genetics must not be weakened, as this could lead to a loss of this important trait.</li> </ul>
<p><b>Testing - Question 5:</b>  <b>Please provide any additional feedback you would like CFIA to consider related to the sampling, testing and grading of seed.</b></p>	