

National Farmers Union submission to

CFIA consultation on *Future-proofing Canada's Seeds Regulations for a stronger tomorrow – Proposals to modernize Canada's seed regulatory framework*

September 2025

Introduction

The National Farmers Union (NFU) is pleased to provide input to the Canadian Food Inspection Agency's consultation on *Future-proofing Canada's Seeds Regulations for a stronger tomorrow – Proposals to modernize Canada's seed regulatory framework*.

The NFU, established in 1969, is Canada's largest voluntary direct membership farm organization, and represents family farmers and farm workers from across the country in all sectors of agriculture. We work to promote a food system that is built on a foundation of financially viable family farms that produce high quality, healthy, safe food. We encourage environmentally-sensitive practices that will protect our soil, water, biodiversity and other natural resources, and promote social and economic justice for food producers and all people living in Canada. We promote the betterment of farmers in the attainment of their economic and social goals, and seek to increase the economic benefits of farming. Our public policy positions are developed through a democratic process of debate, initiated by grassroots members and grounded in their experience as producers. Throughout our history, the NFU has been concerned with power imbalances between the large-scale corporations that farmers deal with and the individual farmer. The NFU supports regulation that is fair, transparent, accountable, addresses power imbalances between citizens and corporations, and is focused on protecting the public interest.

The NFU participated in several of the Seed Regulatory Modernization Task Teams, and closely followed the Seed Regulatory Modernization process to date. As farmers, seed is essential to our livelihoods. Our relationship with seed goes back over 10,000 years, and we consider ourselves guardians and stewards with responsibility to the future of seed and future generations of farmers. Our engagement with the seed regulatory modernization process is serious and deeply informed by experience, insight and commitment to seed as the foundation of agriculture and our food system.

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Proposals we support:

We support Proposal 3.2.3 to develop a regulatory pathway for heritage and heirloom varieties to become registered. (requires change to Seed Regulations)

We agree that the CFIA should develop a regulatory pathway for heritage and heirloom varieties to become registered so they can be legally sold as seed. This pathway should be accessible to farmers and farm organizations interested in distributing the seed of these varieties, but it should not come at the cost of removing the provisions that enable variety registration to protect the public interest and preserve seed quality in Canada.

A regulatory pathway for seed from heritage/heirloom grains would be beneficial to farmers as these varieties of seed provide unique benefits for seed diversity, crop rotations, cultural value, and food security. Facilitating the legal distribution of heritage and heirloom field crop seed would permit farmers to access varieties of field crops that can perform well without synthetic inputs, support on-farm agrobiodiversity, and enable participation in high-margin secondary and tertiary markets (i.e. artisanal bakeries, specialty millers and processors) to diversify their income streams.

The CFIA should work with heritage grain farmers, Plant Gene Resources of Canada, SeedChange, Recommending Committees, the CSGA, AAFC plant breeders, and other relevant stakeholders to design this regulatory solution to ensure all the needs and concerns on this issue are met.

We support Proposal 3.1.2 - that the CFIA will facilitate establishing a co-ordinated response on regional restrictions for Eastern Canada (encompassing the Ontario, Quebec and Atlantic recommending committees) when deciding on whether to restrict registration of a western variety. (requires changes to seed program policy)

This proposal will increase communication between Eastern Recommending Committees and help them make better-informed decisions that will benefit farmers.

We support Proposal 3.2.4 - that the CFIA works with Recommending Committees to develop appropriate testing conditions and performance standards for varieties that have been bred specifically for alternative crop production systems (for example, organic, low carbon, farmer-selected material, etc.). (requires changes to seed program policy)

Canada's variety registration system is a critical element of our seed system that ensures good quality seed of field crops are available for Canadian farmers; however, the process is resource-intensive and creates a barrier for farmers who are developing their own varieties but do not

have capacity to provide the full range of pre-registration data for merit testing, and it does not offer evaluation conditions for varieties being developed in organic, low-input, or other types of climate-resilient farming systems. Developing an accessible and appropriate pathway for these varieties would allow farmers and plant breeders who develop climate-resilient varieties to have them evaluated in the growing conditions for which they were bred.

We agree that the CFIA should work with Recommending Committees to develop policies that support appropriate testing conditions and performance standards for varieties that have been bred specifically for organic, low-input, and other alternative farming systems. This provides an appropriate pathway for testing and registration that supports farmers and plant breeders who are seeking to develop varieties that can perform well in farming systems that incorporate cover crops and composted manure to maintain fertility and do not use synthetic inputs and agrochemicals.

In recognition of the public good these varieties could generate, these testing systems should be part of publicly funded co-operative trials, instead of trials privately organized by the variety developer. In developing these testing conditions and performance standards the CFIA should be required to get input from other farm organizations that may not necessarily be on the Recommending Committees, including the Canadian Organic Growers, Canadian Organic Trade Association, and SeedChange.

We support Proposal 3.1.4 - that the CFIA no longer offers licensed seed crop inspector theory training for those wanting to become a licensed seed crop inspector. (requires changes to seed program policy)

Transferring this training to the CSGA will make training more accessible, and lead to more inspectors working and providing services to seed growers.

We support Proposal 3.1.1 – to amend the regulations to remove part 2 of the list of varieties subject to variety registration (Schedule III). Move safflower from part 2 to part 3 of Schedule III. (requires change to Seed Regulations)

Part 2 has very limited value and is currently used by only one crop kind. Safflower could be moved to Part 3.

We support Proposal 3.3.1 - that the CFIA will take over from the Canadian Seed Growers' Association (CSGA) assessments to determine varietal eligibility (that is, whether a specific crop breeding line meets the definition of a variety) and amend the regulations to provide authority to the CFIA for these assessments. (requires change to Seed Regulations)

We support Proposal 3.1.6 - to remove the germination standards where one exists for seed mixtures (that is, forage mixtures and lawn and turf mixtures) from the grade tables and meet the individual germination standards applicable to each crop type in the mixture. *(requires change to Seed Regulations)*

We support Proposal 3.2.10 – for CFIA to provide industry guidance to clarify the process for a bulk storage facility (BSF) to downgrade pedigreed seed meeting a Foundation or Registered standard to a Certified standard. *(requires program policy clarification and industry guidance document)*

We support Proposal 3.3.6 - Clarify that seed loses its pedigreed status when conditioned (for example cleaned, bagged, treated, etc.) by a facility that is not an approved conditioner. *(requires change to Seed Regulations)*

We conditionally support Proposal 3.1.13 - Remove the requirement for the Canadian Seed Growers' Association (CSGA) to issue a new crop certificate when two or more seed lots of the same variety are mixed and meet the requirements for a Canada Foundation grade or Canada Registered grade. *(requires change to Seed Regulations)*

If this change is made, CSGA's Circular 6 must continue to require an audit trail of Foundation and Registered seed lots, otherwise there will be a gap in accountability and loss of traceability.

Proposals we oppose:

We do NOT support Proposal 3.2.1 - *that the CFIA establishes an external seed advisory committee with balanced representation from across the value chain to provide advice to the Seed Program.* *(requires change to seed program policy)*

We do not agree with this proposal to establish an external seed advisory committee to the CFIA.

The Seed Regulatory Modernization process has been inclusive, comprehensive, and transparent. If future reviews or calls for input on seed regulatory matters are needed, such a process should be convened again. The CFIA can balance the influence of the private sector by ensuring that the public interest is a priority, providing technical expertise and research to inform participants, and ensuring information is shared openly through public channels.

We oppose the type of advisory committee in **Proposal 3.2.1** because it would give farmers less voice than seed industry companies. Farmers must take time away from earning a living by farming in order to participate, while industry representatives are well paid, often professional lobbyists. There are over 200,000 farmers in Canada who are affected by seed regulations and policy, and who need seed to make a living. Farmers are often not

considered “stakeholders” by the CFIA even though we are the foundation of the agriculture sector, and the money we pay for seed supports the rest of the seed system.

The proposed advisory body would move public discussions about seed policy and regulation behind closed doors. The proposed advisory committee would also be expected to have a large role in Incorporation by Reference processes, allowing it to have undue and non-transparent influence over future regulations and policies. This would be an undemocratic shift of *de facto* regulatory power to an un-elected self-interested body.

An Advisory Committee with representation from across the value chain would be easily influenced by industry representatives that have the most capacity to advocate for their own interests. As many would be regulated parties, there would be an incentive to weaken regulations to remove public-interest measures they may find inconvenient or expensive. The advice provided by such a group is likely to be biased. In addition, the value chain itself, consisting of stakeholders, does not include representatives for the broader public interest.

We do NOT support Proposal 3.2.2 - to Incorporate by reference the list of crop types subject to variety registration (Schedule III). (*requires change to Seed Regulations*)

Variety Registration is the cornerstone of Canada’s seed system. Incorporation by Reference (IBR) can develop and approve regulatory changes quickly and behind closed doors with input only from selected stakeholders, usually regulated parties that are self-interested. IBR is promoted to speed up regulatory change as an alternative to the Canada Gazette process which requires full public disclosure of the proposed regulatory text, a regulatory impact analysis and a mandatory public comment period. The Canada Gazette process recognizes that regulation is an essential element of democratic governance, and ensures that elected representatives are accountable for the rules Canadians and those doing business in Canada must abide by.

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.

IBR of Schedule III of the Seeds Regulations would make it too easy for seed companies to get crop kinds moved from Part 1 to Part 3 of Schedule III in order to eliminate Merit requirements, or to remove crop kinds from Variety Registration altogether.

Part I of Schedule III lists crop kinds such as wheat, lentils, canola and flax, 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. Merit testing provides transparent, unbiased data on agronomic and disease performance parameters that farmers use for decision-making, and it allows Recommending Committees to make informed decisions about whether a new variety should be registered

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.

There should be a relatively high bar for adding or removing crop kinds, and for moving crop kinds between parts. 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 produce crops that are less valued by our customers. Removing crop kinds from Schedule III altogether would have very serious implications that would affect the quality and value of Canada's seed supply, our crops, and farmers' incomes. The consequences of adding, moving or removing crop kinds from Schedule III are long-term and far-reaching. There is no need to rush changes to Schedule III.

Schedule III should stay in the regulations. It is appropriate for any changes to Schedule III to go through the transparent, public Gazette process which provides a regulatory analysis, and a fully public consultation process, with final decisions made by accountable elected Ministers or Cabinet.

We do NOT support Proposal 3.2.8 – that provisions are drafted to incorporate by reference the list of weeds currently found in the Weed Seeds Order. These provisions would have a delayed coming into force to coincide with amendments to the Seeds Act. (requires change to Seed Regulations AND amendment of the Seeds Act prior to implementation)

The *Weed Seeds Order* is a Ministerial Order made under the authority of the Seeds Act that regulates weed species with the aim of preventing new weed species from being introduced into Canada through seed.

The most recent update of the Weed Seed Order was in 2016 following a consultation process that started in 2009. Canada's lobby registry shows that seed industry groups met frequently with CFIA during this period. Consultation process records show that the Weed Seed Order is a contested document with competing interests due to the economic interests of those who would benefit from lower costs if fewer weeds were regulated, and those who would suffer from higher costs if seed, fields and crops had more severe weed issues.

Amending the Act, and then the Regulations to use IBR to update the Weed Seed Order will not resolve this conflict. Keeping the process under a Ministerial Order will still require the CFIA to devote resources to understanding the risks and consequences involved, and proposed changes will be posted transparently in the Canada Gazette. Using IBR, especially if a majority of stakeholders providing input to the CFIA are those seeking a weaker Weed Seed Order, may result in faster amendments but worse weed problems being off-loaded onto farmers.

There is no need to amend the Seeds Act to speed up the process for updating the Weed Seeds Order. The Minister already has the authority to issue Weed Seeds Orders and can do so at short notice once the CFIA makes its recommendation. Delays are not due to a problem with the Act or the Regulations. The Minister needs to do his or her job in accordance with the principles of good governance serving the public interest.

The Seeds Act already gives the Minister the power to update the Weed Seed Order. The CFIA needs to make sure that there is a fair and transparent process to investigate weed issues, and to provide an evidence-based recommendation to the Minister that ensures farmers can avoid seed, crops and fields becoming infested with harmful weeds. The Minister must carry out his or her responsibility to enact new Weed Seed Orders in a timely way.

We do NOT support Proposal 3.3.2 - to provide a pathway for registrants to transfer their registration to another capable entity when they no longer wish to maintain and sell the variety. (requires change to Seed Regulations)

We do not support allowing Variety Registrants to cancel a variety at will. The ability to transfer the registration still leaves the power to cancel in the registrants' hands.

In the Winter 2024 SRM consultation survey over 60% of responses were opposed to allowing variety registrants to cancel varieties at will. In the Task Teams, there was strong support for ending the ability of registrants to cancel varieties at will. This shows that there is very strong farmer and public support for ensuring registered varieties stay registered even if the company that "owns" the variety is no longer interested in maintaining registration.

There is an incentive for registrants that are large seed companies to cancel good older varieties as a way to force farmers to buy newer varieties where the company can charge royalties. This makes seed more expensive without improving the value of seed available for production.

Continuing to allow cancellation at will could remove varieties that have unique economic, cultural, or agronomic value, particularly for organic growers who benefit from varieties that perform well in organic or low-input production.

The CFIA is already obligated to cancel registration for varieties that are susceptible to disease or harmful to health or the environment. Cancellation on request of the registrant should not be allowed.

A better proposal would be to require registrants to transfer varieties they were no longer interested in to AAFC, and ensure that AAFC has capacity to maintain them.

We do NOT support Proposal 3.3.3 – *to clarify that a variety's registration can be cancelled if a reference sample is no longer available. (requires change to Seed Regulations)*

This proposal creates incentive for companies to reduce their costs by destroying or failing to look after reference samples. Every effort should be made to keep varieties registered.

If a registrant is no longer able to maintain the registration, there should be an accession in the gene bank and a new reference sample should be generated by AAFC scientists, and transfer responsibility for maintaining the variety to AAFC.

We do NOT support Proposal 3.1.12 – *to amend the definition of pedigreed seed declaration to remove the reference to use a specific form supplied by the Agency. (requires change to Seed Regulations)*

This proposal would lead to loss of useful data. A standardized digital format is needed so that submitted declarations can efficiently be organized in a way that streamlines the information and ensures that the data is usable and meaningful. The CFIA should require a standardized digital format so that the information collected can easily be used as a source of useful data.

We do NOT support Proposal 3.1.1 – *to amend the regulations to use part 2 of the list of varieties subject to variety registration (Schedule III) or use part 2 to accommodate heritage and heirloom varieties listed in part 1 (to be determined). (requires change to Seed Regulations)*

A regulatory pathway to legally sell seed of heritage and heirloom varieties of grains needs to be developed, but using Schedule III, Part 2 - as it is currently designed - is not the right solution. Producing the requisite pre-registration data set for Part II for these crops will not be possible for growers who have been stewarding these varieties. A different solution needs to be developed that is accessible to farmers and maintains seed quality standards in Canada.

We do NOT support Proposal 3.1.3 – *to allow CFIA to expedite variety registration decisions for crop types listed in part 3 of Schedule III (the crop types that have the simplest registration requirements and*

do not need a recommendation from the recommending committees) when the variety has already been recognized in a foreign jurisdiction. (requires change to seed program policy)

Registering a variety under Part 3 of Schedule III is not costly or time-consuming for registrants – yet the access to Canada’s market it provides is highly beneficial for seed sellers. Relying on the recognition by foreign jurisdictions introduces unacceptable risks with no benefit to farmers or the general public. Foreign jurisdictions may fail to uphold high standards, and may even be susceptible to fraud and misrepresentation. Monitoring foreign jurisdictions to make sure they are competent would add costs to the CFIA, and not monitoring them would offload risks onto farmers and our agriculture system.

This proposal creates risk to seed quality in Canada because it would be a gateway for large numbers of unsuitable varieties entering our system. If Schedule III is amended to move more crop kinds from Part 1 into Part 3, this proposal is an even worse idea.

With rapid changes happening in international relations, the reliability of other jurisdictions can change very quickly. Maintaining Canada’s capacity to regulate our own seed system is necessary for Canadian sovereignty.

We do NOT support Proposal 3.2.7 - to Incorporate by reference the list of recognized standard methods so that future standards can be recognized as technology improves and science advances. (requires change to Seed Regulations)

The current seed standard methods are already incorporated by reference as ambulatory documents in the Seeds Regulations. Section 2.1 of the Seeds Regulations says: *Canadian Methods and Procedures for Testing Seed means the methods and procedures for testing seed set out in the Canadian Methods and Procedures for Testing Seed prepared by the Agency, as amended from time to time; (méthodes et procédés canadiens d’essai des semences)*. And states that “**recognized standard method means the (a) Canadian Methods and Procedures for Testing Seed, (b) Rules for Testing Seed, published by the Association of Official Seed Analysts, as amended from time to time, or (c) International Rules for Seed Testing, published by the International Seed Testing Association, as amended from time to time; (méthode normalisée reconnue)**” The bodies responsible for these documents will be able to update the standards to keep up with technological and scientific changes.

If the CFIA contemplates using IBR to eliminate and replace one or more of these recognized standard methods there would be a major impact on Canada’s seed sector. Such a significant change should go through the Gazette process to ensure transparency and input can be provided by all who may be affected, not just stakeholders consulted via the CFIA’s IBR policy.

We do NOT support Proposal 3.2.12 - to expand the recognition of foreign grader program to include graders outside the United States (US). *(requires change to Seed Regulations)*

Recognizing foreign graders will require a lot of extra work by the CFIA, and if the CFIA does not have the capacity to do this properly, there is a high risk that seed graded by foreign graders will compromise the quality of our seed, our crops and be harmful to farmers' incomes.

Canada's seed grading framework is a critical element of our seed system, and it is designed to protect our agriculture from poor quality and contaminated seed. Foreign graders will not have the same priorities or knowledge base. Farmers have not asked for foreign graders to be recognized in Canada. This proposal appears to be for the benefit of foreign or multinational seed companies seeking to reduce their costs. This should not be done at the expense of Canadian farmers or Canada's agricultural environment.

Canadian graders' capacity must be maintained and must continue to be responsible for grading seed for Canadian farms.

We do NOT support Proposal 3.2.6 - to allow for the submission of biomolecular data in the future to support variety registration. *(requires change to Seed Regulations)*

We do not support this proposal because it is not necessary. The current regulation 67 (2), allows the Registrar *to require that the applicant provide such further information as may be necessary to determine the merit and identity of the variety.*

Any biomolecular data used to support variety registration must be provided transparently, and must be used only in the broader public interest. Biomolecular data should not be used to pre-empt or supersede the phenotypic characteristics of varieties that are relevant to agricultural production.

We do NOT support Proposal 3.1.19 - to explore expanding the CFIA's policy on alternative seed crop inspection services to enable additional companies and seed growers to inspect their own pedigreed seed crops where appropriate and oversight exists. *(require changes to a seed program policy)*

Allowing seed companies to self-inspect is a conflict of interest. The integrity of the seed certification system relies on third-party inspection.

All of this is respectfully submitted by the National Farmers Union, September, 2025.