

January 9, 2026

Re: Response to e-petition on proposed Plant Breeders Rights amendment ignores farmers

Dear Minister MacDonald,

We are writing to urge you to abandon the proposed amendments to the Plant Breeders' Rights (PBR) Regulations that would remove "Farmers' Privilege" for certain crops in light of serious concerns raised by farmers, farm organizations, and over 6,000 Canadians through e-6778.

The National Farmers Union prepared e-petition 6778 regarding proposed amendments to the Plant Breeders' Rights Regulations. If enacted, these amendments would remove the "farmers' privilege", preventing farmers from saving seed or propagating material from purchased PBR-protected fruit, vegetable, ornamental and hybrid crop varieties. The amendments would also extend the period of protection for new woody non-tree varieties (i.e. berry bushes), as well as potato and asparagus.

The [e-petition response](#) from the Government of Canada tabled in the House of Commons on November 24, 2025 appears to rely on departmental interpretations that do not reflect the full record of parliamentary debate or farmer input.

The over 6000 people who signed the e-petition during the 30 days it was open, and the organizations representing thousands of farmers that have engaged with the CFIA's consultation process and submitted comments to the Canada Gazette process, have acted in good faith. We have provided substantive reasons why the proposed regulation will be harmful to farmers and Canada's future food security and why it will not provide the investment benefits claimed by the CFIA.

We feel that our serious concerns have not been adequately addressed in this response. We believe the Government of Canada has a duty to take farmers' concerns seriously, and to provide a thoughtful response that properly acknowledges the validity of the points made in the e-petition, namely:

Strong Communities. Sound Policies. Sustainable Farms.

Des communautés solidaires et des politiques sensées pour une agriculture durable.

- Forcing farmers to buy seed and/or propagating material annually will increase production costs, allow plant breeders to raise prices, prevent access to new varieties that are not available commercially and prevent farmers from adapting their crops to changing climatic conditions on their farms;
- Removing Farmers' Privilege for new fruit, vegetable, and ornamental varieties unfairly encroaches upon farmers' age-old practice of using farm-saved seed;
- The CFIA wants private investment in plant breeding to become more profitable by taking more revenue from farmers; Canada should provide more support to our public plant breeding system which benefits farmers and the public; and
- Farmers' Privilege is key to food security and Canada's sovereignty, ensuring farmers can reproduce crops on their own farms even if supply chain or climate impacts restrict the supply of propagating material.

It appears that the government has closed its ears to farmers by stating that hybrids, fruit, vegetable, and ornamental varieties "should not" be subject to the farmers' privilege and suggesting that the regulatory change is needed to "clarify" this. The current regulation is clear: when farmers buy a PBR-protected variety they are entitled to save seed or propagating material for planting subsequent crops on their own holdings, regardless of crop kind. This right is enshrined in the law passed by Parliament in 2015, which was vigorously debated and affirmed farmers' privilege in 2015 with cross-party support. Reinterpreting this through regulation risks undermining parliamentary intent and public trust in the regulatory process.

The response to the e-petition suggests that the government now believes Farmers' Privilege as enacted by Parliament "should not" be the case — a judgement seemingly reached before reviewing, much less considering, the evidence and arguments submitted through the Canada Gazette process.

We are concerned that the Government of Canada is not adequately taking into consideration the voice and valid concerns of the farmers who are most familiar with, and will be most affected by this regulatory proposal. The proposed regulatory amendment would also undermine government objectives for food security, climate adaptation, farm production costs and affordability.

Please see attached a comprehensive briefing detailing our concerns, with a [summary and explanation](#) of the harms this proposed regulatory amendment would cause.

We call on you – and Cabinet as a whole – to abandon the proposed regulatory amendment to Farmer's Privilege prohibiting farmers, after having purchased and paid royalties on Plant Breeders Rights protected varieties, from saving seed or propagating material of fruit, vegetable, ornamental and hybrid crops for planting on their own holdings, and to engage farmers and farm organizations in a transparent review of how Canada can support plant breeding investment without undermining farmers' rights, climate resilience, or food security.

Sincerely



Jenn Pfenning, President,
National Farmers Union

and

Atlantic Canadian Organic Regional Network (ACORN)

Canada Organic Trade Association (COTA)

Canadian Organic Growers (COG)

Canadian Biotech Action Network (CBAN)

Ecological Farmers Association of Ontario (EFAO)

FarmFolk CityFolk

Friends of the Earth Canada

Growers of Organic Food Yukon

Manitoba Organic Alliance

Organic Alberta

SaskOrganics Association Inc.

SeedChange

Young Agrarians

CC - Cabinet Ministers, Gord Johns, MP, Yves Perron, MP