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Saskatchewan Organic Directorate Position Paper on Seed Variety Registration in Canada

Prepared as input for public consultations on the new regulation
being proposed by the Canadian Food Inspection Agency
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The Saskatchewan Organic Directorate is opposed to the proposed amendments to Canada's seed variety registration regulation.

The Saskatchewan Organic Directorate (SOD) is the umbrella group for the organic sector in Saskatchewan, the province with the highest number of certified organic farmers, and the largest acreage of certified organic land in Canada. The great majority of SOD members are certified organic grain farmers.

Seed is of the utmost importance to farmers. The availability of high quality seed, free from contamination by GMO varieties, and seed that is certified organic, or eligible for use in certified organic seed propagation, is a fundamental requirement for organic grain farming in Canada. The proposed regulation threatens quality, access, public accountability, and the buyers' right to unbiased information about seed in a number of ways.

The proposed registration system would provide three registration options: Tier I (like the status quo but with reduced merit requirements); Tier II, a simple listing without merit requirements, and Contract Registration, which would permit registration of high-risk varieties on a contract basis. A new type of body, the "Crop Kind Consultative Group" would determine which regime would be used for registering new seed varieties.

We believe that the current merit requirements, which include multi-year independent testing for performance and agronomic characteristics, are essential for assuring we have access to reliable information in order to make informed decisions about new seed varieties. Reducing or eliminating merit requirements will not provide advantages to farmers, only to seed sellers.

Contract registration would increase the probability that varieties unacceptable to our customers would become mixed with our crops. Contract registration is a legal tool that makes unrealistic assumptions as to the degree of control sellers, farmers and shippers can exert over seed, which is a living thing. We have the experience of having our fields and crops contaminated by genetically engineered canola, in spite of contractual agreements between the seller and the farmer which prohibit the farmer from saving and re-using the seed, or re-selling it to third parties. The wind, birds, bees, flowing water and the force of gravity are not bound by written contracts, no matter how strongly worded. We know that genetically engineered canola seed was not bound by the contract between the seed company and the farmer; we know that contract registration of seed varieties that would be harmful if mixed with other crops will not be confined by registration contracts.

The third party audit which is being proposed as the control measure for enforcing the terms of contract registration would simply check on how well the parties were complying with the terms of the contract. If contract registered varieties escape, the third party auditor would only be able to point a finger at the party responsible for the leakage, but he/she would be powerless to rein in the escaped seed.

If (or rather when) harmful seed escapes from control by the parties to the contract variety registration, the CFIA proposal is silent about liability. Will the CFIA, the seed company, the farmer-grower, or the customer be responsible for paying the costs of the escape? Or will the costs be borne by innocent bystanders, including certified organic farmers, our customers, and the public? Depending on the characteristics of the escaped variety, the losses could be catastrophic, particularly if a variety of genetically engineered wheat contaminated Canada's export crop and closed 80% of our foreign markets.

The body being proposed to do risk assessments and make decisions as to which of the three tracks new seed varieties would be registered under is a "Crop Kind Consultative Group", which the CFIA suggests would be self-funded and formed from existing commodity groups. This is an unacceptable off-loading of the public regulatory function onto a private interest group. Certified organic farmers do not want paid lobbyists for seed companies to be deciding whether or not a new variety should undergo merit testing or not; or whether a risky variety should be kept off the market or released under contract registration. Those who would gain from risky decisions would be in the position of imposing hazard on organic farmers who would have no say, and we would bear the costs of having our seed supply and crops contaminated.

We are particularly concerned that the proposed variety registration regulation amendments are being designed to permit fast track registration of genetically engineered seed. Indeed this is openly stated in a document posted on the CFIA's website, "80 Years of Variety Registration" by Grant L. Watson, Senior Advisor, Plant Production Division, Canadian Food Inspection Agency, posted at <http://www.inspection.gc.ca/english/plaveg/variet/vrhiste.shtml> It reads:

*"Beyond the foregoing requirements, Canada appears to be headed to a buyer/seller relationship much like what exists in the United States. Providing a variety meets any established minimal requirements, it would be the seed industry's responsibility to decide what products there would be a market for, how best to market varieties that meet the market needs and it would be the buyer / producers' responsibility to determine which varieties they wish to purchase and under what conditions. **Considering the role that biotechnology may play in the development of new types of plant based products, the future variety registration system needs to be more flexible.** This would allow the seed industry, producers, commodity sectors and processors to take advantage of commodity type markets as well as new and evolving opportunities that will position Canadians in a favourable trade position domestically as well as internationally."*[emphasis added]

We do not accept the notion that the increased flexibility set out in this proposed seed variety registration regulation would be an advantage to organic farmers by allowing for more and faster registration of heritage varieties and varieties which have characteristics favourable to organic methods. The current regulation's contract registration provision is adequate for that purpose. The overwhelming impact of the proposed regulation is to turn over regulatory decision-making to private interests in the seed industry. These companies are committed to developing and commercializing patented genetically engineered seed under marketing regimes that require farmers to purchase seed (and often herbicides) each year.

SOD opposes the CFIA's proposed seed variety registration regulation. It is our position the proposal should be withdrawn.