



BARRISTERS AND SOLICITORS

L. Ted Priel, Q.C.  
William F.J. Hood, B.Comm, LL.B.  
Beaty F. Beaubier, B.Comm, LL.B.  
Terry J. Zakreski, B.A., LL.B.\*  
Denise S. Gerein, B.Ed., LL.B.\*\*  
Robert J.C. Stack, B.A., M.A., LL.B.

Kenneth A. Stevenson, Q.C.  
Robert F. Thornton, Q.C.  
Timothy W. Hodgson, LL.B.  
William P. Langen, B.A., LL.B.  
Kristine Gould-Clark, B.A., LL.B.

\*Reg. Trademark Agent  
\*\*Resident in Regina

Our File: 34904000  
e-mail: [tzakreski@pshtlaw.com](mailto:tzakreski@pshtlaw.com)

January 10, 2002

The Honorable Lyle Vanclief, P.C., M.P.  
Minister of Agriculture and Agri-food Canada  
930 Carling Street  
Ottawa ON K1A 0C5

Dear Sir:

**Re: Saskatchewan Organic Directorate**

We are solicitors for the Saskatchewan Organic Directorate ("SOD"). SOD is an umbrella organization for certified organic farmers in the Province of Saskatchewan.

Certified organic farming is an economically viable and environmentally friendly alternative to conventional grain production.

The certified organic grain market has been growing by approximately 20% per year and crops sold into the organic market command a premium between 30-300% more than conventional crops. Organic farming is a growing industry worldwide.

Organic certification organizations list genetically-modified crops, i.e. crops derived from transgenic engineering, as a prohibited substance.

Because of the commercial introduction and wide scale use of genetically-modified canola in Western Canada, canola has been extensively contaminated. Approximately half the canola grown last year in Western Canada was of a transgenic variety. Consequently few, if any, certified organic grain growers have continued to grow the crop. The loss of the crop has caused substantial economic losses to certified organic grain growers.

The organic grain growers fear even greater consequences from the introduction of genetically modified wheat. Since as early as 1998, the Canadian Food Inspection Agency ("CFIA") has authorized Monsanto Canada Inc. to conduct confined field trials of genetically modified wheat at various test plots located in Manitoba, Saskatchewan and Alberta. If the testing develops into authorization for "unconfined release" into the environment, and large-scale commercial production of genetically-modified wheat takes place in Canada, there is a grave risk of genetic contamination of wheat grown in Canada. If widespread contamination occurs, certified organic grain growers will suffer crippling losses.

Presently the CFIA regulates “plants with novel traits” pursuant to regulatory directives falling under the *Seeds Regulations*, which are themselves passed under the *Seeds Act*. The process adopts a science based peer review procedure. Although some aspects of the safety of genetically modified plants are studied, no part of the review process considers the potential impact and harm to crop values or to farmers, such as certified organic farmers, that would result from release into the environment. Such a socio-economic impact would be an integral part of an assessment under the *Canadian Environmental Assessment Act* (“CEAA”) or under the *Canadian Environmental Protection Act, 1999* (“CEPA”). The regulatory directives under the *Seeds Regulations* are therefore inconsistent with both CEAA and CEPA.

CEPA requires that the Government of Canada “protect the environment, including its biological diversity, and human health, by ensuring the safe and effective use of biotechnology.” “Air pollution” is defined in the *Act* as “...a condition of the air, arising wholly or partly from the presence in the air of any substance, that directly or indirectly...(d) causes damage to plant life or to property.” Pollen from genetically-modified wheat is an air-borne particle that can cause damage to crops, particularly those intended for the lucrative organic market.

A full environmental assessment under the CEAA requires the Government of Canada to consider the “environmental effect” of any project which includes “...any effect of any such change on health and socioeconomic conditions, on physical and cultural heritage...” Such a review would therefore consider the potential impact on wheat prices, grain seed heritage, the effect on organic farmers and potential damage to plants caused by genetic contamination. The environmental assessment process would further allow much needed public consultation and debate.

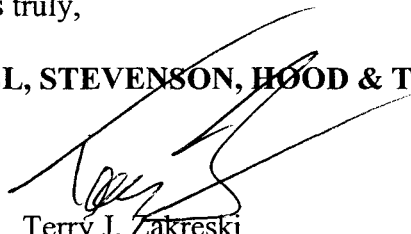
Our clients are prepared, if necessary, to apply to the Federal Court of Canada to set aside any decision by CFIA to continue the confined field trials of genetically modified wheat and/or to allow its unconfined release, without requiring a full environmental assessment. They should not have to take this step. The introduction of genetically modified wheat in Canada could have serious and far-reaching implications for agriculture in Canada including organic farmers. Before taking such an important step, the Government of Canada should be consulting with interested groups and examining the implications of its decisions on the market for Canadian grain, including certified organic grain.

Please let us know at your earliest convenience whether the Government of Canada intends to plow ahead with the introduction of genetically-modified wheat in Canada without conducting a full environmental assessment and consulting with affected groups.

Yours truly,

**PRIEL, STEVENSON, HOOD & THORNTON**

Per:

  
Terry J. Zakreski

:sjb

S:\SABRA\WORK\DAI\YTJZ-CLIENTS-CORRESPONDENCE\SOD\VANCLIEF JAN10.DOC

cc: Department of Justice Canada, Attention: Dale Kohlenberg

cc: Saskatchewan Organic Directorate