



CANADIAN SEED TRADE ASSOCIATION

L'ASSOCIATION CANADIENNE DU COMMERCE DES SEMENCES

39 Robertson Road., Suite 505, Ottawa, Ontario K2H 8R2

Email: csta@cdnseed.org

<http://www.cdnseed.org>

Telephone (613) 829-9527

FAX (613)829-3530

Weed Seeds Order New Proposed Amendments CSTA Input March, 2011

The submission provides the comments of the Canadian Seed Trade Association on the second draft of proposed amendments to the Weed Seeds Order. As the Canadian national association of seed companies, it is our sincere hope that, in this assessment process, CSTA's input will be given serious consideration and will be weighted to recognize our structure and representation.

I ABOUT THE CSTA

The Canadian Seed Trade Association brings together 130 member companies who are engaged in all aspects of seed research, production and marketing, both domestically and internationally. Our membership ranges from those who market garden seed and herbs to large western grain handlers; and from small family-run businesses to large multi-national corporations. CSTA members work with seeds from 50 principal crops, including grains, oilseeds, special crops, forage and turf grasses, flowers, vegetables and fruits.

CSTA's direction comes from its membership. Our mission statement commits us to work with our value chain partners towards an environment that promotes innovation and benefits the entire value chain.

II PURPOSE OF THE WEED SEEDS ORDER

CFIA has stated that the purpose of the Weed Seeds Order is three-fold:

1. Protection of Canada's economy
2. Protection of the health and safety of humans, livestock and the environment
3. Compliance with International requirements

CSTA accepts that the CFIA has the responsibility to ensure that measures are in place to protect health and safety. Those measures must be science based, and input from the scientific community is important. We also accept that trade can only be maintained through compliance with international requirements.

We do question whether the protection of the economy is really in the purview of the CFIA. However as long as that remains a purpose of the Weed Seeds Order, in addition to considering the potential economic impact of the presence of weeds, CFIA must also consider the economic impact that some of its proposals for amendments will have on the seed industry and on agriculture. We submit that the seed trade, seed producers and farmers are better positioned to provide that assessment and input of these groups must be given much more weight than that of academia, analysts and those working in laboratories.

II PROPOSALS TO CHANGE THE WEED SEEDS ORDER

CSTA has been a part of the process to review the Weed Seeds Order since early 2008. Staff and member representatives participated in technical working sessions organized by the National Forum on Seed, where some proposals for change were discussed. Our members were very uncomfortable with the proposals that were made by CFIA on October 23, 2010, stating that they did not reflect the discussions held in earlier working group sessions.

CSTA's input to the consultations on the October 23, 2010 document was on the understanding that we would oppose any efforts to simply implement the proposal. We appreciate that the second draft, presented to CSTA in November, 2010 does address some of the concerns of our members. However there is still a great deal of concern for the potential impact on the seed industry and on the Canadian Agricultural sector of some of the proposals contained in the second draft.

Once again, we wish to state clearly that CSTA will oppose any decision to simply implement the proposals outlined in this document.

A. Definitions

CSTA accepts the proposed definitions for Class 1 – Prohibited Noxious and Class 2- Primary Noxious. However, that acceptance comes with the caveat that all of the species placed within these classes truly meet the definitions. We submit that even the second draft does not assure this. Just two examples (there are more):

- *Alopecurus myosuroides* (Slender Foxtail) is proposed for placement as a prohibited noxious, yet USDA maps show it as present in areas of Manitoba
- *Galium Aparine*, and *Galium supruium* (Cleavers) are weeds of canola, but with new technologies such as glyphosate resistant canola, they are easily controlled. They also do not affect the grade of canola on delivery. They clearly do not meet the criteria for primary noxious, but are proposed for placement there.

Class 3 – Secondary Noxious – CSTA continues to oppose the proposed definition of Secondary Noxious. We believe that this class must be more clearly defined than proposed, and should read:

“The species is relatively common and widespread in Canada. The species must be a weed whose presence in seed could affect the value and/or intended use of the seed lot. The species must have the potential to be a serious weed in certain crops, but be relatively easy to eradicate with current crop and seed plant management practices. The species must have identifiable seeds that can be visually distinguished from those of other species, or in rare instances, from entire genera.”

CSTA does not support the proposal to further amend the proposed definition to remove the words “relatively common and”. We submit that in order to be included in Class 3, the weed needs to be both relatively common and widespread. If it does not meet both criteria, the weed should be in Class 6 (other weeds).

Classes 4, 5 and 6 - CSTA believes that Classes 4, 5, and 6 should remain as is currently the case. The impact on Canada's forage and turf sector, of merger or deletion of these classes could be significantly negative.

B. Application of Classes

Contrary to the claim in CFIA's second draft, CSTA **has never supported** the proposal to apply Class 2 – Primary Noxious to all tables. The following statement from our first submission makes that clear: *“CSTA supports the maintenance of crop specific application of classes of weeds. In particular, we support that Classes 2 through 5 should continue to **not** apply to Tables XIV (lawn and turf mixtures of two or more kinds of seeds) and Table XV (ground cover mixtures composed of seed of two or more kinds other than cereal mixtures, forage mixtures and lawn or turf mixtures) of the Grade Tables.”*

Applying Class 2 to tables XIV and XV would have extremely negative consequences for Canada's turf seed sector. Currently, on average 5 – 10% of the turf seed produced annually contains one or more of the following weeds: Couch Grass (Quack Grass), Cleavers and Canada Thistle. However, under the current Weed Seeds Order structure, turf grasses that do contain these weeds are still marketable, and provide a less expensive option to consumers who wish to establish ground covers or revegetate damaged areas. It is important to note that lawn and turf does not generally produce seed because it is cut regularly.

CFIA's proposal to apply Class 2 to all tables would make these grasses unmarketable. The economic damage to the industry would be extensive. Growers would exit the industry for fear of producing an unmarketable crop; seed companies would find it very difficult to secure supplies for their historical needs, and these supplies would almost certainly come at a much higher cost. CSTA's lawn and turf seed members estimate the losses as follows:

The following table shows the economic losses to growers if 10% of the seed of the four main components of lawn and turf and ground cover mixtures contained weeds classed as primary noxious.

Turf Grass Species	Average Annual production (lbs)	10% (pounds)	Average price/pound	Total Annual Loss to Growers
Creeping Red Fescue	35,000,000	3,500,000	\$0.40	\$1,400,000
Perennial Ryegrass	26,000,000	2,600,000	\$0.45	\$1,170,000
Tall Fescue	3,000,000	300,000	\$0.50	\$ 150,000
Annual Ryegrass	2,500,000	250,000	\$0.25	\$ 62,500
Total				\$2,782,500

We believe this is a moderate estimate because it does not include an assessment of the increased costs to consumers, or the loss of growers who would not wish to incur the risk of a “zero-value” crop and stop producing turf seed.

We stress, once again, that **Classes 2 through 5 should NOT apply to Tables XIV (lawn and turf mixtures of two or more kinds of seeds) and Table XV (ground cover mixtures composed of seed of two or more kinds other than cereal mixtures, forage mixtures and lawn or turf mixtures)**

Proposed Placement of Species

In our original submission, CSTA stressed that some of the proposed placements in CFIA's initial paper would have very negative impacts on both the seed industry and on the agriculture sector. We appreciate that some of our requests were incorporated in the second draft proposal, however we are very concerned with those that were not, and have some additional concerns where some species not included in the original proposals are now being considered for placement in the Weed Seeds Order.

While we appreciate that CFIA has received a great deal of advice from academia, weed scientists and analysts, it is imperative that the advice of those who actually operate in the seed industry is given very serious consideration.

Class 1 – Prohibited Noxious

- ***Alopecurus myosuroides* - Slender Fox Tail** – does not meet the definition of Class 1. The definition states that “the species is not yet present in Canada, or is present and is under official control.” According to the United States Department of Agriculture's Plant Profile <http://plants.usda.gov/java/profile?symbol=ALMY>, in addition to being present in many U.S. states, Slender Foxtail is present in Manitoba.

Slender Foxtail is also commonly found in parts of the European Union and its seed has been found in shipments of seed imported to Canada over the years. These two factors are clear proof that Slender Foxtail **is** present in Canada and does not meet the definition for Class 1 Prohibited Noxious.

While it is present in Canada, it has not likely reached its full ecological range, and would be better placed in Class 2 – Primary Noxious.

Class 2 - Primary Noxious

- ***Galium aparine* – Cleavers; *Galium Spurium* – False Cleavers; and *Galium verrucosum* – Warty bedstraw** – While these herbaceous vines are difficult to separate from canola seeds, the increased use of glyphosate tolerant canola varieties has made these weeds quite easy to control. CSTA proposes that they be moved from Class 2 (primary noxious) to Class 3 (secondary noxious) because they are widespread, and can be chemically controlled in canola seed fields.
- ***Silene Latifolia* – White Cockle; *Silene Vulgaris* – Bladder Campion** - present the same as does *Silene noctiflora* – Night-flowering Catchfly. The number of seeds produced, and the methods and ease of control are the same. Night-flowering Catchfly is currently in Class 3 (Secondary Noxious). CSTA submits that *Silene Latifolia* (White Cockle) and *Silene Vulgaris* – Bladder Campion, should also move to Class 3.

Class 3 - Secondary Noxious

- ***Bromus* Species** – *Bromus secalinus*, *Bromus japonicus* and *Bromus tectorum* are similar weeds. They are grouped for marketing purposes in the United States, and seed that is completely free of these weeds is available for sale in Canada, even though they are currently not included in the Weed Seeds Order.
 - ***Bromus secalinus* – Cheat** – is a well established weed in almost every province in Canada. It is currently not listed in the Weed Seeds Order. The seed sector does not accept that it should be re-classified in Class 3 as it is relatively easy to control, and does not pose a significant threat to commercial production.

- *Bromus japonicus* – **Japanese Brome** – is a well established weed in the United States and in southern and western regions of Canada but we submit that climate and environmental conditions will limit any significant further spread. It is most widely found in grass species, but does not affect establishment or quality.
- *Bromus tectorum* – **Downy Brome** - should be classed in the same manner as *Bromus japonicus* and *Bromus secalinus*. It is well established in southern and western parts of Canada and in the western United States, but it has likely reached its ecological limits. While it may be found in grass species produced in those regions, it has very little effect on establishment or quality.
- The U.S. groups these three *Bromus* species for marketing purposes. The U.S. market accepts forage seed containing up to 0.5% of these species, and some states allow up to 2% content. CSTA submits that, for the reasons stated in the individual points, and in order to maintain trading harmony with the U.S., these three weeds (*Bromus secalinus*, *Bromus japonicus* and *Bromus tectorum*) should remain in Class 6 – not listed in the Weed Seeds Order.

III CONCLUSION

CSTA's forage and turf, oilseeds and cereal seed company members have reviewed very carefully the proposals presented by the CFIA in this second consultation document and still have some very serious concerns.

The proposal to apply Class 2 (Primary Noxious) to all tables is of special concern as this would negatively impact all of Canada's turf seed industry. CSTA will continue to oppose this proposal in the interests of our members.

We are also concerned that some of the proposals for changes in placement of specific weeds are still not clearly based on the criteria stated for the class. Many of these proposals, if implemented would have detrimental effects on the Canadian seed industry.

We trust that the comments and suggestions of the CSTA on behalf of its 130 member companies will be given very serious consideration and that the revisions to the Weed Seeds Order will reflect that CSTA's input.