



CSTA Position on Variety Registration Changes

Background

CSTA is one of the most vocal advocates of changes to Canada's variety registration system. We are advocating the development of a system that is flexible and able to adapt to changes in technology and market demand.

The Canadian Food Inspection Agency (CFIA) promises that it is moving forward to implement a more flexible variety registration system, stating that the regulatory amendments required are in the regulatory change process.

Partly due to the very slow process, there is the potential for confusion around a number of variety registration initiatives and proposals. It is important that CSTA members, as major stakeholders in this process, have a clear understanding of the current environment, and clear guidelines or steps to help CSTA and its members move through the regulatory change process.

This document outlines CSTA's position and recommendations for moving through the process to implement a new variety registration system.

Step 1 – Understanding and Working With the Current Status

- Current variety registration regulations require that all varieties listed in schedule III of Seeds Regulations must be tested for merit and recommended for registration by a recommending committee established for the species.
- Recommending committees have the authority to determine and recommend to the Variety Registration Office, the testing and information required for a recommendation for recommendation.
- To effect a change in the current system, the recommending committee has to agree to the change, and support it to the Variety Registration Office.
 - This has and is happening now. Some committees have adapted requirements to recognize technology improvements and market demand. This has resulted in more flexible systems for some species – for example it is only required that canola varieties are found to be of “canola quality” to be recommended for registration.
- Some species (eg. corn, food grade soybeans, some forages) are not listed in Schedule III and are therefore are exempt from variety registration. Exempt is not a category of registration; it is simply that the species is not listed in Schedule III.
 - Exempting a species from registration would require a regulatory change to remove that species from Schedule III.

- In many cases, species that are exempt from Schedule III are still listed in Schedule II which requires that seed sold or provided under contract must be certified. Even though these species are not subject to variety registration, they are still regulated in the Seeds Act. This provides assurance that the same variety is not sold under several names and it is an important component of identity preservation systems, and CSTA submits there is no need for the extra layer of regulation presented by variety registration.

Step 2 – Understanding the Proposed Amendments

(note that the two tiered system can only be implemented when seeds regulations are amended by the Governor-In-Council. The process requires publishing in Canada Gazette part I, which includes a comment period that can range from 30 to 90 days. At some point following the comment period, the regulations are published in Canada Gazette Part II, making them law).

- CSTA has supported amendments to the Seeds Act and Regulations to create a two-tiered registration system, essentially the division of Schedule III into two tiers.
 - Species listed in tier I of Schedule III will be assessed for newness, uniformity, stability and to ensure that they are distinct from varieties already registered. Species in this tier will also require some form of merit testing and recommendation for registration by a committee. However, new regulations would specify the ability to vary the testing requirements to reflect market demand.
 - ♦ CSTA supports that Crop Specific Consultative Groups would be charged with making recommendations for the type and level of testing that would be required.
 - Species listed in tier II of Schedule III would not require testing and committee recommendation, but would be a listing. CFIA's proposals state that this tier would require information supplied by the applicant including how the variety was developed and appropriate contact information; a reference seed sample; and a description of the variety that would provide the required information for crop and seed certification. Submissions for species in Tier II registration would be made directly to the CFIA, and not go through a recommending committee.

Initial Crop Placement

- CFIA has stated that until decisions are made on the placement in the new system, the status quo will exist. That means that all species currently in Schedule III would start out in Tier I.
 - CSTA believes that the regulations to create the two tiered system should also include initial placement of species in the proper tiers, to avoid the need to go back through the regulatory process with placements.
 - If that can't be achieved, the regulations placing crop kinds must be developed very quickly and put through the regulatory process as quickly as possible to ensure that we don't just end up with the status quo for another extended period of time
 - This will require a review of the species currently in Schedule III to determine the best fit in the new system. CSTA's proposal for initial placement is Appendix I.

Step 3 – Changing the Placement of Species in the new system

- CFIA has indicated that once the system is in place, any change in placement (eg. from tier I to tier II) would require a regulatory amendment. CSTA submits that requiring movement between tiers to be done by regulatory amendment would serve as a regulatory barrier to innovation. The process for movement between tiers should be as follows:
 - A Crop Specific Consultative Group (CSCG) would recommend the change in placement. Current recommending committees would not necessarily be the CSCG
 - Once recommended by the CSGC, a change in placement would be an administrative activity of the Variety Registration Office of the CFIA.

Step 4 – Changes within Tier I

- With the additional flexibility proposed by CFIA, there will need to be a clarification of what combinations of yield, quality or disease data will be required for recommendation for registration.

This may not be as difficult as it appears because this is already within the mandate allowed by the current regulations. Committees already have the ability to advise the CFIA of the criteria they will use, and the contents of the submissions they will require to support a variety for registration.

CSTA submits that Crop Specific Consultative Groups should be established quickly to make the recommendations on specific testing requirements for all crop kinds in tier I.

Step 5 – Would There Ever Be a Benefit to Moving an Exempt Species into Registration?

- CSTA currently strongly advocates the continued exemption from registration for seed corn; food grade soybeans; and turf grass species.
- CSTA needs to discuss and consider if or when there would be circumstances where a species currently not in Schedule III would benefit from moving to the new Tier II. Before undertaking to define what those circumstances may be, CSTA requires clear answers to the following questions:
 - Would the listing be a web based application form that could be completed quickly and easily, or would it require plots to be planted to gather description information equivalent to DUS (Distinctness, Uniformity and Stability) followed by a time consuming application process
 - Would the information required be similar to what is already provided in CSTA's list of corn hybrids?



**CSTA Proposal for Initial Placement
Of Species currently listed in Schedule III**

SCHEDULE III TIER 1

(Section 65)

Species, Kind or Type	Scientific Name
Barley	
— six-row	<i>Hordeum vulgare</i> L. convar. <i>hexastichon</i> Alef.
— two-row	<i>Hordeum vulgare</i> L. convar. <i>distichon</i> Alef.
Canola, oilseed rape	<i>Brassica napus</i> L., <i>Brassica rapa</i> L. (= <i>B. campestris</i>)
Faba bean (small-seeded)	<i>Vicia faba minor</i> L.
Flax (oilseed)	<i>Linum usitatissimum</i> L.
Lentil (grain type)	<i>Lens culinaris</i> Medikus
Mustard	<i>Brassica juncea</i> (L.) Czern. & Coss., <i>Sinapis alba</i> (L.) (= <i>B. hirta</i> Moench)
Oat (grain type)	<i>Avena sativa</i> L., <i>Avena nuda</i> L.
Pea, field (commodity type)	<i>Pisum sativum</i> L.
Safflower	<i>Carthamus tintorius</i> L.
Tobacco (flue-cured)	<i>Nicotiana tabacum</i> L.
Wheat, common	<i>Triticum aestivum</i> L. emend. Fiori & Paol.
Wheat, durum	<i>Triticum durum</i> Desf.
Wheat, spelt	<i>Triticum spelta</i> L.

SCHEDULE III TIER 2

(Section 65)

Species, Kind or Type	Scientific Name
Alfalfa (forage type)	<i>Medicago sativa</i> L. (including <i>M. sativa</i> L. spp. <i>falcata</i> (L.) Arcangeli)
Bean, field	<i>Phaseolus vulgaris</i> L.
Bird's foot trefoil	<i>Lotus corniculatus</i> L.
Bromegrass, meadow	<i>Bromus riparius</i> Rehm.
Bromegrass, smooth	<i>Bromus inermis</i> Leysser
Canarygrass, annual	<i>Phalaris canariensis</i> L.
Buckwheat	<i>Fagopyrum esculentum</i> Moench
Canarygrass, reed	<i>Phalaris arundinacea</i> L.
Clover, alsike	<i>Trifolium hybridum</i> L.
Clover, red	<i>Trifolium pratense</i> L.
Clover, sweet (white blossom)	<i>Melilotus alba</i> Medikus
Clover, sweet (yellow blossom)	<i>Melilotus officinalis</i> (L.) Pallas
Clover, white	<i>Trifolium repens</i> L.
Fescue, meadow (forage type)	<i>Festucapratenensis</i> Hudson
Fescue, red (forage type)	<i>Festuca rubra</i> L. var. <i>rubra</i>
Fescue, tall (forage type)	<i>Festuca arundinacea</i> Schreber
Lupine (grain and forage types)	<i>Lupinus</i> spp.
Orchardgrass	<i>Dactylis glomerata</i> L.
Potato (commercial production)	<i>Solanum tuberosum</i> L.
Rye (grain type)	<i>Secale cereale</i> L.
Ryegrass, annual (forage type)	<i>Lolium multiflorum</i> Lam.
Ryegrass, perennial (forage type)	<i>Lolium perenne</i> L.
Soybean (oilseed)	<i>Glycine max</i> (L.) Merrill
Sunflower	<i>Helianthus annuus</i> L.
Timothy (forage type)	<i>Phleum pratense</i> L.
Triticale (grain type)	X <i>Triticosecale</i> Wittmack
Wheatgrass, beardless	<i>Agropyron spicatum</i> (Pursh) Scribn. & J.G. Smith f. <i>inermis</i> (Scribn. & J.G. Smith) Beetle
Wheatgrass, crested	<i>Agropyron cristatum</i> (L.) Gaertner, <i>Agropyron desertorum</i> (Fischer ex Link) Schult.
Wheatgrass, intermediate	<i>Agropyron intermedium</i> (Host) Beauv.
Wheatgrass, northern	<i>Agropyron dasystachyum</i> (Hook.) Scribn.
Wheatgrass, pubescent	<i>Agropyron trichophorum</i> (Link) Richter
Wheatgrass, Siberian	<i>Agropyron sibiricum</i> (Willd.) Beauv.
Wheatgrass, slender	<i>Agropyron trachycaulum</i> (Link) Malte ex H.F. Lewis
Wheatgrass, streambank	<i>Agropyron riparium</i> Scribn. & Smith
Wheatgrass, tall	<i>Agropyron elongatum</i> (Host) Beauv.
Wheatgrass, western	<i>Agropyron smithii</i> Rydb.
Wildrye, Altai	<i>Elymus angustus</i> Trin.
Wildrye, Dahurian	<i>Elymus dahuricus</i> Turcz ex Griseb.
Wildrye, Russian	<i>Elymus junceus</i> Fischer