

Update of CSTA Position on the “CFIA Variety Registration Regulatory Proposal, October 23, 2000

The CSTA comments and position on the initial consultation remain largely as stated in the "CSTA Comments, February 2000" posted on the CSTA website.

Since that time we have expressed our support for the initiative for a second round of consultation even though it will take a second year.

In large part, the "Proposed Requirements for Variety Registration" are moving closer to the suggestions of our earlier paper.

“A) Merit Considerations”:

CFIA has stated that, “ the generation of performance information historically conducted by provincial agriculture departments is not sufficient justification to retain merit assessment for variety registration under the Seeds Act.” **This change is not considered by CFIA to be subject to consultation.**

While yield continues to be an important component of a producer's decision, this proposal segregates the data required for variety registration purposes from the data required for a producer’s seed buying decision. Yield data will be gathered by other means and the emphasis for Variety Registration purposes will shift primarily to disease and quality traits. This means that, for purposes of supporting a variety for Registration, the Recommendation Committee needs to conduct trials to obtain a valid assessment of disease and quality traits as determined by the stakeholders. **We support this.**

In this context, CFIA is proposing the following the species to be subject to disease or quality assessment:

alfalfa (bacterial wilt),
Canola (blackleg, white rust & quality),
flax (disease & quality),
mustard (quality),
Tobacco (disease and quality),
wheat (disease and quality of all types in the CWB area),
soft white winter in eastern Canada

This means that a "Registration Recommending Committee" would organize testing and deliberate on these criteria only.

As stated in our February proposal, **we support this approach for those species when the assessment of multiple quality and disease criteria is complex and requires the deliberation of multi stakeholders.**

During the next few months, numerous crop committees will be meeting to discuss the proposal. CSTA representatives to crop committees are encouraged to consult with other stakeholders to seek a clear understanding of the implications of the proposal.

The CSTA response questions if the assessment of bacterial wilt in alfalfa requires the deliberation of a multi stakeholder "Forage Recommendation Committee". If labs are accredited to conduct disease testing, it seems that this could be part of the data submitted directly to the VRO. If a standard is established and accepted test methods are agreed upon, the data need not be considered by a Recommending Committee and can be sent directly to the VRO. **The CSTA Board approved the CSTA Forage & Turf Committee recommendation that alfalfa be removed from the list requiring prior assessment.**

The CSTA supports an Eastern cereal position on variety registration as follows:

- **no need for prior merit assessment**
- **registration retained for varietal identity and fraud protection**
- **variety performance to be commodity driven (similar to US)**
- **retain performance testing for yield, disease and quality**
- **minimum fusarium standards implemented if clearly measurable and significant**

"B) Health and Safety Concerns":

We agree that, if a minimum standard is required for some species because of a health and safety concern, then the applicant to the VRO should include data from an accepted lab showing that the standard has been met. The current proposed list includes hemp, lupin, potato, reed canary grass and fusarium in wheat.

There is a question about how the list of toxicants and the test procedures will be added or deleted from the list. We suggest that, while a "Registration Recommending Committee" may not exist for stakeholder consultation, in all likelihood an appropriate stakeholder committee will exist that can be used to advise the VRO. In this regard, we question if it is appropriate to include this table in regulation. It is difficult and time consuming to amend regulations and new information related to a health concern may require a faster resolution.

Fusarium infection in wheat is a serious problem and food and feed safety concerns are primarily handled within the grain industry by segregating infected lots. While it may be very desirable to have a minimum disease standard for Registration of new varieties, we question if this is feasible at this time due to a lack of genetic variation for disease tolerance.

“C) Grading Considerations”

Currently wheat and triticale have a legal requirement under the Canada Grain Act to be registered under the Seeds Act to be eligible for certain grade. We have no comment as it is not within the scope of this consultation to change this.

“D) Supplementary Data”

Registration applicants need to be advised in advance of their application to the VRO that claims being made in the marketplace should best be substantiated as part of the Registration application in order to avoid possible later investigation in the marketplace.

"Crops Subject to Future Variety Registration"

I reiterate that the crops list requiring "Merit Considerations" is better understood if described as Crops Subject to Variety Registration including Registration Recommending Committee support. For varieties of crop species that are in the “Listing Category”, the Registration application is made directly to the VRO.

A significant part of this proposal which has not been adequately addressed is the PNT listing. Our view on this point remains as in Point 6 of our February 2000 comments. The listing requirements need to be studied in a larger context of our domestic and international obligations for all crops including vegetables and ornamentals. Until such time as the PNT listing requirements become clearer, the CFIA may need to continue to use VRO. However, we agree with the VRO that this is not appropriate for consultation at the crop committee level.

"Consequential Amendments"

We support the removal of mung beans and coloured beans from Schedule II.

“The sale of unregistered varieties as common seed is presently prohibited in Canada”, is a valid statement according to CFIA. It is proposed that sale of unregistered varieties, as common seed, of crops listed as requiring "Merit Considerations" or a “Health and Safety Concern” will be prohibited. This will be a significant problem for crops such as alfalfa and reed canarygrass.

We support the removal of alfalfa from the “prior merit” classification. Common seed of reed canary grass has been regularly imported. We question if the common seed lots have alkaloid levels that exceed the proposed standard and if this warrants being listed for food or feed safety.

"Types of Variety Registration"

Interim Registration will be abolished but "Regional" and "Contract" registration will continue with no change. We assume that a crop species without "Prior Merit Assessment" can still be a candidate for contract registration due to potential to cause harm. In this case the VRO would consult with the applicant and the appropriate crop committee to determine the potential for harm.

Other comments:

Onerous variety description requirements for entry to the Canadian Seed Certification scheme will continue to have ongoing discussion. This procedure is not solely required by the VRO as there are other means to enter the Canadian and OECD certification schemes. The primary stakeholders with concerns about data requirements are the VRO, the Seed Certification Agency and the applicant. Industry wide crop committee consultation is not a productive forum for this discussion.

In Conclusion:

We commend the VRO for an insightful effort. Comments are largely drawn from existing CSTA position papers in addition to Executive Vice-President opinions as a member of the Variety Registration Advisory Committee. Members of CSTA will reserve the right to debate/consult with other stakeholders during ongoing meetings.

November, 2000