

September 16, 2021

Plant Biosafety Office  
Canadian Food Inspection Agency

Via e-mail: PBO@inspection.gc.ca

*Re. Guidance for determining whether a plant is subject to Part V of the Seeds Regulations'*

On behalf of the Canadian Canola Growers Association, please accept these comments in response to the Canadian Food Inspection Agency's (CFIA) proposed *Guidance for determining whether a plant is subject to Part V of the Seeds Regulations*. Canola farmers support the Agency's goal to provide better understanding of the requirements for new plant breeding technologies, but *further ambition* is needed to achieve a predictable regulatory framework and to generate clarity for when new plant varieties are subject to pre-market assessment.

CCGA represents Canada's 43,000 canola farmers on national and international issues, policies and programs that impact their farm's success. Canola is a staple of Canadian agriculture as well as science and innovation. Developed in the Prairies in the 1970's, it has grown to become a key oilseed globally with \$11.9 billion exported in 2020, the most widely seeded crop in Canada and the largest farm cash receipt earning farmers \$10.2 billion in 2020. Annually the canola sector provides \$29.9 billion to our economy and directly creates over 200,000 full-time jobs.

### **Innovation central to canola's sustainability**

Integral to this success has been continuous innovation in plant genetics, as well as Canada's science-based regulatory framework. Advancements in canola breeding have provided farmers with yield increases and effective disease management and weed control as well as more sustainable seeding and soil management practices. For example, herbicide tolerant canola has increased farm income, reduced soil erosion, sequestered carbon and contributed to the overall development and growth of our sector.

Canola farmers have a history as environmental stewards and, through new technology, have reduced their environmental footprint and increased their contributions to Canada's climate change goals. Plant breeding innovation can further diversify solutions and sustainably intensify canola production to meet growing domestic and global demand. Potential enhancements include improvements to disease and agronomic management, to the potential of the canola plant, and to the production of more nutritious oil. Additionally, with growing climate pressures, innovation can help mitigate extreme weather events while allowing for the reduction of fossil fuels, more effective use of inputs and improved carbon capture.

To realize the promise of these advancements, Canada needs a more pragmatic, progressive approach to plant breeding. While Canada's regulatory framework has worked well in the past, innovations in plant breeding and

science now necessitate greater certainty and global alignment to ensure Canada attracts investment in research and the best possible seed for farmers. CFIA's consultation and guidance relating to Part V is an integral component and it is important that we embrace this opportunity to get it right.

Canola farmers are not alone in this belief. The Government of Canada has provided a clear mandate to both Health Canada and CFIA to improve its guidance for plant breeding innovation. The 2017 Advisory Council on Economic Growth identified the potential for Canada's agri-food sector to drive economic growth, and the 2018 Economic Strategy Table recommended modernizing Canada's regulatory approach to new plant breeding techniques to provide an efficient, predictable pathway to commercialization.

Health Canada aptly realized this mandate with their proposed Guidance. It outlined clear regulatory triggers and an approach commensurate to risk that should generate better clarity and predictability. Once in place, it will support canola's competitiveness, align Canada globally, and support government leadership internationally to align rules of trade and facilitate trade of gene-edited products.

Like Health Canada, we applaud CFIA's recognition that plant varieties produced through gene-editing resemble their conventional counterparts and, therefore, should be exempt from Part V. This recognizes that these techniques are no riskier than conventional breeding and aligns Canada's regulatory framework with major producers of oilseeds globally.

### **Risk-based and practical approaches still needed**

CCGA is one of seven farmer associations that communicated growers' views on conventional breeding to the Minister of Agriculture and Agri-Food this week, as well as senior AAFC and CFIA staff and the Plant Biosafety Office. We are also members of the Canola Council of Canada and the Canada Grains Council and support their respective submissions.

In our collective views, the Guidance document falls short in meeting the Government's commitment to a predictable regulatory framework and CFIA's goal to exempt "*virtually all plants*" developed by conventional breeding and gene editing as indicated in the *Statement on conventional breeding and gene editing*. The example scenarios suggest the opposite potentially casting a wider net over conventional breeding and capturing production-related risks already being managed by farmers.

We strongly believe that all conventional breeding of plants and similar products should be excluded from the scope of Part V of the *Seeds Regulations*, based on the sector's track record of effectively managing the introduction of new plant varieties and agronomic issues, without environmental harm. Canada is the *only* major agriculture producer who regulates conventional breeding in this manner making pragmatic guidance and clear descriptions of plant breeding activities exempt from Part V central to modernization.

Canola farmers are particularly concerned that the scenarios suggesting conventional breeding and similar approaches (gene editing) has the capacity to negatively impact the environment in instances of abiotic (i.e., drought or cold/heat tolerance) and biotic (i.e., disease, insect) stresses. CFIA appears concerned that a new variety may cross-pollinate and make their weedy relatives more invasive. To our knowledge, there is no history

in canola of increased weediness or cross-pollination to create more invasive species. Canola farmers have a variety of tools, such as herbicide tolerant canola, to manage gene-flow and strategies to prevent pest or disease resistance over time. CFIA's proposed Guidance should recognize farmers' choice and capacity to deploy effective and safe management strategies for their farms.

Farmers have demonstrated responsible use and have access to various sources of information on best management practices and the environment and are supported by a network of Certified Crop Advisors (CCA), Professional Agrologists (P,Ag,) industry and value chain and farmer associations. Product labels also provide detailed instructions. Unique to canola is a team of canola-specific agronomists vested in the sustainability and agronomic future of our crop. Additionally, all new canola varieties must be approved by the Western Canada Canola Rapeseed Recommending Committee (WCCRCC) prior to registration. The WCCRCC is composed of farmers, industry and government who look at a set of quality and disease attributes.

### **Canola's competitiveness and global trade**

Canola farmers are concerned the lack of predictability will default to additional regulatory scrutiny placing them at a competitive disadvantage globally. We rely on international trade with 90% of canola exported as seed, oil, or meal. Under the proposed Guidance, new plant varieties face more uncertainty and potential regulation than our main oilseed competitors and markets. The United States, Australia, Brazil, and Argentina do not regulate conventionally breeding and have established risk-based approaches to plant breeding innovation. Ultimately, any delay impacts farmers' profitability and their ability to compete internationally.

### **CFIA must deliver meaningful improvements**

CCGA supports the outcomes and recommendations as outlined in the Canada Grains Council submission.

1. The guidance must ensure Canadian growers have access to seed innovations without unnecessary delay compared to growers in the US and other countries.
2. Crop/trait combination must be explicitly exempted if there is no evidence that they have ever resulted in environmental harm.
3. The guidance must recognize that the Canadian agriculture sector successfully manages trait introductions and crop production issues.
4. Domestic regulatory cooperation should be used to avoid duplication.
5. The guidance must be pragmatic for the cross-border trade of seed and grain.

While we appreciate the draft Guidance's clarification regarding gene-edited varieties and the Agency's intention to protect against environmental risks, a more clear and pragmatic approach is needed to realize the future potential of plant breeding for both conventional or gene-editing. **A narrower scope and tightened language for when plants with no foreign DNA have the capacity to negatively impact the environment and be subject to a**

**pre-market have assessment would provide much-needed predictability and greater alignment globally.** We urge CFIA to revisit the draft Guidance to adopt an approach commensurate with risk and cognizant of existing tools and best management practices.

Thank-you for the opportunity to comment.

Best Regards,

Original signed by

Dave Carey  
Vice-President, Government and Industry Relations  
Canadian Canola Growers Association

CC: Janelle Whitley, Manager, Policy Development, Canadian Canola Growers Association