

**Submission to  
House of Commons Standing Committee on Agriculture and Agri-Food  
Bill C-18 – Agricultural Growth Act  
Speaking Notes**

Thank you Mr. Chairman and members of the Committee. We are pleased to be here on behalf of Partners in Innovation to speak with you today about amendments to Plant Breeders' Rights legislation as proposed in Bill C-18, the Agricultural Growth Act.

My name is Mark Brock. I am a corn and soybean producer from Ontario. My organization: Grain Farmers of Ontario; is an active participant in the Partners in Innovation coalition. Beside me is David Jones, from the Canadian Potato Council and the Canadian Horticultural Council. David and I will share the Partners in Innovation presentation.

First, I want to introduce Partners in Innovation. Partners in Innovation is an informal coalition of 20 provincial, regional and national organizations from all across Canada. The organizations that are part of the coalition represent the vast majority of farmers in Canada, and almost all of the crop production across the country. The 20 organizations represent producers and value chains in grains, oilseeds, pulse crops, fruits and vegetables in all provinces. We have come together as Partners in Innovation for two purposes:

1. To clearly demonstrate to policy and decision makers, that the majority of farmers and value chain groups support and need updated Plant Breeders' Rights legislation in Canada; and
2. To make sure that farmers, policy and decision makers, and the public have access to clear and correct information on the proposed amendments.

A point of clarification: While each of the participants in the Partners in Innovation Coalition has individual views on many other provisions of Bill C-18, we are all united in our support for the proposed amendments to Canada's Plant Breeders' Rights legislation to bring it into compliance with the most recent international convention: UPOV 1991.

All of the participants in the coalition couldn't be here for this presentation, but from coast-to-coast and from crop-to-crop, they have provided clear reasons for supporting PBR amendments. Just a few examples:

- From The BC Grain Producers Association President: "Modernization of Plant Breeders' Rights will help stimulate research in the grain sector as well as foster investment and competitiveness with new varieties."
- From the Canadian Canola Growers Association President: "Enhancing our research environment to better attract investment in new plant varieties is essential to keep our farms sustainable; agronomically, environmentally and economically; today and into the future."
- From the Chair of Mustard 21: "Plant Breeders' Rights legislation that conforms with UPOV 91 will provide the Canadian mustard industry with the ability to support innovative plant breeding. This will continue to keep Canada on the map as the world's Number One supplier of quality mustard."

- From the Chair of the Atlantic Grains Council: “With up-to-date Plant Breeders’ Rights legislation in Canada, we are hopeful that suitable international seed varieties will become available to our region, helping Atlantic farmers with our unique agronomic challenges.”
- And from the Chairman of the Canadian Horticultural Council: “As farms work to match production with the growing global population, it becomes increasingly important that they have the tools needed to continue to increase production. New varieties are an important part of this growth. Ensuring that our Plant Breeders’ Rights legislation is aligned with our global trading partners is imperative.”

I hope that this has made it clear that the crop sector strongly supports and needs amendments to Plant Breeders’ Rights to ensure that our farmers have access to new and improved varieties developed in Canada, and internationally.

We just have to look at the exciting new developments since the government announced its proposed changes to understand how important these amendments are.

Recently sod was turned on a new research and breeding centre in Saskatoon, and new partnerships between Canadian seed companies and international plant breeders have been formed to bring improved varieties to Canadian farmers. All of these decisions are predicated on updated PBR legislation, and the resulting benefits are all at risk should these amendments not be implemented.

Now I will turn to David.

Thank you. As Mark said in his introductions, I work with the Canadian Potato Council and the Canadian Horticultural Council. Plant Breeders’ Rights have been tremendously important to our sector.

Before Canada implemented Plant Breeders Rights in 1990, Canadian potato producers couldn’t get access to superior genetics developed internationally. In the first 10 years after PBR was implemented, 82 new internationally developed potato varieties came to Canada. Potato production increased by 18% and farm cash receipts from potatoes increased by 47%.

However, as Canada has fallen farther and farther behind other countries, history is repeating itself. Our producers once again don’t have access to the superior varieties developed internationally. We are confident, however, that updated PBR legislation will bring new varieties to Canadian potato producers.

I want to spend a little time addressing the five most common misconceptions of the proposed amendments.

- **First:** Plant Breeders’ Rights are not patents. Unlike patents, Plant Breeders’ Rights make it mandatory for breeders to make their protected varieties available for use by other breeders for research and to develop new varieties. Also unlike patents, Canada’s proposed Plant Breeders’ Rights legislation will ensure that farmers can save the grain they produce to use as seed on their own farms
- **Second:** the proposed amendments will not implement end point royalties, or allow for royalties to be collected anywhere but on the seed. The legislation is very clear that the only time the breeder can be compensated on harvested material is if the breeder can prove that the seed was acquired illegally. However, if farmers and industry stakeholders want to implement a system in the future that will help to generate funds for investment, and they request that of the Minister, the bill does permit the Minister to undertake a regulatory process to make it so.

- **Third:** No matter what you call it, the amendments contained in Bill C-18 entrench the ability of farmers to save the grain they produce on their farms; clean it; condition it; and store it to use as seed on their own farms. The “farmer’s privilege” terminology isn’t even really part of the legislation. It is just in the margin for reference. The farmer’s exception to the Plant Breeders’ Right is there, clearly in the legislation, and could not be taken away without a legislative change.
- **Fourth:** large seed companies and developers will not be the only ones to benefit from updated Plant Breeders’ Rights. In fact 50% of all of the agricultural varieties protected by PBR were developed at public institutions. Universities, provincial research facilities and Agriculture and Agri-Food Canada breeders have received royalties from Plant Breeders’ Rights to help fund their breeding programs.
- **and Fifth:** history with PBR in Canada clearly shows that PBR did NOT accelerate seed price increases. In fact, during the 10 years before PBR was implemented, seed prices increased by 24%. In the 10 years following PBR prices increased by only 8.6%.

We hope that these points have helped to clear up any misconceptions that you might have about the amendments, and that they go some way to answering any of the questions you might have.

In conclusion, on behalf of the 20 organizations those are part of the Partners in Innovation coalition, thank you for the opportunity to meet with you today. Mark and I will be pleased to answer questions.

#### Partners in Innovation



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