

Bill C-18 Backgrounder

A Corporate Agri-business Promotion Act

Bill C-18, the “*Agricultural Growth Act*” omnibus bill, amending several federal agricultural laws, was introduced in Parliament on December 9, 2013. If passed, it will give multi-national agri-business much more money, power and control while increasing farmers’ costs and reducing farmers’ autonomy and Canadian sovereignty. The National Farmers Union identified the following key points based on its detailed analysis:

C-18 Increases Corporate Control of Seed and Increases Farmers’ Seed Costs:

- C-18 amends Canada’s *Plant Breeders Rights Act* to align with UPOV ’91, vastly increasing plant breeders’ control of seed.
- Plant Breeders Rights (PBR) is a form of Intellectual Property Rights similar to a patent that gives developers of new plant varieties authority to collect royalties and/or restrict their use.
- C-18 extends the duration of Plant Breeders Rights to 20 years for seeds.
- C-18 gives plant breeders power to authorize all reproduction, conditioning (cleaning and treating), stocking (bagging and storing), importing and exporting of PBR protected varieties of seed or other propagating material.
- C-18 enables “end-point royalties” (EPR) on the whole crop following harvest instead of on purchased seed alone. EPRs would be deducted from grain sales. Where PBR-protected forage varieties are grown, royalties could be charged each time hay is cut.
- C-18 provides millions of dollars in new revenues annually to global agribusiness corporations that hold PBRs in Canada, including Monsanto, Bayer, Dow, DuPont, Cargill, Glencore International, Syngenta, Bunge, Limagrain and BASF.

What About Farmers' Privilege?

- Today Canada's farmers may save seed for replanting as they see fit, whether or not it is a PBR-protected variety, as long as it is not patent-protected.
- C-18 converts farmers’ right to save PBR-protected seed into a government-given privilege but also gives government the power to quickly and easily take it away.
- C-18 allows farmers to save and condition seed – but not to stock it. Thus, a seed company may be able to sue a farmer for storing harvested seed saved to plant the following spring or saved to plant in subsequent years, as many farmers do to safeguard against crop failure or diseases.
- C-18 enables government to pass regulations to remove classes of farmers, plant varieties, and entire crop kinds from the “Farmers Privilege” and to restrict, prohibit or put conditions on the use of harvested material.

What About The Development Of New Varieties?

- Restrictions on farmers’ seed saving, which result in a massive transfer of wealth from farmers to seed companies, are not necessary for the development of useful new varieties.
- If farmers are compelled to buy seed every year, companies can simply offer a mass market product and will have no incentive to develop varieties for specific local and regional conditions.
- Private breeders may avoid developing varieties that are not linked to selling their other products.
- Canada's public plant breeders are internationally respected and have made immeasurable contributions to Canadian agriculture. Public breeders work in the public interest, can work with farmers to develop varieties that are regionally adapted, are less input-dependent and can help farmers and our food system adapt to changing climate.
- Varieties developed by public breeders are more likely to remain registered once the PBR period expires.
- Public funding and allocation of farmer-controlled research funds have served Canada well and can continue to do so.

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C-18 Gives Unaccountable Third Parties More Control Over Food Safety, Health and Environmental Regulations:

- C-18 amends the *Feeds Act*, the *Fertilizers Act*, the *Seeds Act*, the *Health of Animals Act* and the *Plant Protection Act* -- laws that concern such matters as veterinary vaccines, seed quality, plant diseases, feed ingredients, and substances allowed in fertilizers – in ways that allow unaccountable third parties to determine food safety, health and environmental regulations on behalf of Canadians.
- C-18 amends these Acts to allow applicants to submit test results, assessments and studies done by foreign governments or organizations of foreign states instead of relying on Canada's own science to support approvals and licensing of agricultural products in Canada. This undermines Canada's public scientists and allows industry to pick and choose the most favourable studies from around the world.
- By entrenching "Incorporation by Reference", C-18 amends these Acts to enable regulations to be based upon outside documents, regardless of source, as of a certain date OR *as they may be changed from time to time*. Thus, C-18 empowers the federal government to give third parties the ability to make and change rules that govern Canada's agriculture and food system without public input.
- These amendments accelerate harmonization with trading partners to facilitate commerce for the benefit of powerful global corporations by giving them more control over our regulations, instead of safeguarding Canada's food and agriculture system for the benefit of Canadians.

C-18 Facilitates Increased Farm Debt:

C-18 amends the *Agricultural Marketing Programs Act* to change administration of the Advance Payments Program. While cash-strapped farmers may welcome easier access to operating loans, there are troubling implications:

- C-18 changes the definition of eligible "producer" to include non-farmers, including corporations that are "controlled" by Canadians, and loosens the Canadian ownership requirement.
- Eligibility is based solely on financial involvement in agricultural production.
- C-18 would allow farmland investment companies to use favourable terms under the Advance Payments Program to finance their operations, freeing up money for land acquisition.
- C-18 may make it easier for farmers who must work off-farm to obtain loans, but it also makes it easier for investment companies to compete with bona-fide farmers.
- Increasing access to credit, thus farm debt, is not a solution to farm income problems, but a way to kick the problem farther down the road.

NFU Recommends:

- Stop Bill C-18.
- Re-establish and increase funding for public plant breeding institutions and public researchers and resume public plant breeding to the variety level.
- Reorient Canada's agricultural laws towards the principles of Food Sovereignty – healthy food, ecological sustainability and democratic control.
- Adopt a new Seed Law based on the NFU's *Principles for a Farmers' Seed Act*.

What YOU Can Do

- Contact your MP and other elected representatives and tell them you do not want Bill C-18.
- Collect signatures on the NFU's *Right to Save Seed* petition and take it to your MP.
- Send the NFU *Save Our Seeds* postcard to your MP.
- Join the NFU and/or donate to the NFU's *A Seed Act for Farmers, not Corporations – Stop Bill C-18* Campaign. Make cheque payable to the National Farmers Union and mail to: 2717 Wentz Ave., Saskatoon, SK S7K 4B6, or for credit card payment, please call us at (306) 652-9465, or join/donate online at www.nfu.ca



For more information visit <http://www.nfu.ca/issues/save-our-seed>