

**OPERATING PROCEDURES**

**OF THE**

**ONTARIO CANOLA RECOMMENDING COMMITTEE**

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**Chair**

Albert Tenuta  
519-674-1617  
[albert.tenuta@ontario.ca](mailto:albert.tenuta@ontario.ca)

**Canola Testing Coordinator**

Meghan Moran  
[meghan.moran@ontario.ca](mailto:meghan.moran@ontario.ca)  
519-546-1725

**Secretary**

Martin Harry  
[mharry@execulink.com](mailto:mharry@execulink.com)  
(519) 657-6456

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## **1.0 INTRODUCTION**

This document outlines the pre-registration testing protocol and evaluation process for the Ontario Canola Recommending Committee (OCRC) which is recognized as a Recommending Committee by the Variety Registration Office (VRO) of the Canadian Food Inspection Agency (CFIA). The OCRC evaluates candidate varieties of spring and winter canola (*Brassica napus*) for merit as a part of pre-registration requirements and makes recommendations for registration to the VRO for Ontario, province of Canada. The procedures for variety testing are documented and reviewed annually by the OCRC and are available to the public upon request to the Secretary of the committee.

### **1.1 Legislation and Authority**

The *Seeds Act* is the legislative authority for the *Seeds Regulations*. In section 65.1 of the *Seeds Regulations* there is a provision for the Minister of Agriculture and Agri-Food to approve crop-specific variety registration recommending committees. The purpose of each recommending committee is to establish and administer protocols for testing varieties of crop kinds listed in Parts I (e.g. canola) and II of Schedule III of the *Seeds Regulations*, to determine the merit of varieties of crop kinds listed in Part I and, subsequently, to make registration recommendations to the Registrar, VRO. In practice, the Minister's authority to approve each recommending committee is delegated to the Registrar. These committees are integral to the variety registration system in Canada and serve to provide expertise and guidance to the Registrar. See *Appendix A: Authority of Recommending Committee*.

The VRO reviews and approves each committee's operating procedures document annually. Any changes to this document require approval by the committee members and subsequent approval by the VRO. The VRO issues an annual approval letter on behalf of the Minister, signed by the Registrar, to each variety recommending committee in Canada.

The VRO provides guidance on the requirements of the *Seeds Act* and *Seeds Regulations* to all the recommending committees as required. It also ensures that the committees are functioning transparently and that varieties are dealt with in a fair and consistent manner, in accordance with the approved operating procedures. The committees must provide their expertise and advice to the VRO, and this is considered by the Registrar in rendering a decision on variety registrations.

## **2.0 ONTARIO CANOLA RECOMMENDING COMMITTEE (OCRC)**

### **2.1 Mandate and Objectives**

The mandate of the OCRC as a recommending committee is:

- To establish the criteria for evaluating the merit of candidate varieties
- To establish test protocols for generating trial data on candidate variety merit and

outline these protocols in a manual, and

- To evaluate data collected from trials to determine if a candidate variety has merit, as a part of the eligibility requirements for variety registration (see *Appendix B: Eligibility Requirements for Variety Registration*)

The OCRC has no registration recommending authority outside the province of Ontario, Canada for which it is recognized.

The objective of the OCRC is to recommend to the VRO candidate varieties of spring and winter canola for registration based on merit and in accordance with the approved committee operating procedures.

## **2.2 Membership**

The Chair and Secretary of OCRC are elected by the voting membership at the Annual Meeting from among the general membership of the committee. The term of office is 2 years and may be renewed upon simple majority vote.

The members of the committee are from research and service departments of the federal and provincial governments, universities and grower, industry or rural organizations, or other stakeholders with a valid interest in the canola sector. Costs associated with membership to the OCRC are to be covered by the member's organization (i.e., cost of travel, etc.)

The voting representatives are named by their respective organization and are recognized by the committee. The term of membership for a voting member is three years and may be renewed upon a simple majority vote of the OCRC.

Voting members institutions each hold one vote. The member organizations are:

- Ontario Canola Growers' Association
- Ontario Soil and Crop Improvement Association
- Grain Farmers of Ontario
- Ontario Seed Growers Association
- Seeds Canada
- Canadian Certified Crop Advisor Association (Ontario)
- Ontario Ministry of Agriculture, Food and Rural Affairs
- Agriculture & Agri-Food Canada – Harrow Researcher and Development Centre
- Agriculture & Agri-Food Canada – Ottawa Researcher and Development Centre
- University of Guelph
- Canola Testing Coordinator

All other individuals with a valid interest in the canola sector may attend meetings as observers, with permission of the Chair. Additional members that represent a sector of the value chain or

area of expertise not currently represented on OCRC may be added to the committee via a simple majority vote.

### **2.3 Meetings**

The OCRC regularly meets in January of each year. Other meetings may be held as required and may be conducted by conference call or via email. In the absence of the Chair, the Past Chair or Secretary may preside.

### **2.4 Voting Procedure**

Fifty percent attendance of the voting committee membership constitutes a quorum. Only designated voting committee members may vote. In the absence of a member organization's named representative, another member of that organization may be granted voting privileges for that meeting. Over fifty percent of the voting members present must vote in the affirmative for a motion to be carried. A secret ballot may be requested by any member for any motion, with approval of a majority of the members present. The Chair only votes in the event of a tie.

There are only three possible voting options for committee members:

- 1) To support (the motion),
- 2) To object (to the motion) or, rarely,
- 3) To abstain from voting.

Abstaining is only appropriate if there is a real or perceived conflict of interest. Regarding variety recommendation, a lack of suitable data is not a valid reason for abstaining from voting.

### **2.5 Conflict of Interest**

In general, a conflict of interest may arise if the impartiality of a member could be undermined due to a conflict between their self or professional interest and the public interest. Conflict of interest is minimized by instituting automated procedures for variety evaluation in the form of pre-set, clearly written and specific merit criteria that, if met in its entirety, will result in the variety being recommended for registration.

If a variety proponent believes that a conflict of interest is responsible for their variety not being recommended by the committee, they can file an appeal with the committee and present their case (see section 8.0 APPEALS).

### **2.6 Setting Aside the Rules**

The OCRC may choose to set aside the existing rules regarding merit criteria for a candidate variety if there are overall benefits to the industry for the variety being considered.

An applicant can request that the committee set aside the rules to consider the merit of a variety that otherwise has failed to meet the standard in one or more required characteristics. The process for setting aside the rules is as follows:

1. A majority vote is held to determine the committee's approval to set aside the rules.
2. The applicant presents the attributes of the candidate variety and why the committee should consider supporting it for registration. For example, new and valuable technology has been introduced in an otherwise partially deficient variety and the committee is being asked to decide on the new, valuable attributes not yet captured in the definition of merit for that crop kind. As another example, if the minimum data set or minimum merit performance are lacking due to extenuating circumstances, the committee may choose to take this into account.
3. The committee votes as to whether they support recommending the variety for registration.

### **3.0 WINTER CANOLA EVALUATION PROCEDURES**

#### **3.1 Sponsors**

Candidate canola varieties must be submitted and supported through a Canadian sponsor such as a Canadian public institution, Canadian university, a resident of Canada or an organization or business based in Canada.

#### **3.2 Plants with Novel Traits**

PNTs (Plant with Novel Trait) must be disclosed at the time the entry form is submitted, and the modified trait revealed to the Committee. If this information is considered business confidential, the sponsor can request a confidential disclosure to a subset of the OCRC to review the candidate.

#### **3.3 Valid Trials**

OCRC does not coordinate trials to evaluate winter canola varieties. OCRC will consider winter canola candidates for support of registration using data provided by the variety sponsor from valid private or public trials. Private trials may be conducted by the variety sponsor or a qualified third-party variety testing service. Data will be accepted from valid trials in Ontario, Quebec, Atlantic Canada and US states adjacent to the Great Lakes provided that the trials were conducted in Plant Hardiness Zone 5b or colder as per USDA zone designations. Relevant additional data may be considered on an ad hoc basis.

To be eligible for support for registration and recommendation, an entry must be tested for at least two crop years. A minimum of 4 location-years of data are required with at least 2

location-years of data from each crop year. Decisions on registration will be based on the performance of entries averaged over all valid trial locations.

OCRC reserves the right to determine the appropriate check(s) to be used in making comparisons. Candidate lines will be compared with the check varieties that were designated by the OCRC when the candidate was first entered in registration trials. **Any winter canola variety that is currently registered in Canada may be used as the check, with the same variety being used for each year of testing.**

Trial sites are to be managed using accepted agronomic practices as outlined by the Ontario Ministry of Agriculture, Food and Rural Affairs and the utmost care should be taken to ensure successful trials.

- The trial site should provide uniform growing conditions, and plots should be oriented to minimize the effect of any site variability.
- Plots will be seeded in rows at a maximum of 38 cm between rows and minimum of 12.5 cm, with a minimum of 4 rows of canola per plot.
- A minimum of 2 border rows must be planted on each side of the trial area.
- Trials should use a randomized complete block design with a minimum of 3 replications.
- Trials should be planted at least 600 growing degree days prior to first average fall frost at a seeding rate of 50 to 85 viable seeds/m<sup>2</sup>.
- Pest infestations that threaten the viability of the trial should be controlled using registered pesticides applied according to label recommendations.
- Plot lengths and harvesting methods are at the discretion of those conducting the trial but must be disclosed to the OCRC.
- The entire plot is to be harvested and swathing and/or harvest date recorded for each site.

### 3.4 Data Collection and Analysis

Erucic acid may be measured on seed prior to planting at the discretion of OCRC.

Agronomic data to be collected is as follows:

- Percent winter survival, based on plant counts in fall and spring
- Date of first flower†
- Maturity date (25% black seed) †
- Harvest date and swathing date, if applicable
- Lodging rating\* (if lodging is observed)
- Blackleg rating\* (if disease is observed)
- Disease and insect notes and ratings where relevant\*
- Grain moisture content at harvest\*
- Yield (grain weight per plot) and yield adjusted to 8.5% moisture\*



- Any management challenges including weeds, insects or diseases should be shared in the trial summary

\*collected for each plot

†collected for each variety

Grain quality analyses are taken from a composite harvest sample of all replications within a location and will include:

- 1000 seed weight
- Percent green seed
- Percent brown seed
- Oil content of seed
- Protein content of seed
- Glucosinolate content of seed
- Erucic acid content of the oil
- Free fatty acid content of the oil

Grain samples must be submitted for analysis by October 1st in the year of harvest. Grain quality analysis will be arranged by the Canola Coordinator. Contact the Canola Coordinator before harvest for information on grain handling and packaging, and transfer of grain to the coordinator or the lab conducting the trial. Typically, a 150g composite sample, bulked over replications, is required for each entry in each trial, including the check variety.

Decisions on registration will be based on the performance of entries averaged over all valid trial locations. The sponsor agrees that all data from all valid trials will be presented for supporting an entry for registration. Data from approved, inspected trials can be discarded if the CV exceeds the acceptable standard or in consultation with the Canola Coordinator.

Trials must attain a yield CV of  $\leq 20\%$  to be considered valid. Replications not representative of the trial may be eliminated at the discretion of the OCRC. However, a trial must have a least 2 valid replications to be acceptable.

### **3.5 Inspection of Trials**

The trials must be inspected prior to maturity by a representative or designate of OCRC, to ensure trial quality and compliance with the OCRC protocols. Only data from inspected trials will be accepted. Companies must provide the Canola Coordinator with the location of private registration trials to be inspected and a plot map by May 1st of the year in which the trial is harvested.

The inspector will be reimbursed for their expenses plus a \$50.00 honorarium by the sponsor. The inspector may choose to have his/her payment made to OCRC or waive the fee. See Appendix C: Trial Inspection Form.

### 3.6 Schedule of Dates

- August 15: Sponsors must submit entry forms (Appendix D), notifying the Canola Coordinator of their intent to conduct registration trials.
- May 1: Sponsors must provide the Canola Coordinator with the location of trials to be inspected and provide a plot map of the trials including names of candidate canola entries and check varieties.
- October 1: Harvested grain samples of each variety (including check) provided to Canola Coordinator for each trial location. Contact Coordinator for information on volume of sample required and where to send samples.
- November 15: Invoice issued for inspection, data handling fees and quality testing. Payment is due within 30 days.
- November 30: Data collected from field trials is due to the Canola Coordinator.
- December 31: Sponsor must submit all data in support of registration (2 years of data required).
- January: Annual meeting of the OCRC, at which registration data is reviewed (usually 3<sup>rd</sup> week of January).
- February 15: Sponsor will be notified of the decision on support for registration. For candidate varieties that have received support, a letter will be provided.

### 3.7 Requirements for Registration Recommendation

To be eligible for support for registration a minimum of 4 site-years of data will be reviewed. An entry must be tested for at least 2 years, with a minimum of 2 valid trials in each year.

To be supported for registration, *Brassica napus* entries must be canola quality. An entry must not have characteristics that could possibly harm the Ontario canola industry.

Entries will be compared to the winter canola check cultivar(s). To be supported for registration by OCRC an entry must:

- Be no more than 5% below the check in percent winter survival
- Have a blackleg rating no higher than the check, based on a scale of 0 (none) to 4 (75 to 100% of plants severely affected by basal cankers)
- Be equal to, or better than, the average of the checks in moisture-adjusted yield
- Have oil with erucic acid content no more than 0.5% of the total fatty acid
- Have no more than 12 micromoles total glucosinolates per gram of whole seed at

- 8.5 % moisture, or contain levels of glucosinolate not more than the mean of the check plus 1.8 micromol/g
- Have an average oil content on a dry whole seed basis no less than 2.0% below the mean of the checks
  - Have an average oil plus protein content no less than 2.5% below the mean of the checks, where protein content is expressed as a percent of dry oil-free meal at 8.5% moisture
  - Have a free fatty acid (FFA) content, expressed as a percent of total oil, no higher than 130% of the mean of the checks at 8.5% moisture

All comparisons are made based on the mean of all valid location-years, except for FFA content. For FFA content, each year is weighted equally, regardless of the number of locations per year.

## **4.0 SPRING CANOLA EVALUATION PROCEDURE**

### **4.1 Sponsors**

Candidate canola varieties must be submitted and supported through a Canadian sponsor such as a Canadian public institution, Canadian university, a resident of Canada or an organization or business based in Canada.

### **4.2 Plants with Novel Traits**

PNTs (Plant with Novel Trait) must be disclosed at the time the entry form is submitted, and the modified trait revealed to the Committee. If this information is considered business confidential, the sponsor can request a confidential disclosure to a subset of the OCRC to review the candidate.

### **4.3 Valid Trials**

OCRC does not coordinate trials to evaluate spring canola varieties. OCRC will consider spring canola candidates for support of registration using data provided by the variety sponsor from valid private or public trials. Private trials may be conducted by the variety sponsor or a qualified third-party variety testing service. Data will be accepted from valid trials within Ontario only. Relevant additional data may be considered on an ad hoc basis.

To be eligible for support for registration and recommendation, an entry must be tested for at least two crop years. A minimum of 4 location-years of data are required with at least 2 location-years of data from each crop year. Decisions on registration will be based on the performance of entries averaged over all valid trial locations.

OCRC reserves the right to determine the appropriate check(s) to be used in making comparisons. Candidate lines will be compared with the check varieties that were designated

by the OCRC when the candidate was first entered in registration trials. **The current spring canola check variety is L340PC.**

Trial sites are to be managed using accepted agronomic practices as outlined by the Ontario Ministry of Agriculture, Food and Rural Affairs and the utmost care should be taken to ensure successful trials.

- The trial site should provide uniform growing conditions, and plots should be oriented to minimize the effect of any site variability.
- Plots will be seeded in rows at a maximum of 38 cm between rows and minimum of 12.5 cm, with a minimum of 4 rows of canola per plot.
- A minimum of 2 border rows must be planted on each side of the trial area.
- Trials should use a randomized complete block design with a minimum of three replications.
- Trials should be planted as early as conditions permit at a seeding rate of 80 to 120 viable seeds/m<sup>2</sup>.
- Pest infestations that threaten the viability of the trial should be controlled using registered pesticides applied according to label recommendations.
- Plot lengths and harvesting methods are at the discretion of those conducting the trials but must be disclosed to the OCRC.
- The entire plot is to be harvested and swathing and/or harvest date recorded for each site.

#### **4.4 Data Collection and Analysis**

Erucic acid may be measured on seed prior to planting at the discretion of OCRC.

Agronomic data to be collected is as follows:

- Date of first flower†
- Maturity date (25% black seed) †
- Harvest date and swathing date, if applicable
- Lodging rating\* (if lodging is observed)
- Blackleg rating\* (if disease is observed)
- Disease and insect notes and ratings where relevant\*
- Grain moisture content at harvest\*
- Yield (grain weight per plot) and yield adjusted to 8.5% moisture\*
- Any management challenges including weeds, insects or diseases should be shared in the trial summary

\*collected for each plot

†collected for each variety

Grain quality analyses are taken from a composite harvest sample of all replications within a location and will include:

- 1000 seed weight
- Percent green seed
- Percent brown seed
- Oil content of seed
- Protein content of seed
- Glucosinolate content of seed
- Erucic acid content of the oil
- Free fatty acid content of the oil

Grain samples must be submitted for analysis by October 30th in the year of harvest. Grain quality analysis will be arranged by the Canola Coordinator. Contact the Canola Coordinator before harvest for information on grain handling and packaging, and transfer of grain to the coordinator or the lab conducting the test. Typically, a 150g composite sample, bulked over replications, is required for each entry in each trial, including the check variety.

Decisions on registration will be based on the performance of entries averaged over all valid trial locations. The sponsor agrees that all data from all valid trials will be presented for supporting an entry for registration. Data from approved, inspected trials can be discarded if the CV exceeds the acceptable standard or in consultation with the Canola Coordinator.

Trials must attain a yield CV of  $\leq 20\%$  to be considered valid. Replications not representative of the trial may be eliminated at the discretion of the OCRC. However, a trial must have a least 2 valid replications to be acceptable.

#### **4.5 Inspection of Trials**

The trials must be inspected prior to maturity by a representative or designate of OCRC, to ensure trial quality and compliance with the OCRC protocols. Only data from inspected trials will be accepted. Companies must provide the Canola Coordinator with the location of registration trials to be inspected and a plot map by June 15th of the year in which the trial is grown.

The inspector will be reimbursed for their expenses plus a \$50.00 honorarium by the sponsor. The inspector may choose to have his/her payment made to OCRC or waive the fee.

#### **4.6 Schedule of Dates**

March 15: Sponsors must submit entry forms, notifying the Canola Coordinator of their intent to conduct registration trials.

- June 15: Sponsors must provide the Canola Coordinator with the location of trials to be inspected and provide a plot map of the trials including names of candidate canola entries and check varieties.
- October 30: Harvested grain samples of each variety (including check) provided to Canola Coordinator for each trial location. Contact Coordinator for information on volume of sample required and where to send samples.
- November 15: Invoice issued for inspection, data handling fees and quality testing. Payment is due within 30 days.
- November 30: Data collected from field trials is due to the Canola Coordinator.
- December 31: Sponsor must submit all data in support of registration (2 years of data required).
- January: Annual meeting of the OCRC, at which registration data is reviewed (usually 3<sup>rd</sup> week of January).
- February 15: Sponsor will be notified of the decision on support for registration. For candidate varieties that have received support, a letter will be provided.

#### **4.7 Requirements for Registration Recommendation**

To be eligible for support for registration a minimum of 4 site-years of data will be reviewed. An entry must be tested for at least 2 years, with a minimum of 2 valid trials in each year.

To be supported for registration, *Brassica napus* entries must be canola quality. An entry must not have characteristics that could possibly harm the Ontario canola industry.

Entries will be compared to the spring canola check cultivars. To be supported for registration by OCRC an entry must:

- Be equal to, or better than, the average of the checks in moisture-adjusted yield
- Have oil with erucic acid content no more than 0.5% of the total fatty acid
- Have no more than 12 micromoles total glucosinolates per gram of whole seed at 8.5 % moisture, or contain levels of glucosinolate not more than the mean of the check plus 1.8 micromol/g
- Have an average oil content on a dry whole seed basis no less than 2.0% below the mean of the checks
- Have an average oil plus protein content no less than 2.5% below the mean of the checks, where protein content is expressed as a percent of dry oil-free meal at 8.5% moisture
- Have a free fatty acid (FFA) content, expressed as a percent of total oil, no higher than 130% of the mean of the checks at 8.5% moisture

All comparisons are made based on the mean of all valid location-years, except for FFA content. For FFA content, each year is weighted equally, regardless of the number of locations per year.

## **5.0 FEES**

Fees are payable to **Ontario Oil and Protein Seed Crops Committee: Canola** in Canadian funds. The Harmonized Sales Tax (HST) is applicable to OCRC fees.

Fees are due within 30 days after the date of the invoice. Interest on late payments will be charged at a rate of 2% per month from the date payable on the invoice. Any sponsor that is in arrears at the time of the January OCRC meeting will not have their entries considered for support for registration.

Treasurer:  
Meghan Moran  
63 Lorne Ave E – Suite 2B  
Stratford ON N5A 6S4

Trial inspection: \$50 + HST per site inspection  
Data handling: \$50 + HST per candidate variety entered  
Quality analysis: \$60 + HST per sample submitted (including check variety)

## **6.0 CONFIDENTIALITY OF TRIAL DATA**

Variety merit assessment trial data either provided to the OCRC or generated via a co-operative test system is to be treated as confidential data of the variety developer, and to be used for the sole purpose of determining merit of the variety and making a recommendation to the VRO. Its use is restricted to this function only. Any other use requires express permission from the variety developer prior to registration. If the candidate variety is recommended and if it becomes registered, the trial data that accompanies the registration will become public domain. Data on check varieties or registered varieties in any of the registration trials will be considered public domain.

## **7.0 REGISTRATION**

Once an entry is supported by OCRC for registration, the sponsor is free to seek registration from the Variety Registration Office of the Canadian Food Inspection Agency. Registration may be deferred for up to two (2) years from the time support for registration is granted by OCRC. If a line/variety is not registered within these two years, support will be withdrawn.

### **7.1 Registration Categories**

The committee has three primary registration options to consider when recommending a variety:

- (1) National registration
- (2) Interim registration (restrictive)
- (3) Contract registration (restrictive)

Based on the result of the trials, the committee will provide recommendations to the CFIA as follows:

- That they 'support' or 'do not support' candidate varieties for registration
- That they 'object' or 'do not object' to the National registration of a variety. Some varieties of certain crop kinds may be desirable in one region but could be deemed to be a threat to crop production in other regions. In this case, the VRO consults recommending committees other than the committee that supported the variety to see if they object or do not object to the National registration of the variety being recommended.

**It should be noted that candidate canola varieties recommended through the Ontario Canola Recommending Committee may not be granted National registration by the Variety Registration Office, and their registration is likely to be regionally restricted (Ontario only).**

#### **7.1.1 National Registration (Non-Restrictive)**

Candidate varieties which have merit, as determined by the committee, will be recommended for registration. By default, all variety recommendations from a recommending committee are for National registration. After the committee's recommendation and during the variety registration process, other regional committees that exist for that same crop kind will be contacted to see if they have any objection to the National registration of the variety. An objection by another recommending committee (same crop, different region) can only be based on the candidate variety being assessed as a potential harm to a given crop sector in a given region of Canada (e.g., due to disease susceptibility or to significantly inferior end use characteristics).

The sponsor or company responsibility for National registration is to supply all merit data to the OCRC for registration support, including quality and disease data where applicable, organization of trials and site inspections. Sponsors must submit support requests to the Canola Coordinator by December 31. Proof of ownership (or marketing rights) must be made available to the OCRC if the candidate cultivar was not bred by the sponsor.

The OCRC responsibility for National registration is the designation of agronomic, disease and quality check cultivars and site inspectors, approval of trial protocol, designation of number of quality determinations needed for quality support and voting on support requests.

#### **7.1.2 Interim Registration (Restrictive)**



The committee may consider a recommendation for Interim registration in situations where, after a minimum of one year of testing, the data indicates that a candidate has sufficient merit that it may be eligible for registration. This provision is intended to be used in situations such as:

- (a) Where a variety proponent brings forward an innovative variety with (a) valuable characteristic(s) not necessarily captured in the merit assessment, viewed as being of benefit to the crop sector and worth bringing to the market quickly. It may be slightly deficient in one or more merit characteristics, but its attributes outweigh its deficiencies. Normally such a variety would be considered for interim registration and concurrent (continued) testing would proceed for the purposes of full registration;
- (b) Where a variety demonstrates outstanding merit after the one year of testing. The committee has the option, if they deem it appropriate, of considering the variety for interim registration and further, concurrent testing for the purposes of full registration; or
- (c) Where a variety is brought forward that is deficient in one or more merit criteria, but the proponent has evidence (presented to the committee) of commercial interest in an identity preserved (IP) production program between the developer and an end user (this can be a tool to allow a variety to establish a niche market in a closed loop system).

Interim registrations are typically recommended for three years initially and involve a condition of generating new data to be brought back to the committee during that time frame in order to support either a request for recommendation of National registration or a request for extension of the Interim registration up to a total maximum of five years.

The registrant has the option of coming back to the committee and making a request for an extension of Interim registration for an additional one or two years but the total cannot exceed five years. The registrant does this by submitting the full data package to the committee including data collected since registration. Interim registrations expire after their designated term.

The sponsor or company responsibility for Interim registration is to supply all merit data to the OCRC for registration support, including quality and disease data where applicable, organization of trials and site inspections. Sponsors must submit support requests to the coordinator by December 31. Proof of ownership (or marketing rights) must be made available to the OCRC if the candidate cultivar was not bred by the sponsor.

The OCRC responsibility for Interim registration is the designation of agronomic, disease and quality check cultivars and site inspectors, approval of trial protocol, designation of number of quality determinations needed for quality support and voting on support requests.

### 7.1.3 Contract Registration (Restrictive)

Contract registration is available for candidate varieties where biochemical or biophysical characteristics distinguish them from the majority of registered varieties of the same kind or species. Further, it must be shown that these characteristics may cause **harm toward varieties registered for traditional commodity markets**. For example, high erucic acid rapeseed, although valuable, is a threat to the integrity of canola production. Another example is canola quality mustard as a threat to the integrity of mustard production. To qualify for Contract registration, the owner/sponsor of the variety must demonstrate the possibility of industry harm if granted an unrestricted registration. Contract registration is only a possibility for varieties that may cause harm based on agronomic performance, disease reaction or end-use quality, not based on socio-economic factors. The determination of whether a variety has the potential to cause harm is a scientific process where it is determined whether the variety has the potential to have an adverse effect on the identity of other registered varieties of that crop kind or if the variety or progeny thereof may be detrimental to human or animal health and safety of the environment. As a general rule, Contract registration is not to be used as a substitute for traditional forms of registration (National or Interim) in situations where the committee has objected to the registration of the candidate variety based on deficiency in merit. However, the committee may suggest that the candidate be considered for Contract registration where there is rationale to do so.

Contract registration is used to allow the orderly and legal sale, in Ontario, of canola varieties with market-related uniqueness, where the biochemical or biophysical characteristics of candidates distinguish them from the majority of registered varieties of the same kind or species AND where they would have adverse effects on the identity of those registered varieties. Sponsors may wish to use this category to register candidates that would pose harm to the marketplace if pursued in a non-restrictive manner. Parts c), d) and e) of the support request below may be achieved in a confidential manner, as described in section f).

- A) Identification and ownership: Sponsor must provide species, name or experimental number and proof of ownership or market rights if sponsor is not original breeder.
- B) Agronomic merit: Sponsor must provide data from four station-years of yield trials from a minimum of two years. All tests can be sponsor derived. Tests must include appropriate checks and, although comparative yields must be reported, no set yield level need be reached. All comparative data for measured traits must be reported.
- C) Uniqueness: Sponsor must state market related uniqueness.
- D) Market or end use: Sponsor must identify end user and show proof of end user's acceptance and intention to purchase seed or grain produced under contract. This demonstrates end user merit.
- E) Harm:
  - i. Sponsor must show harm that candidate would cause if registered in a non-restrictive manner.

- ii. Sponsor must demonstrate a closed system of production and marketing to be followed that includes:
  1. Material sent to end user
  2. Material in excess of end user's requirements
  3. Material below end user's requirements
  4. Material retained for seed but in excess of requirements
- F) **Confidentiality protocol:** Uniqueness, market or end use and harm sections of a contract registration request may be pursued in a confidential manner with the Confidentiality Subcommittee, made up of the Chair, Secretary and Canola Testing Coordinator. Decisions will be made by consensus.
- G) Request support dates: If confidentiality is requested, the sponsor must notify the chair and secretary of the OCRC at least six weeks prior to the January meetings. The Confidentiality Subcommittee will be organized and ready to accept the confidential sections approximately two week prior to the January meetings by which time the sponsor must supply the required information. The OCRC voting members must receive the public part of the documentation at least one week prior to the January meeting as per sponsor responsibility.

NOTE: The variety registration office may have additional requirements to fulfill before contract registration is granted. Please consult VRO "Procedures for the Registration of Crop Varieties in Canada" at the following web address

<http://www.inspection.gc.ca/english/plaveg/variet/proced/procede.shtml>

## 8.0 APPEALS

### 8.1 OCRC Appeals Procedure

A sponsor whose candidate variety has been rejected by the committee may appeal the decision after it has been shared with the industry. Contract and Special Consideration Registration Support Requests pursued in a confidential manner may be appealed in a similar manner.

Appeals may be based on:

1. An error of consequence was made in the data that was submitted
2. Additional information is available
3. The accepted procedure in reviewing the data was not followed
4. Other justifications for an appeal as accepted by the Committee

Notice of Appeal must be received within 10 days of receipt of the decisions. An Appeal Committee will be formed within 10 days of notification to the Canola Testing Coordinator of the Appeal. The Appeal Committee will consist of three committee members where:

- one individual is appointed by the OCRC
- one individual is appointed by the applicant

- one individual is acceptable to both parties

The written decision of the Appeal Committee will be final. The losing party in the Appeal will pay any expenses of the 3rd individual (i.e. the individual acceptable to OCRC and the plaintiff) associated with serving on the Appeals Committee.

## **8.2 Conflict Resolution**

In the event that a stakeholder identifies a situation where the OCRC has failed to live up to the spirit or the letter of the Operating Procedures guidance document, they have recourse to present the issue with a detailed explanation to the Chief, VRO or the Registrar. The VRO has oversight in this area and the Registrar, with delegated authority from the Minister of Agriculture and Agri-Food, will address any shortcomings, oversight or failure to act in accordance with the Operating Procedures directly with the OCRC. The purpose will be to bring the committee into compliance as soon as possible and to implement corrective actions.

One of the roles of the VRO is to monitor OCRC meetings and avoid this type of situation from the beginning. If the VRO observes actions or governance out of compliance with the letter and spirit of the Operating Procedures, the office will work directly with the committee to find a solution to bring the committee back into compliance in a timely manner.

## **Appendix A: Authority provided under section 65.1 in the Seeds Regulations**

### **RECOMMENDING COMMITTEES**

65.1 (1) The Minister shall approve, for Canada or a region of Canada, a committee to establish and administer protocols for testing the varieties of a species, kind or type of crop listed in Part I of Schedule III, to determine the merit of the varieties and to make recommendations respecting their registration if

- (a) the members of the committee have the knowledge and expertise required to establish and administer testing protocols for varieties of that species, kind or type of crop;
- (b) the members of the committee have the knowledge and expertise required to determine the merit of the varieties of that species, kind or type of crop;
- (c) the testing protocols established by the committee are appropriate for that species, kind or type of crop, are practical and are based on scientific principles;
- (d) the procedures established by the committee for determining the merit of varieties of that species, kind or type of crop are appropriate for that purpose and are based on scientific principles;
- (e) the operating procedures established by the committee will ensure that its functioning is transparent and that varieties are dealt with in a fair and consistent manner; and
- (f) no other committee is approved as a recommending committee for that species, kind or type of crop for Canada or the region.

(2) The Minister shall approve, for Canada or a region of Canada, a committee to establish and administer protocols for testing the varieties of a species, kind or type of crop listed in Part II of Schedule III and to make recommendations respecting their registration if

- (a) the members of the committee have the knowledge and expertise required to establish and administer testing protocols for varieties of that species, kind or type of crop;
- (b) the testing protocols established by the committee are appropriate for that species, kind or type of crop, are practical and are based on scientific principles;
- (c) the operating procedures established by the committee will ensure that its functioning is transparent and that varieties are dealt with in a fair and consistent manner; and
- (d) no other committee is approved as a recommending committee for that species, kind or type of crop for Canada or the region.

(3) In carrying out its functions, a recommending committee must apply the testing protocols it has established, act in accordance with its operating procedures and, in the case of a committee approved under subsection (1), apply the procedures it has established to determine the merit of varieties.

(4) For the purposes of subsections 67(1) and 67.1(1), the recommendation of a recommending committee must be based on the following:

(a) in the case of a species, kind or type of crop that is listed in Part I of Schedule III, the results of testing the variety in accordance with the relevant testing protocols and a determination of whether the variety has merit; and

(b) in the case of a species, kind or type of crop that is listed in Part II of Schedule III, the results of testing the variety in accordance with the relevant testing protocols.

## Appendix B: Eligibility Requirements for Variety Registration

67.1 (1) A variety of a species, kind or type of crop that is listed in Part I of Schedule III is eligible for registration if

- (a) the variety has merit;
- (b) the variety has been tested in accordance with the testing protocols of a recommending committee;
- (c) the recommending committee has made a recommendation respecting registration of the variety;
- (d) the variety or its progeny is not detrimental to human or animal health and safety or the environment when grown and used as intended;
- (e) the representative reference sample of the variety does not contain off-types or impurities in excess of the Association's standards for varietal purity;
- (f) the variety meets the standards for varietal purity established by the Association or these Regulations for a variety of that species, kind or type;
- (g) the variety is distinguishable from all other varieties that were or currently are registered in Canada;
- (h) the variety name is not a registered trademark in respect of the variety;
- (i) the variety name is not likely to mislead a purchaser with respect to the composition, genetic origin or utility of the variety;
- (j) the variety name is not likely to be confused with the name of a variety that was or currently is registered;
- (k) the variety name is not likely to offend the public;
- (l) no false statement or falsified document and no misleading or incorrect information have been submitted in support of the application for registration; and
- (m) the information provided to the Registrar is sufficient to enable the variety to be evaluated.

(2) A variety of a species, kind or type of crop that is listed in Part II of Schedule III is eligible for registration if the requirements for eligibility set out in paragraphs (1) (b) to (m) are met.

(3) A variety of a species, kind or type of crop that is listed in Part III of Schedule III is eligible for registration if the requirements for eligibility set out in paragraphs (1) (d) to (m) are met.

**Appendix C: Trial Inspection Form**

Company:

Location:

GPS Coordinates:

This form must be completed and signed by the trial inspector.

1. Detailed county map showing location of field and plot locations were made available.
2. Randomization plot plan and individual plots identified.
3. Plot labels easily recognized and check varieties clearly identified in all replications.
4. Row lengths vary less than 5% across all test plots.
5. Row widths are uniform across all test plots.
6. If signs of stress, is it uniform within test plots with no gradients in the field.
7. Plant populations are within the range recommended in the OMAFRA Agronomy Guide, Publication 811.
8. Plant distribution within plots have uniform plant spacing with no gaps.
9. Trial has minimum of two border rows on each side.
10. Disease or insect pest damage presence.

Notes and comments on plot conditions and variables that may impact test:

I certify that I have personally inspected this trial and in my opinion is  
(Please circle -)                    **Acceptable**                    **Not Acceptable**

Print Name:.....

Signed:.....Date:



**Appendix D:  
WINTER CANOLA ENTRY FORM**

Due August 15

Entered by (Canadian Sponsor): \_\_\_\_\_

NAME (Contact Person and Company): \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

PROVINCE: \_\_\_\_\_ POSTAL CODE: \_\_\_\_\_

PHONE #: \_\_\_\_\_ FAX #: \_\_\_\_\_

EMAIL: \_\_\_\_\_

NAME AND LOCATION OF BREEDING COMPANY:

Entry Name	Erucic Acid (% of total fatty acid)	Glucosinolates ( $\mu\text{mol/g}$ of whole seed at 8.5% moisture)	Hybrid (Y/N)	Novel Traits Details (e.g. herbicide or disease tolerance, and please indicate if there is a GM event)
1.				
2.				
3.				
4.				
5.				

Note: **You must** indicate erucic acid and glucosinolate levels for entries submitted.

Return one copy by mail or email by March 15 to:

Meghan Moran

OMAFRA

63 Lorne Ave E, Suite 2B,

Stratford ON N5A 6S5

meghan.moran@ontario.ca

**SPRING CANOLA ENTRY FORM**

Due March 15

Entered by (Canadian Sponsor): \_\_\_\_\_

NAME (Contact Person and Company): \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

PROVINCE: \_\_\_\_\_ POSTAL CODE: \_\_\_\_\_

PHONE #: \_\_\_\_\_ FAX #: \_\_\_\_\_

EMAIL: \_\_\_\_\_

NAME AND LOCATION OF BREEDING COMPANY:

	Entry Name	Erucic Acid (% of total fatty acid)	Glucosinlate ( $\mu$ mol/g of whole seed at 8.5% moisture)	Hybrid (Y/N)	Novel Traits Details (e.g. herbicide or disease tolerance, and please indicate if there is a GM event)
1					
2					
3					
4					
5					

**Note:** You must indicate erucic acid and glucosinolate levels for entries submitted.

Return one copy by mail or email by August 15 to:

Meghan Moran  
OMAFRA,  
63 Lorne Ave E, Suite 2B,

Stratford ON N5A 6S5  
[meghan.moran@ontario.ca](mailto:meghan.moran@ontario.ca)