



CANADA-U.S. GRAIN & SEED TRADE

TRADING SEED BETWEEN
U.S. AND CANADA FAQs

Seed Trade path

Thank you for your interest in information on Canada and U.S. Grain and Seed Trade.

This document provides a selection of questions and answers (QandA) designed to help Canadian grain producers with marketing that may include sales and deliveries across the border. The Q and A were developed with a focus on wheat, barley and durum producers.

On August 1, 2012, Canada will implement the *Marketing Freedom for Grain Farmers Act*. The Act changes the way Western Canadian wheat and barley farmers market their grain by removing the mandatory requirement to market wheat and barley through the Canadian Wheat Board (CWB). Since the changes brought about by the *Marketing Freedom for Grain Farmers Act* are important to stakeholders in the Canada - U.S. cross-border trade of grains and oilseeds, several not-for-profit associations from both the U.S. and Canada are working together to provide information to facilitate the marketing of grain and seed between the US and Canada.

More information is available from the Ag Canada: What Farmers Need to Know Backgrounder.
<http://www4.agr.gc.ca/AAFC-AAC/display-afficher.do?id=1323988816376&lang=eng>.

We welcome your comments and additional questions. Please submit them via email to:
Questions@Canada-USSeedandGrainTrade.info or Comment@Canada-USSeedandGrainTrade.info

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Trading Seed Between Canada and the United States module follows

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QUESTIONS AND ANSWERS

What is “**Seed**”?

As defined by the Canadian *Seeds Act*. “seed” means any plant part of any species belonging to the plant kingdom, represented, sold or used to grow a plant.

Exporting Seed to Canada from the United States – An Overview

The Canadian Food Inspection Agency (CFIA) has developed a document: “[The ABCs of Seed Importation into Canada](#)” which explains in detail the requirements for moving seed into Canada. Following is a brief overview:

Seed coming into Canada must comply with Canada’s Seeds Act and Regulations and, in many cases, may also need to comply with all or parts of 5 additional Acts and their corresponding regulations:

1. Plant Protection Act
2. Pest Control Products Act
3. Controlled Drugs and Substances Act
4. Fertilizers Act
5. Canadian Environmental Protection Act

In order to verify that seed entering Canada is free of prohibited noxious weeds and meets the minimum standards for purity and germination, a number of documents are required for imported seed. The following documents must be submitted to the [National Import Service Centre](#), either electronically or by fax.

A. [CFIA Import Declaration Form](#) – signed by the importer, and accompanying the shipment. This form specifies: -

- The name and address of the exporter
- The name and address of the importer
- The name of the species or crop kind (scientific and common names are encouraged)
- The variety name - if the crop kind is subject to variety registration in Canada
- The country in which the seed was produced
- The purpose for which the seed is being imported (e.g. for sale, conditioning, seeding by the importer, research)
- The weight of the seed (not including treatments or packaging)
- The lot number assigned to the shipment

B. An Acceptable Seed Analysis Certificate (SAC) – shows that the shipment is free of prohibited noxious weeds and meets minimum purity standards and acceptable germination percentages. SACs can be obtained from laboratories that operate under the supervision of a Registered Seed Technologist or a lab operated by or under the authority of a national or state government of a foreign country.

Seed establishments that have been approved as [Authorized Importers](#) do not need to supply a SAC at the time of import.

[Request for Documentation Review](#) – Once the National Import Service Centre has verified that all of the necessary documents have been provided, they are returned to the importer and they are also sent to the CFIA Seed Laboratory in Saskatoon, Saskatchewan.

All of the above information including the request for documentation review must accompany the shipment. If the documentation is complete, the shipment can be shipped to the destination where it must be kept separate from all other seed and its packaging must remain intact until the Saskatoon Seed Lab issues a notice of import conformity. This notice verifies that the seed meets all of the requirements for import to Canada.

Exporting Seed to Canada – Frequently Asked Questions

1. Is there a place where I can find all of the requirements for exporting seed to Canada?

The CFIA's "[ABCs of Importing Seed](#)" brings together all of the requirements.

The CFIA's [Automated Import Reference System](#) (AIRS) provides all importers and brokers with an outline of all of the documents (e.g. phytosanitary certificates, import permits, certificates of origin etc.) that may be required. AIRS is a searchable database where importers and brokers can use the Harmonized System (HS) code or the name of a commodity (common or botanical) to determine the documentation requirements specific to that commodity and its origin.

2. Does seed coming in to Canada have to be of a variety that is registered in Canada?

Seed of crop kinds listed in Schedule III of the [Seeds Regulations](#) that are coming into Canada for sale in Canada must be of registered varieties. Unregistered varieties can come into Canada if:

- The seed is coming to Canada for research purposes
- The seed is coming to Canada for conditioning only (processing, packaging treating or changing) or
- The seed is going to be planted by the importer on his/her own land or on land rented by the owner of seed. This exemption does not apply to imports of spring, winter or durum wheat coming in to the former "Canada Wheat Board" area: the provinces of Manitoba, Saskatchewan, Alberta and parts of British Columbia. Wheat seed coming in to this area must be of a variety that is registered in Canada.

3. Where can I find a list of varieties that are registered in Canada?

A list of the varieties registered in Canada, by crop kind, can be found on [CFIA's website](#).

4. Where can I find information on registering varieties in Canada?

There is a guidance document: "[Procedures for Registering Varieties](#)" available on CFIA's website. In addition, variety developers can contact CFIA's Variety Registration office at vro-bev@inspection.gc.ca.

5. Does seed coming into Canada have to be pedigreed?

Seed of field corn (hybrid corn) must be of pedigreed status to be sold in Canada. Both pedigreed and non-pedigreed seed of all other crop kinds can be imported into Canada. Seed of most major crop kinds can only be sold or advertised for sale in Canada by variety name, if the seed is of pedigreed status.

6. Are fees charged?

Yes, the importer is required to pay the following fees for commercial shipments:

- \$15.00 for a shipment of 1,500 kg or less
- \$0.01 per kg for shipments of more than 1,500 kg.

Small shipments of less than 5 kg for large seeded crop kinds or less than 500 g for small seeded crop kinds, are exempted from fees

7. Are phytosanitary certificates required?

For some crop kinds originating from some areas of the United States, there are requirements for phytosanitary certificates (e.g. wheat from some States must be certified free of Dwarf Bunt). However for seed of most crop kinds, an acceptable [Seed Analysis Certificate](#) is acceptable. The [AIRS data base](#) provides crop-specific information.

8. Are there labeling requirements for seed coming into Canada?

If seed coming into Canada is treated with a pest control product, it must be stained a conspicuous colour and the packaging must be marked with a prescribed symbol and wording indicating the nature and the degree of risk e.g.: “Do not use for food or feed. This seed has been treated with (common or chemical name fo the pest control product)”

If the seed coming into Canada is going to be sold in Canada, it must meet the [labeling requirements of the Seeds Regulations](#) before it is sold.

9. Are there special requirements for genetically modified seeds (Plants with Novel Traits)?

If the “novel trait” has been approved for unconfined release in Canada, there are no further specific requirements. A list of Plants with Novel traits (PNTs) authorized in Canada can be found [on the CFIA website](#).

Exporting Seed to the United States from Canada – An Overview

Imports of seed into the United States are governed by the [U.S. Federal Seed Act](#).

1. All lots of seed must be accompanied by a declaration from the importer. The declaration must state the kind, variety, and origin of each lot of seed and the use for which the seed is being imported.
2. Each container of seed must be labeled. The label must include:
 - The identification code or designation
 - The name of the crop kind and the variety of seed. Hybrid seed must be identified.
 - Prior approval has to be obtained to import treated seed. If approved, the label must indicate that it has been treated, and the name of the substance or the process used to treat the seed must be on the label. A sample of untreated seed from that same lot must accompany the shipment.
 - If the seed is being imported in bulk, the information above must be provided on the invoice or other official forms that must accompany the seed.
3. While Phytosanitary certificates are required for imports from other countries, they are not required for seed from Canada. For Canadian seed, an acceptable Seed Analysis Certificate (either USDA PPQ form 925 or [CFIA form 5289](#)) can be provided in lieu of a phytosanitary certificate. One certificate per seed lot is required.
4. At the first point of arrival in the United States, the seed must be sampled and inspected by an inspector from the [Animal and Plant Health Service](#) (APHIS). The seed has to stay at the point of first arrival until it is released by the Inspector. Samples are examined for the presence of noxious weeds and the accuracy of the label. If there are noxious weeds present above allowable levels, or if the seed is deemed to be adulterated, it may be rejected, destroyed or other actions may be required. (see the US Federal Seed Act)

This doesn't apply if:

- The seed is not being imported for planting
- The seed is being imported for experimental purposes and is not for sale
- The seed was originally grown in the USA, was exported and is returning. Documentation regarding the export must be provided.

Exporting Seed to the United States from Canada – Frequently Asked Questions

1. Is there a place where I can find all of the requirements for exporting seed to the United States?

All seed imported into the United States must comply with the [Federal Seed Act](#).

2. Does seed going to the United States have to be a variety that is registered in the United States?

The United States does not require varieties to be registered.

3. Does seed going to the United States have to be pedigreed?

While the seed must be accompanied by an acceptable Seed Analysis Certificate, it need not be of a pedigreed grade to enter the United States.

4. Are fees charged?

Under the Federal Seed Act, fees are not charged for APHIS inspection services if performed during regulatory scheduled hours. Refer to the [APHIS website here](#) for further information.

5. Are phytosanitary certificates required?

Seed from Canada that is of an approved crop kind does not generally require phytosanitary certificates to enter the United States. The United States will accept an “acceptable [Seed Analysis Certificate](#) or USDA PPQ form 925 in lieu of a phytosanitary certificate.

6. Does seed coming into the United States from Canada have to be labeled?

Yes, seed must be labeled in accordance with the U.S. Federal Seeds Act. Labeling requirements as described in point 2 above can be found on the [USDA website](#).

7. Are there special requirements for genetically modified seeds (plants with novel traits)?

If the GM trait or event contained in the seed has been through the deregulation processes administered by USDA APHIS’s Biotechnology Regulatory Service, there are no additional requirements. However, if the trait or event has not been granted deregulated status, it must go through the process. You can find information on the de-regulation process, and to find a list of GM products and their status updates on the [USDA APHIS website](#).