Comments on Planned Changes to the Greenhouse Certification Program

Proposal for Replacement of List of Excluded Plants with a List of Authorized Plants

Summary

The proposed change to the Canadian Greenhouse Certification Program (CGCP) to add a list of authorized plants will have a devastating effect on our business, forcing us to drastically curtail our current plant offerings to U.S. customers. Of more than 600 varieties that we grow, 82% will be affected: 27% are not on the proposed authorized list and 55% are on the list but have new production restrictions of which we don't know enough to be sure that we can meet them. If the changes are implemented as proposed, it is likely that we will be forced to cease exports to the U.S., as we will no longer be able to offer the full range of plants that our customers expect from us.

Background

Richters Herbs is a specialty grower specializing in culinary, aromatic and medicinal herbs. We grow over 600 varieties, more than 95% of which are exported to the U.S. under the CGCP program. Richters Herbs has been certified under this program for at least 12 years, and before that, we exported to the U.S. with phytosanitary certificates since the 1980s. We credit the CGCP program for giving us the opportunity to grow our business and become a leading supplier of herbs to home gardeners throughout North America. We take pride for developing technology that allows us to efficiently meet the record keeping requirements of the CGCP and thus makes it possible for us to ship thousands of retail orders of small mixed lots of plants to many different customers.

The Problem as Claimed by the Regulator

The CFIA consultation letter to CGCP stakeholders dated September 14, 2010, gives a reason for replacing the current list of excluded plants with a list of authorized plants. The letter states that “The use of 'excluded plant lists' has proven to be problematic in that it caused ambiguity and may lead to inconsistencies in its interpretation and/or application.” No further details of the “ambiguity” or “inconsistencies” were provided.

As a stakeholder who will be profoundly affected by the proposed changes, I am very interested in knowing more about this “ambiguity” and the mentioned “inconsistencies”. Frankly, I fail to see how an excluded list is necessarily any less clear than an authorized list would be. If the current list needs to be updated or made more clear then it seems to me that changing the current list would be a far easier, more efficient, and less disruptive strategy than replacing the list and radically altering the philosophy of the program.

I asked a CFIA plant protection officer if she knew of examples of “ambiguity” and “inconsistencies” arising from the current excluded plant list and she could not think of any instances of such confusion ever occurring.

The Problems We See With The Changes

Thinking about the proposals in cost-benefit terms, it seems to us that little incremental benefit will ensue from the proposed changes beyond what could be achieved by modest changes to the excluded list. Meanwhile there will be new costs of managing the authorized list of species and dealing the hundreds, perhaps thousands of requests for additions to the list. And for growers, the proposals mean new fees, new costs in staff time, and, in our case, possible catastrophic disruption. We see far greater cost than benefit.

Some of the proposed changes are unclear or unspecified:

1. Will there be a fee for the application to add plants to the authorized list? How costly will it be to submit applications for 500 or 1000 species?

2. Why must separate applications be made at the species level? Why not allow applications at the genus level – after all, the authorized list is already structured at the genus level?

3. Will species and genera that are currently exported to the U.S. under the CGCP be grandfathered and be placed on the authorized list?

4. How long will the new plant approval process take?

5. Will the reasons for rejection be given? Will there be an appeal process?

6. What does “other low risk plant material” mean and what can that include? Do cuttings qualify as low risk?

7. Why are so many common plants placed under the seed, tissue culture or low risk category? Many of these plants are not available in seed or tissue culture form. Hundreds of our plants are affected, Here are just two key examples: lemon verbena, *Aloysia citriodora*, and lavender, *Lavandula spp.* Why do these require the added restriction?

8. How can a restriction for a plant already on the authorized list be altered? Is there an application form for that?

The impression we get from the way the authorized list was put together is that it was assembled in haste with little appreciation for how good pest and disease management is in greenhouses certified under the CGCP. That so many annuals and perennials were simply thrown into the seed, tissue culture and low risk category with no apparent rhyme or reason seems to support that impression.

At the core here is a natural tendency of regulators to overstate risk and over-regulate just “to be safe”. How else to explain why containerized ornamental grasses are not on the proposed authorized list? When grasses are grown in containers, in greenhouses, on benches, under the CGCP system with the JB module, there is no reason why they can't be every bit as safe for the U.S. market as other CGCP plants. Sure, sod grown outdoors is a concern, but what do grasses in pots have to do with sod? This treatment of grasses illustrates the sort of unfortunate over-regulation that must be avoided.

An inevitable consequence of the list of authorized plants concept will be to impede innovation and

development. Even assuming that approvals for new species will be rapid and low cost, the twice yearly application process will add months to the new product cycle. We frequently source new plants from U.S. growers and assess them in the summer. By the time we decide that a new variety is commercially viable for us to introduce, it is already September or October. Under the current excluded plant list system we can still add new varieties in time for the next annual catalogue that comes out in December. Under the proposed system we would have to apply for approval in January and wait a year before adding the plant to our catalogue. Rapid innovation is the lifeblood of vital business in a competitive world and the proposed approval system will have a large negative impact on that.

Conclusions

The tendency to over-regulate “just to be safe” is why we urge staying with the current excluded plant list. This is the system that has worked for more than a decade with relatively little bureaucratic intrusion.

Of all the ways that plants and seeds enter the U.S., we would argue that the CGCP is the *least* likely route for unwanted organisms into the U.S. Compared to crops issued a phytosanitary certificate on the basis of a single inspection, we submit that continuously monitored CGCP plants are cleaner, safer and less likely to allow unwanted pests in. In fact, it should be a goal of the program to encourage more growers to join, thus bringing more plant material under regulatory management. Making the program unworkable for growers will have just the opposite effect.

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