



Lessons from the CropLife Canada Plant Biotechnology Code of Practice and a Comparison to Alternatives

By Evlyn Fortier and Marc Saner

31 March 2004

The views expressed in this document are the views of the author and do not necessarily reflect those of the Institute On Governance or its Board of Directors.

The Institute On Governance (IOG) is a non-profit organization founded in 1990. Its mission is to explore, share and promote the concept of good governance in Canada and abroad, and to help governments, the voluntary sector, communities and the private sector put it into practice. Our current activities fall within the following broad themes: building policy capacity; Aboriginal governance; technology and governance; board governance; and values, ethics and risk.

In pursuing these themes, we work in Canada and internationally. We provide advice on governance matters to organizations in the public, private and non-profit sectors. We bring people together in a variety of settings, events and professional development activities to promote learning and dialogue on governance issues. We undertake policy-relevant research, and publish results in the form of policy briefs and research papers.

You will find additional information on the Institute and our current activities on our web site, at www.iog.ca.

© Copyright, 2004, Institute On Governance

For further information, please contact:

Marc Saner
Institute On Governance
122 Clarence Street
Ottawa, Ontario
Canada K1N 5P6
tel: +1 (613) 562-0090
fax: +1 (613) 562-0097
info@iog.ca
www.iog.ca

Table Of Contents

- Table Of Contents ii
- 1.0 Introduction..... 1
- 2.0 Methodology 2
- 3.0 Comparison of Three Codes 4
 - 3.1 Strengths and Weaknesses of the Codes 4
- Table: Comparison of Three Codes of Practice for Biotechnology..... 6
- 4.0 Highlights from the Interview with CropLife Canada..... 8
- 5.0 Arguments of Two Member Company Representatives..... 9
 - 5.1 The “Code works because it has a precedent” Argument:..... 9
 - 5.2 The “Code works because it involves self-management” Argument: 9
 - 5.3 The “Peer pressure” argument: 10
 - 5.4 The “Stewardship is taken seriously” Argument:..... 10
 - 5.5 The “Codes only work for specialized purposes for small groups” Argument: 11
- 6.0 Conclusion and Points to Consider 11
- Appendix – Transcript of the CropLife Canada Interview 14

1.0 Introduction

One of the pillars of the Canadian Biotechnology Strategy to address the governance requirements of biotechnology in Canada is a Stewardship Framework. There are elements of good stewardship already in place, but work on a comprehensive framework for the existing components of stewardship is ongoing. A code of practice for biotechnology in Canada is currently being investigated as an element of a comprehensive framework. In this context, the Institute On Governance has conducted research and produced a series of papers investigating the feasibility of developing and implementing a code for biotechnology in Canada.¹

There are a number of codes of practice already in existence, developed either by industry or by government. Examples in the biotechnology context include the Biotechnology Industry Organization (BIO) *Bioethics Statement of Principles*², the *BIOTECanada Statement of Ethical Principles*³, the *Code of Ethical Practice for Biotechnology in Queensland*⁴ and CropLife Canada's *Plant Biotechnology Code of Practice*⁵. Other codes that are not for biotechnology are also of interest. These include the Canadian Chemical Producers' Association (CCPA) *Ethic and Codes of Practice of Responsible Care*^{®6} and CropLife Canada's *Marketing Code of Standards*⁷.

In this paper, we offer a short comparison of the CropLife *Plant Biotechnology Code of Practice* to the Queensland model and to the *BIOTECanada Statement of Ethical Principles*.

The purpose of this research is to examine strengths and weaknesses of the CropLife Code in comparison to the Queensland model and BIOTECanada's model.

We also give special consideration to an interesting aspect of the CropLife Code, namely, Addendum A, which outlines its compliance policy. Investigating this aspect of CropLife's Code facilitates a clearer understanding of the pros and cons of the approaches taken to develop and implement this code of practice and identify implications for a proposed Canadian code.

¹ These papers are: *Is the Queensland Code for Biotechnology a Good Model for Canada? – A Preliminary Analysis* by Evlyn Fortier & Marc Saner, February 2004; *Development and Effectiveness of the Queensland Model*, by Evlyn Fortier & Marc Saner, March 2004; *The Queensland Model from an NGO Perspective*, by Evlyn Fortier & Marc Saner, March 2004.

² BIO's Statement of Principles may be found at <http://www.bio.org/bioethics/principles.asp>

³ BIOTECanada's Statement of Ethical Principles may be found at <http://www.biotech.ca/PDFs/BIOTECanada%20Statement%20of%20Principles.pdf>

⁴ The Queensland Code may be found at <http://www.iie.qld.gov.au/publications/biotechnology/coe.pdf>

⁵ CropLife Canada's Code may be found at <http://www.croplife.ca/english/pdf/CLPBCcodeofpractice.pdf>

⁶ The Responsible Care ethic and codes may be found at <http://www.ccpa.ca/english/who.rc/>

⁷ CropLife Canada's Marketing Code may be found at <http://www.croplife.ca/english/pdf/MarketingCodeofStandards03April11.pdf>

This research was also undertaken to provide insights into possible next steps in the development of a Canadian code.

In the following report, we present the results of our research. After outlining the methodology of the research, we make a comparison of the three codes to show the similarities and differences in structure and content. This is followed by highlights of an interview we conducted with an official at CropLife Canada, which presents an overview of the development and features of the Code. Having gained some background knowledge of the Code through this interview, we decided that it would enhance our understanding to interview member companies of CropLife Canada. The results of these interviews with representatives of two member companies are analyzed in the form of arguments. This is followed by our conclusion and some points to consider. In an appendix following the conclusion, we present the transcript of the interview with the official at CropLife Canada.

2.0 Methodology

The purpose of this research was to examine CropLife Canada's *Plant Biotechnology Code of Practice* for features relevant to the development of a Canadian code of practice for biotechnology. The research involved two elements: a comparison of the CropLife Code with the *Code of Ethical Practice for Biotechnology in Queensland* and the *BIOTECanada Statement of Ethical Principles*, and interviews with an official at CropLife Canada and representatives of two companies that are members of CropLife Canada.

In the first part of the report, we present the results of our comparison of the three Codes. We compared these Codes for a number of features, as explained in section 3.0. In order to make the comparison, we reviewed each code for its structure and content to find the similarities and differences between them and to analyze their strengths and weaknesses. This was followed by the design of a Table to present a graphic overview of the comparison. Finally, we examined our findings in order to make some points for consideration in our conclusion, about CropLife's Code in relation to the other Codes and about implications for the development of a Canadian code.

The CropLife Canada *Plant Biotechnology Code of Practice* is the most recently developed of the three codes and was not reviewed in our earlier analysis⁸. It was decided that a good way of gathering information about this code would be through interviews. To this end, we interviewed

⁸ In *Is the Queensland Code for Biotechnology a Good Model for Canada? – A Preliminary Analysis*, we compared BIO's Statement of Principles, BIOTECanada's Statement of Principles and the Queensland Code.

the Stewardship and Regulatory Affairs Coordinator at CropLife Canada. The questions we asked during our interview were:

1. Why was the CropLife Code developed?
2. How was it developed? How long did it take?
3. Were there consultations?
4. Were there any obstacles or problems encountered?
5. Many CropLife members are also members of BIOTECCanada and BIO –
 - How does CropLife’s Code compare to their codes?
 - How do members react to the difference in these codes?
6. Were there costs involved in developing the CropLife Code?
7. Have there been benefits? If so, what are they?
8. How is compliance measured? Is it only by the lack of complaints by other members/public as per Addendum A? Or are there also positive measurements?
9. What has been the impact of the Code?
10. Why does the Code have a separate set of guidelines for conforming to the Canadian Competition Act (Addendum B)?
11. Why is there a separate table (Addendum C) for Commitments and Practices in Action?

The interviewee at CropLife Canada responded to most of these questions. However, there were some questions that were difficult to answer because the Code is still so very recent and the way the code was developed did not lend itself to answers to some of the questions. The transcript of this interview is presented in an Appendix to this paper.

We interviewed two representatives of member companies of CropLife Canada. In these interviews, we asked about Addendum A, the Compliance Policy of the Code. During these interviews, the representatives made arguments in favour of a voluntary industry-designed code. These arguments are presented following the comparison of CropLife to the two other Codes and are referred to in our conclusion.

3.0 Comparison of Three Codes

We have examined three codes to compare them with regards to their structure, content and application. The codes we examined included CropLife Canada's *Plant Biotechnology Code of Practice, January 2003*, the *Code of Ethical Practice for Biotechnology in Queensland 2001*, and the *BIOTECanada Statement of Ethical Principles*. The features of these codes that we have looked at include:

- The type of signatories/participants of the Code
- The number of signatories/participants of the Code
- Whether the Code is mandatory or voluntary
- The year of implementation
- The length of the Code and its level of detail
- Topics covered by the Code
- The impact/effect of the Code

The results of this comparison are presented in the Table following this section. This Table highlights the fact that these Codes have more differences than similarities.

3.1 Strengths and Weaknesses of the Codes

An examination of the Table following this section reveals the key strengths and weaknesses of the three codes from their perspective of their utility as a model for Canada, as outlined below.

CropLife Canada's *Plant Biotechnology Code of Practice*

Pros:

- Medium level of detail with specific coverage of the compliance policy involved, guidelines for conforming to the Canadian Competition Act, and a living document chart of commitments and practices in action
- The Code was developed by a steering committee from the membership, so there is a sense of membership ownership of the Code
- The Code was developed in Canada within a Canadian context
- Addendum C, "Commitments and Practices in Action," is a living document that will be reviewed and adapted as required to accommodate changes in the biotechnology sector.

Cons:

- The Code is for agricultural and plant industries only and would not be easily adaptable to other areas of biotechnology
- The Code is an industry code only and applies to stakeholders in that context
- Some of the statements in “Section 2 – Industry Commitments” and “Section 3 – Practices” are vague and could possibly be open to interpretation

Code of Ethical Practice for Biotechnology in Queensland

Pros:

- Highly detailed, comprehensive coverage of a range of relevant topics
- The Code was developed as part of Queensland’s Bioindustries Strategy and was considered an important part of the development of internationally competitive biotechnology industries in Queensland
- The Code applies to stakeholders both inside and outside government
- The Code uses language that is very specific which would be difficult to interpret arbitrarily
- The Code is a living document that will be reviewed every three years to ensure that it meets current requirements.

Cons:

- The Code is specific to Queensland and would have to be adapted to a Canadian context
- The Code may cover too many areas and be too detailed to gain general acceptance

BIOTECANADA’S Statement of Ethical Principles

Pros:

- Developed in Canada within a Canadian context
- The Statement is brief and not highly detailed. It presents principles that could easily be adopted by various stakeholders.

Cons:

- Low detail, does not provide comprehensive coverage
- The Statement is presented in the context of an industry organization and applies primarily to stakeholders in that context.
- The Statement uses language that is vague and could possibly be open to interpretation.
- The Statement is not a living document.

Table: Comparison of Three Codes of Practice for Biotechnology

	Type of Signatories/Participants	Number of Signatories/Participants	Implemented by:	Year of Implementation	Length/Details	Topics Covered	Impact/Effect
CropLife Canada Code of Practice	<ul style="list-style-type: none"> • Agricultural • Crop Science Industries <p>- Membership of CropLife Canada is Canadian, including Canadian branches of multinationals.</p> <p>- Some members of CropLife Canada are also members of BIOTECanada.</p>	<p>Active members: 28</p> <p>Associate members: 4</p>	The Code was developed internally by a membership steering committee and presented to the membership. Although it is voluntary, it is accepted and supported by the members.	2003	Code pages: 9 ⁹ Detail: medium	<p>Industry Commitments re:</p> <ul style="list-style-type: none"> • Quality of life • Intellectual property • Compliance with laws/regulations • Industry standards • Responsible use of biotech • Transparency & Stewardship <p>Practices:</p> <ul style="list-style-type: none"> • Only introduce safe products • Abide by regulations • Provide information • Develop training programs • Resolve disagreements <p>Conform to Competition Act Commitments & Practices in Action</p>	Unknown (still too recent)
Queensland Code	<ul style="list-style-type: none"> • Government • Industries • Universities • Medical • Agricultural • Other research 	<p>Mandatory: 78</p> <p>Voluntary: 24</p>	The Code is mandatory for all organizations that are “Queensland Biotechnology Organizations”	2001	Code pages: 13 ¹¹ Detail: high	<ul style="list-style-type: none"> • Integrity of research • Access to resources • Care/protection of staff • Care/protection of animals • Transport of materials • Risk Assessment/Management • Intellectual property 	Minimal effects on biotechnology in Queensland according to interviews. ¹²

⁹ A major part of the Code involves Addenda A, B and C, which comprise six pages. These addenda include the compliance policy, the competition guidelines and the commitments and practices in action table. Thus, the detail is medium in that the actual principles take up two pages but the addenda, which contain important features of the Code, take up six pages.

¹⁰ Organizations for which the Code is mandatory are referred to as “Queensland Biotechnology Organizations.” They include all government organizations, organizations that receive financial assistance from the Queensland Government and organizations that have a Queensland Government body or officer as a participating member. Voluntary organizations are referred to as “Subscribing Biotechnology Organizations.”

	- All signatories are exclusively Queensland organizations.		as defined in footnote below. ¹⁰			<ul style="list-style-type: none"> • Privacy • Biological weapons • Import/Quarantine Controls • Discussion of Ethical Issues • Medical Research/Health Care 	
BIOTECanada	<ul style="list-style-type: none"> • Government • Industries • Universities • Medical • Agricultural • Other • Legal firms <p>- Membership not restricted to Canada; - includes BIO and Canadian branches of multinationals. - Some members of BIOTECanada are also members of CropLife Canada.</p>	Members: 135	It is not specified if members are automatically required to adopt the Statement of Ethical Principles.	2002 ¹³	Code pages: 3 Detail: low	<ul style="list-style-type: none"> • Human benefit/rights • Public discourse • Education • Priorities – health, safety and environment • Respect ethics boards • Ethical and social issues • Agriculture and food • Dealing with pollution • Weapons • Conservation of biological diversity 	Unknown.

¹¹ This number refers only to the Code and does not include the introduction, preamble and appendices of the complete document.

¹² The interviews we conducted with people in Queensland are reported in “*Development and Effectiveness of the Queensland Model*”, March 2004.

¹³ This is the copyright date found at the bottom of the final page of the Statement of Ethical Principles on BIOTECanada’s Web Site, and it is not certain that this is the actual year of implementation.

4.0 Highlights from the Interview with CropLife Canada

One of the more productive methods of gathering information about the design and rationale of a code is to present questions to someone who knows about it. For this reason, we conducted an interview with the Stewardship and Regulatory Affairs Coordinator at CropLife Canada about the Code. We gathered information from this interview that provided us with a base understanding of the Code, especially with regards to the organization's own view of it. This interview gave us some insights into the development of the Code and an explanation of its content and goals. The transcript of the actual interview is contained in the Appendix following the conclusion of this paper.

The salient points of the interview provide us with information about how the Code came about and the rationale for its features. This sets the context for the interviews we later conducted with representatives of two member companies. These salient points are:

- The Plant Biotechnology Code of Practice was developed on the model of an existing code¹⁴ and a Code for biotechnology seemed inevitable as the sector grew.
- The Code was not developed by consulting the views of the membership; however, the Code was developed internally by a steering committee made up of members, so it was really “membership-designed.”
- The development of the Code provoked no complaints by the members.
- There were no costs involved in developing and implementing the Code because it was developed out of an existing model and there was no need to start from scratch.
- Having guiding principles set out in a Code was a natural development from CropLife Canada's Stewardship First policy.
- It is still too early to decide what the impact or effect of the Code is. The Code is dated January 2003 but it would make more sense to date it January 2004 because a lot of what it is about hasn't got through to the process yet.
- As far as the effects of the Code go, they can only be measured if something goes wrong and that hasn't happened yet. There is no auditing in the Code.
- Guidelines for the Canadian Competition Act (Addendum B) is a part of the Code because it fits one of the commitments of the industry. This is a very competitive industry and there is a strong motivation for members to adhere to best practices. (Compare to section 5.3)
- Commitments and Practices in Action (Addendum C) is a living document. The actions are open to change and will be in response to whatever the environment involves and requires.

¹⁴ The existing code is the *Marketing Code of Standards*, which was originally the *Crop Protection Code* of the Crop Protection Institute. CropLife Canada was formerly the Crop Protection Institute.

5.0 Arguments of Two Member Company Representatives

We contacted representatives of two companies that are members of CropLife Canada to ask them about the compliance policy of the Code, contained in Appendix A. The interviewees gave us similar answers about the development of the compliance policy, how it is applied and its effectiveness. These arguments are presented, in the words of the interviewees, as follows:

5.1 The “Code works because it has a precedent” Argument:

Details: CropLife Canada has had prior experience with voluntary codes and the members have found that they are very effective. CropLife Canada has had a longer track record than, for example, BIOTEC Canada, for dealing with problems that require self-monitoring on the part of industry. It has gone through more real-life experiences with products that need measures to protect the public. So CropLife has had its “feet on the ground” about the need for a code. It has had experiences with previous codes, in particular the *Marketing Code of Standards* (which was previously the *Crop Protection Code* when CropLife Canada was the Crop Protection Institute). The earlier Code has been very effective and member companies have complied with it. The Plant Biotechnology Code has the same form as the earlier Code – it has been developed along the same lines as the earlier Code and has come out of it.

Conclusion: So the Crop Biotechnology Code will be as effective as the previous Code has been.

5.2 The “Code works because it involves self-management” Argument:

Details: The CropLife Canada Plant Biotechnology Code was developed by a steering committee of the member companies. It is an industry-designed code for its own membership. It is a self-regulating code that industry will follow. The earlier code (now the Marketing Code) was also self-regulating and it has been very effective.

Conclusion: Industry will comply with self-regulation and so will comply with this Code.

5.3 The “Peer pressure” argument:

Details: The Code is public and every company is aware of it. Companies, especially in this business, keep an eye on each other. So there is a lot of peer pressure involved. There are certainly members of industry who will try to stretch the limits, especially in a highly competitive industry like this one.¹⁵ If one company sees that a competitor is doing something wrong, that company will start the complaint process. No one wants other companies to do something wrong and gain an advantage, especially in such a highly competitive field as this one. Doing something unfair is not tolerated. If some company does something wrong, another company will say, “Hey, we discussed this, we’ve agreed what we are supposed to do according to the Code.” This has been very effective with the earlier Code to achieve compliance on the part of companies. In the past, there have been many complaints by one or more companies against the actions of others. It’s worked to bring everyone in line.

Conclusion: The most effective way to achieve compliance is through peer pressure and peer monitoring. It has been a more powerful instrument for the self-regulation of industry than anyone has realized.

5.4 The “Stewardship is taken seriously” Argument:

Details: Industry wants to act as a good steward. It is in its best interest for the sake of longevity. Lack of stewardship of biotechnology has never been a good thing. If industry acts as a good steward, there will be no complaints against its practices. If industry acts inappropriately, there are consequences. Government regulatory agencies will take action and companies want to avoid such situations. It’s different now than it was back in the 1960’s and 70’s. There’s no room for “cowboys” anymore. The industry has seen the need to rein people in. Ethical behaviour is taken more seriously than it was before. Complying with rules is taken more seriously. The regulatory world is more stringent and the public wants more transparency than ever before. This has forced industry to clean up its act.

Conclusion: Because stewardship is taken more seriously, and a Code is part of the stewardship mandate, the Code is effective and industry complies with it.

¹⁵ One interviewee said that there is “voracious” competition in this industry.

5.5 The “Codes only work for specialized purposes for small groups” Argument:

Details: The CropLife Canada Marketing Code (previously the Crop Protection Code) worked because it was member-developed within a small group of companies in a highly competitive industry. The Plant Biotechnology Code will work for the same reasons. But these Codes only work in this context for these reasons. A voluntary code works better in a small group in a context that involves certain requirements and needs. It works well where the stakes are higher. An all-encompassing code would not be as effective to get the compliance of industry.

Conclusion: The CropLife Canada Plant Biotechnology Code works because it has been developed for specialized purposes for a small group of member companies.

6.0 Conclusion and Points to Consider

The CropLife Canada *Plant Biotechnology Code of Practice* compares only minimally to the Queensland Code and, although it bears some similarity to BIOTECanada’s Code, it also involves significant differences.

The major difference the CropLife Canada Code has to the Queensland model is that it is a Code designed by and for industry – that is, it is for CropLife Canada’s membership only, whereas the Queensland Code is a government designed document for all biotechnology industries in Queensland, whether government, industry, academic, medical or research.

The major difference the CropLife Code has to BIOTECanada’s Code concerns the scope of the topics covered. CropLife Canada is an organization for agricultural and crop science industries exclusively and so its Code makes no references to biotechnological applications in areas outside of these industries. BIOTECanada is for all biotechnology industry and research organizations and its Code refers to a variety of topics in biotechnology.

CropLife Canada’s Code was developed by a steering committee made up of some of the member organizations. It was designed with the intention of promoting responsible agricultural biotechnology practices in order to maximize benefits for the industry while minimizing risks. The organization considers it important to emphasize stewardship of biotechnology, both to guide its membership and to demonstrate to the public that the industry is complying with good stewardship practices. However, it is a voluntary code and thus is quite different from the Queensland model, which requires compliance by all government agencies, all organizations that

receive funding from the government, and all organizations that have a government body or officer as a participating member. The fact that CropLife Canada's Code is voluntary makes it similar to BIOTECanada's Code.

When we compare CropLife Canada's Code to BIOTECanada's Code, a striking difference involves the level of detail in the codes. BIOTECanada's Code is only three pages long and involves very general statements as guidelines for their membership. CropLife Canada's Code is nine pages long¹⁶ and contains more detail, especially with regards to compliance, guidelines for complying with the Canadian Competition Act and definite actions to fulfil the commitments and practices that have been outlined.

This leads to a consideration of the suitability of the three models for a Canadian Code of Practice. The Queensland model is very comprehensive and presents an excellent model for a government designed code of practice, especially in the areas of medical biotechnology. CropLife Canada is a good model for an industry developed code, especially for agricultural biotechnology. The CropLife Canada Code was developed quite recently (it was implemented in January 2003) and so is still very new. It is difficult to say what its impact will be on agricultural biotechnology in Canada at this early stage. The BIOTECanada Statement of Ethical Principles has many merits but seems to be too general to serve as a model for a Canadian code.

As can be seen from in Section 5.0, there are some definite arguments in favour of the CropLife Canada Code, as a worthwhile code for the requirements of agricultural biotechnology. The membership of CropLife Canada have a sense of ownership in the Code, since it was developed internally by a steering committee made up of members, for members. Peer pressure has worked as an effective compliance mechanism for an earlier code, out of which this code for biotechnology has been developed. This has set a precedent, and the interviewees argue that peer pressure will be an effective mechanism for compliance with this code as well. Finally, the design and implementation of the Code was undertaken in the context of taking stewardship of the industry seriously.

The Queensland Code would present a good model for a Code for medical biotechnology in Canada. Furthermore, in an earlier study undertaken by the Institute On Governance¹⁷, it was pointed out that nearly all opposition to a code for biotechnology in Canada came from NGOs who were primarily concerned with issues in agricultural biotechnology. This may require some consideration in how to go about developing a code in Canada or in what the code should involve. Since most opposition seems to be regarding policies for agricultural biotechnology, it may require the separate development of codes for agricultural biotechnology and non-

¹⁶ The major part of the Code is in the three addenda, which involve six pages of guidelines.

agricultural biotechnology (such as medical biotechnology). In this way, a code for non-agricultural biotechnology could be developed without the help on non-government organizations, and the development of a code for agricultural biotechnology could follow as problems are worked out.

The last argument presented by the interviewees (5.5 *The “Codes only work for specialized purposes for small groups” Argument*) possibly presents the greatest challenge to the idea of a code for biotechnology that covers all areas, for all stakeholders. These industry representatives considered the idea of a comprehensive code that covered all of biotechnology unnecessary and unwieldy. They felt that it was better for industry to self-regulate and to set up codes for itself to suit its own needs, in its own area. This would result in very specialized codes for every industry. But these interviewees argued that such codes would be tailor-made for the industry and would thereby deal with the specific needs of that industry. One of the interviewees stated that the power of peer pressure has been not been recognized enough in our society and claimed that peer pressure, peer monitoring and the free market are the most powerful instruments to guarantee compliance to ethical practice. Both interviewees referred to the earlier Code and its effectiveness, and claimed that it had been used many times by member companies to lodge complaints, which kept other members in line. They felt that this compliance mechanism was the most effective method for ensuring the regulation of biotechnology among the member companies of CropLife Canada, and a general code for biotechnology would never achieve the same level of industry stewardship.

Another lesson from the CropLife approach is to see stewardship and the use of codes as an ongoing process. The Codes, in this school of thought, can be modular. Codes can be adapted to new contexts and a specific Code made up of modules that differ in the frequency and way they are re-worked. One module may have a “long half-life” while another may require permanent attention.

Based on these interviews, we can see that the members of CropLife Canada consider the Plant Biotechnology Code to be a good industry initiative for agricultural biotechnology in Canada. The interviewees expressed a definite commitment to being ethical and emphasizing Ethics in their values and actions. In that context, the CropLife Canada Code was viewed as presenting a good working mechanism for compliance to ethical practice in the industry, and that is considered very important to them, especially under current circumstances. With time, it may prove to be a good model for a Code for the agriculture industry in Canada.

¹⁷ *The Queensland Code from an NGO Perspective*, by Evlyn Fortier and Marc Saner, March 25, 2004.

Appendix – Transcript of the CropLife Canada Interview

1. Why was the CropLife Code developed?

CropLife Canada has represented the crop protection industry for years and already had a code, the *Crop Protection Code* (now the *Marketing Code of Standards*). The Plant Biotechnology Code of Practice was an extension of this existing Code. It was inevitable that CropLife would develop a Code for biotechnology as well since there was already a code in place as a model.

2. How was it developed? How long did it take?

As was already stated, there was already the *Crop Protection Code* in place. So this code was used as a model, and the Plant Biotechnology Code was an extension of this existing Code. As the biotechnology sector grew and there were a number of cross-industries, it was decided to develop a code for particular, specialized biotech industries. The fine-tuning took a while.

3. Were there consultations?

There was no consultation in the sense of canvassing the views of the membership on a Code. However, the Code was developed internally by representatives of the membership. There was a technical committee that designed a draft. They presented the draft to the stewardship committee. The stewardship committee made changes and presented the draft to the board. The board eventually presented the finished Code to the membership.

An important part of the development of the Code was the internal communication. Comments were important to the process and were made after the draft was designed. The technical/steering committee that drew up the draft code was made up of the membership so it was really “membership-designed.”

4. Were there any obstacles or problems encountered?

There were no complaints. Industry feels very strongly that the ideals embodied in the Code are the right direction. (The interviewer asked if industry approved of the Code because they really wanted to embrace the principles as doing the right thing or because it was good for public relations.) The Code was adopted by industry for a little of both reasons. They do believe that the principles are the right ones, but they also appreciate that it is good PR.

5. Many CropLife members are also members of BIOTECanada and BIO –

- How does CropLife’s Code compare to their codes?
- How do members react to the difference in these codes?

BIOTECanada and BIO are very different organizations from CropLife Canada. BIOTECanada represents many more organizations and a lot of them are smaller organizations. They also represent a lot of small research laboratories and CropLife Canada does not. The membership of CropLife Canada is more focussed in the area of agricultural production.

(The interviewee did not have any comments about the difference in the Codes or about the reaction of the membership to any difference in the Codes.)

6. Were there costs in developing the CropLife Code?

There weren’t really any costs. We were using the model of our Crop Protection Code so we weren’t starting from scratch. CropLife has considered its “Stewardship First” policy to be very important and so developing the Code just followed from having that policy. Having guiding principles set out in a Code was a natural development from our Stewardship First policy.

7. Have there been benefits? If so, what are they?

It was important to have the Code mean something. That way, it would benefit the work of the membership. However, the Code is very new and it is difficult to say what impact it has had. The Code has the date “January 2003” on it as its implementation date, but having “January 2004” would have been better because the Code was still so new that a lot of what it is about hasn’t got through to the process yet. As far as the effects of the Code go, we can only measure them if something goes wrong and that hasn’t happened yet.

8. How is compliance measured? Is it only by the lack of complaints by other members/public as per Addendum A? Or are there also positive measurements?

There is no auditing in the Code. The only way to measure compliance is if something goes wrong, a complaint is made, something like that. And that hasn’t happened yet.

9. What has been the impact of the Code?

The Code is still so new, it really is too early to tell.

10. Why does the Code have a separate set of guidelines for conforming to the Canadian Competition Act (Addendum B)?

The Canadian Competition Act does fit in line with the commitments of the industry. All the organizations that are members of CropLife that are involved in plant biotechnology are in the same boat. If one organization does something, it affects all organizations. And if something affects one plant biotech company, it affects all of them. So each company (member of CropLife) does not want other companies to do anything that's going to have a negative impact on the industry as a whole. This results in high motivation for the members to adhere to best practices. What your competitor does will have an affect on you. In the plant biotechnology industry, you can't separate one company from the rest.

11. Why is there a separate table (Addendum C) for Commitments and Practices in Action?

That whole section (Addendum C) is a living document. As the situation of crop biotechnology changes, it will be reflected in the Commitments and Practices in Action.

The "Actions" column in the table lists what is being done in response to the commitments and practices identified in the Code. These actions are open to change. What the membership does to fulfill the commitments will be in response to whatever the environment involves and requires.