

September 8, 2023

Regulatory Affairs and Applied Analysis Section
Policy and Operations Directorate
Pest Management Regulatory Agency, Health Canada
2 Constellation Drive
Ottawa, Ontario
K1A 0K9

Sent via email to: pmra.regulatory.affairs-affaires.reglementaires.arla@hc-sc.gc.ca

To Whom It May Concern;

Re: NOI2023-01 - Strengthening the regulation of pest control products in Canada

Thank you for the opportunity to feedback on proposed amendments to the Pest Control Products Regulations to strengthen protection of human health, the environment and wildlife from risks posed by pesticides in Canada. Farmers use many strategies to support the growth of crops while being environmentally conscious. Pesticides are a vital tool that can be used to safely manage pests that can be harmful to the health and quality of a farmer's crop. These products are strategically used to minimize risk to beneficial species and allow for a biodiverse and robust ecological system that functions more efficiently to provide Canadians with a sustainable and secure food system.

The Ontario Federation of Agriculture (OFA) is the largest general farm organization in Ontario, proudly representing more than 38,000 farm family members. OFA has a strong voice for our members and the agri-food industry on issues, legislation and regulations administered by all levels of government. We are passionate and dedicated to ensuring that the agri-food sector and rural communities are considered and consulted with for any new or changing legislation that would impact the sustainability and growth of our farm businesses.

OFA supports an efficient, science-based regulatory environment for pesticides in Canada. This system should protect human health and environmental safety while encouraging innovation and competitiveness on a local and global scale. Science-based regulations allow farmers access to the tools they need to grow food safely and sustainably for Canadians and the world. With the current system, Canadian producers are at a competitive disadvantage - many products approved for use in the US are not available in Canada or have different label instructions. OFA encourages the harmonization between the Canadian and US system for evaluation and registration of pesticide products, ensuring that Canadian farmers remain competitive on the global stage.

OFA provides the following comments on the proposed amendments to the Pest Control Products Regulations, announced this spring as part of the Pest Management Regulatory Agency's (PMRA) Transformation Agenda.

Facilitating access to confidential test data, including for research and re-analysis purposes

Health Canada is proposing to amend the Pest Control Products Regulations (PCPR) to enable inspection of confidential test data (CTD) for research and re-analysis purposes. However, OFA understands that access to CTD is currently available for inspection under a strictly defined process set out in section 43 of the Pest Control Products Act (PCPA), and that the PCPA already provides the public with the opportunity to inspect CTD that supports pesticide registration decisions. CTD may be inspected in person upon application at a physical site located at the PMRA's head office in Ottawa, or remotely via encrypted USB key and the [Inspection of Confidential Test Data Supporting Pesticide Registration Decisions – Guidance Document](#) describes the current process for the inspection of CTD. The public may inspect CTD provided by registrants at the proposed decision (as of January 2022) and final decision stage for post-market reviews.

Since the PCPA already enables inspection of CTD, be it for information, re-analysis or research purposes, more detail is needed to better understand this proposed amendment. OFA is concerned that selective use, out of context or misinterpreted CTD has the potential to lead to misinformation about and erode public confidence in the safety and regulation of pesticides in Canada.

OFA is also concerned that requests for inspection of CTD could overwhelm PMRA and consume already scarce resources that should be focused on the core work of conducting pre- and post-market evaluations to ensure that farmers have the crop protection tools they need to grow food for Canada and the world.

Increasing transparency for MRL applications for imported food products

Health Canada is proposing amendments to the PCPR that would increase transparency for Maximum Residue Limit (MRL) applications for imported food products by requiring the PMRA to issue a public notification for section 10 MRL applications once an application has been accepted for review.

OFA commends PMRA for efforts to-date to improve risk communication. OFA also generally supports efforts to improve communication and transparency relating to new MRL applications for imported food, however we do not see a need for regulatory amendments to achieve this objective. OFA understands that the current process for establishing MRLs is effective and that the Minister of Health already has the legislative tools to notify the public when an import MRL application is received. OFA recommends that the primary focus of the PMRA's transparency objective should be continuing to improve risk communication.

To reiterate our position submitted during the 2022 targeted review of the PCPA relating to transparency and communication, OFA believes that introducing plain language summaries of pesticide decisions, and the scientific process would greatly improve transparency. Clear, concise, and plain language supports understanding and allows for stakeholders to have informed and science-based participation in the regulatory process. Plain language summaries should not be limited to pesticide decisions but should be expanded to include any public documentation, including consultation documents, risk assessments, and application summaries.

Requiring information on cumulative environmental effects

OFA understands that, whereas cumulative effects in environmental risk assessments are not currently considered due to lack of information and standard methodologies, the PMRA is now proposing to amend the PCPR to require the Minister of Health to consider the cumulative effects on the environment of pesticides that have a common mechanism of toxicity, where information and methodology are available. Furthermore, the proposed regulatory amendments would give the Minister explicit authority to require registrants and applicants to submit available information on cumulative environmental effects, so this information could be considered within the PMRA's environmental risk assessments.

OFA supports assessment of the cumulative environmental effects of pesticides so long as that assessment is science-based, supported by evidence and does not add time to the lengthy approval process. OFA also understands the desire to consider the cumulative environmental effects of pesticides but recognizes that the science of cumulative risks is in its infancy with no internationally accepted principles or methodology. Therefore, OFA feels it is premature to create a regulatory requirement when internationally agreed-upon methods do not yet exist.

OFA recommends that any regulatory amendment requiring Ministers to consider cumulative risk assessment must be preceded by the PMRA's development of science policies and guidance documents. These in turn must be based on continued involvement in international scientific discussions, to ensure cumulative environmental risk assessments that are scientifically sound and informed by internationally accepted principles. PMRA must also allocate resources such that the cumulative risk assessment can be evaluated within reasonable timelines, without adding delay to the existing approval process.

Strengthening consideration of species at risk

The OFA understands that the PCPR currently do not require an applicant or registrant to submit information regarding species at risk, and that the PMRA is now proposing to amend the Regulations to strengthen the consideration of species at risk in its assessments by adding an explicit authority for the Minister of Health to require registrants and applicants to submit available information.

OFA supports efforts to protect species at risk. Producers across Ontario and Canada are employing measures like Integrated Pest Management, incentive programs and market-based instruments to support conservation efforts and measures to strengthen biodiversity. For example, Canadian farm associations, including the Canadian Federation of Agriculture of which OFA is a member, are advocating for policies that would preserve critical agricultural lands in the face of urbanization, address perverse incentives that undermine long-term conservation of critical habitats, and to better quantify the impact of agricultural production on biodiversity through tools like the National Index on Agri-food Performance.

NOI2023-01 outlines how species at risk are currently considered during the environmental risk assessment, highlighting the conservative nature of the risk assessment and mitigation measures that are applied when concerns for particular species at risk are identified. However, the Minister of Health already has the authority to require information on species at risk as part of the existing regulatory framework, and PMRA's environmental risk assessment includes considerations for species at risk.

As a result, the OFA recommends that PMRA focus its resources on improving collaboration with other regulatory partners, including Environment and Climate Change Canada and Agriculture and Agri-Food Canada, as well as supporting efforts to collect real-world data on the potential impacts of pesticides on species at risk, including providing guidance on the type of data that



would best inform certain elements of the risk assessment, where needed and appropriate. This approach is aligned with the Conservation Action Plan for Species at Risk within the Agriculture Landscape that was developed by the Agriculture Sector Core Planning Team for Species at Risk (AgSAR), of which the Canadian Federation of Agriculture has been an active participant.

The PMRA should also consider whether non-regulatory approaches, such as integrated pest management, adoption of best management practices and improved education and communications, can achieve the same objective and promote the most efficient implementation of measures to protect species at risk in Canada.

OFA supports a pesticide regulatory system that is science-based, efficient, and transparent while protecting human health and the environment. Farmers must have timely access to new pest management products to remain competitive, and continue to provide safe, and sustainable food to Canada and the world. OFA appreciates this opportunity to provide our feedback on Notice of Intent NOI2023-01 – Strengthening the regulation of pest control products in Canada.

Sincerely,

A handwritten signature in black ink, reading 'Peggy Brekveld', is positioned to the left of a vertical line that extends downwards from the signature area.

Peggy Brekveld
President

cc: The Honourable Lisa Thompson, Minister of Agriculture, Food, and Rural Affairs
Keith Currie, President, Canadian Federation of Agriculture
OFA Board of Directors