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NFU Submission to PMRA Consultation Proposed policy on continuous oversight of pesticides Regulatory Proposal PRO2024-01.

The National Farmers Union (NFU) is pleased to provide comments on the Pest Management Regulatory Agency's (PMRA) Proposed Policy on Continuous Oversight of Pesticides, PRO2024-01.ⁱ

The National Farmers Union (NFU) is a voluntary direct-membership, non-partisan, national farm organization made up of thousands of farm families from across Canada. Founded in 1969, the NFU advocates for policies that promote the dignity, prosperity and sustainable future of farmers, farm families and their communities.

NFU members are farmers who must manage pest problems on their farms in order to make a living. Our members include a full range of farm sizes, types, crops, livestock and production methods. The foundation of NFU public policy positions is our members' knowledge, experience, values and aspirations. As an organization of farmers, we are acutely aware of the impacts of pesticide use on our own health and that of our families, neighbours and customers. We are also deeply concerned about the effects of their use on our immediate agro-ecosystems, particularly on birds, wetlands, soil life, beneficial insects, and wildlife. We have a long view, with deep understanding that our actions today will affect future generations. We support scientific research that is guided by the public interest and recognize that science is a process of learning about our world. Our support of the precautionary principle is born of this understanding, as many of our members have used products initially deemed safe and later banned when further research found them to cause unacceptable harm. Our unwavering support of science and regulatory authority in the public interest is based on the understanding that it is through democratic government that citizens can counter the self-interest of powerful corporations.

As the legislation under the Pest Control Products Act (PCPA) stands, re-evaluation of pest control chemicals is to happen every 15 years since the last evaluation occurred (Section 16.2.a).ⁱⁱ These evaluations are completed to ensure that the level of risk is acceptable to environmental and human health. The Minister may also initiate a re-evaluation process at any time if information requirements or procedures used for evaluation of health or environmental risks have changed since the last decision (Section 16), or in the case of new studies that bring to light negative human or environmental risks

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beyond the acceptable definition of risk laid out in the Act. In addition, under Section 12 the Act also authorizes the Minister to require registrants to provide additional information for monitoring purposes as a condition of registration.

As stated in a previous submission to the PMRA on the subject of the targeted review of the PCPA,ⁱⁱⁱ the NFU affirms that the powers under the Act appear to be sufficient to authorize continuous oversight, but there are opportunities for it to be strengthened. The NFU is also supportive of the proposals outlined in "The Proposed Policy on Continuous Oversight of Pesticides" by the PMRA.^{iv} The NFU believes that the implementation of continuous oversight (CO) in the PMRA's evaluation process aligns with our values in regard to the precautionary principle, and at the same time supports the PCPA's mandate:

- "In the administration of this Act, the Minister's primary objective is to prevent unacceptable risks to individuals and the environment from the use of pest control products."^v and to
- "seek to minimize health and environmental risks posed by pest control products and encourage the development and implementation of innovative, sustainable pest management strategies by facilitating access to pest control products that pose lower risks and by other appropriate measures;"^{vi}

In the past, the NFU has submitted letters on glyphosate maximum residue limits, atrazine, flupyradifurone, as well as imidacloprid, clothianidin, and thiamethoxam individually, and neonicotinoids in general, regarding concerns about the effects of these chemicals on the environment, biodiversity, pollinators, and waterways.^{vii} Broad concerns of the NFU about the effects of these and other pest control chemicals, will be better addressed and monitored through the implementation of CO.

In its support of implementing CO, the NFU would like to ensure that CO is a complementary process that supports other review programs, including applications for registration, re-evaluation and special review. The PMRA has expressed concern that the amount of work required to complete all the 15-year evaluations is onerous. The capacity of the PMRA to do its work does not change the actual health and environmental risks of the pest control products. The 15-year re-evaluation should be retained as a minimum standard. If the work required to complete this is onerous, the Minister should take steps to make sure the PMRA has the resources it needs to complete these evaluations, in the public interest and to address environmental risks.

The NFU also advocates for transparency as to the collection and consideration of materials, particularly those deemed to be important for "retainment" in the triage process. Under Continuous Oversight, the triage process refers to the consideration of new information under CO, and compares it to existing PMRA conclusions to regularly assess whether appropriate changes to decisions must be made. The PMRA must make public the criteria for the retention of scientific information under its monitoring program. It is also important to ensure that plain-language summaries of the scientific evidence retained through the CO process are made available to the public to inform farmers of potentially significant risks to themselves, their workers, or the environment. These plain language summaries must be sufficiently detailed to allow the public to understand the implications of these decisions.



As part of the transparency advocated for by the NFU, we see it as crucial to disclose the source and funding of considered studies in the CO process to reduce bias and fair consideration of information. The NFU recommends that studies funded by the pesticide sector or affiliates be excluded from the CO process. The mandate of the PMRA is to regulate the pest control chemicals industry; utilizing science completed by the industry comprises the PMRA's mandate to protect the health of Canadians and their environment.

The NFU calls for continuous pesticide incident reporting and the expansion of pesticide water monitoring under the PMRA, which are included in this regulatory proposal. Measuring the cumulative effects of pest control chemicals is pertinent for both human and environmental health, and sustainable development. In pursuing sustainable development, we promote food sovereignty, which is a holistic approach that puts people, food and nature in the centre of the policy picture, by utilizing integrated pest management strategies that will be better informed through the implementation of the CO process by the PMRA

The NFU supports the PMRA's update to the existing approach to "verify the product chemistry information for individual sources of technical grade active ingredients to be separate from re-evaluation and more frequent." This would require manufacturers to complete their due diligence in the manufacturing and distribution of their materials.

Finally, the NFU raises some concerns related to the support of new applications to register or amend the registration of a pesticide. While utilizing CO in this process, the PMRA must ensure that review processes are not less stringent for "amendments" especially when applications are for categories such as "major new use" and "application rate increase".

Recommendations

- To ensure that continuous oversight is compulsory, the PCPA should be amended by changing Section 12(1) as follows:

The Minister ~~shall, by delivering a notice in writing,~~ require all registrants
(a) to compile information, conduct tests and monitor experience with the pest control product for the purpose of obtaining additional information with respect to its effects on human health and safety or the environment or with respect to its value; and
(b) to report the additional information to the Minister within the prescribed time and ~~in the form specified in the notice.~~

- Maintain the current requirements regarding 15-year re-evaluation requirement in the PCPA to ensure that every registered pesticide is reviewed at least once every 15 years.
- Transparency as to the collection and consideration of materials, particularly those deemed to be important for "retainment" in the triage process
- Under CO, the PMRA must ensure that summaries of "retained" and significant studies for the CO process are done in plain language, sufficiently detailed, and accessible to the public
- In compiling and retaining information for the purposes of CO, the PMRA must ensure that the source and funding of considered studies are made transparent, and that studies funded by pesticide sector or affiliates will be excluded



- With regard to issues related to the support of new applications to register or amend the registration of a pesticide: along with the use of CO, the PMRA must ensure that review processes are not less stringent for “amendments” than for categories such as “major new use” and “application rate increase.”
- That the Minister ensures that the PMRA has the capacity to do the work that is required of it by comprehensively, and continuously, assessing the risks that pest control chemicals pose to environmental and human health, in the interest of the public.

All of this respectfully submitted by
 The National Farmers Union
 February 2024

ⁱ Pest Management Regulatory Agency. “Regulatory Proposal PRO2024-01, Proposed Policy on Continuous Oversight of Pesticides.” Health Canada, January 3, 2024. <https://www.canada.ca/en/health-canada/services/consumer-product-safety/pesticides-pest-management/public/consultations/regulatory-proposals/2024/continuous-oversight-pesticides-policy/document.html>.

ⁱⁱ Pest Control Products Act, S.C. 2002, c. 28 (2002). <https://laws-lois.justice.gc.ca/eng/acts/p-9.01/>.

ⁱⁱⁱ “NFU Submission to Targeted Review of the Pest Control Products Act.” National Farmers Union, June 30, 2022. <https://www.nfu.ca/policy/nfu-submission-to-targeted-review-of-the-pest-control-products-act/>.

^{iv} Pest Management Regulatory Agency. “Regulatory Proposal PRO2024-01, Proposed Policy on Continuous Oversight of Pesticides.” Health Canada, January 3, 2024.

^v Pest Control Products Act, S.C. 2002, c. 28 (2002).

^{vi} Ibid.

^{vii} “Submission to PMRA on Glyphosate Proposed Maximum Residue Limit” (National Farmers Union, July 15, 2021), <https://www.nfu.ca/policy/submission-to-pmra-on-glyphosate-proposed-maximum-residue-limit/>; “Special Reviews of Clothianidin and Thiamethoxam Risk to Aquatic Invertebrates: NFU Submission to the Pesticide Management Regulatory Agency,” November 13, 2018, <https://www.nfu.ca/policy/special-reviews-of-clothianidin-and-thiamethoxam-risk-to-aquatic-invertebrates/>; “NFU Comments on Special Review of Atrazine” (National Farmers Union, February 12, 2016), <https://www.nfu.ca/policy/nfu-comments-on-special-review-of-atrazine/>; “NFU Submission on Flupyradifurone” (National Farmers Union, November 3, 2014), <https://www.nfu.ca/policy/nfu-submission-on-flupyradifurone/>; “NFU Submission – Action to Protect Bees from Exposure to Neonicotinoid Pesticides” (National Farmers Union, December 10, 2013), <https://www.nfu.ca/policy/nfu-submission-action-to-protect-bees-from-exposure-to-neonicotinoid-pesticides/>.

