June 2022

Review of federal pesticide law must centre on protecting human health and the environment

Environmental, health, farm worker and food safety groups call on the Government of Canada to reorient its review of the *Pest Control Products Act* to centre on reducing exposure to harmful pesticides.

In August 2022, the Government of Canada announced a targeted review of the Pest Control Products Act. The minister of health has a mandate to modernize and strengthen the PCPA "to ensure Canadians are protected from risks associated with the use of pesticides and to better protect human health, wildlife and the environment." However, **Health Canada's discussion paper on the targeted review lacks concrete proposals to achieve these objectives.**

A recent study of pesticide use trends in Canada found the area of agricultural land treated with insecticides, fungicides and herbicides has dramatically increased over recent decades.[1] Over-reliance on pesticides continues to be associated with significant environmental concerns, including biodiversity loss, reduced water quality, and greenhouse gas emissions. The authors of the study concluded that, "System-level shifts and solutions are urgently needed to change the trajectory for agricultural pesticide and fertilizer use in Canada to move toward more sustainable production practices."

To support this shift, the PCPA and its implementation should be strengthened to better achieve the primary objective of the act: preventing unacceptable risks to individuals and the environment from the use of pesticides. We call on the Government of Canada — and all parliamentarians — to reject any proposed amendments to the PCPA that would be inconsistent with this objective.

> *"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."* - PCPA sec. 4(1)

[1] https://www.frontiersin.org/articles/10.3389/fenvs.2020.556452/full

Priorities for the targeted review should include amendments to:

1. Require the ministers of agriculture, health and environment to develop a **plan to reduce pesticide use and risk** by 50 percent by 2030, to align federal pesticide regulation with Canada's commitment to halt and reverse nature loss.

   The European Union's 2020 Biodiversity Strategy includes proposals for legally-binding targets to reduce pesticide use and risk by 50 per cent by 2030, as well as a ban on the use of pesticides in protected areas and other ecologically sensitive areas. As stated by the European Commission, "[The] proposal to reduce the use of chemical pesticides translates our commitment to halt biodiversity loss in Europe into action."[2] Canada must match this commitment and establish a legislative framework for achieving pesticide use reduction targets.

   Many pesticides and herbicides are derived from oil, coal and gas and, as such, are linked to fossil fuel consumption and the climate crisis, as well.[3] Climate change alters the distribution of pests and may promote pesticide resistance.[4] Reducing fossil fuel consumption associated with pesticide use can help limit the effects of climate change.

2. Expand requirements for assessing risks to **vulnerable populations**.

   Health Canada defines vulnerable populations as "a group of individuals within the general Canadian population who, due to either greater susceptibility and/or greater exposure, may be at greater risk than the general population of experiencing adverse health effects from exposure to chemicals." This definition should be incorporated in the act, along with requirements to assess risks to vulnerable populations, including vulnerable workers and Indigenous communities harvesting traditional foods.

3. Require assessment of **cumulative risks** to the environment, as well as human health, and assessment of pesticide formulants and mixtures, not only active ingredients.

   Currently the PCPA requires assessment of cumulative effects of pest control products that have a common mechanism of toxicity, in relation to health risks, although few cumulative risk assessments have been completed. A parallel requirement is needed in relation to ecological risks. For example, the cumulative effects on ecosystems from the use of multiple neonicotinoid insecticides — and indeed total insecticide exposure — should be assessed. In addition, a broader ecological perspective is needed to assess cumulative effects, not limited to consideration of active ingredients with a common mechanism of toxicity.

---

[2] https://ec.europa.eu/commission/presscorner/detail/en/ip_22_3746
[3] https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7239621/pdf/main.pdf
[4] https://www.nature.com/articles/s41467-021-25505-7

Furthermore, the entire pest control product (including formulants and contaminants) should be assessed, not just the active ingredients. Some of these ingredients can in themselves be more harmful than the active ingredient, and/or render the entire product more harmful than the active ingredient alone.

4. Explicitly require assessment of risks to **species at risk** and their habitats and more protective risk-acceptability thresholds, and ban use of pesticides in protected areas.

   Pesticides are a factor in the decline of biodiversity. For example, the endangered monarch butterfly larvae relies on milkweed as its sole food source, and the widespread use of glyphosate has eradicated milkweed from much of the landscape along the monarch's migration corridor. The PCPA should include stronger protections for endangered and threatened species to align with the Species at Risk Act. Pesticide regulation should support the objective of preventing species from becoming extinct, providing for the recovery of endangered or threatened species, and prevent other species from becoming at risk.

5. Require comparative assessments, with the goal of **safer substitution**, for active ingredients that are potentially persistent, bioaccumulative, acutely toxic, carcinogenic, mutagenic, or endocrine disrupting.

   Canada should match European Union requirements for comparative assessments to support a shift away from active ingredients that demonstrate characteristics of particular concern to human health and/or the environment. The EU maintains a list of "Candidates for Substitution" — currently 77 active ingredients are listed — and requires comparative assessments of products containing these ingredients to determine whether more sustainable alternatives are available, including non-chemical methods. Also, approval periods for Candidates for Substitutions are limited to a maximum of 7 years.

6. Prohibit registration of **cosmetic (lawn and garden) pesticides**, except for minimum risk products.

   The use of pesticides for cosmetic purposes poses unnecessary risks to human health and the environment. Several provinces and dozens of municipalities restrict the use of lawn and garden pesticides. Federal action would reinforce local action, facilitate enforcement and raise the bar across the country.

7. Limit ministerial discretion for any streamlined process designed to facilitate access to **minimum risk pesticides**, and provide for public consultation and public initiation of reviews.

   The Pest Management Regulatory Agency has proposed a new authorization pathway for approving "lower risk" pesticides that would bypass some of the post-market review mechanisms under the act. It will be essential to set out <u>in the statute</u> narrow and strict

criteria for eligible products — and/or a specified list of minimum risk ingredients — to limit access to this pathway to products that are truly minimum risk. Leaving this to regulation, as PMRA proposes, amounts to a blank cheque that could open up a dangerous loophole. As well, public consultation requirements and the special review mechanisms in the act, which currently apply only to registration decisions, should be extended to the authorization pathway.

8. Regulate **treated seeds** under the PCPA.

Systemic pesticides, like neonicotinoids, are commonly applied as a seed coating. The plant then incorporates the pesticide as it grows. Yet treated seeds are not recognized as pesticide control products under the PCPA. Treated seeds should be regulated under the PCPA, including requirements for reporting sales data.[5]

9. Make **MRLs** a condition of registration

Canada must continue to make its own decisions about MRLs rather than blindly incorporating by reference CODEX recommendations. Canadian MRLs should be at least as protective as international standards. Canada's decisions on MRLs should be integrated with registration and post-market review processes, as well as any new examinations of risk assessment consistent with the principle of "continuous oversight".

With respect to MRLs for imported food not grown in Canada and/or treated with pesticides not registered in Canada, the PCPA should establish a transparent, science-based "petition" approach that requires a full health risk assessment or recourse to the default domestic MRL. Risk assessments should be expanded to include consideration of global environmental and health risks.

10. Establish in the act national systems for reporting **pesticide use and environmental monitoring**.

Funding announced in August 2021 enabled the PMRA to initiate collection of new water monitoring and agricultural use data but this funding will sunset in 2024. The PCPA should be amended to establish permanent pesticide use and environmental monitoring systems. These data are essential for validating risk assessments under the act. In addition, new systems are needed to monitor pesticides in ambient air, food, drinking water, house dust and other relevant routes of exposure. Biomonitoring should be expanded to measure a broader suite of pesticides in humans and non-human species.

---

[5] https://www.science.org/doi/10.1126/science.aaw9419

11. Recognize the human **right to a healthy environment**.

> *Bill S-5, which was approved by the Senate in June 2022, proposes to recognize the right to a healthy environment within the scope of the Canadian Environmental Protection Act. While improvements are needed, this will have implications for the assessment and regulation of toxic substances under CEPA. We recommend a parallel amendment to the PCPA to integrate a human rights approach in pesticide assessment and regulation, as well.*

These amendments to strengthen the *Pest Control Products Act* will need to be bolstered by complementary measures and resources to support pesticide use reduction, reduce delays in decision-making, increase use of independent data and science, and improve transparency. In particular, it will be important to support farmers during a transition period. This could include support for implementing integrated pest management (IPM) principles, R&D towards the development of alternatives (including non-chemical approaches and new technologies), expanded access to organic-approved alternatives and compensation.

Contacts

- Cassie Barker, Environmental Defence, cbarker@environmentaldefence.ca 416-323-9521, ext. 292
- Laura Bowman, Ecojustice lbowman@ecojustice.ca 416-368-7533, ext. 522
- Ted Cheskey, Nature Canada, tcheskey@naturecanada.ca 613 562 3447
- Charlotte Dawe, Wilderness Committee, Charlotte@wildernesscommittee.org 778-903-3992
- Lisa Gue, David Suzuki Foundation lgue@davidsuzuki.org 613-914-0747
- Jane McArthur, Canadian Association of Physicians for the Environment (CAPE), jane@cape.ca
- Theresa McClenaghan, Canadian Environmental Law Association, theresa@cela.ca
- Mary Lou McDonald, Safe Food Matters Inc., safefoodmatters@gmail.com
- Silke Nebel, Birds Canada, snebel@birdscanada.org
- Beatrice Olivastri, Friends of the Earth, beatrice@foecanada.org 613-724-8690
- Chris Ramsaroop, Justicia for Migrant Workers, j4mw.on@gmail.com 647-834-4932
- Meg Sears, Prevent Cancer Now, meg@preventcancernow.ca 613 297-6042