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

Regulatory Affairs and Applied Analysis Section
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To whom it may concern:

Re: NOI2023-01 *Consultation on strengthening the regulation of pest control products in Canada*

Thank you for the opportunity to comment on the Notice of Intent 2023-01. These comments are submitted on behalf of Ecojustice Canada, Safe Food Matters, Prevent Cancer Now, the David Suzuki Foundation, Friends of the Earth, Birds Canada, the Canadian Association of Physicians for the Environment, Environmental Defence and Pesticide Free Edmonton. These organizations are described in Appendix A.

Summary

We welcome the government's interest in strengthening the regulation of pest control products in Canada. We recognize that this Notice of Intent (**NOI**) attempts to address some of the concerns our groups raised during consultations on the targeted review of the *Pest Control Products Act* (**PCPA**) and agree that progress can be made by strengthening the PCPA regulations, as well as by improving implementation of the Act. However, as described in the NOI, the proposed amendments to the regulation will fall well short of the change needed to achieve an appropriate level of transparency, more robust food residue and environmental risk assessment, and Canada's commitments under the Global Biodiversity Framework. **Unfortunately, some of the proposed amendments could actually weaken existing requirements in the Act to assess environmental risks including cumulative risks and species at risk.** We do not believe this is

the intention of the Government of Canada. This submission discusses the significant changes needed to ensure that the proposed regulatory amendments are effective and meaningful.

Background

In June 2022 a coalition of 12 worker, health and environmental organizations responded to the Pest Management Regulatory Agency's (**PMRA**) transformation Discussion Paper with the Joint Statement on Pesticides (enclosed). This document recommended strengthening Canada's pest control products regime to:

1. Reduce pesticide use and risk by 50% by 2030;
2. Expand requirements for assessing risks to vulnerable populations;
3. Require assessment of cumulative risks to environment and human health including pesticide formulants and mixtures;
4. Require assessment of risks to species at risk and their habitats with more protective risk acceptability thresholds;
5. Require comparative assessments with safer substitution;
6. Prohibit "cosmetic" use of pesticides; and
7. Limit streamlining for minimum-risk pesticides;
8. Regulate pesticide-treated seeds under the PCPA;
9. Make maximum residue limits for pesticides in food commodities a condition of registration;
10. Establish national monitoring systems for pesticide use and environmental monitoring; and
11. Recognize the human right to a healthy environment.

Individual organizations in this coalition also submitted detailed recommendations outlining the ways in which processes and policies at the PMRA need to be improved.

The proposal in NOI2023-01 is responsive to recommendations 3 and 4 in the joint statement. Other initiatives of the Government of Canada such as banning cosmetic use of pesticides on federal lands are responsive to recommendation 6. We recognize and thank Health Canada for moving forward with a consultation process on three of our 11 recommendations in this document and we look forward to other initiatives directed at addressing the other recommendations.

We are disappointed that this initiative does not address Canada's commitments to reduce overall pesticide use and risk by half by 2030, especially given the new international commitment in Target 7 of the Global Biodiversity Framework (recommendation 1). The proposal to increase transparency for maximum residue limits (**MRL**) applications fails to address the larger concerns we have raised about the MRL regime (recommendation 9).

Overview

The NOI has four broad parts: changes to cumulative environmental risk assessments and species at risk assessments, changes to access to confidential test data, and proposed notifications for MRLs. We support the proposed amendments to confidential test data access, although we feel they could be significantly improved. We also support the intent of the amendments concerning species at risk and cumulative environmental risk, but the proposed amendments as described in the NOI would not meet this intent and significant improvements are needed. We feel the proposed notifications for MRLs – though unobjectionable in themselves – miss the mark.

Part 1 – Cumulative Environmental Risk

The NOI proposes to amend the *Pest Control Products Regulations* (**PCPR**) to require the Minister to consider the cumulative effects on the environment of pesticides that have a common mechanism of toxicity, where information and methodology are available. Additionally, the 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. In cases where the information and methodology are available, regulatory decisions would be informed by an evaluation of cumulative environmental effects, thereby improving the protection of the health and environment of Canadians.

Unlike health risk there are differences in the appropriate formulation of a cumulative ecological risk assessment:

- Ecological systems are not as well understood biologically as are human health systems, either at the population or at the individual level;
- Biological communities and ecosystems are inherently more complex, so ecological risk assessment requires more preliminary analysis and deliberation regarding endpoints and protective standards. For example, ecological processes are disrupted by the depletion or removal of unrelated species as a result of pesticide use;
- Ecosystems, habitats, and ecological communities have traits and properties that individuals do not or that are not applicable to individuals or populations;
- Ecological risk assessment has been generally applied to diverse populations, whereas the reverse is true for human health risk assessments; and
- Ecological risk assessment should assess risk at multiple levels of organization, that is, the molecule, cell, organism, population, community, and ecosystem.

The proposed regulatory changes must reinforce and not in any way limit/circumscribe the Minister's legal obligations in the Act to ensure that there is reasonable certainty that no harm will occur to the environment from using a pest control product. Implicitly this includes cumulative risk from the use of the product and other products.

Section 7(3)(a) of the Act provides that the Minister **shall** conduct **any** evaluations that the Minister considers necessary with respect to the health **or environmental risks** or the value of the pest control product." This already provides the Minister with discretion to conduct any evaluation of environmental risk that the Minister considers necessary – including cumulative

risk – and includes a requirement to conduct an assessment of the cumulative risk to health and the environment. We support **clarifying the Regulations to make it clear that this is the case so long as the mandatory nature of this assessment is maintained. However, other aspects of the NOI proposal for cumulative risk assessment are deeply problematic and need to be changed.**

As currently framed, there are significant limitations to the scope of the proposed cumulative environmental risk provision. These include:

1. The requirement that a common mechanism of toxicity be known.
2. The absence of a requirement to assess the effects of formulants and impurities and non-pesticide exposures.
3. Lack of recognition of the potential for co-exposures and multiple stressors as the most important considerations for species and ecosystems, as well as indirect effects (suppression or exacerbation) on pests affecting crops.
4. The failure to expressly include ecological effects related to cumulative harm to habitat, food availability and other ecological features (soil, water, atmosphere, etc.) on which life processes for species depend directly or indirectly.
5. The requirement that "methodologies" and "information" must be "available".

These limitations must be removed from the proposed Regulations or remedied as appropriate.

Harmonization with CEPA

As a starting point, we note that in the recent amendments to the *Canadian Environmental Protection Act* (**CEPA**) require the Minister to consider "cumulative effects on …the environment that may result from exposure to the substance in combination with exposure to other substances." There is no requirement that a common mechanism of toxicity should be known or identified. Similarly, in CEPA there is no limitation that provides that this is required only where methodologies happen to be available. No justification has been provided why cumulative environmental risk assessment should be more limited under the PCPA than it is under CEPA. Under CEPA the Minister also has the power to collect or generate data and conduct investigations into whether exposure to the substance in combination with other substances has the potential to cause cumulative effects. The proposal in the NOI is limited to giving the Minister a power to request information on cumulative effects from registrants and does not include the power to collect or generate data or conduct investigations. Information requirements need to be clear and broad in scope as they are under CEPA.

Common mechanism of toxicity is not an appropriate limitation on cumulative environmental risk assessment

The *Pest Control Products Act* already requires an environmental risk assessment be conducted. The obligation for the Minister under subsection 2(2) of the Act requires that the Minister find that there be reasonable certainty that no harm will occur to the environment before a pesticide can be registered, renewed, amended or confirmed in a re-evaluation or special review. "Environment" and "environmental risk" are defined broadly in section 2(1) of the Act:
environment means the components of the Earth and includes (a) air, land and water; (b) all

layers of the atmosphere; (c) all organic and inorganic matter and living organisms; and (d) the interacting natural systems that include components referred to in paragraphs (a) to (c). *Environmental risk*, in respect of a pest control product, means the possibility of harm to the environment, including its biological diversity, resulting from exposure to or use of the product, taking into account its conditions or proposed conditions of registration. The ecosystem is defined as a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit. These requirements are not limited to direct toxicological harm or specific mechanisms of harm to specific organisms or representative species – but rather to the environment and the ecosystem as a whole.

The use of "common mechanism of toxicity" as the threshold for cumulative environmental risk assessment would fundamentally ignore the broad scope of the definition of "environment" in the Act, which is inclusive of ecological processes, biodiversity and environmental features such as the atmosphere, air and water. Environmental harm in the PCPA is not limited to direct toxic harm to a species, but is intended to be a holistic consideration of "harm to the environment" including "interacting natural systems". In many cases, whether there is a common mechanism of toxicity is of minimal relevance to the cumulative environmental risk posed by multiple pesticides. The concept of multiple stressors – whether or not they are related to common mechanisms – needs to be clearly incorporated.

The use of "common mechanism of toxicity" is an inappropriate limitation for environmental risk assessment for multiple pesticides across a range of biota. It would constrain assessment of cumulative risks to the environment in a way that is inconsistent with the above provisions of the PCPA which require non-toxic risks to be assessed including indirect ecosystem-based risks and changes to water quality and the atmosphere. Currently, the PMRA does not address these requirements in environmental risk assessment even though this is a requirement of the Act. The Regulations should not reinforce existing non-compliance with the required scope of environmental risk assessment.

For example, if multiple insecticides eliminate or reduce abundance of prey species for aerial insectivorous birds this is not captured by the limitation "common mechanism of toxicity" since the pesticide may not be directly toxic to birds (or even insect prey) by any mechanism common with another pesticide. This adverse effect is nevertheless part of environmental risk in the Act which assessments do not currently consider. To give another example, if multiple pesticides have ozone-depleting or greenhouse gas-emitting properties – i.e. harm to the atmosphere – which is included in the definition of "environment" in the Act – this is also not considered in current assessment protocols and would not be captured by the limitation of a "common mechanism of toxicity" but, in our view, this is also required under the PCPA. Similarly, if multiple pesticides cause phosphorus pollution (as many pesticides do) which reduces oxygen levels causing aquatic ecological system-wide harm, this is not captured by the concept of a common mechanism of toxicity either. Finally, if pesticides dry out forests causing forest fires or eliminating vegetation needed for endangered species, the threshold requirement of a common mechanism of toxicity would prevent this from being considered. **Ultimately, cumulative risk assessments cannot be limited to toxicological issues where there is a known common mechanism of toxicity. Any such limitation needs to be removed for this to be consistent with the existing provisions of the Act defining environmental harm beyond direct toxicological harm. A credible improvement to cumulative environmental risk assessment must go beyond situations where a common mechanism of toxicity has been identified, and**

include multiple stressors on unrelated species in diverse ecosystems and address physical, biological and ecological relationships.

Crucially, in many cases the *mechanism* of toxicity to non-target biota is unknown. Given current testing of pesticides, only the levels at which lethal or sublethal effects to a representative species are typically known. In other words, we may know what levels are harmful from testing but we do not know why or by what specific mechanism. It is unclear how information on mechanisms of toxicity would be obtained for enough species or even representative species for multiple pesticides for it to be useful in a cumulative environmental risk assessment. **If this requirement is maintained it will most likely mean that these assessments are rarely conducted.** The narrow focus on the direct toxicity of a product, and on identifying the specific mechanism for specific biota in this requirement is simply not appropriate. That said, where a common mechanism on non-target species is known (for example for a resistance grouping of herbicides) it should be part of a cumulative environmental risk assessment. Often however, it will be more relevant to identify multiple ecosystem stressors – regardless of mechanism – as is discussed below.

Additive and synergistic effects of exposures to multiple pesticides, not limited to common mechanism of toxicity groupings or active ingredients alone must be acknowledged and understood to be part of cumulative environmental effects

To the extent that toxicity is considered in assessing cumulative environmental risk, additive and synergistic effects must be included and clearly established as part of the understanding of the term "cumulative effects" which include but are not limited to these effects. Additive and synergistic effects are highly relevant to environmental risk. In many cases, this information is included in patent applications and in published literature which are not currently considered by the PMRA. The additive and synergistic effects of other non-pesticide exposures also need to be included. Further, it must be clear that the analysis is not limited to the parent ingredient but to transformation products and metabolites of the parent and other formulants and impurities. Impurities, formulants and metabolites/transformation products can be more toxic than the parent, and can be common to many pest control products. It must be clear that the PMRA will include consideration of, and actively request information on additive, synergistic and effects from formulants, impurities, metabolites and transformation products, and other co-exposures to toxic chemicals and for the Minister to require this information to be provided, and to require the Minister to model co-exposures. This requirement needs to be applied to both health and environmental risk, including for tank mixtures that are permitted.

Co-exposures must be recognized as an important trigger for cumulative assessment

Environment Canada has previously noted that the potential for co-occurrence of a substance in one or more environmental media is key to determining when a cumulative risk assessment is required. Nothing in the proposed NOI indicates that Health Canada recognizes the potential for a co-exposure as a trigger for cumulative risk assessment or a key consideration in the scoping of a cumulative risk assessment. Cumulative risks to the environment may occur whenever there are co-exposures – regardless of the mechanisms of toxicity or the precise environmental harms a pesticide may cause. For example, two otherwise different pesticides may degrade into the same highly toxic substance in the same environment or contain the same impurities or potentially toxic formulants.

Sources of information that can indicate potential for co-occurrence may include:

- relevant sources and potential releases of the substances;
- fate and distribution in the environment (including persistence and potential for bioaccumulation);
- physico-chemical properties of the substances that may influence their behaviour and solubility in the environment;
- exposure modelling; and
- measured environmental concentrations or monitoring data.

The information available on any or all of these aspects suggesting a potential for co-occurrence may indicate that it would be appropriate to consider cumulative risk. There must be a clear requirement for the Minister to obtain this information before registering, renewing, or confirming registration through a post-market review. If sufficient information cannot be obtained, there must be a clear policy or approach that is transparent – such as not registering the product or using an uncertainty factor to address missing information on cumulative environmental risk. This policy should be prescribed under section 2 of the Act.

"Non-toxic" or "not adverse" effects and multiple stressors must be included

The Regulations should be clear that the PMRA must take a multiple stressor approach to assessing cumulative environmental risk. As explained above under common mechanisms of toxicity, there is a need to include non-toxic effects to properly capture environmental risk. For example, an insecticide may pose a risk to monarch butterflies because it is directly toxic to them and is sprayed on blooming vegetation. Another herbicide may pose an additional risk to monarchs because it eliminates milkweed. A further pesticide may change the microbiome of monarch butterflies – i.e. changing ecological relationships – resulting in sublethal effects. The cumulative effect of co-exposure to monarchs and their habitat to all three pesticides needs to be modelled to understand environmental risk. Currently, the PMRA only assesses the direct toxicological environmental risk to a representative pollinator species (for example a honey bee) which gives an inaccurate and misleading picture of the overall environmental harm caused by multiple pesticides – only some of which may be directly toxic to the species of concern. Cumulative risk assessment must also address the accumulation of risk over time and work towards understanding the sequence and timing of exposures in relation to critical windows of biotic lifecycles. **The Regulations must expressly include non-toxic effects related to multiple stressors on ecological systems and their features.**

Information required to understand co-exposures

To understand the potential for harmful co-exposures, certain types of information are important to have. First, the use pattern of the pesticides – are they used on the same crops? Second, detailed use and high-quality monitoring information is needed to understand whether the pesticides are all used in the same regions and the proximity of key habitats. Third, information is needed about the species of concern – where is their important habitat located, where do they migrate? Finally, information about potential sublethal, indirect, habitat, food sources including prey and environmental media and ecological systems effects are key. The fate properties of the pesticides (for example how mobile they are in air, water and soil) are also key information to

identifying co-exposures. It is important that this is not simply a question of "information" provided by registrants but also a question of the need for a clear obligation for the Minister to generate models of co-exposures and multiple stressors and validate them.

The loophole limiting consideration of cumulative effects on the environment to scenarios where methodologies are available should be removed

The NOI proposes to include a limitation that cumulative risk would only be required to be assessed "in cases where the information and methodology are "available". The NOI goes on to claim that there are no known methodologies for conducting cumulative environmental risk assessment, a statement that is not accurate. **This limitation is unacceptable**. In consultations on the NOI, the PMRA indicated that it would be a struggle to develop methodologies. It is clear that any proviso about available information and methodologies would be a major loophole in this regulation that would likely render it ineffective. Our experience with cumulative health risk – which is clearly required under the PCPA – is instructive. Although an assessment of cumulative health risk has been required since 2007 it took the PMRA until 2018 to develop a document that it calls a "methodology" even though other regulators such as the US EPA were conducting cumulative risk assessments in the 2000s, and the methods the PMRA "developed" were ultimately not different from those methods.

The PMRA must immediately develop methods – even if those methods need to evolve over time – and should not be permitted to drag its feet and use a lack of methods as an excuse to fail to implement this requirement – as it has done with cumulative health risk assessment. The US EPA does already have guidelines for cumulative risk assessment that address environmental risk, and published research has also modelled diverse cumulative environmental risks including the environmental risks of steamship pollution[1] and the development of frameworks for assessing toxic mixtures.[2] The European Food Safety Authority (**EFSA**) has also published *Guidance on harmonised methodologies for human, health, animal health and ecological risk assessment of combined exposure to multiple chemicals* (March 2019).[3] This document notes that the EFSA and the EPA have developed cumulative ecological risk frameworks since the early 2000s and that this includes practical details of specific methods and how to apply them, which have been available since 2013. This uses dose addition as the default model to predict combined toxicities in the environment and applies uncertainty factors to address data gaps. Chemicals are grouped into assessment groups based on exposure to environmental media, physicochemical similarities or biological or toxicological effects. It is simply untrue for the PMRA to claim, as it does in the NOI, that there are no known methodologies for conducting these assessments.

The loophole requiring "available information" should be removed

In other jurisdictions such as the United States, regulators such as the EPA consider patent information which may identify additive or synergistic effects between pesticides. Cumulative risk information is likely available from other regulators. In many cases, to the best of our

[1] https://www.sciencedirect.com/science/article/pii/S0025326X23002369?via%3Dihub

[2] https://pubs.acs.org/doi/pdf/10.1021/es2034125?src=getftr and https://www.researchgate.net/publication/237200454_Cumulative_Risk_Assessment_Toolbox_Methods_and_Approaches_for_the_Practitioner

[3] https://www.efsa.europa.eu/en/efsajournal/pub/5634

knowledge, the PMRA fails to request data from other regulators, request data from published research or to conduct comprehensive or systematic literature searches of published research. The Minister also needs explicit authority to ensure that the Minister can consider information on other products that may have cumulative effects. The Regulations must ensure that "available information" is defined to include any information available upon request or with reasonable diligence including but not limited to: patent information, information from other federal and provincial departments, published literature, data available from researchers on request, information submitted by any other registrant pertaining to any other pest control product, and any other information that is available from other OECD regulators.

The NOI also proposes a new regulatory power for the Minister to request information on cumulative risk from registrants. This power is already contained in the Act in sections 7(4), 12, 18 and 19. For example, section 7(4) permits the Minister, by delivering a notice in writing, to require the registrant to provide the Minister with "other information in support of the application within the time and in the form specified in the notice" when considering any registration decision. While we do not object to confirming this power in the Regulations, more is needed to ensure that information is sufficient for cumulative assessment and the provision of this information must be made mandatory. Specifically, the proposed Regulations must amend section 8 of the *Pest Control Products Regulations* to expressly require the submission of data on cumulative environmental risks from the use of the product in an environment that contains other pollutants. Section 6(g)(iii) of the *Pest Control Products Regulations* should also be amended to read: "any other pest control product, any characteristics that are relevant to its health or environmental risks or value, including characteristics related to cumulative health or environmental or health effects or species at risk."

Finally, models need to be proactively generated to improve understanding of cumulative risk. This situation is recognized in CEPA which addresses a Ministerial power to conduct investigations and research. For the intent of the NOI to be met the Regulations must include an express obligation on the Minister to conduct investigations and research and to prepare modelling on the uses of and exposures to combinations of pest control products.

The Regulations should also require the PMRA to employ an uncertainty factor of at least ten for each uncertainty to address any potential adverse impacts from cumulative risks or species at risk whenever the PMRA determines that it does not have sufficient data or methodologies to conduct a risk assessment. The factor of ten should be applied to each uncertainty.

Part 2 – Species at Risk

The NOI acknowledges that the current PCPA defines "environment" to include protecting species at risk. It confirms that pesticide users are required to respect the provisions of other legislation such as the *Species at Risk Act* and the *Fisheries Act.*

The NOI acknowledges that the *Pest Control Products Act* already provides the Minister with full authority to require an applicant or registrant to submit information required to conduct a risk assessment, including for species at risk.

We are encouraged that the intention of this NOI is to strengthen consideration of species at risk in pesticide risk assessments. However, we do not see what purpose duplicating the Minister's authority to request information in the *Pest Control Products Regulations* serves given that it is

already in the Act. What is lacking is not the authority to require information on species at risk, but rather a mandatory requirement for applicants and registrants to submit this information, as well as assurance that the minister will take into account multiple stressors on species at risk, including non-toxicological risks, and apply more protective risk thresholds that reflect the peril of these species.

If the authority to request this information is made discretionary in the Regulations, it would be inconsistent with the Act. The Minister must have reasonable certainty that no harm will occur to the environment before a pesticide can be registered or registration can be renewed or confirmed. The consideration of species at risk is not discretionary. There is no authority in the Act to pass a regulation that would make it discretionary. Unfortunately, the PMRA is currently not complying with the requirement to conduct these assessments. Reasons include a failure to request relevant information and a failure to model the various multiple stressors on species at risk, or include them specifically in assessments (as opposed to another representative species). Strengthening is needed to ensure that the PMRA accepts that it has a responsibility to conduct species at risk assessments.

Cumulative environmental risk assessments addressing co-exposures and multiple stressors are particularly imperative for species at risk. Similar to the amendments needed for cumulative assessments, the Regulations must be clear that the registrant is required to submit information on the potential harm (including cumulative harm) to species at risk, including ecological and biophysical changes that could harm species at risk. This needs to be included in sections 6 and 8 of the Regulations. Further, the Minister needs to be required to consider available information on species at risk including cumulative risks to species at risk and available information from other OECD regulators, information on non-toxicological stressors from pest control products, information from other federal and provincial departments and published research. Finally, the Minister needs to be required to conduct modelling of the impacts of multiple pesticides on species at risk. International approaches such as assessing the impacts of pesticide groupings need to be considered. The Minister must also collect species habitat, distribution and pest control product use and monitoring information relevant to the species at risk assessment. If this information is not available the Minister should be required to use an uncertainty factor of at least ten.

We disagree with the claims in the NOI that species at risk assessments are currently conducted and are conservative. Current assessments do not include many key factors for understanding harm to species at risk including biophysical and non-toxicological harm, harm to prey availability and habitat and cumulative risks. The PMRA does not acknowledge that the relevant "no harm" standard must include these factors and that the use of a pest control product must be compatible with species survival and recovery in order to be subject to a finding of "reasonable certainty that no harm will occur to the environment." Biodiversity is a key element of the environment and is an aspect of the environment recognized in the Act. Currently, published PMRA risk assessments do not address biodiversity or the recovery of sensitive species. Species at risk are *at risk* and cannot be treated like other species when determining potential environmental risks.

The NOI also incorrectly states that the PMRA assesses the most sensitive species. Standard representative species assessments are required by the PMRA and these may not be the most sensitive species for a particular pesticide or group or mixture of pesticide exposures. As noted

above to identify the most sensitive species, information about mechanisms of action are required which may not be known. The toxicity data-sets used to derive species sensitivity distributions generally do not contain information on all taxonomic groups and information on heterotrophic microorganisms, which are known to play key roles in many ecosystems. The PMRA's species sensitivity distribution models are also not well-validated against field or mesocosm data. Further, the PMRA uses a species sensitivity distribution that only protects 95% of species from direct toxicological harm. This means 5% of species – which may well include species at risk – are not protected. The PMRA has also routinely dismissed sublethal harm to species or population-level effects claiming that species will eventually recover – without regard to whether those species are at risk. The PMRA routinely ignores environmental models predicting toxicological harm to entire taxonomic groups and fails to require adequate mitigation conditions and does not require that monitoring data is obtained to validate the models.

Furthermore, following assessments, there is a lack of transparency, monitoring, and follow-up to ensure that mitigation measures for environmental protection are effective, clear, enforceable, and complied-with. The PMRA uses vague unenforceable mitigation measures to protect species where toxicological levels of concern are exceeded for the representative species, with no follow-up or validation of these measures for either the representative species or other species in the taxonomic group. This gap is especially stark when some of those species are already in decline and facing multiple stressors.

This can be traced to the lack of a published transparent policy – prescribed under section 2 of the Act – describing in detail how the PMRA will conduct environmental risk assessments and ensuring that appropriate modeling is used and that adequate monitoring information is obtained. In addition to improving the Regulation, the PMRA needs to publish and consult on a full policy for environmental risk assessment methods including for species at risk.

Recommendations on cumulative environmental risk and species at risk

To summarize, the necessary elements of a regulatory amendment are as follows:

- The requirement to assess cumulative environmental risk must be mandatory as it is in CEPA;
- There must be no limitation that a common mechanism of toxicity is identified;
- Synergistic and additive effects must be expressly acknowledged to be included in the understanding of cumulative effects and required to be assessed where they are known, including for formulants, impurities and transformation products/metabolites, and tank mixtures. Moreover, knowledge of a specific common mechanism, synergistic or additive effect should not be a precondition to cumulative risk assessment.
- In addition to improvements to the regulation, there must be a consultation on a clear transparent policy providing for consideration of potential co-exposures to multiple contaminants in the environment, and the potential for multiple stressors including but not exclusively those related to contaminants, are the most important consideration for scoping cumulative risk assessment – not limited to common mechanisms or specific toxic effects.
- The Regulations must specify that an assessment of cumulative risk to the "environment" is what is being required – including all of its features – not limited to cumulative toxicity

to an individual representative species, but including multiple stressors including to habitat, food and other ecological systems or biophysical features that species depend on directly or indirectly for carrying out their life processes. Ecological systems must be understood to include soil biodiversity and ecosystems, and potential adverse effects to terrestrial plants from disruption of those systems.

- The Regulations must contain clear data requirements and obligations for both the Minister and the registrant to obtain information on cumulative risk and to perform a scientifically-based analysis of cumulative risk through modelling, research, monitoring, and mandatory data submission requirements.
- There must be a clear power for the Minister to consider information submitted by other registrants about other pest control products as well as a clear definition of "available information" that includes readily available published information and information from other regulators. Available information must be defined to include any information available upon request or with reasonable diligence including monitoring data that could be readily obtained.
- There must be no "methodology" loophole in the Regulations for the PMRA to utilize in scoping or determining whether to comply with the requirement to conduct a cumulative environmental risk assessment. The PMRA should use existing methodologies developed by other OECD regulators, including the EPA and the EFSA to the extent possible and with necessary modifications and immediately implement the regulation. Limitations on data and methodology should be addressed with uncertainty factors. This should be explained in a published policy prescribed under section 2 of the Act.
- Where the PMRA claims that it is unable to conduct a cumulative or species-at-risk assessment – due to the lack of information or methodology it should employ an uncertainty factor of at least ten for each.
- A clarification amendment in the Regulations should provide that for greater certainty, "harm" in the *Pest Control Products Act* includes cumulative harms from multiple stressors to health and the environment including but not limited to cumulative harm arising from common mechanisms of toxicity or additive or synergistic effects or exposures and non-toxic effects on an ecosystem through alteration of habitat or ecosystems including atmospheric, terrestrial, chemical, aquatic, marine or species composition or biodiversity changes that might disrupt the life processes, food or habitat upon which a species or a relationship between any species may depend, directly or indirectly.
- The Regulations should define "available information" in the Act to include information that is available with reasonable diligence, including information in published literature, unpublished data available from researchers, information submitted to other OECD regulators, and information that could be requested from the registrants, such as monitoring data.
- The Regulations must require the Minister to consider available information on species at risk including but not limited to cumulative risks to species at risk and available information from species assessments, other OECD regulators, information on multiple

non-toxicological stressors from pest control products, information from other federal and provincial departments, and published research.

- The Regulations must require the Minister to conduct research and modelling of the possible multiple stressors, co-exposures and adverse impacts of multiple pesticides on species at risk.
- International approaches such as assessing the impacts of pesticide groupings need to be considered. The Minister must also collect species habitat, distribution and pest control product use and monitoring information relevant to the species at risk assessment. This should be contained in a published policy prescribed under section 2 of the Act.
- The risk assessment standard for species at risk must be clear that use of the pest control product will not impede the survival or recovery of the species directly or indirectly including through harm to the ecosystem or its components or through cumulative exposure to the pest control product with other contaminants.

Part 3 - Confidential Test Data

The NOI proposes reforms that have the stated intention to "facilitate access to confidential test data (**CTD**), including for research and re-analysis purposes." The proposal states that it would amend the P*est Control Products Regulations* to enable inspection of CTD for research and re-analysis purposes. The NOI states that this would allow an individual to conduct their own data analysis. We strongly support this proposal, but more reforms to CTD are needed.

Historically, confidential test data was extremely difficult to access. Requests for access were sometimes not answered and members of the public had to travel to Ottawa to view the data in-person. Improvements have been made in recent years including the use of a USB key and faster response times.

However, the process for accessing confidential test data remains difficult to use – it takes weeks to fill out the paperwork with the PMRA, and the PMRA takes weeks or months to redact information that it claims is subject to privacy legislation restrictions. The USB key provides data in a format that is difficult to use, is not compatible with many older computers, and access is time limited. It is extremely difficult to use this information for public comments due to the restrictions on access which are ongoing at the PMRA – which include refusing to provide CTD during public comment periods for unregistered pesticides and/or refusal of PMRA to extend comment periods to the extent required for reasonable review of the CTD once received. The PMRA also refuses to redact CTD from documents that contain CTD so that the other information can be provided without going through this process.

Increasingly, the PMRA is interpreting confidential test data provisions very broadly and requiring this process to be used for a variety of internal PMRA documents such as modelling and memoranda that used to be provided on request. This perverse interpretation by the PMRA undermines the transparency objectives of the Act, and handicaps meaningful public engagement.

In our experience, the PMRA continues to create significant delays in the provision of CTD, which frustrates public commenting and appeal rights under the Act. For example, when Ecojustice requested CTD in relation to the approval of a new active ingredient, tiafenacil, the

PMRA took months to redact information they claimed was protected under privacy legislation. Many of these redactions – for example, the location of the lab that did the test – are not in-fact protected under any privacy legislation and are relevant to public review. Many of the documents explicitly stated that they were not confidential, but limited access and redactions were nevertheless applied. In our view, the "need" to redact CTD documents before release is utilized to restrict, complicate and delay access to CTD by the public.

We support and welcome the NOI proposal that data would be supplied in a format (e.g., spreadsheet) so that it may be manipulated for further analysis. The ability to manipulate data is essential to meaningful third-party analysis. Such reanalyses must be retained by the third-party following return of the CTD. **However, this is ultimately an essential but small change to the treatment of confidential test data, where substantial reforms continue to be needed**.

The PMRA needs to waive the confidentiality of test data in a far greater range of circumstances, needs to provide reasons where confidentiality is not waived and needs clear guidance on releasing risk assessment memoranda and documents without the requirement to apply to view CTD. Moreover, registrants must be required to legally justify confidentiality designations, not have them be taken at face value for each submission. Otherwise, public access will continue to be frustrated to an extreme and unjustifiable degree as the PMRA is unwilling to cooperate with the fundamentals of public access and appears to place no weight on the need for the public to be able to make meaningful comments during public comment periods.

The NOI makes reference to international treaty obligations but does not say what they are. To the extent that the PMRA claims that international treaties oblige it to maintain confidentiality, the specific treaty provisions relied on and how they are being interpreted should be disclosed. There is no such requirement in Chapter 9 of the USCMA nor in the WTO Sanitary and Phytosanitary Measures agreement. While TRIPS requires protection of data against "unfair commercial use" and the Paris Convention requires protection from "unfair competition" these agreements do not require that it be kept from the public. This is supported as other OECD regulators do not interpret their confidential test data limitations as broadly as Canada does. OECD instruments specifically recommend that members "facilitate transparency and maximum possible disclosure of health, safety and environmental data."[4] The EFSA's new transparency regulation – which puts scientific data, studies, and supplementary data supplied by registrants on the EFSA's website – should be a model that Canada moves towards. This regulation requires that claims of confidentiality must be justified with "proof of harm to a significant degree" within 10 weeks of submission.

Recommendations for confidential test data

The proposal should continue to permit manipulation of data and the Regulations should be strengthened to:

- Allow long-term storage/possession of data by members of the public.

[4] OECD Legal Instrument: Recommendation of the Council Concerning Access and the Protection of Proprietary Rights to Non-Clinical Health, Safety and Environmental Data and Information on Chemicals. https://legalinstruments.oecd.org/public/doc/30/30.en.pdf

- Clarify that members of the public are allowed to use and describe the data in their public comments.
- Narrowly define confidential test data in a clear manner – with clear exclusions for evaluations conducted by the PMRA including memos, monographs, and models conducted by the PMRA.
- Require clear justifications based on law from registrants to maintain the confidentiality of confidential business information and test data. The presumption is disclosure and the onus in law should be on the party wanting to protect such data from disclosure.
- Mandate that the documents containing confidential test data be provided with redactions of data that can be legally justified as confidential.
- Require the PMRA to provide access to confidential test data during public comment periods and to extend public comment periods to facilitate this and a reasonable time for review and comment.
- Clarify that the locations of labs, sponsors of studies, and names of researchers are not confidential and shall be released.
- Provide for an appeal process to the Office of the Information Commissioner or another independent third party if confidentiality provisions are improperly applied.
- Remove the requirement for three different data request forms to be submitted and a sworn affidavit or statutory declaration.
- Make public the PMRA's data evaluation reports. In these, the PMRA assesses the CTD. Filling the gap between the CTD and the published assessments, by making the data evaluation reports available, would no longer leave viewers of the CTD wondering how certain details that an independent scientist would find significant were interpreted by the PMRA. Were they missed, or dismissed with reasons? Published assessment documents have improved somewhat over the years, but this is the major transparency gap that leaves the public guessing as to the PMRA's rigour.

Part 4 - Maximum Residue Limits (MRLs)

The NOI states an intention to "Increase transparency for maximum residue limit (MRL) applications for imported food products;" The NOI elaborates that:

Health Canada is proposing amendments to the *Pest Control Products Regulations* that would increase transparency for 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.

The notice would be published for information purposes and precede the PMRA scientific review to help improve transparency and timely public access to information. It would describe why the MRL is being requested, the country or authority the application is suggesting to align with, and the types of studies conducted to support the MRL application.

We are disappointed that the recommendations of many of our organizations to move to a domestic MRL have not been incorporated. We explain why these reforms are needed with more detail below.

Some of our organizations provided the below concerns to the PMRA in June 2022 and participated in the MRL working group. In this working group, we asked repeatedly that the MRL working group address these concerns both orally and in writing. **While the PMRA claims that there is a consensus from that working group that the fundamentals of how MRLs are set is strong, this is not true.** Environmental and health stakeholders on the working group asked repeatedly that this issue be addressed including in separate meetings with Jason Flint at the PMRA. Instead, the PMRA has claimed a false consensus that MRLs are working, over our numerous written and oral objections, and stakeholder time on this working group was spent almost entirely on consultations pertaining to the fine details of a proposed notification process. **It is obvious from the controversy surrounding the proposed increase to glyphosate MRLs that there is no consensus that the fundamentals of the MRL process are strong**. Educational videos and an additional notification process are not sufficient reforms to fix these fundamental issues. We respectfully request that the Minister do a full consultation on our proposal to move to a domestic MRL and eliminate the GMRL as well as our full recommendations below.

MRL consultations are currently entirely devoid of relevant risk assessment information and there is a lack of accountability on MRL decisions and label and food residue enforcement. This lack of accountability puts health and the environment at risk from pesticide overuse and leaves Canadians in the dark about whether pesticide users are complying with key provisions on the label. This proposed regulation amendment would add another notification process with some helpful details, but it does not ensure that relevant risk assessment information is actually provided to the public at the consultation stage. The proposed reform risks being cosmetic in nature without actually improving access to risk assessment information.

MRLs are set using a wide variety of disparate methods which range from adopting foreign MRLs that have nothing to do with Canadian uses on one end of the spectrum, to utilizing field trial residue data based on Canadian uses and label conditions at the other end. There is nothing about this process which is consistent or "science-based" from a health or environmental perspective. Rather, MRLs are set based on a haphazard process that sometimes uses foreign assessments and sometimes uses a Canadian dietary risk assessment and sometimes uses a "default" MRL from the *Food and Drugs Regulations*. Data quality and the transparency of the assessment vary widely between each MRL. There are no transparent rules or guidance about how MRLs are set. The published risk assessments are not transparent and there is a lack of public access to dietary risk assessment information and data.

For example, in 2009 Health Canada set out to get rid of the default MRL which is an extremely high default MRL of 0.1 ppm for any commodity that lacks an MRL. This level is not science-based in any way and does not protect Canadians. It was originally set because this was considered to be a low detection limit many decades ago. Modern detection limits are now far lower. The PMRA did not stick with its plan to get rid of this default MRL due to a lack of resources. Ultimately, they bulk-imported MRLs from the US or simply abandoned the project altogether. More recently the PMRA initiated a pilot project (2020) to once again simply import international MRLs without a Canadian risk assessment. It is not clear which products fell under

this pilot project. **The reality is that Canada needs to require field residue trials for relevant crops at Canadian application rates and use Canadian dietary consumption data to model MRL risks. These assessments need to be far more transparent.**

Health Canada currently routinely points to MRL compliance to suggest that there are no health or environmental risks from pesticide use. However, the reality is that only a tiny fraction of the current MRLs are based on a Canadian dietary risk assessment utilizing measured residue data from Canadian uses applied according to directions for application set out on Canadian labels on Canadian crops, as well as utilizing modern Canadian dietary information. This tiny fraction of MRLs have been set to represent the highest residue likely to be found at the farm gate. Only for these foods will residue data reflect compliance with Canadian pesticide labels. It is difficult to know which MRLs fall into this category, if any. Moreover, dietary exposure from food residue is just one element of public exposure to pesticides; food residue data alone does not reflect overall pesticide risks or even human health risks to the public. Health Canada must cease pointing to MRL compliance as if it demonstrates broader pesticide safety until the significant reforms needed are in place. We would like MRL compliance to be a true reflection of the safe use of pesticides and it is worth taking the time to correct how Canada sets its MRLs, a process that is currently inconsistent and ineffective.

The current system sets "safe" residue levels through MRLs that may be met, even if Canadian label conditions are not complied with. These inflated MRLs are not protective of a range of human (including drinking water) and environmental exposures addressed in the label conditions. Without establishment of a domestic standard for pesticide residues resulting from application according to Canadian labels, humans and the environment may be over-exposed with little monitoring to identify label breaches.

Label conditions are set to protect the public's drinking water, the environment and workers, as well as food quality. Food residue limits that do not reflect Canadian label conditions prevent effective enforcement of all label conditions, not just those related to food residue. The risk of non-compliance with the labels is real. Non-compliance with labels was the most commonly observed contravention reported in the 2019-20 Pesticides Compliance Program: Activity Report.

Moreover, even when labels are complied with, high residue levels can result. This could be because the labels are out of date or MRLs were not set based on current uses and application rates – many of them were set decades ago by the pesticide manufacturers and estimated residues on food have not been verified with field trials. Recent Agriculture Canada research shows high food residue levels can result even when labels are followed. Estimated food residues need verification, and checks are required to ensure application occurs as required by the labels. Canadian Food Inspection Agency (**CFIA**) monitoring of food residues is one of the only consistent compliance monitoring initiatives for pesticides in Canada, and the standard for Canadian MRLs are required in order to be protective of all exposures, and such standards should be verified and connected to application rates in labels. The detection limits utilized by the CFIA are often not sensitive enough to be used in cumulative exposure assessments for chemicals with high toxicity and need to be significantly improved.

Non-compliance with the label or excessive use can result in higher exposure to workers and the public through air and water pollution, which also presents health risks. These other health risks associated with the real risk of higher exposure are not reflected in MRLs that are trade-based

and harmonize to a higher foreign MRL. The PMRA's unscientific focus on only food with respect to MRLs – even in the absence of a robust food-alone risk assessment or food residue trials – is junk science that fails to protect the public from label non-compliance or pesticide over-use. The Act requires a "health risk assessment" be conducted for new MRLs, not just a dietary exposure assessment, and the risk of higher exposure calls for a full, robust health risk assessment.

Canada cannot achieve pesticide risk reductions under a framework that allows inflated trade-based MRLs – which do not incorporate any consideration of risks to biodiversity - to become a central nexus for controlling exposures. Better "real-world" information that reflects the Canadian context needs to be provided. The potential risks from existing residue monitoring, which is currently years out of date and difficult to use, is needed. Data on the consumption of foods by Canadians is required. Data that reflects actual residue data from field trials conducted in Canada using the full Canadian use pattern is needed. Currently, consumption data, field trials data and calculation of MRLs are all divorced from the Canadian context, as described below.

The MRLs being adopted by PMRA generally use food consumption data taken from DEEM-FCID. This measures consumption of what Americans, not Canadians eat, so it is of limited applicability to the Canadian context. PMRA understood as far back as 2003 that Americans and Canadians eat differently, when it did a comparison. It saw that the "intake of processed commodities is higher in the United States while the consumption of fresh vegetables and fruits is generally higher in Canada." PMRA admits that the data "may not be representative of Canadian intakes." Relevant consumption data on what Canadians eat, that is appropriate for risk assessment, is available from Canadian Community Health Survey. Most branches of Health Canada use this or the Nutrition Canada survey, but not PMRA.

PMRA also reports on the dietary exposure assessments (**DEA**) conducted using DEEM-FCID at the 95th percentile, which means 95% of the population consumed as much as the amounts reported. It does not report on the other 5% of the population, although it does run the numbers for the 99th and the 99.9th percentiles. At this high-end "tail" of the data, there are often exceedances of safe dietary intake levels. PMRA often does not conduct a refined risk assessment for this 5%, although its mandate is to have reasonable certainty of no harm to all of human health, in other words 100% – not 95% of people. In addition, there is a 10-fold "safety" or extrapolation factor mandated by the Act to be applied to protect infants, children and vulnerable individuals, which PMRA consistently disregards.

The MRLs being adopted by PMRA are based on the OECD Calculator. This tool uses a set of pesticide analyses in a crop and estimates a value that would be exceeded less than 95% of the time. These statistical approaches yield higher values in situations where the data sets are small, as explained in the White Paper (p. 57/69). With limited, scattered data, this statistical approach does not reflect "real-world" Canadian residues.

The source of the field trial data being used by PMRA and put into the OECD Calculator is often not clear, but mostly comes from industry. It is often based on field trial data selected by the Joint Meeting on Pesticide Residues (**JMPR**), which makes recommendations that are adopted by the Codex Committee on Pesticide Residues (**CCPR**). The JMPR is not a regulatory body, but is an ad hoc body of "experts" who want to harmonize regulatory standards for food in trade, and the CCPR sets the MRLs for food moving in trade. The field trials conducted by the pesticide manufacturers are protected as "confidential" and can only be accessed through the

Reading Room process of PMRA. This frustrates transparency, so improvements in data access are welcomed. Attendance at CCPR meetings is stacked toward industry (68 representatives of CropLife at the meeting in which Canada accepted the higher MRLs for glyphosate, nine from Canada – see the Report). This entire process is geared toward moving Canadian MRLs higher to facilitate imports of foreign foods with higher pesticide residues, and exports of Canadian foods with higher levels.

The mandate of the PMRA is to protect Canadians and the environment from unacceptable risks arising from pesticides. It has become apparent that PMRA is promoting harmonization toward higher non-Canadian MRLs at the expense of the health of Canadians, based on recent statements. These include: "Canada is aligned with the internationally accepted best practice of specifying only one MRL" and that having a separate MRL for Canada would "have [an] unnecessary impact on food trade as it would be out of line with our international trading partners".

The PMRA points to the Agreement on Sanitary and Photosanitary Measures (**SPS Agreement**) as setting out an "international trade obligation" for Canada to align to the extent possible with the Codex MRLs. The focus of the SPS Agreement is on preventing protectionist barriers to trade. It explicitly allows countries to set their own standards, and if such standards result in a greater restriction of trade, a country may be asked to provide scientific justification. In the case of setting both an import and a domestic MRL, as we have requested, there is no protectionist restriction on trade and the SPS Agreement does not prevent Canada from having a domestic food residue standard.

Moreover, setting higher MRLs will establish standards for the Canadian organic industry that will likely cause harm to that industry. The Canadian organic standard for residues is 5% of the MRL for its conventional counterpart, so raising the MRL will result in a higher allowed residue level for Canadian organic exports and will also present the risk, described above, that applications in Canada will increase. This will likely cause trade problems for Canadian organic exporters because buyers of organic seek and test for low levels of pesticides on food, and also because it will likely cause higher levels of residues in organic products because of drift from neighbouring non-organic farms. Exports to sensitive markets such as Korea (zero tolerance) and Japan would be especially impacted. Such problems arising from contamination are documented in this Report. Although the report is focused on glyphosate, the issues would be similar for other pesticides. Furthermore, it should be noted that issues with trade do not impact only one production system. Any unacceptable level of contamination in either organic or conventional risks the reputation for Canadian exports and may impact more products than just the original ones with the contamination.

Apart from the SPS Agreement, Canada has international commitments under the Global Biodiversity Framework, which should be accorded at least equal if not more weight when strengthening pesticide regulations. More weight is warranted on the basis that the primary and secondary objectives of the Minister under the Act align with the GBF, not the SPS Agreement.

Further, we strongly disagree with how the PMRA interprets the existing sections 9 and 10 of the *Pest Control Products Act.* Section 9 allows MRLs to be set based on domestic use patterns during Canadian risk assessment – for example a MRL for wheat based on Canadian pesticide use patterns on wheat. Section 10 allows MRLs to be set on commodities not grown in Canada

based on import needs, so long as this is based on a Canadian dietary risk assessment. For example, section 10 allows the PMRA to set an import only MRL for kiwis which are not grown in Canada based on an assessment of how many kiwis Canadians will eat, in the context of other intake of the particular pesticide in other foods and drinking water.

Currently, the PMRA interprets these sections to allow it to approve higher global MRLs on domestic commodities and uses, based on foreign use patterns that are not related to the Canadian label conditions and risk assessment. This interpretation is founded on the faulty theory that foreign uses are a "new use" not registered in Canada. The PMRA interprets the section 10 process to allow registrants to request higher MRLs to facilitate trade in imported products with higher pesticide residues than are allowed in Canada. This higher MRL would then completely replace the domestic MRL, that was established based on domestic use patterns.

This is an absurd interpretation of the Act that frustrates the purpose of the clear distinction between import and domestic MRLs in these provisions. The intention of sections 9 and 10 of the Act was to ensure that where a pesticide is used on a Canadian crop the Canadian risk assessment governs, not a foreign risk assessment allowing higher levels based on a use outside Canada. It is our view that the practice of allowing a higher MRL on Canadian-grown commodities based on requests from registrants to align with foreign use patterns is not consistent with the intent of the Act.

Canadians should be able to have confidence that MRL compliance reflects compliance with Canadian label conditions through the use of a domestic-only MRL under section 9 of the Act which is tied to the health and environmental risk assessment decisions which underpin Canadian labels. Without a domestic-only MRL there is no Canadian standard for pesticide residue levels, which is not an acceptable approach. To assess the risk from exposure requires information on the residue levels present in domestically grown food when applied according to Canadian label directions on application, and aligns with a "scientifically based approach" and the professed goal of obtaining "real-world" data. The PMRA must cease to adopt a global MRL based on foreign use patterns that replaces all regulation of domestic residues and entirely frustrates monitoring and enforcement of Canadian label compliance and removes the protection of a standard for pesticide residues that is particular to the Canadian context.

Recommendations for MRLs

We recommend that Health Canada should:

- Proceed with the current proposal in the NOI for a notice of intent for MRLs.
- Initiate a working group to develop Canadian MRLs based on domestic label conditions.
- Direct the PMRA to interpret sections 9 and 10 of the *Pest Control Products Act* to permit distinct domestic MRLs and begin setting domestic MRLs.
- Eliminate the GMRL of 0.1 ppm in the *Food and Drugs Regulations* and resource the creation of Canadian MRLs based on food residue trials for all domestic uses (as previously decided by the PMRA in 2009). The default MRL should be the lowest international limit of quantification – as is used in other jurisdictions.
- Include MRL requirements in the *Pest Control Products Regulations* that require the PMRA to use the most up-to-date Canadian dietary data and modelling.

- Include MRL data requirements for domestic MRLs in the *Pest Control Products Regulations*. Specifically, this should include a requirement for the registrant to provide field residue trial studies for all crops approved for use of a particular pesticide in Canada and the study must employ the registered or proposed Canadian use pattern. The use of crop groupings (where trial studies are substituted between crops) should be limited and restricted to crops of the same growth pattern as well as species or prohibited.
- Improve the published reports on residues and the level of detail in published MRL risk assessment documents and CFIA reports.
- Provide for systematic compliance checks on application directions on labels and verify the residue levels that result from compliance with Canadian labels.

Conclusion

Thank you for the opportunity to participate in the consultation on the NOI. We encourage the government to move forward with amendments to strengthen the *Pest Control Products Act* and *Regulations* which includes more robust proposals for access to CTD, MRLs and cumulative environmental risk/species at risk as well as the other areas identified in the 2022 Joint Statement on Pesticides. We would be pleased to discuss the recommendations in this submission and look forward to reviewing the draft Regulations.

Sincerely,

Laura Bowman, Staff Lawyer, Ecojustice

Lisa Gue, National Policy Manager, David Suzuki Foundation

Mary Lou McDonald, LL.B., President, Safe Food Matters

Cassie Barker, Toxics Senior Program Manager, Environmental Defence

Meg Sears, PhD, Chair, Prevent Cancer Now

Beatrice Olivastri, CEO, Friends of the Earth Canada

Jane McArthur, Toxics Program Director, Canadian Association of Physicians for the Environment (CAPE)

Dr. Raquel Feroe, Pesticide Free Edmonton

Steve Wilton, Acting Chair, Canadian Association of Physicians for the Environment (Alberta Chapter)

Dr. Silke Nebel, VP Conservation and Science, Birds Canada,

Encl. 2022 Joint Statement on Pesticides

cc: Minister of Health
Minister of Environment and Climate Change

Appendix A

Birds Canada is Canada's leading science- based bird conservation organization. Birds Canada works to conserve birds through sound science, on-the-ground actions, innovative partnerships, public engagement, and science-based advocacy. Nearly 60,000 outstanding Canadians volunteer as Citizen Scientists for one or more of Birds Canada's programs, keeping an eye on the health of bird populations.

The **Canadian Association of Physicians for the Environment** (CAPE) is a national physician-led organization working to better human health by protecting the planet. CAPE collaborates with other organizations, nationally and internationally, to work effectively and build power together. We support physicians to be advocates for healthier environments and ecosystems. We take action to enable health for all by engaging with governments, running campaigns, conducting research, and drawing media attention to key issues.

The **David Suzuki Foundation** is a leading Canadian environmental non-profit organization, founded in 1990, with offices in Vancouver, Toronto and Montreal. We collaborate to find solutions to create a sustainable Canada through scientific research, traditional ecological knowledge, communications and public engagement, and innovative policy and legal solutions. Our mission is to protect nature's diversity and the well-being of all life, now and for the future.

Ecojustice uses the power of the law to defend nature, combat climate change, and fight for a healthy environment.

Environmental Defence is a leading Canadian advocacy organization that works with government, industry and individuals to defend clean water, a safe climate and healthy communities.

Friends of the Earth Canada is the Canadian member of Friends of the Earth International, the world's largest grassroots environmental network campaigning on today's most urgent environmental and social issues.

Pesticide Free Edmonton campaigns for a cosmetic pesticide ban in Edmonton, Alberta.

Prevent Cancer Now is Canada's science-based, public advocacy voice for primary cancer prevention. This involves making informed, least-toxic choices individually, and by regulators and governments, for healthy food, water and environments.

Safe Food Matters works in the regulatory and legal arenas to ensure our food is safe from harmful inputs like pesticides.