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Agence de
réglementation
de la lutte
antiparasitaire

March 25, 2009

Dale Henry
Director, Standards Development Branch
Ministry of the Environment
Government of Ontario
40 St. Clair Ave. West, 7th floor
Toronto, ON M4V 1M2

Dear Mr. Henry:

I am writing to you regarding an Ontario Ministry of the Environment document dated February 24, titled *Pesticide Classification Guideline for Ontario*, which I read with great interest.

In the Guideline, I noted a number of issues related to the federal regulation of pesticides which should be clarified. For example, the Ontario pesticide classes rely in part on Health Canada's "Update on Reduced-Risk Pesticides in Canada". This list was originally created as a method to track registrations where certain uses of listed substances presented lower risk by comparison to other products registered at that time. The intent of the list was not to identify pesticides that represent "low risk" or "lower risk" on an absolute scale. As a result of this common misunderstanding, the list is not currently being updated by Health Canada.

In addition to the "Update on Reduced-Risk Pesticides in Canada", the Guideline also uses PRO2007-02 as a foundational piece for the rationale for inclusion of biopesticide active ingredients under Class 11. You may wish to consider revising the references to PRO2007-02 and the criteria for biochemical and non-conventional pest control products in the future, as we will be replacing the proposal with the updated and finalized Directive. The focus of the Directive will be to facilitate the registration of all non-conventional products that have a favourable risk profile for health and the environment, and is consistent with the objectives of the *Pest Control Products Act* (PCPA), specifically paragraph 4(2)(b).

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I also noted that the Guideline appears to suggest that pesticides that are not registered under the PCPA may be used in Ontario. In particular, I am referring to the listing of azadirachtin as a Class 11 pesticide. This active ingredient is not registered for use in Canada, except for the current emergency registration for tree injection which expires in Ontario on August 31, 2009. Given that this substance is of great interest to organizations in Ontario such as lawn care companies, this listing has the potential to create confusion about which products and actives are permitted, and may lead to use which would be illegal under both Ontario and federal legislation.

Lastly, the Guideline Introduction states,

“After a pesticide is registered by the federal government, the province may classify a pesticide regulating its sale and use in Ontario to protect human health and the environment. Using unclassified pesticides can expose humans and the environment to unknown and possibly unacceptable risks.”

From the perspective of the federal pesticide regulator, this statement is false. It suggests that Ontario's classification system is based on known and unacceptable risks that were not taken into account by the PMRA in evaluating the products for registration. It is the mandate of the Health Canada to register only those products that do not pose unacceptable risks to human health or the environment. Under the *Pest Control Products Act*, health or environmental risks are acceptable only if there is reasonable certainty that no harm to human health, future generations, or the environment will result from exposure to or use of the product, taking into account its conditions of registration. Although provinces and territories may choose to further restrict the use of federally-approved pesticides, the risks of those pesticides have been scientifically determined to be acceptable in accordance with a very high standard.

Health Canada's priority is the health and safety of Canadians and their environment, and is applied when registering pesticides for use in Canada. Under the *Pest Control Products Act*, a pesticide is registered only if it meets our stringent health and environmental safety standards and proves value in its application. When determining if a pesticide can be used in Canada, Health Canada conducts extensive health and environmental scientific reviews, taking into account the available scientific information from governments, academia, industry and the public including epidemiological and incident reports both nationally and internationally.

Health Canada employs over 350 qualified scientists dedicated to the evaluation of pesticides, who have academic credentials in the fields of human health sciences,

environmental and agricultural sciences. This team carefully scrutinizes the scientific information available on all of the components of a product, including both the active and non-active ingredients.

Given the rigour of the evaluation process, we are confident that the pesticides registered for use in Canada can be used safely under the prescribed circumstances indicated on the label. While it is consistent with the Minister's mandate under the PCPA to seek to minimize health and environmental risks posed by pest control products and to facilitate and encourage measures to that end, we believe that it is in the public interest for the federal and provincial authorities to co-operate in that common pursuit without undermining public confidence in the federal regulatory system.

I understand that the Guideline is meant to be a rolling reference to be amended as needed. I hope that these concerns can be further discussed and appropriately addressed in further revisions of the document.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Flint', enclosed within a large, loopy oval shape.

Jason Flint
Director, Policy and Regulatory Affairs
Pest Management Regulatory Agency
Health Canada

c.c. Lorna Poff, Ministry of Environment