



Regulatory Affairs and Applied Analysis Section
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Pest Management Regulatory Agency
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Submitted via email: pmra.regulatory.affairs-affaires.reglementaires.arla@hc-sc.gc.ca

RE: *Notice of Intent NOI2023-01, Strengthening the regulation of pest control products in Canada*

September 8, 2023

To Whom It May Concern:

On behalf of the Canadian fresh fruit and vegetable industry, we welcome the opportunity to provide comments to the Pest Management Regulatory Agency (PMRA) consultation on *Notice of Intent NOI2023-01, Strengthening the regulation of pest control products in Canada*.

About CPMA

Based in Ottawa, the Canadian Produce Marketing Association (CPMA) is a not-for-profit organization representing companies active in the marketing of fresh fruit and vegetables in Canada, from the farm gate to the dinner plate spanning the entire produce industry. The Association's members include major growers, shippers, packers, and marketers; importers and exporters; transportation and logistics firms; brokers, distributors, and wholesalers. retailers and foodservice distributors; and fresh cut operators and processors. Founded in 1925, CPMA is proud to represent over 830 domestic and international members who are responsible for 90% of fresh fruit and vegetable sales in Canada.

General Comments

To begin, CPMA would like to reiterate the vital role that crop protection tools play in protecting our food and crops from invading weeds, insects, and disease. We also acknowledge that pesticides must be used within the guidelines of good agricultural practices, which consider the needs of environmental quality and human health as well as agricultural stability and effective pest management.

Canada has one of the most robust science-based pesticide regulatory systems in the world, which effectively protects people and the environment while enabling farmers to access the innovative crop protection products they need to grow safe, sustainable, and abundant food. To ensure that this reputation continues, it is imperative that any amendments to the *Pest Control Products Act (PCPA)* and *Regulations* must be based on sound science and an appropriate risk-based approach.

Below are CPMA's comments related to each of the Agency's four areas of focus for amendments, as outlined in *Notice of Intent NOI2023-01*. In addition, CPMA would like to note our support for the submissions made to this consultation by the Fruit and Vegetable Growers of Canada (FVGC) and CropLife and urge the government to consider these in its next steps towards regulatory development.

CPMA wishes to particularly highlight our agreement with the following concerns noted by FVGC:

- The proposals outlined in *NOI2023-01* require more fulsome consideration and detail from the government as to how they would be implemented – both to ensure their effectiveness and to avoid imposing undue burden, and
- The government should explore, in thorough consultation with stakeholders, whether the authority already exists to allow the government to achieve its identified objectives, and/or whether other, non-regulatory tools could be used to achieve these same objectives.

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

CPMA is strongly supportive of the Government of Canada's efforts to increase transparency in the regulatory process, which can foster greater confidence in the decisions made by PMRA on the part of both industry and the public.

Except for confidential business information (CBI), CPMA generally agrees that PMRA should be able to provide the public with remote access to raw data and CTD (except for data of a proprietary nature or where privacy needs to be protected), and its Data Evaluation Reports (DERs). However, much greater detail is required as to how the proposed access to CTD would be accomplished, and the government must thoroughly consider the technological, financial and human resources required to address CTD requests for access to data, both in the immediate and long-term.

It is critical for the government to ensure that any additional PMRA resources that will be directed towards improving transparency and facilitating access to CTD must in no way detract from PMRA's capacity to deliver on its core science reviews and make timely, risk-based regulatory decisions, or limit the Agency's ability to engage in important regulatory cooperation and international MRL/trade alignment efforts.

Increase transparency for MRL applications for imported food products.

CPMA notes again our strong support for the Government of Canada's focus on increasing transparency in the regulatory process. Managed well, this will result in even more confidence in PMRA's science-based decisions and greater public trust of our industry overall.

CPMA is supportive of PMRA's efforts to better explain the MRL process to Canadians, as demonstrated in the Agency's new [Infographic on MRLs in Canada](#). There is a clear need for better communication that explains the process and PMRA risk-based analysis to address public concerns due to misunderstanding of how PMRA establishes MRLs, what MRLs represent, the extensive safety factors used in determining MRLs, and their critical importance in Canada's trading relationships.

At the same time, it is not clear why a regulatory amendment would be required to allow PMRA to facilitate increased transparency for new MRL applications for imported food products.

Furthermore, CPMA would like to emphasize that the establishment of MRLs for crop protection tools must continue to be based on sound science and an appropriate risk-based approach, and it is therefore essential that regulatory agencies responsible for regulation and evaluation of pest control products, such as the PMRA, have sufficient resources to conduct thorough scientific reviews and to make science and data-based conclusions. Without the necessary resources to effectively complete this important work, decisions may be made that are detrimental to growers.

As noted above in relation to facilitating access to CTD, CPMA therefore emphasizes that the additional PMRA resources that will be directed towards improving transparency and communications must in no way detract from PMRA's ability to make timely regulatory decisions, jeopardize its risk-based approach to regulation and decision-making, or limit PMRA's ability to engage in regulatory cooperation and international MRL/trade alignment work.

Give the Minister of Health the explicit authority to require submission of available information on cumulative environmental effects and require the Minister to consider cumulative effects on the environment during risk assessments where information and methodology are available.

CPMA generally agrees with the principle of assessing cumulative environmental effects in risk assessments. However, as noted by FVGC and CropLife – and as PMRA states in *NOI2023-01*, the lack of information and standard methodologies to assess cumulative environmental effects both in Canada and internationally are not yet available and/or agreed upon.

In order for the assessment of cumulative effects to be able to effectively inform science-based decision-making, the mechanism and criteria for evaluation must be clearly defined and backed by international scientific consensus. PMRA must further provide clear and comprehensive guidance to industry on what is expected in terms of data submission, assessment and compliance. Before making regulatory amendments to require cumulative environmental risk assessments, CPMA agrees with FVGC and CropLife that PMRA should first concentrate its efforts on contributing to the international acceptance of methodologies/data requirements, which can then be followed by policy development and associated guidance documents.

CPMA would also like to echo FVGC's recommendation that a potential alternative to a regulatory amendment to specifically include requirements for cumulative environmental risk assessments and species at risk assessment, could be to place priority on the long-term generation of real-world data that are critical to the refinement of environmental risk assessments.

As noted by FVGC, significant progress has been accomplished in surface water monitoring data and targeted grower use information. PMRA should target the gathering of pesticide use information on active ingredients that do not pass the Tier 1 risk assessments or those that will be subject to re-evaluation or special reviews. Such information will ultimately lead to enhanced regulatory decisions that protect the environment, including species at risk. Continued long-term funding for initiatives like water monitoring and grower use information are critical to an informed regulatory process and should therefore be prioritized.

Strengthen consideration of species at risk in risk assessments by giving the Minister the explicit authority to require submission of available information on species at risk.

CPMA strongly supports the protection of all species, including species at risk. As noted by FVGC, the wide adoption of integrated pest management by fruit and vegetable growers in Canada based on monitoring/surveillance/modelling of pest populations, crop management practices and the judicious use of conventional and biological controls demonstrates our sector's strong and longstanding commitment to protecting the environment.

At the same time, further detail is required as to how amended regulations will strengthen the protection of species at risk, and, as in the case of cumulative effects, PMRA must provide clear and comprehensive guidance to industry on what is expected in terms of data submission, assessment and compliance. In addition, CPMA would also like to reiterate again the recommendation that a potential alternative to a regulatory amendment is to prioritize the long-term generation of real-world data, including in surface water monitoring data and targeted grower use information, that are critical to the refinement of environmental risk assessments.

We thank you for taking the time to review our comments to *Notice of Intent NOI2023-01, Strengthening the regulation of pest control products in Canada*. CPMA strongly urges the government to work collaboratively with stakeholders in its next steps towards regulatory development and in the consideration of potential non-regulatory approaches and solutions to achieve its identified objectives.

Sincerely,

A handwritten signature in black ink, appearing to be the name 'Ron Lemaire', followed by a horizontal line extending to the right.

Ron Lemaire
President
Canadian Produce Marketing Association