

Pesticide Compliance Program Update

AAPCO's 77th Annual Meeting

March 3-6, 2024

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YOUR HEALTH AND SAFETY... OUR PRIORITY.



Presentation Overview

- ❑ Regulating Pesticides
- ❑ Pesticide Compliance Program Overview
- ❑ Highlight on Sectors of Regulated Parties
- ❑ Topics of Shared Interest
 - Drift
 - Drones
- ❑ Current Priorities
- ❑ Concluding Remarks
- ❑ Appendices
 - Appendix 1 – References
 - Appendix 2 – Key Federal Legislative Authorities
 - Appendix 3 – Regulated Parties under the PCPA

Regulatory Frameworks

In Canada, the regulation of pesticides is shared among federal, provincial/territorial and municipal levels of government, with some areas of shared jurisdiction including compliance and enforcement.

Federal (Health Canada)	Provincial/Territorial	Municipal
<ul style="list-style-type: none">❑ New registration and re-evaluation❑ Human health assessments❑ Environmental assessments❑ Value assessments❑ Compliance and enforcement	<ul style="list-style-type: none">❑ Transportation, sale, use, storage and disposal*❑ Training, certification, and licensing of applicators and vendors❑ Spills and accidents❑ Permits and use restrictions❑ Compliance and enforcement	<ul style="list-style-type: none">❑ Bylaws for further conditions on use where authority exists and in accordance with federal standards

** Complementary federal and provincial/territorial roles*

- Collaboration exists with provincial governments and other federal departments (e.g. Canada Border Services Agency).

A shared responsibility between two Health Canada branches.

➤ **Pest Management Regulatory Agency (PMRA)**

- Responsible for evaluating and registering pesticides under the authority of the *Pest Control Products Act*.
- PMRA applies current, evidence-based scientific approaches to assess whether the health and environmental risks of pesticides proposed for registration are acceptable, and if the products have value.
- Re-evaluation of registered pesticides ensure that they continue to have acceptable risk to human health and the environment and have acceptable value.

➤ **Regulatory Operations and Enforcement Branch (ROEB)**

- A compliance and enforcement organization that informs and protects Canadians from health risks associated with products, substances, and their environment.
- Branch responsible for all compliance and enforcement activities related to products regulated by Health Canada including health products, consumer products, **pesticides**, cannabis, tobacco and vaping products, in the Canadian market.

Pesticide Compliance Program Overview

The Pesticide Compliance Program is responsible for promoting, verifying and enforcing compliance with the *Pest Control Products Act* and its Regulations of those sectors that manufacture, sell, distribute, import or use pesticides in Canada.

Main Objectives

- To prevent unauthorized pesticides from being available on the Canadian market.
- To see that authorized pesticides are imported, manufactured, distributed and used in accordance with the conditions established by Health Canada.

☐ Enforcement Measures

- Warning Letters (WLs)
- Compliance Orders (COs)
- Administrative Monetary Penalties (AMPs)
- Seizure and Detentions
- Denial of entry into Canada
- Prosecution

- ❑ Health Canada's Pesticide Compliance Program (PCP):
 - Applies a risk-based approach to planning and targeting of regulated parties.
 - Operates with guiding principles of fairness, consistency and impartiality.
- ❑ Activities are delivered through three pillars:
 - **Compliance Promotion** to actively prevent non-compliance.
 - **Compliance Verification** to assess and verify compliance: are regulated parties meeting their legal requirements? are pesticides used registered for the use? are label requirements are being met?
 - **Enforcement** to address non-compliance and associated risks.
- ❑ Planned and demand-driven activities are delivered through 4 sectors:
 - Registrants
 - Imports
 - Marketplace
 - Users: agricultural & non-agricultural

Compliance verifications to verify compliance with:

- The PCPA
- Re-evaluation decisions: label amendments & product cancellations
- Sales Reporting Regulations
- Research Permits & Emergency Registrations

2022-2023 Summary

- Priority re-evaluation decisions: pesticides containing active ingredients acephate, chlorpyrifos, permethrin, and strychnine
- 41% of inspections with at least one instance of non-compliance
- Enforcement measures: 46 Warning Letters; 1 Compliance Order
- Most common contraventions
 - Manufacture/distribution contrary to conditions of registration
 - Deficiencies in sales reporting
 - Packaging/advertising issues

Sales Information Reporting Regulations

- ❑ Increased oversight on requirements for registrants to submit each year volumetric sales report for each registered pest control product by June 1st.
- ❑ All registrants who failed to submit their report by the June 1st deadline subject to enforcement action under the PCPA.
- ❑ Registrant non-compliance made public on the [Canada.ca website](https://www.canada.ca)

Results

- ❑ Compliance rate at June 1st deadline – Prior to 2023: 50-60%
- ❑ Compliance rate at June 1st deadline – 2023: 80-85%
- ❑ Compliance rate January 2024: 98%

- ❑ Work with the Canada Border Services Agency to prevent unregistered or non-compliant pest control products from entering the Canadian marketplace
 - Off-site inspections: Referrals for recommendations of entry or refusal.
 - On-site inspections: Mail centres (regular); cargo, ports, border crossings (occasional)
- ❑ Data analytics for proactive targeting of importers: commercial importations, courier data.

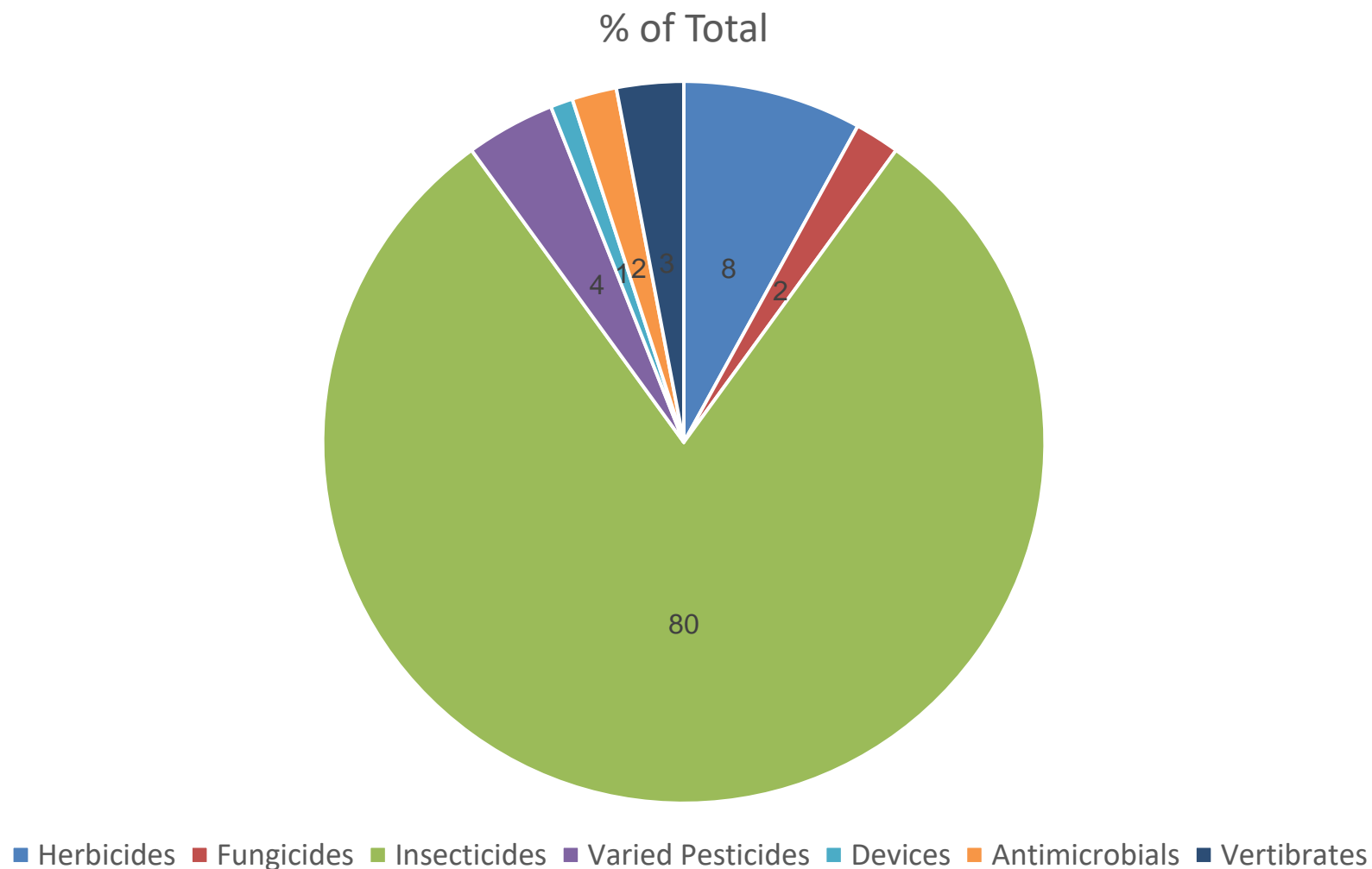
2022-23 Summary

- 1554 referrals received
- 95% (1473) refusals of entry in Canada as non-compliant with the PCPA.
- 1473 Warning Letters, 2 Compliance Orders, 1 AMP

Health Canada Public Advisory: Dichlorvos (DDVP)

- Sniper 1000EC DDVP
- Lava 100% EC
- NOPEST

Product Types Denied Entry at Borders: FY 2022-23



Retailers and distributors selling pesticides to Canadians through physical establishments, online presence, or a combination of both.

2022-2023 Focus

- Independent retailers, agricultural vendors, antifouling paint stores, international distribution centres, and pool and spa retailers.
- Direct work with the top 10 on-line platforms in Canada to support their continued use of keywords or geographic-based filters to help prevent unregistered pesticides from being advertised and distributed to Canadians.

2022-23 Summary

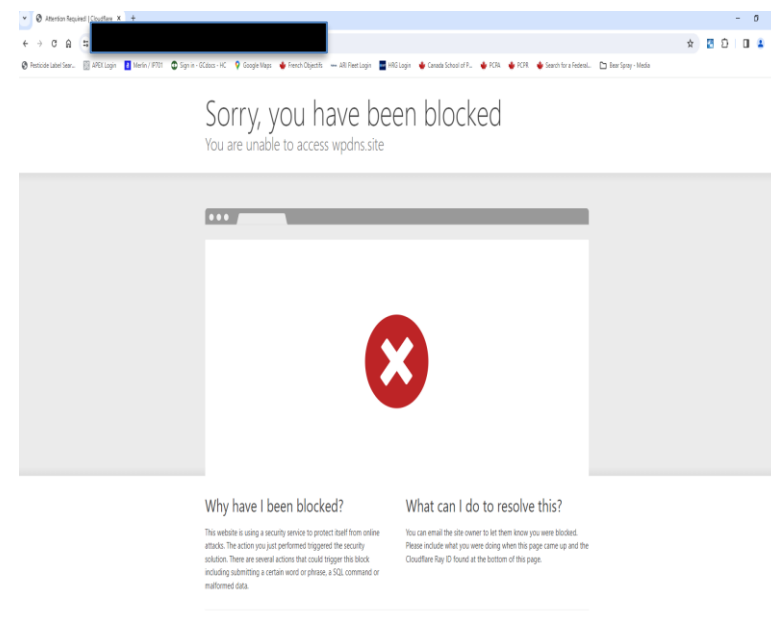
- 372 inspections conducted in physical establishments and online marketplace.
- 61% of inspections with a least one instance of non-compliance.
- Enforcement measures: 156 Warning Letters; 8 Compliance Orders; 4 notices of violation with penalty.
- Most common contravention:
 - Possession and distribution of unregistered pesticides (PCPA 6(1))

Online marketplace - a continuously & fast changing landscape

- New platforms created yearly.
- Sales of dangerous, never registered products on social media.
- Commercial products entering via mail and courier.
- Complexification of distribution chains (e.g. distribution or fulfillment centres).

Expanding Strategies

- Import data analytics
- Automated technology
- Issue-based approach to enforcement
- Intervening beyond Canadian borders to prevent exports to Canada.



2022-2023 Focus

- ❖ Commercial agricultural aerial applicators
- ❖ Growers of apples
- ❖ Christmas trees
- ❖ Potatoes
- ❖ Small fruits and berries

Selected for inspections as use directions for products used on these food crops have changed significantly after the re-evaluations on ferbam, metiram, thiram and ziram.

2022-23 Summary

- 146 Inspections: 114 planned & 32 demand-driven.
- 53% of inspections with at least one instance of non-compliance.
- Enforcement measures: 75 Warning Letters; 1 Compliance Order.
- Most common contraventions
 - Use of pesticides inconsistent with the label directions such as rate, application method, and failure to respect restricted entry intervals (REI) (PCPA 6(5)(b)),
 - Possession/storage and use of pesticides with expired registrations (PCPA 6 (1)).

Pest Management Professionals (PMP) certified and/or licensed by provinces or territories to apply pesticides in a variety of non-agricultural settings (e.g. homes and businesses, golf courses) to control a vast array of indoor and outdoor pests.

2022-2023 Focus

- Structural
- Lawn care and landscape
- Golf course
- Industrial vegetative management
- Disinfecting and sanitization services including UV and Ozone devices, and fumigation

2022-23 Summary

- 215 inspections: 150 planned & 65 demand-driven
- 53% of inspections with at least one instance of non-compliance
- Enforcement measures: 104 warning letters; 7 compliance orders; 2 notices of violations
- Most common contraventions
 - Possession of and use of unregistered products (PCPA 6(1))
 - Use of registered pest control products inconsistent with the label directions (PCPA 6(5)(b)), particularly related to the targeting of pests not included on the label, the use of unapproved application methods or equipment, and PPE.

Important source of complaints (agricultural and non-agricultural)

Contributing factors

- Growing rural-urban interface
- Increasing public attention on pesticides
- Public expectation of no-drift

Drift management measures include product-specific application restrictions on labels such as

- Minimum or maximum droplet or particle size
- Maximum release height
- Maximum/minimum wind speeds
- Buffer zones

C&E related challenges in mosquitos & ticks control

- Commonly used registered products specify spray quality and PPE requirements.
- Users found to lack awareness about requirements and/or ability to demonstrate equipment capacity to meet spray quality.
- Compliance issues of use as per label directions
 - Spray coarseness
 - PPE
 - Vegetation and surface types on which products are used

Drones

- ❑ Considered aircrafts by Transport Canada.
- ❑ Products registered for application by drone will have "*Remotely Piloted Aircraft Systems*" and/ or "RPAS" on the label.
- ❑ Health Canada *Information Note regarding the use of Drones*
- ❑ High needs of compliance promotion with:
 - Applicators and growers on the permitted use of drones.
 - Distributors in relations to advertising.

- ❑ Delivering on planned inspections and compliance promotion activities and providing timely responses to demand-driven activities (e.g., complaints) through a risk-based approach.
 - ❖ Oversight on compliance with Re-evaluation decisions (label amendments, use and product cancellations)
 - ❖ Oversight on compliance with the *Pest Control Products Act* in all sectors
- ❑ Continuing to deliver on the program's modernization agenda
 - ❖ Quality Management System
 - ❖ Data analytics and targeting of importations
 - ❖ Inspector Designation framework
 - ❖ Complaints prioritization
- ❑ Continued collaboration with PMRA in areas that promote and support compliance.
- ❑ International collaboration to facilitate global cooperation in pesticide compliance and enforcement.

Concluding Remarks

As the regulated communities for pesticides continues to grow in:

- **Size**
- **Complexity**
 - Changing distribution models
 - New products with unclear regulatory status and/or product classification
- **Geographic distribution** – growing number of regulated parties selling to Canadians with no presence in Canada.

It is increasingly key to:

- ✓ Adapt and modernize approaches and continue to improve our ability to focus on areas of greatest risks and impact.
- ✓ Strengthen regulatory cooperation between Health Canada and United States pesticide regulators in support of impactful compliance and enforcement activities through the sharing of intelligence, best practices and strategies.

For More Information

Health Canada Pesticide C&E Section - canada.ca/pesticide-compliance

Health Canada Compliance and Enforcement Policy for Pesticides

<https://www.canada.ca/en/health-canada/services/consumer-product-safety/reports-publications/pesticides-pest-management/policies-guidelines/compliance-enforcement-policy-pesticides.html>

Health Canada's Pesticide Compliance Program Activity Report - 2022-2023:

<https://www.canada.ca/en/health-canada/services/consumer-product-safety/reports-publications/pesticides-pest-management/corporate-plans-reports/pesticide-compliance-program-activity-report-2022-2023.html>

Health Canada Information Note regarding the use of Drones :

<https://www.canada.ca/en/health-canada/services/consumer-product-safety/reports-publications/pesticides-pest-management/fact-sheets-other-resources/drones-applying-pesticides.html>

Email: pcp-pcp@hc-sc.gc.ca

1. *Pest Control Products Act (PCPA)*

Primary Objective - Section 4(1): to prevent **unacceptable risks** to people and the environment from the use of pest control products

Prohibitions – Section 6 defines Compliance and Enforcement roles

- Section 6(1): prohibits the manufacture, possession, handling, storage, transport, import, distribution and use of **unregistered pest control products**
- Section 6(5): prohibits handling, storage, transport, use or disposal of a pest control product in a manner **inconsistent with label directions**
- Sections 45-60 prescribe all the administration and enforcement authorities (e.g. inspector powers, seizures, compliance measures)

2. *Agriculture and Agri-Food Administrative Monetary Penalties Act*

- ❖ Notices of violation (warnings or monetary penalties) are issued Under this Act.

Appendix 3 - Parties Regulated Under the PCPA

Regulated Parties Groups	Approximate Numbers
<u>Registrants</u> - Manufacturing, conducting research authorizations or having obtained an emergency registration	700
<u>Marketplace (Retailers and Distributors)</u> <ul style="list-style-type: none">❖ Domestic pesticide vendors (Brick & Mortar stores)❖ Licensed commercial vendors❖ Third party selling platforms (e.g. eBay, Amazon)	45,000 6,455
<u>Agricultural Users</u>	Over 205,000
<u>Non-Agricultural Users</u> <ul style="list-style-type: none">❖ Licensed Professional Pesticide Applicators❖ Industrial users	40,000
<u>Importers</u> <ul style="list-style-type: none">❖ Commercial and private citizens	Over 100,000 import transactions at ports of entry every year