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Re. Discussion Document DIS2022-01, *Further Strengthening Protection of Health and the Environment: Targeted Review of the Pest Control Products Act*

Dear Pest Management Regulatory Agency:

The Canadian Canola Growers Association (CCGA) respectfully submits these comments on the Pest Management Regulatory Agency's (PMRA) *Discussion Document DIS2022-01, Further Strengthening Protection of Health and the Environment: Targeted Review of the Pest Control Products Act (The Act)*. Canada's science-based regulatory system plays an important role in the success of the canola sector. It enables farmers' access to innovations to manage evolving pest, disease, and climate pressures while remaining competitive in a global market and ensuring the safety of Canadians and the environment.

CCGA represents 43,000 canola farmers from Ontario to British Columbia on national and international issues, policies, and programs to enhance the success of Canadian canola farmers. Canola exports were valued at \$13.7 billion in 2021 as ninety percent of canola crop is exported as seed, oil, and meal. The canola industry contributes \$29.9 billion<sup>1</sup> to Canada's economy every year and supports over 200,000 jobs<sup>2</sup> across the country. CCGA is also a member of the Canada Grains Council and is supportive of their submission to this consultation.

Canola farmers are committed to the highest standards of environmental health, setting ambitious sustainability targets for 2025. Farmers will reduce their fuel usage by 18% per bushel, increase land use efficiency by 40% per bushel, sequester an additional five million tonnes of CO<sub>2</sub>, use 4R nutrient stewardship practices on 90% of canola acres, and continue to safeguard the more than 2,000 beneficial insects that call canola fields and surrounding habitat home. Without a predictable regulatory system and access to safe, innovative crop protection products, canola farmers' ability to meet these sustainability targets could be jeopardized. For example, canola farmers have been able to drastically reduce the use of non-selective pesticides by using targeted products. This has helped create a unique ecosystem, allowing the various species of beneficial insects, including native and domesticated pollinators, to flourish in and around the canola canopy.

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<sup>1</sup> LMC International Ltd, *The Economic Impact of Canola on the Canadian Economy: 2020 Update*, for the Canola Council of Canada (Oxford: 2020) at 2 online: <[https://www.canolacouncil.org/download/131/economic-impact/17818/economic-impact-report-canada\\_december-2020](https://www.canolacouncil.org/download/131/economic-impact/17818/economic-impact-report-canada_december-2020)>

<sup>2</sup> *Ibid*

One of the greatest challenges of growing canola is competition from weeds, but the introduction of herbicide-tolerant canola enabled the adoption of reduced tillage practices in the prairie landscape. These conservation tillage practices have led to significant environmental benefits, allowing canola farmers to sequester more carbon in the soil, improve soil cover and overall soil health, reduce erosion risk, and reduce GHG emissions from fuel usage as fewer passes are needed to be made over the field. In 1991, just 7% of Western Canadian farmland was seeded with no-till practices compared to 61%<sup>3</sup> in 2021. Access to crop protection products helped facilitate the shift to conservation tillage and access to new tools will help the continued adoption of practices that will soften farmers' environmental footprint while ensuring their farms remain competitive globally.

## Targeted Review of the Pest Control Products Act

In response to PMRA's objective to determine whether legislative changes are required, CCGA believes the *Act* is fit for purpose. A statutory review was completed in 2015, and the Pest Management Advisory Committee advised the Minister in 2020 that the *Act* remained fit for purpose. It has a proven track-record of protecting the health and safety of Canadians and, as the above examples demonstrate, enabling farmers' access to innovative crop protection products.

CCGA is concerned that opening the *Pest Control Products Act* at this time could also open the door for additional out-of-scope amendments beyond the purpose of the *Transformation Agenda*. Any proposed changes that could undermine current strengths of our regulatory framework (i.e., a risk, evidence, and science-based system) in favour of a less desirable and rigorous approach, should be avoided. **The intent and purpose of the *Act* should not change.** Specifically, canola farmers are concerned that opening the *Act* will lead to a dilution of PMRA's science-based process and the introduction of precautionary principles into the Canadian system. To this end, PMRA should consider all non-legislative tools available such as policies, guidance, and regulatory amendments and, if not possible, other legislative means such as budget implementation or regulatory modernization bills. More largely, Canada's legislative framework should be agile and not prescriptive providing the guideposts to Government regulators so they can be responsive to the needs of Canadians and flexible in our evolving environment.

## Objective 1. Further Strengthening Human Health and Environmental Protection through Modernized Business Processes Governing Pesticide Reviews

CCGA fully supports the PMRA in its mandate to protect the health of Canadians and the environment. The manner in which PMRA re-evaluates pesticides and conducts special reviews has strong impacts on canola farmers' competitiveness and ability to access innovative products.

CCGA is supportive of modernized business processes contingent upon its augmentation of predictability in the re-evaluation process and opportunity for engagement throughout so that increased surveillance and information demands do not create unnecessary burden for stakeholders. If properly implemented, continuous oversight could prioritize and therefore reduce the number of automatic or non risk-based evaluations required, improve the quality of decisions, and potentially ease PMRA workload requirements. Continuous review and assessment of risk, and application of resources to each re-evaluation based on a science assessment of the risk of the

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<sup>3</sup> Statistics Canada. Table 32-10-0367-01 Tillage and seeding practices, Census of Agriculture, 2021

active ingredient, rather than treating each active equally, would be a positive outcome of modernized business processes.

To the question of maximum residue limits (MRLs), they are critical measures to facilitate the trade of agriculture commodities globally. While a *proxy* for food safety, they are set with significant margins of safety well below risk. With 90% of canola exported, missing MRLs are increasingly a risk to market access and farmers' ability to adopt innovation. Ideally, Codex Alimentarius would provide one global standard and the patchwork of global MRLs currently in place would be eliminated. Canada's grain sector complies with a market access policy whereas a new crop protection product is not commercialized in Canada prior to an MRL being set in our major export markets. While market access is retained, farmers' access to the product is often delayed. Additionally, missing or misaligned MRLs prevent industry from easily pivoting between markets to respond to changes in demand such as the ongoing challenges to global food security.

As such, to mitigate trade barriers, a deferral *pathway* to and increased recognition of Codex standards, as well as increased regulatory harmonization, are long-standing policy objectives for CCGA. Alignment with Codex should be considered when establishing new or making changes to existing MRLs. A clear, transparent process should be developed to signal to an applicant how Canada establishes import tolerances and how deferral to a Codex MRL would be considered.

More largely, to achieve PMRA's transparency objective and to generate more trust in the food system, improved communication on how MRLs are set, how they impact food safety, how they are measured and when they were set is required. Canadians cannot assume that because an MRL exists that the pesticide automatically appears in their food and that their presence represents a food safety risk. Canola exports are tested as part of the Canadian Grain Commission cargo monitoring program while the National Chemical Monitoring Program tests domestic food products. Compliance is strong, and where a domestic discrepancy exists it is often the result of a missing MRL for imported food. Conceivably, with an import tolerance, instances of non-compliance would be further reduced increasing public confidence in Canada's food supply.

The Government of Canada should immediately lift its embargo on future MRL increases and remove MRLs from the remit of the new Science Advisory Council. In our view, neither are based on scientific decision making. PMRA has provided no new science to support the moratorium. Glyphosate has been re-evaluated by Health Canada on numerous occasions, most recently in 2017. It was also subject to a special re-evaluation after this. On each occasion, Health Canada, along with other regulators around the globe, have found glyphosate to be safe when used as directed, and that it did not pose an undue risk to the environment or human health.

## **Objective 2. Improved Transparency**

While CCGA is supportive of improved transparency, PMRA's efforts should be focused on actively communicating and promoting the rigour of the Canadian regulatory system. Improving transparency and communication can provide more confidence in our regulatory system and the safety of our crop protection products as well as greater trust in the food farmers produce but only if managed well and implemented properly. CCGA cautions the PMRA to ensure the *Transformation Agenda* does not impede PMRA's ability to fulfil its core objectives and to make timely regulatory decisions. PMRA must maintain its already limited resources to be able to make timely, science-based decisions, and to maintain PMRA's ability to engage in regulatory cooperation (e.g., CUSMA) and to play a leadership role in international standards setting.

Canola farmers want to know the products they are using are safe and have been approved by an agency whose decisions they can be confident in. Meaningful communication earlier in the decision-making process would lead to more informed decisions by the PMRA and help limit situations where overly conservative decisions are made in response to incomplete and insufficient scientific evidence, or where affected stakeholders could have significantly contributed to narrow the information gaps. Two-way dialogue throughout the process provides greater transparency and assures outcomes that consider all relevant information streams including those under the control of affected stakeholders. It will also help avoid potential discrepancies between proposed and final re-evaluation and special review decisions, improving predictability and public trust.

Given our pesticide regulatory framework is extremely complex, improving risk communications should also be a priority for PMRA to increase public trust in the safety of crop protection products and our food. Transparency measures should include more explanation of PMRA processes, assessments, and decisions, rather than a primary focus of making large, raw datasets more available than they are now which will likely be extremely resource intensive. PMRA must also ensure that they are not inadvertently eroding public trust by not appropriately contextualizing data and providing guideposts to better understand the data presented. Perhaps the PMRA considers developing an FAQ in plain language explaining some of the most common misconceptions around pesticides, their uses, what MRLs are and how they are used, the decision-making process, and other often misinterpreted topics. This could be used as a reference for those looking for more information on the safety of their food and help reduce the spread of disinformation.

Information on PMRA decisions and processes must also be timely, easy to find, and provide all stakeholders with context and clarity. Consideration should be given to the consolidation of existing public materials (e.g., PMRA information as well as residue level monitoring by the CFIA), as these tend to be disjointed and difficult to even find on government websites. As extensive materials are already publicly available, it may be beneficial to aggregate already-available resources into one place that interested parties could easily locate and view.

Public trust would also be enhanced the more that the PMRA publicly defends its expertise and science-based risk assessments. Clear, unambiguous information about food safety that provides scientific information to counterbalance suggestions that regulated pesticides are unsafe is necessary at a time when canola farmers are working to produce food for both domestic and global markets and consumers are asking for more information about their food. It is critical that the PMRA serves as a timely and credible source to correct misunderstandings, including those based on misinformation or disinformation.

### **Objective 3. Increased use of real-world data and independent advice in the pesticide regulatory process**

CCGA is encouraged by PMRA's focus to enhance the use of real-world data, as it has the potential to ensure more robust decision-making, to avoid overly conservative regulatory decisions, and to recognize regional differences. New data should be robust, recognize use patterns and be held to the same high standards PMRA normally employs. An example of why this is important is the March 2021 final special review decisions for clothianidin and thiamethoxam where the initial proposed decision was reversed due to new data on how these products moved into, and existed in, a variety

of aquatic habitats. Canola farmers were able to maintain access to critical tools for sustainable production as PMRA had the relevant real-world data to determine these products did not pose an unacceptable risk.

While CCGA sees value in enhanced pesticide-use and water monitoring data and is willing to work with PMRA on its collection, both programs require a clear process for when new information requirements are triggered and a tiered approach for selecting priority actives. Farmers are a great source of information and grower associations can play an integral bridging role. Full transparency as to why the data is needed, how it will be used, and who will use it, as well as guarantees to aggregate use and commercial sensitivity, will be key to successful engagement. It should never be reported at the farmer level or used for compliance purposes. Given limited bandwidth, a risk-based approach is required for determining when and how to engage and to rely on existing resources to limit the data burden on farmers. With this, canola farmers are unique in that they support a network of canola-focused agronomists who also could act as a resource on crop production, farm management, pest management, and specific crop protection products and application.

As indicated under the transparency section, the context in which the water monitoring and pesticide use data is portrayed publicly is an important consideration. Without the larger story, there is concern that the data will be misunderstood and used for purposes that differ from why it was collected ultimately detracting from PMRA's goal to improve public trust. For example, data may be generated using an analytical method that can detect residues well below levels that are biologically significant. It is critical that this type of context accompanies the external reporting of data, so as it cannot be taken out of context to be viewed as a food safety risk if it is not. Context is necessary to maintain public trust and to avoid misinformation about the safety of our food.

Specific to water monitoring, CCGA supports a national program that will further enable science-based decision making and help avoid unnecessarily conservative regulatory re-evaluation decisions. It is critical that the national water monitoring program for pesticides has continuous support through long-term significant and sustainable national government funding. The data produced will need to be sufficient to have direct bearing on the quality of the PMRA's re-evaluation decisions over time and assist the PMRA in fulfilling its mandate. The agriculture industry has years of first-hand experience in designing and implementing meaningful water monitoring programs that are fit for regulatory purpose, as demonstrated through the special review of neonicotinoids. As the primary users of water in Canada, agricultural stakeholders welcome continued engagement on the development of a national water monitoring program for pesticides.

## **Conclusion**

Canada's canola farmers fundamentally rely on PMRA to support growth and innovation by providing timely and predictable science-based approvals for new and existing crop protection products and by maintaining the confidence of Canadians and international customers that the food produced in Canada is safe and grown sustainably.

**As the transformation process continues and PMRA determines operational and technical details of its various proposals, CCGA would like to remain involved and to further comment. Much of the information provided has been high-level or conceptual. This applies equally should PMRA deem the Act be opened. While we reaffirm that changes can be done without opening the Act, if a**

decision is made to open the PCPA, consultations must be conducted on the proposed legislative changes. This process is a step that cannot be missed. We need time to assess the impact and to perform a more fulsome analysis, as we remain of the view that the Act is fit for purpose and these comments reflect that.

Finally, CCGA would like to emphasize the need for increased funding and capacity within the PMRA as it is necessary to fulfil both the outcomes of this consultation, and its core objectives. Canola farmers continue to be committed to the highest standard of human health and environmental safety while supporting the PMRA in its mandate.

Thank you for consideration of this submission and please do not hesitate to reach out should you have additional questions.

Sincerely,

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