

Report of the Federal Provincial and Territorial (FPT) Committee on Pest
Management and Pesticides Workshop on User Compliance

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Introduction

This is a report of the results of a Federal Provincial and Territorial (FPT) Committee workshop held with a focus on discussions regarding current regulatory programs and practices and further focus on exploring opportunities to coordinate efforts in the pursuit of compliance by pesticide users. The workshop was held on 21 October 2004 in Vancouver, British Columbia. It was co-chaired by the British Columbia, Ministry of Agriculture, Food and Fisheries, and Health Canada's Pest Management Regulatory Agency.

This was the first compliance workshop to be organized by the FPT Committee on Pest Management and Pesticides. As such, it was an opportunity for provincial, territorial and federal governments to jointly discuss in greater detail the key issues of user compliance and to explore potential opportunities to coordinate federal, provincial and territorial efforts toward improving compliance with pesticide regulations in Canada.

Participants (Annex I)

Thirty-two federal, provincial and territorial pesticide regulatory officials attended the workshop, including:

- representatives of the province of Newfoundland and Labrador, Prince Edward Island, Nova Scotia, New Brunswick, Quebec, Ontario, Manitoba, Saskatchewan, Alberta, British Columbia, and Yukon Territory
- headquarters and regional representatives of the federal Pest Management Regulatory Agency (PMRA)

Scope and Structure of the Workshop

The four objectives of the workshop were the following:

1. Identify and discuss the scope and nature of user compliance activities.
2. Identify and discuss provincial, territorial and federal experience/information on user compliance problems and causes.
3. Identify areas where multi-level government coordination could be enhanced.
4. Identify what federal, provincial and territorial reports are currently compiled on user compliance.

The workshop was organized into three segments: an introductory plenary session, break out group discussions, followed by a closing plenary session.

In the first segment, selected participants gave presentations describing an experience with a compliance issue. This provided an opportunity for all participants to learn about compliance problems experienced in other regions of Canada.

During the breakout group discussions, a more in-depth discussion of the following two key areas:

- common and/or most serious user compliance problems and their underlying causes
- areas where coordination between federal and provincial/territorial resources could be enhanced

The final segment was a plenary discussion focussed on the fourth workshop objective i.e., reporting on user compliance in a more comprehensive format. A summary of the key results from the break out group discussions follows.

1) SCOPE AND NATURE OF USER COMPLIANCE ACTIVITIES

The workshop participants identified two general observations regarding the current scope and nature of compliance activities, as outlined below:

Provincial/Territorial Compliance Activities are largely Responsive/Reactive

It was noted that due to limited resources, that provincial regulators are primarily responsive in nature i.e., reaction to complaints. To address this pattern, Ontario has formally adopted a risk assessment approach for assessing where compliance resources are best spent. Certain compliance activities may not be conducted due to limited resources in some provinces.

It was agreed that a risk management model to allocate resources to compliance problems of greater risk would help regulators to prioritize and focus efforts. Also, the reduction of duplicate enforcement actions between federal and provincial/territorial authorities should be the goal (this also relates to enhanced coordination).

Anticipated Benefits from Increased Information Sharing and Services Among Pesticide Regulators

The Provinces and Territories requested improved access to PMRA information pertaining to phase out of reevaluated products, emergency registration updates and minor use submissions. The discussion also included a proposal that PMRA offer lab services support (knowledge, expertise and analytical support) as either part of a collaborative compliance program or part of a shared enforcement response.

2) USER COMPLIANCE PROBLEMS AND CAUSES

The results of a summer 2004 survey of federal, provincial and territorial regulators identified that the most common types of user non-compliance were drift, adhering to buffer zones, unsafe use, and unlicensed applicators. A subsequent discussion at the workshop identified the most common problems as pesticide drift, off-label use, and in general, poor structural pest control techniques (for example, improper ventilation and re-entry into buildings, improper pesticide use and storage which could lead to accidental poisonings and contamination of food or feed and household articles).

Lack of understanding and failure to follow label's use directions and precautionary measures (e.g., personal protective equipment and buffer zones) were rated as being the most common causes/reasons for non compliance, especially with users that did not have the required language skills to understand pesticide labels. This is a common problem among users whose first language is neither English nor French.

Frequent product use and familiarity with product labels were identified as reasons users do not read labels as well. The consequence is that they are unaware of new or revised label requirements.

Other potentially serious problems identified included the following:

- improper application of highly toxic (Restricted Class) products by untrained users
- unlicensed or unauthorized applicators using pesticides
- improper storage or disposal of products
- use of unregistered products or home remedies

There was no conclusion regarding the most serious compliance problems.

Recognizing that compliance results from a knowledge and ability to comply with regulatory requirements, some recommendations were made on what could be done to improve in these areas. They are the following:

Clarify/simplify required label information

It was recommended that the required text on a product label could be reduced to essential directions and safety precautions. This would result in clear, easy to read labels with important product limitations prominently found on the label. Workshop participants also identified specific labelling issues e.g., the need to clearly define what is "acceptable" concerning product deposition/use and to specify equipment required to apply a product.

Provincial input regarding feasibility of compliance with label statements

It was felt that PMRA should encourage feedback from the provincial officials on the feasibility of users complying with label directions. Realistic requirements make a product much easier to use within the legal requirements governing pesticide use.

Communication and education initiatives

Communication and education initiatives were thought to be needing additional attention and effort. Specifically, areas of need were to provide information on the prevention of drift; Integrated Pest Management (IPM); and information regarding alternatives to re-evaluated products when announcements are made to the users.

Access to pest management products

The capacity for user compliance is somewhat linked to adequate access to appropriate pest control products. It was noted that if users had access to low risk products, minor use products and had timely access to alternative pest control products (as products are being phase out) that this

could improve users' ability to comply.

3) ENHANCED COORDINATION

Three general areas were identified by the participants, where coordination of compliance and enforcement activities could be developed:

Create an enhanced, more structured framework for the exchange of information between regulatory officials

Holding dedicated meetings between federal and provincial/territorial regulators was found to be advantageous since they have very similar goals. A Memorandum of Understanding may be beneficial between the provinces and territories, as well as between the federal and provincial/territorial authorities.

Create an enhanced, more structured framework for the potential co-development of federal provincial compliance programs

It was felt that sharing work plans (e.g., inspection activities planned and final results) among government departments where feasible and practical would be beneficial. There is a need for regional flexibility in program priorities, to allow action to be taken immediately when issues arise within a region.

Identify opportunities and programs aimed at compliance promotion

Enhance closer ties between federal agencies and provincial agricultural extension staff, who in turn increase education and compliance promotion at the user level. Limited numbers of provincial extension staff could be a barrier to relaying messages to the agriculture user community.

4) REPORTING ON USER COMPLIANCE

It was acknowledged that is difficult to provide user compliance information on a national basis. The type of information that is currently available varies by department and by jurisdiction (federal/provincial/territorial). Information which is currently collected can be used to identify industry sectors and be a valuable tool to track compliance trends.

Changes in user behaviour (grower groups forming an association, pursuing licensing, initiating codes of practice, etc.) can be included along with inspection/enforcement program results to assist in developing performance indicators of user compliance. Measuring and recording data in a tracking system, where performance indicators could be established, would be a goal for most of the workshop participants. It was decided that information gathering should begin with the regions and provinces/territories until a method can be developed to expand it on a national basis.

Annex 1

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