

# **Comments Received on the Proposed Regulations Respecting Safety Information for Pest Control Products and PMRA's Analysis**

The proposed Regulations Respecting Safety Information for Pest Control Products were published in the *Canada Gazette*, Part I, on 20 July 2004. The comment period closed 30 September 2004. Comments were received from 13 organizations, most of them representing registrants but also including governmental and non-governmental organizations. Respondents acknowledged improvements in the proposed regulations, relative to an earlier proposal that was published for comment in May 2003 as Discussion Document [DIS2003-02](#), *Preliminary Consultation on a Proposal to Implement Elements of WHMIS for Pest Control Products*.

Comments were summarized under a number of headings in order to group them into similar themes. The intent was to capture the major issue or suggestion being brought forward by each respondent or group of respondents.

## **1. PMRA review of Material Safety Data Sheets**

Comments received on this subject ranged from support for full review of material safety data sheets (MSDSs) by the PMRA as a condition of registration to self-certification by registrants. Some respondents felt that the PMRA should limit their review to subject areas of routine review.

The differing views regarding the level of MSDS review by the PMRA will be taken into consideration as will the level of review of other regulated sectors to achieve the most cost-effective balance while satisfying the intent of the proposed regulations.

## **2. Harmonization**

Recommendations were made that the safety regulations should reflect the anticipated Globally Harmonized System of Classification and Labelling of Chemicals (GHS) requirements and be flexible to allow change. Some suggested aligning the proposed hazard communication system to the Workplace Hazardous Materials Information System (WHMIS) as it adapts to the GHS.

As indicated in the Regulatory Impact Analysis Statement (RIAS) for the *Canada Gazette*, Part I, the hazard communication systems of WHMIS and pest control products are being converged through the GHS. Implementation discussions for the GHS are still underway, and one of the primary objectives is harmonization to the greatest extent possible between sectors (e.g., workplace chemicals and pest control products) in Canada. Consideration will be given to more closely aligning the Regulations Respecting Safety Information for Pest Control Products with the GHS.

## **3. Provision of Material Safety Data Sheets**

Several respondents indicated that providing a MSDS with every shipment would be wasteful and costly to implement and suggested instead a requirement to make an up-to-date MSDS available to each purchaser. They would prefer that the distribution system for pesticide MSDSs

be aligned with the current requirements of the WHMIS, the Chemical Hazard Communication Standard in the United States or the GHS. Some suggested that updated MSDSs be made available to users who are still using products over five years old with a five-year-old label. In some companies, systems are already in place to ensure MSDSs are distributed for all new purchases and for MSDS updates.

The goal is to ensure that all workers have access to the pesticide MSDS. PMRA's initial proposal, which had a MSDS attached to each pesticide container, was deemed too burdensome and costly. The revised approach in *Canada Gazette*, Part I, (provision with each shipment) still does not appear to fit into existing systems. If existing distribution systems are sufficient for proper MSDS provision, the Safety Regulations could be amended to be consistent. The GHS does not indicate requirements or guidance on how to provide/transmit MSDSs to the purchaser.

#### **4. Updating Material Safety Data Sheets and Version Control**

Some respondents suggested adopting a five-year validity period for MSDSs or the GHS or WHMIS frequency for updating MSDSs to reduce confusion for workers and costs to registrants. There was a request for a specific requirement to update the MSDS with new information when it becomes available.

The GHS suggests that suppliers update the MSDS promptly upon receiving information that necessitates revision and periodically review the information on which the MSDS is based. The GHS does not specify a frequency. The wording of the Safety Regulations could be amended to align more closely with WHMIS system, which currently uses a three-year expiry period, with a requirement to update when new information becomes available.

#### **5. Labels**

The PMRA received a variety of suggestions pertaining to pesticide labels, including a simpler required statement such as "MSDS available", minimal duplication between the label and the MSDS, and more equivalency with the format, language and symbols of WHMIS labels. One respondent noted that a requirement for a toll-free telephone number would be new.

The required label statement to indicate the availability of an MSDS could be simplified. As indicated in the RIAS for the *Canada Gazette*, Part I, the hazard communication systems of WHMIS and pest control products are being converged through the GHS.

#### **6. Bilingual Requirement**

The PMRA received requests to clarify the requirement for MSDSs in both official languages. The RIAS for the *Canada Gazette*, Part II, will clarify that the bilingual requirement can be met with a single MSDS in both languages or an English and French version provided together.

## **7. Costs to Industry and Government**

Some respondents regard the proposal as a costly and duplicative burden to the product registration work of registrants and the PMRA, without substantial benefit to Canadians. They noted that costs to industry should include the toll-free telephone number requirement, the cost of preparing submissions for all registered labels and the cost for setting up different distribution system for MSDSs for pesticides.

The proposed changes to the Safety Regulations may alleviate some of industry's cost concerns. Clarification of how PMRA will review MSDSs may alleviate the cost-benefit concerns.

## **8. Reference List**

Comments ranged from a request that suppliers be required to provide public disclosure of the source of toxicological information used to prepare an MSDS (as is required in section 31 of the Controlled Products Regulations), to claims that the requirement for a reference list is onerous and duplicative of the references provided for registration.

The need for references was addressed in the RIAS for the *Canada Gazette*, Part I, page 2051. Consideration will be given to adjusting the Safety Regulations to require that a list be maintained and only provided upon request. The data supporting an application is now available for public inspection under the new *Pest Control Products Act*.

## **9. Disclosure of Formulants**

A range of views were expressed regarding the disclosure of formulants. Some respondents would require disclosure of any formulant/contaminant that is on the relevant PMRA list *or* meets the hazard criteria for chronic toxic effects under the Controlled Products Regulations. Some regard a requirement for disclosure of List 2 formulants on labels and MSDSs as uniquely Canadian and a harmonization issue within NAFTA. Another disputed the rationale in the RIAS (page 2047) for using the PMRA list rather than the WHMIS Ingredient Disclosure List.

The GHS states that rules for confidential business information (CBI) take priority over rules for product identification. Exclusion of substances on the PMRA list from definition of CBI remains a strong basis for requiring disclosure. The Safety Regulations simply reflect the requirements for disclosure on the label (previous consultations have taken place on the Formulants Policy). The RIAS can be altered to reflect the inherent, hazard-based nature of PMRA's list.

## **10. Living Organisms**

The PMRA was asked to clarify if the Safety Regulations apply to living organisms such as microbials and insects. The RIAS can be altered to clarify that Safety Regulations will apply to microbial products.

## **11. Research Permits**

The PMRA was asked to clarify if MSDSs would be required for research permits. This question is still under consideration.

## **12. Training**

The PMRA was asked if it would educate industry on new requirements. The RIAS will be revised to indicate that training and education will be part of the PMRA's planned rollout of the regulations.