

**Summary Report:
Consultation on “A Proposal for a Harmonized Pesticide
Classification System for Canada”,
November, 2002 to February, 2003**



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Federal/ Provincial /Territorial Committee on Pest Management and
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Consultation on a Harmonized Pesticide Classification System For Canada” November, 2002 to February, 2003

The Federal/ Provincial/ Territorial (FPT) Committee on Pest Management and Pesticides released a consultation document on *A Proposal For A Harmonized Pesticide Classification System For Canada*. A general description of the proposed system, criteria for human health, consideration of environmental toxicity and fate and additional criteria for Domestic Products was provided. The decision making process for classifying pesticides and plans on implementing the proposed system in two phases were outlined. It was proposed that Phase 1 would include changes to the classification of domestic products only. Phase 2, involving changes to the classification of commercial and restricted products, would begin after Phase 1 was completed and follow further consultation.

The consultation document was posted on the FPT Committee web site for a 90-day consultation period. Any organization or individual was invited to submit comments during the consultation period which ended on February 4, 2003.

The Classification Implementation Working Group and the FPT Committee have carefully considered the comments received from stakeholders. The purpose of this report is to provide a consolidated summary of the comments received from all stakeholders.

A total of 34 submissions were received. Stakeholders that provided comments included environmental groups, industry associations involved in the registration of pesticides and various sectors and associations involved in the commercial application of pesticides. Comments were received from a number of municipalities as well as governmental organizations with health or environmental mandates. Furthermore, comments were received from all regions across Canada.

The majority of comments that were received pertained to the classification of domestic products. Comments from many stakeholders indicated support for a harmonized classification system which provides tighter controls on the sale and use of domestic class pest control products and, as a result, improves public awareness of the risk from using pesticides.

Stakeholders also provided comments on specific aspects of the proposal and suggestions for improvement. There were many comments and suggestions on the validity and usefulness of the criteria for classification, particularly the additional criteria for domestic products. Some comments indicated the need for greater protection of human health and the environment by considering chronic toxicity data and a precautionary principle approach. Some stakeholders questioned the relationship between the Healthy Lawns Strategy and the classification proposal. Input was provided on proposed restrictions on the use of Pesticide-Fertilizer mixtures. A variety of comments on the Globally Harmonized Classification System were received.

Some stakeholders suggested that the development of the harmonization proposal would have benefited from the input of a broad stakeholder base. While supporting the concept of a harmonized classification system, some stakeholders suggested that the system should be more pragmatic and less costly. Others stated that the achievement of harmonization requires consistent regulatory requirements for sale and use across Canada. Some stakeholders supported improvements to the proposed system to make it more restrictive. Some comments indicated that the downstream consequences to vendor education and licensing - and vendors' ultimate responsibilities to the public - lacked sufficient detail. The exemption list as described was not supported by all stakeholders.

There were many comments requesting clarification and additional details on the implementation of the proposed system. The importance of coordinating product reclassification and labelling

changes was suggested by some stakeholders. Comments on transition to and maintenance of the proposed system by both federal and provincial jurisdictions were provided by many stakeholders.

All comments received continue to be referenced by the Classification Implementation Working Group and the FPT Committee as part of ongoing work on the development of a harmonized pesticide classification system. The comments have been grouped according to the relevant sections of the document and are summarized in the following pages.

Summary of Comments

3.0 The Proposed Harmonized Pesticide Classification System

Stakeholders require assurance that the provincial and federal governments are committed to implementation of this initiative.

The proposed classification scheme is less restrictive than that developed by the Quebec Ministry of the Environment (MENV). Classification should be consistent between different levels of government. Clarify how federal and provincial jurisdictional powers and responsibilities will be impacted by the proposal.

Clarify the “detailed assessment” that will be used to determine the risk associated with use of the pesticide products.

A risk-based system is preferable to a hazard-based classification system. The Pest Management Regulatory Agency’s (PMRA) risk-based evaluation of the entire data package is a better system than the hazard-based classification system.

To better protect human health and the environment, a Precautionary Principle approach is preferable to the proposed risk management approach.

A better proposal would have resulted from more stakeholder involvement.

3.1 General Description

Clarify the intention of the classification system and the relationship between registration and classification.

The proposed category names do not clearly identify the risk to the purchaser and may lead to confusion and miscommunication.

Category names should be consistent with international labelling systems.

“Reduced risk pesticides” are promoted under the Healthy Lawns Strategy (HLS) and “lower risk domestic” products are described in the harmonization proposal. Clarify the difference between reduced risk products and lower risk domestic products.

Clarify what is meant by “minimum regulatory requirements”. In order to achieve a truly harmonized system across Canada, there should be no variance in the sale and use requirements implemented by the provinces.

Provide a list of currently registered pesticides and indicate how the proposed classification scheme affects them.

Clarify the implications for sale and use requirements if a commercial product’s classification is less restrictive under the proposed system (eg. particularly for certain aquatic and forestry applications).

Standardized training should be offered according to the classification of domestic and commercial products; training should not be offered by the manufacturer.

Agriculturalists should be subject to the same training and Integrated Pest Management (IPM) requirements as other users.

Status quo should be maintained for agriculturalists.

The agriculture business requires quick and easy access to pesticides to cope with pest problems as they arise.

Higher risk pesticides in both the domestic and commercial classes should be subject to greater sale and use restrictions.

Higher risk pesticides should be reported and tracked to monitor environmental loadings and to assess the success of vendor training.

3.2 Criteria for Human Health

Chronic toxicity data and possible cumulative effects should be considered in the classification scheme.

Develop a unique set of criteria for the restricted category.

Classification should not trigger any further registration requirements.
In general, the Globally Harmonized System (GHS) for the classification and labelling of chemicals is strongly supported.
The proposed toxicity cut-off values should be the same as GHS values.
The proposed toxicity cut-off values should be retained even though they differ from GHS values as they are more protective.
Chronic toxicity criteria could be based on the criteria used by the Quebec MENV.
Inhalation criteria should be consistent with the thresholds developed by the US EPA.
Criteria developed by Health Canada's Consumer Chemical and Containers Regulation (CCCR) can be applied to products which are considered corrosive or irritants.
Possible or probably carcinogens, as identified by the International Agency for Research on Cancer (IARC) or the US EPA, should be excluded from the list of domestic products.
Omit any reference to GHS until PMRA has determined how to apply it to the regulatory framework.

3.3 Consideration of Environmental Toxicity and Fate

Consider more environmental criteria (e.g. persistence, non-target effects).
Implement a rating system to characterize issues pertaining to environmental fate.
Screening labels to determine the risk category is not good science or consistent policy. It is a concern that a low risk product could be moved to a higher risk category based on a label screening process.
Assessments for classification should be conducted on a product-by-product basis.

4.0 Impact of the Healthy Lawns Strategy on Classification

The integration of Healthy Lawns Strategy (HLS) concepts is supported.
What prominence does the HLS have in the classification proposal and how are the objectives of HLS achieved through harmonized classification?
Remove reference to HLS, based on insufficient industry participation in the development of HLS.
Include sustainability concepts, rather than IPM principles, for environmental and human health protection.
IPM, and by extension HLS, is not appropriate for managing pesticides in urban environments. Rather, the recommendations found in the Report by the Standing Committee on Environment and Sustainable Development (May 2000) should form the basis of the classification proposal.

4.1 Additional Criteria for Domestic Products

The inclusion of some or all additional criteria is strongly supported.
Provide justification for the use of additional criteria and develop more rigorous additional criteria for the classification of domestic products.
Will the additional criteria affect the availability of some products?
Conduct an economic and business impact analysis on the proposed additional criteria.
The application of additional criteria is not straightforward in all cases. For example, how will the additional criteria apply to a "ready to use" product which has been purchased for broadcast application? It is difficult to understand how existing or future pesticides products will be classified.
There may be difficulty in determining and applying package size criteria (eg. How is "single season use" determined? Would single application sizing be more appropriate?).
It is not possible to derive "single season" use for packaging purposes. Domestic pesticides should be available in specific sizes which do not exceed 1 L or 1 kg.

Limiting the package size may lead to over-purchasing and possible over-use of the product. Homeowners may also over-purchase pesticides because they are unsure of the quantity of product that they need; or they may make bulk purchases to save money or for application to large properties.

Over-purchasing pesticides may lead to issues with safe storage of the excess product.

Improving packaging and consumer education will have many benefits, including addressing some of the hazards associated with storing surplus product.

Point of purchase homeowner education, verbally and in writing, should be mandatory.

Toxicity should be the only criteria used to determine higher risk classification.

Remove the sections on additional criteria based on potential impacts to the application and outcome of the product data evaluation process.

4.2 Application of Classification Criteria to Domestic Products

Explain the “critical timing” and “pest identification” terms listed as application criteria. How would they apply to common domestic products such as *Raid* and *Off*?

The application criteria should not include the option “no...pest identification required to use the product.” To determine the appropriate treatment, the pest must first be identified.

The classification of microbial products is unclear. Confirm that the critical timing and pest identification application criteria are not used in the classification of these products.

Package size limits should be described using " \leq " rather than "<".

Exposure is influenced by the application method. Consider the evaluation of state of the art technology such as new hose-end attachments.

4.3 Vendor Requirements: Training and Interaction with Consumers

Training requirements should be simple and flexible.

Support expressed for mandatory restrictions, such as “behind the counter” sale requirements, on the sale of higher risk domestic pesticides. This ensures interaction between homeowners and trained vendor staff.

Selling higher risk domestic products “behind the counter” is an expensive and impractical attempt at consumer education.

“Behind the counter” sales may lead to lack of access to products.

Other information disseminating methods such as 1-800 numbers and in-store displays are valuable tools for consumer education.

Retail staff training is strongly supported.

Develop standard requirements for the display of pesticide products at retail locations.

The purchaser should be responsible for training and certification; the purchaser could be a homeowner or someone using pesticides commercially.

It is not clearly described specifically how homeowners will obtain pest control advice and product information.

Unless requirements for additional vendor licensing and staff training are clearly defined, consumer education will not be guaranteed.

There is a need to include retail and consumer associations in any future dialogue on harmonization.

Existing professional programs, such as the IPM accreditation program, can play a role in any retail sector training programs.

The training cost to vendors and information on the content and delivery of training courses isn't provided. Specific vendor duties and responsibilities in educating the public are unclear, as are the specific vendor training requirements. The number of certified staff and specific staff requirements need to be provided. Clarify and provide details on Table 1.

Consistent provincial direction and monitoring would be required to ensure that appropriate advice and product information is conveyed to the consumer.

4.4 Proposed Controls for Pesticide-Fertilizer Mixtures

The restriction or elimination of pesticide combination products is supported. The application of pesticide combination products is contrary to HLS and IPM principles. The domestic market has misused and mishandled these products. Improved product information and application instructions on the packaging are required. Pesticide-fertilizer mixtures have appropriate applications to specific lawn conditions. Classification of these products should be based on individual product risk, and not as a group.

5.0 The Decision Making Process for Product Classification

Clarify and justify how the PMRA will assess and prioritize human health, environmental and additional criteria in the proposed classification scheme.

6.0 Implementing the Proposed System

Classification and labelling should be coordinated. Clarify how the new category names will affect labelling requirements; clarify how labelling requirements will impact the criteria for classification. Consult on the aspects of the proposal which deal with labelling. Clarify the link to the HLS labelling change initiative. The labels should use symbols or colour coding to convey the risk associated with the use of the product. How will the public be kept informed re: reconciling old labels with new labels during the transition to the harmonized system? Retail training and labelling changes should be delayed until all provincial regulations have been harmonized. A regulatory framework and cornerstones such as commercial use training must be in place before implementation. A specific compliance assurance framework is required to assess and monitor the proposed system. An educational campaign designed by the FPT committee is required to inform the public about harmonized classification in general, and the changing designation of certain products. How will pesticide applicators be kept informed of the implementation process? When contracts are signed, lawn care companies should provide customers with information on the classification status of the products used. The posting of signs after pesticide use, and after use of IPM strategies, should be mandatory. There is a need for a user-friendly PMRA database. More details are required on how, in general, Phase I changes will be implemented, including costs and responsibilities. More details are required on how the proposed system would be maintained and dovetail with ongoing PMRA activities. Clarify PMRA's role on the multi-jurisdictional committee which will oversee the classification system. Further stakeholder consultation is required in the determination and management of implementation issues. Involvement and input from municipalities, industry and other stakeholders is important. It is possible that provinces may apply the proposed system inconsistently or may impose further restrictions unilaterally. Creating a level playing field by implementing a national system is essential to the long-term viability of a truly harmonized system.

7.0 Exemptions from Provincial and Territorial Pesticide Legislation

If exempted products are not subject to Phase I implementation, will they be considered under Phase II?

The toxicity of the proposed exempted products should determine whether they are included in the classification system. Provide justification for the products or product-types on the exemption list.

Commercial products whose primary use is not pest control, but which can be used as pesticides, should be included under Appendix C.