Overview of the new *Pest Control Products Act*

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New PCPA

- When?
- Why?
- What's new?
- What's the same?
- What it means for registrants?

When?

June 28, 2006

Why?

- **Modernize a 37 year old PCPA, consistent with stakeholder recommendations, to:**
  - Strengthen health and environmental protection
  - Enhance transparency and accountability to citizens
  - Enhance post-registration controls
  - Facilitate responsiveness to needs of users

What's New? The Preamble

- **Though not legally enforceable, gives the parliament's basis for the legislation:**
  - Pest control products (PCPs) pose potential risks
  - Pest management plays a role in the economy
  - PCPs of acceptable risks and value can contribute to sustainable pest management which is....
  - Canada's system to complement -- not duplicate -- the provinces or territories' systems for efficiency and mutually desired results

What's New? The Preamble (cont.)

- The system to prevent unacceptable risks should:
  - base decisions on science
  - register PCPs only if efficacious and unacceptable risks can be prevented
  - consider aggregate exposure, cumulative effects and different sensitivities
  - support sustainable development
  - minimize risks and encourage alternative strategies
  - apply the Toxic Substances Management Policy (TSMP)
  - cooperate with other federal departments
  - consult with FPT
  - be efficient

What's New? Definitions

- **Definitions moved in the Act from the Regulations (e.g., active ingredient)**
- **New definitions added:**
  - Test data (TD), confidential test data (CTD) and confidential business information (CBI)
  - Government policy (e.g., TSMP)
  - Register
  - Value
  - Definitions related to environment and health (e.g., biological diversity, environment, ...)

What's New? Mandate

- **Explicit about the mandate:**
  - In administering the Act, the Minister's primary objective is to prevent unacceptable risks
  - In doing so:
    - Ancillary objectives are to support sustainable development, minimize risks, encourage public awareness, approve only PCPs that are acceptable
    - Greater certainty for children and future generations

What's New?
Advisory Council

- **Explicit authority to establish an advisory council and specify its functions**

What's New?
Registration of PCPs

- **The basic requirements for registration applications were moved from the regulations into the Act**

What's New?
Specify MRLs

- **Maximum Residue Limits (MRLs) specified under the new PCPA at time of registration or when import MRLs are required**
- **Speeds up the process by up to 2 years compared to process under the *Food and Drugs Act* and Regulations**

What's New?
Additional Information

- **A registrant may be required to obtain and report within a specified time additional information on risks and value as a condition of registration**

What's New?
Mandatory Reporting

- **Applicants and registrant are required to report certain types of information on risks and value**
- **The information to report will be prescribed in regulations (i.e., on sales and incidents; anticipated for the Fall 2006)**

What's New? Re-evaluation and Special Reviews

- Authority to initiate re-evaluations in accordance with the timetable set out in the Act [subs. 16(2)]
- Authority to initiate special reviews
- Authority to cancel or amend registrations to implement an international agreement
- Requirement to re-evaluate periodically (15 years)
- Requirement to initiate special reviews when reasonable grounds to do so (e.g., OECD country prohibits)

What's New? Public Participation and Transparency

- **The public may file objections to major registration decisions**
- **Mandatory public consultation**
- **Register and disclosure of some confidential information (not trade secrets or financial information)**
- **Public permitted to inspect test data (reading room), with safeguards (data protection)**

What's New? Public Participation and Transparency (cont.)

- **The public may obtain information on:**
  - The identities of the PCPs which contain formulants and contaminants on the List of PCP Formulants and Contaminants of Health or Environmental Concern (*Canada Gazette*, Part II, November 30, 2005)
  - The concentrations of the formulants and contaminants in those PCPs

What's New? Offences

- **Specifies offences for persons, for example:**
  - Who fail to report or provide information as required under various provisions
  - Who fail to comply with conditions or requirements imposed
- **Specifies punishments for offenders**

What's New? Enforcement

- **"Whistleblower" provision (report of contravention)**
- **Authority for inspectors to conduct a search of the premises without a warrant**
- **Authority for inspectors to issue orders for the taking of actions to end or prevent contraventions**
- **...**

What's New? Regulations

- **Authority to make regulations extended, for example, respecting:**
  - the Register
  - sales information reporting
  - review panels
  - public disclosure
  - the establishment of a formal data protection program
  - the establishment of an enforceable regime of good laboratory practice

What's the Same?

- **Title**
- **Scope (i.e., regulating aspects of manufacture, import, transportation, distribution, storage, sale, use, export and disposal)**
- **Regulatory approach (i.e., prohibit what is not registered or exempt from registration - registration of products that are of acceptable risks and value)**
- **The essence of what we do**

What it means for registrants?

- **Changes in how we do business relating to:**
  - the increased transparency
  - conditional registration
  - review panels
  - re-evaluations
  - specifying MRLs
  - expediting lower risk products, ...

What it means for registrants (cont.)?

- **Read the new legislation when published in the *Canada Gazette*, Part II (June 28, 2006) and know it comes into effect as of June 28, 2006**
- **Be aware of new rights, authorities, and applicable requirements and procedures**
- **Seek clarification as needed with PMRA**

Questions?