



NAFTA Technical Working Group on Pesticides
Grupo de Trabajo Técnico del TLC sobre Plaguicidas
Groupe de travail technique de l'ALENA sur les pesticides

NORTH AMERICAN FREE TRADE AGREEMENT

TECHNICAL WORKING GROUP

ON PESTICIDES

5-YEAR STRATEGY

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The North American Initiative: The Next Five Years

The North American Free Trade Agreement ushered in a new level of cooperation among the governments of Canada, Mexico, and the United States. NAFTA highlighted the importance of promoting trade and regional cooperation among governments, and established various mechanisms to collaborate on issues of key importance. In 1997, under the NAFTA provisions on Sanitary/Phytosanitary (SPS) measures, the NAFTA Technical Working Group (TWG) on Pesticides¹ was established to serve as a focal point for addressing pesticide issues arising in the context of liberalized trade. The TWG's primary objective is to facilitate cost effective pesticide regulation and trade among the three countries through harmonization and work sharing, while recognizing the environmental, ecological, and human health objectives of the NAFTA.²

In 1998, the governments of North America formally articulated their vision for a regulatory environment for pesticides consistent with the goals and intent of NAFTA. This vision, outlined in a document entitled the "North American Initiative," committed Canada, Mexico, and the United States to working toward two goals over a five year period: 1) by 2002, make work sharing the way to do business, and 2) develop a North American market for pesticides, while maintaining current high levels of protection of public health and the environment and supporting the principles of sustainable pest management.

Pursuit of these goals has eliminated a number of trade barriers, improved working relationships among governments, and helped to ensure a safe and secure food supply for North America. Under NAFTA, the North American governments have harmonized data requirements; pooled resources to ensure pest control tools are available for minor use crops; facilitated access to lower risk pesticides; developed integrated pest management programs that help reduce reliance on conventional pesticides; set human health and environmental safety standards that extend beyond borders; and expanded pesticide safety programs for agriculture. These projects, among many others, have begun giving shape to a North American market for pesticides. A more complete description of the TWG's accomplishments can be found in the Milestone Report.³

Canada, Mexico, and the United States have revisited the goals outlined in the "North American Initiative" in light of accomplishments over the past five years and of current priorities and

¹ NAFTA TWG Terms of Reference, dated June 4, 1997.

² NAFTA Chapter Seven, Subchapter B: "...for the protection of human, animal or plant life of health in its territory, including a measure more stringent than an international standard, guideline, or recommendation".

³ North American Initiative Milestone Report, dated September 2001.

resources. The three governments believe these original goals remain current and necessary to fulfill the NAFTA mandate. To set a higher standard of performance in pursuit of these goals we are also putting forward our vision of the North American marketplace as a world model. This document sets forth the shared goals, vision, and objectives of the NAFTA partners for the next five years under the TWG. It also describes existing activities to be continued and new initiatives to be undertaken by the TWG to promote stronger work sharing, facilitate trade while protecting human health and the environment, and encourage sound and sustainable pesticide use in North America. Specific projects that will contribute to achieving the goals outlined in this new five-year strategy are outlined in a companion workplan document entitled “NAFTA TWG Workplan”.

Goal 1: Work sharing is the way to do business

More than just a process, work sharing refers to a culture of collaboration and openness among governments and stakeholders devoted to finding ways of easing regulatory burdens. Over the last five years, regulators from Canada, Mexico, and the United States have come together with growers, scientists, industry representatives, researchers, and other concerned stakeholders in open meetings to set priorities, coordinate work projects, and gain an understanding of one another’s concerns. As a result of these efforts, the governments of North America have been developing processes for sharing resources when reviewing pesticides, streamlining registration procedures, and eliminating repetitive regulatory requirements across borders. Registrants and other stakeholders have supported these government efforts by working together on North American priorities for registrations, maximum residue limits (MRLs or tolerances), and other concerns, compelled by a growing North American outlook for free trade in food products, and to maintain a high level of health and environmental protection.

Not only does such cooperation improve working relationships among Canada, Mexico, and the United States, but it also helps to facilitate the free flow of trade in pesticides and agricultural goods across borders by allowing for quick, coordinated efforts to make decisions on pesticides and minimize trade barriers, while ensuring the sound and sustainable management of new and older pesticides.

Although still refining the work sharing process, North American governments have greatly benefitted from regularly communicating and collaborating together to ensure that pesticides do not pose unreasonable risks to human health and the environment. Canada, Mexico, and the United States are committed to a fruitful and cooperative working relationship and will continue to explore ways of better sharing pesticide scientific reviews and coordinating regulatory responsibilities. The TWG is convinced that work sharing is the most effective way to do business and will continue to make it a primary goal.

Goal 2: A North American market for pesticides

As a mechanism for facilitating trade among Canada, Mexico, and the United States, NAFTA has paved the way for a North American market for pesticides. Over the last five years the TWG has eliminated trade barriers, increased access to pesticide markets, and identified ways of harmonizing regulatory processes to avoid future trade problems. As specified in its mandate, the TWG has also recognized the objectives of NAFTA Chapter Seven, Subchapter B, which include ensuring the protection of human, animal and plant life, and health in North America. The TWG strives to establish a harmonized structure that can maintain high safety standards, and ensure a consistent regulatory environment across borders.

Industry also must continue to take a North American approach to its strategic planning efforts on product formulation, data development, and registration submissions. Likewise, growers must continue to identify inconsistencies in registrations and to encourage the pesticide industry to coordinate its data submissions across the three NAFTA countries. Growers also continue to play an important role in defining priorities for MRL/tolerance harmonization and data development, particularly for minor uses.

Building upon the work that has been accomplished over the last five years, the TWG will continue to work toward making a North American market for pesticides a reality, in partnership with industry, growers, and other stakeholders.

Getting There From Here - The next 5 years (2003 - 2008)

VISION

Canada, the United States, and Mexico are striving to make the North American region a world model for common approaches to pesticide regulation and free trade in pesticides and food. Achieving this level of performance, while protecting human and environmental health, will set a global standard and enhance world trade in North American products.

The responsibility for ensuring pesticides do not pose unreasonable risks to human health and the environment is shared by many, including governments, pesticide manufacturing companies, distributors, pest control operators, growers, workers, public interest groups, and the general public. The TWG plans to take a holistic approach to pesticide management to create this high standard of excellence.

MAJOR OBJECTIVES

To realize this vision, the TWG will pursue the following three objectives over the next five years:

- Full North American intergovernmental collaboration;
- Equal access to markets and pest control tools including lower-risk alternatives; and
- Robust stakeholder participation.

Objective 1: Full North American Collaboration

While the TWG's focus is the entire North American continent, many of its projects have historically involved Canada and the United States as a result of the bilateral work that preceded the NAFTA. To promote strong trilateral collaboration, the TWG will give priority to identifying and launching initiatives that provide for greater Mexican involvement. Such participation will generate important benefits both to Mexico, in terms of enhancing its regulatory capacity and sound pesticide management capabilities, and to the NAFTA partners by fostering greater harmonization across North America. The TWG Executive Board will also work collaboratively with other organizations or agencies, both within and beyond Mexico, to advance work on Mexico's priorities as they are identified.

Objective 2: Equal Access

Equal access to pesticide markets and pest control tools, including lower-risk alternatives, is essential for promoting trade, improving pest management, and supporting sustainable agricultural initiatives. The TWG will continue to identify ways to harmonize data requirements, reduce duplicative efforts, and minimize trade barriers caused by differences in regulatory requirements. Importantly, the TWG will work to ensure that facilitating trade is done in a way that protects human health and the environment throughout North America.

Objective 3: Robust stakeholder participation

From growers to urban dwellers, from business owners to school administrators, people in diverse settings have to make decisions about controlling pests and are concerned about how pesticides are regulated. Consumers throughout North America want assurance that the food supply is safe. Pesticides from manufacture to application to disposal may impact age groups and populations differently throughout their lives. The role of all stakeholders becomes more important as the NAFTA governments continue to move through the implementation phase of the harmonization work.

Successful implementation of the next five-year strategy poses formidable challenges for both government and industry alike. The NAFTA governments must continue to explore innovative ways of addressing the complex issues associated with trade in pesticides and food products, while protecting human health and the environment. After several years of operation, the TWG needs to identify clearer measures of success to gauge how effectively its activities are addressing stakeholder concerns and needs. At the same time, industry must develop a broader North American approach in developing and marketing pesticides throughout the region in order to reduce trade barriers and provide growers equal access to safer pesticide products. Industry must continue to vigorously participate in the NAFTA joint review and work sharing processes, actively seeking to register reduced-risk pesticides that are common across the three countries. Where pest problems and cropping scenarios differ among the three countries, industry must pursue registration and establishment of necessary import MRLs/tolerances in a coordinated fashion across North America. Such strategies will maximize opportunities to workshare, provide growers and other users equal access to newer pest control tools and assure growers the ability to export foods that comply with MRLs/tolerances in all three countries. The TWG Executive Board invites industry to set benchmarks for its own progress in achieving the North American vision and to work with governments to create cooperative mechanisms that address broad regional concerns.

Growers and other groups must continue to identify inconsistencies in pesticide registrations and to identify priorities for MRL/tolerance harmonization and the development of relevant data, particularly with respect to minor uses. All stakeholders should also identify and pursue options for risk reduction and sustainable development. The TWG looks to the public to ensure that the TWG continues to have a balanced approach in fulfilling the requirements of NAFTA.

The TWG continues to encourage its stakeholders to organize themselves on a tri-national basis to identify and forward suggestions and priorities that are important to the North American region as a whole. The TWG is pleased to welcome into the fold of stakeholder groups the Non-Agricultural Working Group (NAWG) formed in 2002 specifically to interact with the TWG. These groups also include the Industry Working Group (IWG) and the NAFTA Grower Network (NGN).

A North American market for pesticides and a strong culture of work sharing are not possible without robust public participation. Although an increasing number of parties are attending its regular public meetings, the TWG would like to continue broadening the dialogue to include more voices from academia, non-governmental organizations such as environmental/public interest groups, and concerned citizens, as well as different sectors of the regulated industry that have expressed an interest in working on a range of projects relating to non-agricultural pesticides.

WORK AREAS

The objectives described above cut across a number of different sectors and will require the coordination of people both within and outside of government. Achieving these objectives will require a concerted effort on the part of regulators, industry, growers, academia, scientists, public interest groups, and concerned citizens. These seemingly straightforward objectives must be aligned with the complexity of the pesticide industry, its relationship with growers, other users and regulators, and the issues revolving around science, risk, and food security. The TWG proposes to pursue work in four areas in order to achieve the goals and objectives of the “North American Initiative”:

- **Trade**
- **Safety**
- **Sustainability**
- **Communication**

Building on the accomplishments over the last five years within the existing subcommittees - Joint Review, Food Residue, Risk Reduction, and Regulatory Capacity Building - the TWG will work on various initiatives under each of the four areas. Specific projects contributing to these areas are more fully described in the companion document “NAFTA TWG Workplan”.

Work Area 1: Trade

Facilitating trade in a manner that is protective of human health and the environment is one of the key responsibilities of the TWG, thus making this work area critically important to the success of the five-year strategy. Over the years, the TWG has been collaborating with affected stakeholders to prevent and resolve trade irritants. On the preventive side, some registrants have taken advantage of the TWG joint review program to obtain product registrations and comparable MRLs in all three countries. To date, the TWG has completed a total of 13 joint reviews and five workshares, thus facilitating access to eight conventional chemicals, seven reduced risk chemicals, three biopesticides (two microbials and one pheromone) and 40 end-use product registrations. On the problem-solving side, many growers have been instrumental in identifying differences in MRLs or lack of MRLs, and flagging those pesticides which are not registered in all three countries. In response, industry and the TWG have worked together to eliminate a number of trade barriers by establishing common MRLs for 12 pest/crop combinations.

The TWG will begin to focus on predominant crops that account for significant trade among the three countries. The TWG looks forward to working with growers and the pesticide industry to encourage more joint review applications and work sharing proposals for registrations or establishment of MRLs where lack of access to a pest control tool or lack on an MRL may create

trading inequities and disruptions or inhibit use of safer new pesticide products. In the past, the TWG has gained valuable experience working with growers and industry to meet critical pest control needs, prevent trade problems, and promote sustainable pest management practices through specific commodity projects such as canola and cranberries. The TWG plans to build on these early efforts by developing two new projects for important NAFTA trade crops, pulses and tomatoes. The TWG will work with industry, growers, agriculture extension and consumer advocates in order to promote sustainable pest management practices that will enhance trade of these crops, focus on reduced risk pesticides, assure food safety, and protect the environment in North America.

(a) Trilateral Review: Over the last five years, the Joint Review program has proved vital to developing compatible review procedures for both conventional pesticides and biopesticides, exchanging scientific knowledge, and sharing regulatory burdens. Joint reviews can increase the efficiency of the registration process, facilitate simultaneous registration in participating countries, and increase access to new and better pest management tools in participating countries. In addition to formal joint reviews, NAFTA countries also participate in "work share" projects, i.e., sharing reviews and risk assessments for pesticides that have not been simultaneously submitted for review and may be at different stages in the review process in each country. This collaboration strengthens scientific understanding of pesticides and how they interact in the environment. Registrants play an important role in this effort by providing the necessary authorization to the governments to share these reviews.

Over the next five years, Mexico will continue to enhance its participation in work sharing, including joint reviews, to the extent feasible. To facilitate Mexico's participation, Canada and the United States will share data reviews with Mexican regulators and scientists and will seek opportunities for sharing pesticide regulatory knowledge and expertise with Mexico. In addition, the NAFTA countries will continue to collaborate on re-evaluation/re-registration assessments. These work sharing projects range from discipline-specific chemical assessments, to the development of new assessment methodologies, to the consideration of a joint review on a re-evaluation/re-registration chemical.

(b) Minor Use Pesticides: Through the United States Department of Agriculture's (USDA) Interregional Research Project Number 4 (IR-4), Canada and the United States have worked together over the last five years on the coordinated development of residue data to support the registration of minor use pesticides. Canada is currently in the process of implementing a minor use program similar to the U.S. IR-4 program. In addition, Canada and the United States have jointly registered their first minor use product, fenhexamid on raspberries, as a pilot project. As growers continue to identify minor uses as a priority, the TWG will strengthen its efforts in this area, building on the success of the fenhexamid review. During the next five years, the TWG will explore ways in which Canada, Mexico and the United States can become more involved in each other's minor use processes, for example:

- Improve communication with minor use growers;
- Share data with respect to minor use registration;
- Facilitate minor use registration through more systematic work sharing in Mexico and Canada;
- Coordinate among existing national minor use programs.
- Implement minor use joint review program

(c) Harmonization of Maximum Residue Limits (MRLs)/Tolerances: North American industry and growers have in the past identified and continue now to identify the establishment of harmonized NAFTA MRLs/tolerances in the three NAFTA countries as a priority. Originally, the TWG adopted an approach to resolving MRL-related trade irritants documented in the Procedures for the Identification and Resolution of NAFTA Pesticide Trade Irritants (1998). Although this original approach resulted in resolution of a number of MRL-related trade irritants, it is clear that this approach does not fully address important MRL discrepancies. The TWG is committed to working with users to identify the most important MRL discrepancies and then with industry to remedy them in the most cost-effective and sustainable manner. The new pulse and tomato projects will allow the three governments to explore this new approach with users and industry. But the governments will also work with other interested commodity groups to help identify other opportunities to address significant MRL discrepancies. MRL/tolerance harmonization will standardize and broaden the protection of human health across North America by establishing stringent health based limits that are applied throughout the region and that promote the free trade of safe food products. The TWG will continue to harmonize MRLs in Joint Reviews as much as possible.

Canada has recently proposed eliminating their 0.1 ppm default MRLs. This proposal will allow Canada to be harmonized more with the U.S. in their tolerance setting process. The North American countries are committed to work together in the implementation of this proposal so that there is the least amount of trade disruption possible.

(d) Import Tolerance Guidelines: The TWG has produced proposed guidelines that explain to registrants the processes and the data necessary to establish an MRL/tolerance for imports in a NAFTA country. The document takes into consideration the differences in regulatory requirements and safety concerns of each country. Canada, Mexico, and the United States are considering comments received on the proposal and will issue final guidelines in 2004.

(e) Developing a NAFTA Label: The TWG will continue to support the development of a NAFTA labels for pesticides, in countries where it is deemed appropriate. Ensuring growers throughout North America can access affordable pest control tools enhances food safety and increases the competitiveness of the North American food market, as well as improving the regulatory management of the movement of pesticides. Key to progress in this area is registrant agreement and active participation in implementing a NAFTA label as part of specific joint review and work sharing

activities.

A NAFTA label would entail standardizing a number of areas, such as precautionary statements, label symbols and signal words, protective clothing requirements, insect resistance management guidelines, and application rates. The Globally Harmonized System of Chemical Hazard Classification and Labeling provides an internationally agreed upon approach to standardizing key label elements. Under the TWG, the NAFTA countries are committed to implementing the GHS as it relates to pesticides in a coordinated manner.

The Non-Agricultural Working Group is interested in pursuing the development of a NAFTA label for non-agricultural/antimicrobial consumer products, such as cleaning products, in order to minimize the number of trade barriers. The TWG will incorporate this area of work within its NAFTA label activities. Key to progress in this area is registrant agreement and active participation in implementing a NAFTA label as part of specific joint review and work sharing activities.

Work Area 2: Safety

The TWG has promoted various efforts to ensure the safety of particularly vulnerable groups, such as children and agricultural workers, from pesticide-related health risks. These activities range from information sharing to hands-on training. Safeguarding the well-being of North American workers and the public also helps ensure a level playing field in all three countries. Building on recent activities, the TWG will also consider promoting prevention and sound management of pesticide wastes, including containers and obsolete stockpiles.

(a) Children's Health: To ensure that Canada, Mexico, and the United States are effectively coordinating their activities related to protecting children from the potential risks of pesticides and other toxic chemicals, the TWG will work closely with the North American Commission on Environmental Cooperation (CEC) to share information on basic principles and methodologies for conducting risk assessments with a focus on children's health. The objective is to assure a common understanding of terms and concepts across the three countries and across the environment and health sectors so that relevant epidemiological, exposure, and other relevant data are considered in pesticide evaluations, thus improving children's health protection across the continent. One of the initial activities in this area, was the Children's Risk Assessment Workshop, held in Oaxaca, Mexico, February 19-21, 2003.

(b) Agricultural Worker Protection: Mexico and the United States are working to develop a complementary framework for protecting agricultural workers from the potential risks posed by pesticides; Canada and the U.S. have already developed worker safety programs that address this issue. Building on current state and local infrastructure, Mexico launched a national pesticide safety pilot training program in 2002 that will benefit the North American common agricultural workforce.

Over the next five years, the TWG will build on the success of the train-the-trainer program and explore how an integrated pesticide worker safety program, comparable throughout North America, can be implemented to address occupational health and safety concerns for agricultural labor (field workers, pesticide handlers, pesticide applicators, and others present in treated fields). This program will also consider potential risks to workers' families.

In addition, the TWG will explore adapting these training programs to serve the needs of urban applicators. The three governments will work on information exchange related to their urban applicator programs.

Work Area 3: Sustainability

By having a wide range of safe and effective pest management tools at their disposal, North American growers will be better equipped to combat pests and protect the continent's food supply. Promoting greater access to these tools, including reduced risk products, is an important aspect of the TWG's work. Having these tools available throughout North America facilitates trade in foods.

(a) Integrated Pest Management Strategies: Integrated Pest Management (IPM) is a sustainable approach to pest control that combines prevention, monitoring, and suppression strategies in a way that seeks to minimize economic costs and health and environmental risks. Coordinating selected IPM activities across North America will ensure wide availability of crop protection tools while enhancing free movement of commodities. In the coming years, the TWG will identify common IPM critical needs and develop strategies to address them. The three countries will work together to implement IPM strategies that take advantage of each country's available resources and technologies, including reduced risk and biopesticide products.

The TWG will build on the successful IPM for canola project to develop IPM strategies for other crops significant in North American trade. At the same time, these strategies will strive to pursue harmonization of MRL/tolerance discrepancies and promote equal access to reduced risk pest control tools and strategies. Essential to the success of these strategies is grower input and participation.

(b) Reduced Risk Products: The NAFTA TWG will continue to give priority to the registration of reduced risk pest control products, including non-agricultural pesticides and biopesticides. Canada's recently passed new pesticide legislation strengthens the legislative foundation for pesticide risk reduction and support for sustainable pest management in Canada. In particular, the new legislation makes mandatory the current practice of expediting the review of applications for the registration of reduced risk products. In addition, Mexico has expressed interest in better understanding the U.S./Canada registration process for biopesticides and the United States has provided some training sessions and materials in this regard. Mexico's participation in joint reviews

and work sharing, particularly for biopesticides and reduced risk products, will enhance the sustainability of pest management throughout North America.

Work Area 4: Communication

Effective communication between governments and stakeholders is instrumental to good public policy decisions and to the successful implementation of the five-year strategy. While the TWG has established mechanisms to engage the public, it will make a more concerted effort over the next few years to broaden the dialogue by reaching out to sectors of society not well represented at this time in the TWG's existing networks. To promote accountability and greater success in addressing the specific concerns and needs of all of its North American stakeholders, the TWG will establish measures of success in the coming years.

(a) Public Participation: From its inception, the TWG has relied on a wide range of stakeholders to actively participate in its decision-making processes. To ensure that the "North American Initiative" meets the needs of all stakeholders, including an informed public, it is vital that a broad spectrum of perspectives inform the policies governing the regulation of pesticides and trade in food commodities. The NAFTA governments are deeply committed to transparency in the TWG's decision-making processes and to providing clear opportunities for public input.

Information is also vital to protecting public health. Before consumers can make informed decisions about using a pesticide, they need to understand its benefits and risks, how those risks can be minimized, and what alternatives are available. As such, the TWG will promote consumer education and awareness activities that expand current knowledge about pesticides.

Some of the areas of cooperation currently underway within the TWG include:

- How to register Minor Use pesticides;
- How NAFTA zone maps decrease the number of residue field trials required for registration;
- Status of NAFTA Maximum Residue Limits (MRLs);
- NAFTA TWG role in Pesticides and Children's Environmental Health;
- Residue Reduction in North America; and,
- Joint reviews for chemical pesticides and biopesticides.

The TWG will continue finding ways of increasing transparency, developing and sharing relevant information, and soliciting input from the public.

(b) Non-Agricultural Pesticides: Although the TWG has addressed several non-agricultural issues (e.g., harmonization of the evaluation of antimicrobial pesticides, and coordinated review of heavy duty wood preservatives) over the past several years, most of the work has focused on issues

involving agricultural pesticides. Representatives from the non-agricultural pesticide industry have expressed a desire to engage the TWG on a number of additional issues related to antimicrobial and other non-agricultural pesticides. In response, Canada, Mexico, and the United States are working closely with the Non-Agricultural Working Group to initiate projects for the highest priority concerns. For example, a pilot Joint Review has been initiated on an antimicrobial wood preservative.

(c) Measurements of Success: The TWG expects to develop some practical and meaningful ways to measure and communicate the success of its work. These measures might include tracking joint pesticide registrations and harmonized MRLs/tolerances, regionalization of sustainable pest management practices, assessing border violations and detentions, and monitoring pesticide poisonings and body burden levels. Measuring results will be a primary theme in the work of the TWG in the next five years. The TWG welcomes ideas for specific measures of success from stakeholders.

CONCLUSION

In identifying its goals, vision and objectives for the next five years, the TWG recognizes that the solutions to societal and environmental problems are complex and require the participation of all parties. The TWG looks forward to achieving full work sharing and the creation of a North American market for pesticides during the next five years. There will be continuing challenges, as the North American Initiative competes for resources with domestic mandates and adjusts to changing conditions. By beginning to dismantle trade barriers and open markets, the TWG has helped spur economic growth, while safeguarding human health and the environment in North America. The TWG has encouraged the movement to safer and more sustainable pesticide products. Based on the progress to date, the TWG and its stakeholders are well on the way to achieving a North American market for pesticides. We look forward to working together with you, our stakeholders, to make this a reality in the near future.