

PMRA Compliance Program and Update on AMPS

- ◆ *Karen McCullagh, Compliance, Laboratory Services and Regional Operations Division, PMRA*



Compliance with PCPA/Regulations

- ◆ To effectively enforce legislation, enforcement must be fair, nationally consistent and predictable.
- ◆ The majority of the regulated community will comply with the regulations if they understand them.
- ◆ For the others, deterrence is predicated on:
 - ◆ perception by the potential violators that they are likely to be detected;
 - ◆ quick response when violations are detected; and
 - ◆ penalties high enough to encourage violators to change their behaviour.

Annual National Pesticides Compliance Program (NPCP)

- ◆ focus is on the inspection and investigation of individuals or companies who sell, distribute and use pesticides.
- ◆ *Pest Control Products Act (PCPA)* regulates the importation, manufacture, sale, and use of pest control products
 - ◆ provides for on-site inspections, collection of samples and when warranted, seizure and detention of a product.
 - ◆ provides for enforcement actions against individuals who violate the provisions of this act.

Annual National Pesticides Compliance Program (NPCCP)

- ◆ The NPCCP is designed to promote and verify compliance with the *PCPA* through consultations, inspections, and investigations.
- ◆ focus of the program is determined by the risks of a potential non compliance, the history of non compliance and the impact upon the regulatory system.
- ◆ Goal is to assess the ability of industry and user groups to comply with
 - ◆ terms and conditions of regulatory decisions
 - ◆ general provisions of the PCPA.

Annual National Pesticides Compliance Program (NPCCP)

- ◆ The NPCCP is coordinated with
 - ◆ provincial governments at the local level and
 - ◆ other federal departments which have an interest in pesticide regulation to ensure all compliance actions complement and reinforce each other.
- ◆ The 2003 NPCCP includes
 - ◆ anticipated 500 investigations;
 - ◆ 12 planned Inspection programs- over 1100 inspection visits and approx. 500 samples/multiple analyses.



Compliance Inspection/Monitoring

- ◆ Regular, planned inspections as a means of monitoring pesticide sale, distribution and/or use.
 - ◆ Deliver on-site education and compliance assessment of individuals or groups of individuals
 - ◆ May involve sampling for analysis, examination of documents and facilities, as well as the provision and exchange of information.
 - ◆ Adjusted from year to year to deal with different areas of pesticide use, sale or distribution.
- ◆ Violations detected are followed up by an investigation and are tracked on an Investigation Database.

Types of Monitoring Programs:

1. Contingency Response

- ◆ new monitoring/surveillance inspections in response to major pesticide problems or issues of health and safety concerns, arising after the NPCP has been finalized.

2. Surveillance

- ◆ target specific individuals or groups for follow-up on previous findings or concerns i.e., with documented compliance information or history
- ◆ verify completion of any agreed to corrective action and to measure their current level of compliance.

3. Monitoring

- ◆ determine the level of compliance for specific target groups.
- ◆ determine if there is a need for subsequent monitoring or surveillance inspections.



Compliance Promotion

- ◆ Consultations to gather and exchange information on regulatory decisions and on enforcement issues.
- ◆ Information and education are effective tools in obtaining and securing conformity with the law.
- ◆ Compliance promotion programs include
 - ◆ a range of documents and strategies aimed at education of users regarding the short and long term advantages of compliance;
 - ◆ programs to facilitate and promote compliance and to communicate and explain regulatory information, e.g., compliance with personal protection requirements noted on the label.

Enforcement

- ◆ The PMRA conducts an investigation when it is suspected that there has been a violation of the PCP Act.
 - ◆ To determine the facts of the suspected violation,
 - ◆ Gather and preserve evidence and evaluate the facts.
 - ◆ May focus on a single incident (e.g., use of an unregistered pesticide) or it may have a national focus (e.g., stop sale and removal of a product which has unacceptable packaging).

AMPS UPDATE

- ◆ Administrative Monetary Penalty (AMP)
 - ◆ penalties, similar to court-levied fines, are imposed through an administrative process
 - ◆ can be imposed when a person or company has contravened the *Pest Control Products Act*,
 - ◆ rather than pursuing prosecution under the Act
 - ◆ can be imposed in lieu of, or in addition to, other sanctions available under the *Pest Control Products Act* and Regulations.
- ◆ An AMPs is not proposed when the contravention is considered to be serious enough to recommend prosecution.



AMPS UPDATE

- ◆ A Notice of Violation (NOV) is a document issued to a person or company that has allegedly violated the *Pest Control Products Act* or Regulations.
- ◆ April 2001- March 2002 (initial/pilot year) 3 NOV's were issued; between April 2002 - March 2003, 37 NOV's were issued. Since April 1, 2003 2 NOV's have been issued.
- ◆ To increase awareness of PMRA's role in encouraging compliance with the PCPA, the PMRA Issues Enforcement Bulletins to local media with information that a violation has been committed