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Notice of Intent

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Notice of Intent Regarding Conditional Registrations under the Pest Control Products Regulations

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Purpose

The purpose of this notice is to inform Canadians and interested stakeholders of Health Canada's intent to discontinue the granting of new conditional registrations under the Pest Control Products Regulations, effective 1 June 2016.

Background

Health Canada's Pest Management Regulatory Agency (PMRA) regulates pesticides on behalf of the Minister of Health. A pest control product (pesticide) is only registered under the *Pest Control Products Act* for use in Canada if PMRA determines through a rigorous scientific evaluation that the health and environmental risks are acceptable when label directions are followed, and that the product has value. The health risk assessment requires that consideration be given to sensitive sub-populations such as pregnant women, infants, children and seniors; the environmental risk assessment considers factors such as risks to non-target species. If a product poses a concern to human health, future generations, or the environment, it is not registered for use in Canada.

The *Pest Control Products Act* contains substantial transparency and consultation provisions. Prior to granting a full registration in respect of a new pesticide, a consultation document including the full scientific basis for the proposed decision is published. Once a full registration is granted, the *Pest Control Products Act* requires that all the scientific data used in decision making be placed in the Product Register and that it be available for inspection by the public. Also, anyone can file a notice of objection, once the final decision is made public.

Conditional registrations, which are approximately one percent of all registered pesticides in Canada, are granted only when the review of the scientific data and information is sufficient to determine that the risks of a pesticide are acceptable, but PMRA requires additional information, such as monitoring data after a product registration, to confirm the results of models used in the risk assessment. However, the transparency provisions of the *Pest Control Products Act* do not apply until the conditional registration is renewed or converted to a full registration (in other words, until the additional information is received and reviewed by PMRA).

Changes to PMRA's Approach to Granting Conditional Registrations

In April 2015, the House of Commons Standing Committee on Health published its report *The Statutory Review of the Pest Control Products Act, 2015*. The report included a recommendation that PMRA review the openness and transparency of its processes to register pesticides with a view to ensuring that Canadians are able to provide meaningful and informed input into the decision-making process and clearly understand decisions once they are made. The report also recommended that PMRA review the use of conditional registrations to ensure that they are being used in a manner that protects the health of Canadians and their environment.

The Commissioner of the Environment and Sustainable Development has previously recommended that PMRA reduce the number of conditional registrations issued and the length of time pesticides remain conditionally registered. A number of non-governmental organizations have raised concerns with the lack of transparency in the approach to conditional registrations.

As a regulator, Health Canada plays an important role in protecting the health and safety of Canadians and is committed to transparency and openness to further strengthen trust in our regulatory decisions. Consistent with Health Canada's Regulatory Transparency and Openness Framework and taking into account issues raised regarding conditional registrations, PMRA intends to discontinue the granting of new conditional registrations, as of 1 June 2016. A full public consultation will occur in a timely manner before each decision to register a new pesticide is made. Existing conditional registrations will be monitored to ensure that the required information is received and reviewed by PMRA in a timely manner.

Any impact of this approach is expected to be minimal. Granting of conditional registrations has decreased substantially in recent years to the point where they represent approximately one percent of all registered products in Canada and, there will be no impact on the process by which applicants apply for and obtain a full registration. In addition, should additional information or scientific data be required in the future, the Minister of Health would maintain the authority under the *Pest Control Products Act* to require, at any time, the manufacturer to compile information, conduct tests and monitor experience with the pesticide related to effects on human health and the environment, or its value, and to report this information to PMRA. This new approach will improve the openness and transparency of the pesticide regulatory system, and will clarify that all pesticide registration decisions are made with the same high level of scientific scrutiny.

Public Comments

Interested persons may make representations, with respect to this Notice of Intent, within 60 calendar days. Please provide your comments to pmra.publications@hc-sc.gc.ca by 19 March 2016, and include the following information:

- Your full name and organization;
- Your phone number; and,
- Your complete mailing address or email address.