Getting Involved in Canada's Pesticide Regulatory Process

Canada

Canada's new *Pest Control Products Act* allows the public to view the information used to make pesticide regulatory decisions and offers more avenues to participate in the regulatory process. Under the new Act, the public will be able to:

- obtain information about open applications to register or amend pesticide products, including new uses
- view and provide comments on proposed registration decisions before they are finalized
- review evaluation reports and final decision documents
- inspect confidential test data once a registration decision has been made
- submit a notice of objection to a registration decision

request a special review of a pesticide

Accessing Pesticide Regulatory Information

With the coming into force of the new Act, Health Canada's Pest Management Regulatory Agency (PMRA) established a Public Registry and a Reading Room to allow the public to inspect information relating to pesticide registration. Much of this information was not available under the previous legislation.

Public Registry

On the Public Registry, you will be able to access the following information from the PMRA's website:

- information relating to a pesticide
- information relating to an application to register or amend the registration of a pesticide
- PMRA consultation statements and decision statements
- evaluation reports
- citations to research used in evaluation
- conditions of registration
- research authorizations
- Own-Use Import certificates
- memoranda of understanding among federal government departments relating to pesticides
- reports of international harmonization activities
- regulations, policies, guidelines and codes of practice, both proposed and final

Reading Room

The Reading Room is where you can inspect confidential test data supporting a decision to register or amend a pesticide. These data were not available for inspection under the former Act. The data will be made available for inspection in an electronic format and, because they are confidential, they may not be copied or otherwise removed from the Reading Room. The Reading Room is located at the PMRA's headquarters in Ottawa.

What is available for inspection?

Confidential test data provided by registrants is the only information that will be available for inspection in the Reading Room. Other non-confidential PMRA information on pesticides, the pesticide regulatory system and initiatives of the PMRA will be available through the Public Registry on the PMRA's website.

What is not available for inspection?

Confidential business information, specifically defined in the new Act as manufacturing processes, methods for determining the composition of the product, financial or commercial information, and the identity and concentration of formulant ingredients and contaminants that do not pose a health or environmental concern, will not be available for inspection.

Accessing the Reading Room

A request to inspect test data in the Reading Room is required, along with a signed affidavit or statutory declaration attesting that the data will not be used or made available for others to use to register or amend the registration of a pesticide in Canada or elsewhere. Data owners will be notified of a request to view their data.

Opportunities for Public Involvement in Regulatory Decisions

Consultations on proposed major registration decisions

Public consultations are conducted for all proposed major registration decisions, such as new registrations or major new uses of a pesticide, re-evaluations or special reviews. Documents outlining the evaluation are made available to the public through the Public Registry on the PMRA's website. Following the publications of the proposal documents, there is a consultation period during which interested parties can submit comments. Health Canada will consider these comments before making a final decision.

Notices of Objection

If, after reviewing the evaluation report and decision statement in the Public Registry and/or the data in the Reading Room, you believe there is a scientific basis for reconsidering a regulatory decision, you can file a Notice of Objection. You have 60 days from the decision date to submit a Notice of Objection along with the scientific rationale for it.

The PMRA will consider the Notice of Objection and will establish a review panel to examine the regulatory decision in question if the rationale is found to be valid and scientifically based. The review panel will be chosen from subject matter experts including, but not limited to, non-governmental organizations, academics, private sector consultants, former federal or provincial public servants or international experts. Panel members must sign a declaration that they are not in a conflict of interest. The choice of panel members will be based on the particular issue to be addressed.

A public notice will be issued when a review panel is convened in response to a Notice of Objection. Review Panel hearings will be open to the public, provided that confidential information will not be discussed. The public will also be invited to present information to the Review Panel. The Panel will provide Health Canada with recommendations on whether the decision being reviewed should be confirmed, reversed or amended. Once Health Canada reviews the Review Panel's recommendations and makes a final decision, the Panel's report and final regulatory decision will be made public, though the Public Registry.

Requests for Special Reviews

A special review will be initiated if there is scientific evidence that the health or environmental risks, or the value of a pesticide are unacceptable. Under the new Act, special reviews can be triggered by information supported by scientific evidence received from other federal or provincial departments, from a member country of the Organisation for Economic Co-operation and Development or from the public. If new scientific evidence that raises a concern regarding a registered pesticide becomes available, the public can submit it and request a special review of that pesticide. Health Canada will review the new scientific evidence and decide on an appropriate course of action.

Transition

New regulatory decisions

Transitional provisions are in place to phase in the implementation of these initiatives that will increase transparency under the new Act. This approach will help alleviate the administrative burden on Health Canada, yet allow for increased public participation and transparency as new regulatory decisions are made.

Data concerning older products

Confidential test data supporting currently registered pesticides will not be immediately available for inspection when the Act comes into force. These data will only become available after a final registration decision requiring public consultation has been made for a major amendment, re-evaluation or special review of a registered pesticide. This approach is in accordance with the transitional provisions set out in the new Act.