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Information Note: The New *Pest Control Products Act*

Canada 



June 28, 2006

The new *Pest Control Products Act* (PCPA) came into force on June 28, 2006, replacing the current PCPA, which is now over 35-years old. Health Canada's Pest Management Regulatory Agency (PMRA) administers the PCPA.

The new Act improves the pesticide regulatory system by increasing transparency and strengthening health and environmental protection and post-registration control of pesticides. A number of provisions in the new Act formalize existing policies and practices of the PMRA.

Pesticides will continue to require approval before they can be imported into, manufactured, sold or used in Canada. Before approving a pesticide, the PMRA carefully reviews all of the available data to determine if the pesticide is acceptable for use, and then sets the standards and conditions under which it can be used.

The new Act provides for strong protection of human health and the environment. In 1998, as a matter of policy, the PMRA established policies that required additional protection for children and pregnant women and took into account pesticide exposure from all sources, including food and water. The new Act formalizes these policies into law. The new Act also supports pesticide risk reduction, for example, by ensuring that only pesticides that make a useful contribution to pest management are registered and by expediting the registration of lower-risk products. These activities are key in protecting human health and the environment.

Under the new Act, the PMRA will be able to further increase its efforts to support sustainable pest management practices. The new Act supports Canadian growers in gaining quicker access to newer, safer pesticides so they can be competitive in international markets. As well, the new Act provides greater flexibility in the area of minor-use registration and improves access to lower-risk products.

Transparency Provisions in the New Act

The PMRA welcomes the transparency provisions of the new Act. With these provisions in place, after a pesticide is registered, the PMRA is able to share with the public the same information and data it reviewed to approve the pesticide for registration. To accomplish this, the PMRA has developed:

- a public registry available on the PMRA website that will allow access to: detailed evaluation reports on approved pesticides; PMRA consultation statements and decision statements; conditions of registration of registered pesticides; information on research permits, Own-Use Import permits, international harmonization activities; and regulations, policies, guidelines and codes of practice; and,
- a reading room where the public can inspect the confidential test data on which the pesticide evaluations are based.



As a matter of policy, the PMRA has been consulting with the public before making final decisions on pesticide re-evaluations and registrations. The new Act formalizes into law these practices to support continued public participation in decision-making through consultation documents, requests for reconsideration and special reviews.

Stronger Post-registration Control of Pesticides

In 1998, again as a matter of policy, the PMRA began re-evaluating all pest control products that were registered prior to 1995 to ensure that their acceptability for continued use is examined using current scientific approaches. The new Act now provides, under law, that all pest control products be re-evaluated on a 15-year cycle. This provision provides the PMRA, on behalf of the Minister of Health, with the authority to remove a pesticide from the market if the data required to re-evaluate it are not supplied. Furthermore, the new Act increases the powers of inspection to ensure compliance with the new Act and allows the PMRA to impose higher penalties, up to \$1 million for the most serious offences.

The new PCPA requires that incidents of potential adverse effects relating to pesticides be reported by the registrant of the pest control product. The new PCPA also requires that sales data be reported. These new, mandatory requirements ensure that pesticide use is monitored and that incidents relating to pesticide use are reported to Health Canada, and will lead to increased protection of Canadians' health and their environment.

The new Act is supported by modernized Pest Control Products Regulations. New regulations to support the reporting provisions of the Act and outline the details of how incidents of adverse effects and sales data will be reported have been previously proposed in the Canada Gazette, Part I, and will be finalized in the near future.

History of the New Act

The new PCPA received Royal Assent in December 2002. It has taken considerable time and effort to bring the new Act into force. Health Canada has now developed the infrastructure needed to implement the transparency provisions of the new Act, established the list of formulants and contaminants of health or environmental concern and revised the Pest Control Products Regulations to support the new Act. The health of Canadians and their environment was not compromised by the delay as key provisions to strengthen health and environmental protection in the new PCPA had already been implemented through policy by Health Canada in the late 1990s. The new PCPA meets the Government of Canada's Smart Regulation initiative principle of greater openness and transparency in the Canadian regulatory system