David
Suzuki
Foundation

2211 West 4th Avenue
Suite 219
Vancouver BC
Canada V6K 4S2

604 732 4228 tel
604 732 0752 fax
www.davidsuzuki.org

July 26, 2007

The Hon. Tony Clement
Minister of Health
House of Commons
Parliament Buildings
Ottawa, ON K1A 0A6

Fax: 613-992-5092

Dear Minister Clement,

I am writing in response to Ms. Karen Dodds' letter of June 26, 2007 (received July 3, 2007), concerning the 60 pesticide active ingredients that we had identified as meeting the criteria for special review under subsection 17(2) of the *Pest Control Products Act*. While we appreciate receiving this long-promised analysis of our submission to you one year ago, we do not agree with Ms. Dodd's conclusions. It is troubling that the Pest Management Regulatory Agency does not recognize the need to initiate special reviews of active ingredients that have been banned in other Organization for Economic Co-operation and Development member countries for health or environmental reasons.

Ms. Dodd states in her letter (page 2):

> *The purpose of a special review would be to verify acceptability of the pesticide. Where such a determination was made previously (at the time of registration or re-evaluation), taking into account the concerns raised by other jurisdictions, or where re-evaluations are underway in which these concerns will be taken into account, the statutory intent of subsection 17(2) is met.*

This interpretation – in essence, that a pesticide is exempt from the subsection 17(2) requirement for special review by virtue of being registered in Canada – is tautological and cannot be what Parliament intended.

According to the PMRA analysis, of the 60 active ingredients we had identified:

- 5 are no longer registered in Canada or will be phased out as a result of re-evaluation;
- 8 are not prohibited for all uses in the OECD countries listed in our report (and are under re-evaluation in Canada);

The PMRA concludes that these 13 active ingredients do not meet the criteria for special review under subsection 17(2).

Of the remaining 47 active ingredients on our list, the PMRA response is that:

- 4 were recently re-evaluated and found acceptable for continued registration;
- 41 are currently under re-evaluation; and
- 6 are not part of Health Canada's Re-evaluation Program,[1] but have previously been evaluated using internationally accepted methods.

The PMRA concludes that these 47 active ingredients meet the criteria for special review under subsection 17(2), but that special review is not required.

I would first like to draw your attention several discrepancies between this assessment and the information presented in the PMRA's Public Registry. **Propanil** (CAS# 709-98-8) is counted among the five active ingredients that are no longer registered in Canada. The PMRA states that all uses have been discontinued and that no further action is required in Canada. However, according to the Public Registry, re-evaluation of Propanil is ongoing and one product containing this active ingredient is registered for use. **Amitrole** (CAS# 61-82-5), **Captan** (CAS# 133-06-2), **Dicofol** (CAS# 115-32-2), **Maneb** (CAS# 12427-38-2), **Para-dichlorobenzene** (also known as 1,4-dichlorobenzene; CAS# 106-46-7), **PCNB** (also known as Quintozene; CAS# 82-68-8), and **Sodium chlorate** (CAS# 7775-09-9) are listed among the 49 active ingredients currently under re-evaluation, but there is no indication of a re-evaluation in the Public Registry entries for them. We request clarification of the status of these eight active ingredients and ask you to ensure that the PMRA Public Registry is up-to-date and accurate.

Secondly, according to the PMRA, **Carbofuran** (CAS# 1563-66-2), **Chlorothalonil** (CAS# 1897-45-6), and **Metiram** (CAS# 9006-42-2 are not listed as prohibited substances in the countries identified in our report. Nevertheless, these active ingredients are not registered in the countries in question[2] and as a result all uses are effectively prohibited, triggering the requirement for special review. Moreover, Carbofuran has recently been banned in the United States, as well. We are currently reviewing the status of the other five active ingredients that the PMRA concludes are not prohibited in the OECD countries listed in our report.

The PMRA also highlights that 18 active ingredients prohibited in one or more OECD countries are nevertheless approved for use in the European Union. However, approved for use in the EU is not relevant to the requirement for special review. Subsection 17(2) is clear that prohibition of an active ingredient in just one OECD country triggers the requirement for a special review, notwithstanding conflicting regulatory decisions in other jurisdictions.

Thirdly, we note that the regulatory decisions concerning the six active ingredients not part of Health Canada's Re-evaluation Program predate June 28, 2006, when the new *Pest Control Management Act* came into effect. This is significant because of specific requirements under the new Act that were not previously in force. The new Act identifies the "[prevention of] unacceptable risks to people and the environment from the use of pest control products" as the primary objective (section 4); it reverses the burden of proof, requiring registrants to provide

[1] This appears to include the four active ingredients for which re-evaluations have been completed and that the PMRA found acceptable for continued registration.
[2] Carbofuran and Chlorothalonil are not registered for use in Sweden and Metiram is not registered for use in Finland.

evidence that their products do not cause unacceptable health and environmental effects (section 19); and it explicitly requires application of the precautionary principle (section 19). Therefore, even if re-evaluation and registration decisions were equivalent to subsection 17(2) special reviews, as the PMRA claims, those concluded prior to the coming into force of the new Act should not be assumed to have met the statutory intent of this subsection, within its legislative context.

Furthermore, we find no reference to consideration of rulemakings in the OECD countries where these chemicals have been banned in the PMRA public documents associated with the re-evaluation or registration of these active ingredients. The fact that it took the PMRA a year to complete analysis of the international and domestic status of the 60 active ingredients identified in our report is further evidence that the issues at hand are not systematically addressed in the regular registration and re-evaluation processes.

Finally, we continue to disagree with the PMRA's interpretation that the statutory intent of subsection 17(2) is met by the ongoing re-evaluations of certain active ingredients under PMRA Directive 2001-03. The *Pest Control Products Act* makes provision for re-evaluation, but this is separate and distinct from the subsection 17(2) requirement for special review. As previously conveyed, this subsection implies a different focus, scope, and priority for special reviews. Re-evaluations can take years to complete, and have not necessarily been prioritized according to potential health and environmental risks.

For example, the ongoing re-evaluation of Diazinon (CAS# 333-41-5) dates back to 1999. In the meantime, 19 products have been registered for use in Canada containing this chemical, which is a suspected endocrine disruptor with adverse developmental and reproductive effects and banned in Denmark.

As the federal minister responsible for protecting the health of Canadians, we urge you to reconsider this issue and to promptly implement special reviews of active ingredients banned in other OECD countries for health and environmental reasons.

Sincerely,

Ann Rowan
Director, Sustainability Program

Cc: Ms. Bonnie Brown, Health Critic 613-992-0520
Ms. Christiane Gagnon, Health Critic 613-995-2805
Ms. Penny Priddy, Health Critic 613-992-0252

*Encl.*

**Attachment 1**
**Summary Response to PMRA Conclusions**

Of the 60 active ingredients we had identified for special review under subsection 17(2) of the *Pest Control Products Act:*

- 4 are no longer registered in Canada (in addition, the status of Propanil is unclear); and
- 5 might not be prohibited for all uses in another member country of the OECD.

Special reviews are not required for the 4 active ingredients no longer registered in Canada. The 5 active ingredients that might not be prohibited in another member country of the OECD would then not meet the criteria for special review under subsection 17(2) of the *PCPA.*

Of the remaining 51 active ingredients we had listed (including Propanil):

- 4 were re-evaluated and found acceptable for continued registration prior to the coming into force of the new Act;
- 38 are currently under re-evaluation (37, if Propanil has in fact been deregistered);
- 7 more might be under re-evaluation, but are not listed as such in the PMRA Public Registry; and
- 2-9 are not part of Health Canada's Re-evaluation Program.

**Special reviews are required for these 51 active ingredients under subsection 17(2) of the *PCPA*.**

## Attachment 2
## Itemized Chart in Response to PMRA Conclusions

| | Active ingredient | CAS# | OECD countries where banned (updated) | Status in Canada | Conclusion re. PCPA subsection 17(2) |
|---|---|---|---|---|---|
| 1 | 1,3-dichloropropene | 542-75-6 | Austria, Germany, Sweden, Australia | Registered; under re-evaluation | Special review required |
| 2 | 2,4-D | 94-75-7 | Norway, Sweden | Registered; under re-evaluation | Special review required |
| 3 | Amitraz | 33089-61-1 | Norway, European Union. | Registered; under re-evaluation | Special review required |
| 4 | Amitrole | 61-82-5 | Finland, Norway, Sweden | Registered; status in Re-evaluation Program unclear | Special review required |
| 5 | Atrazine | 1912-24-9 | Denmark, Germany, Norway, Sweden, European Union | Registered; under re-evaluation | Special review required |
| 6 | Bromacil | 314-40-9 | Germany, Sweden | Registered; re-evaluation completed | Special review required |
| 7 | Bromoxynil | 1689-99-2, 1689-84-5 | Norway, Sweden | Registered; under re-evaluation | Special review required |
| 8 | Captan | 133-06-2 | Denmark, Finland, Norway | Registered; status in Re-evaluation Program unclear | Special review required |
| 9 | Carbaryl | 63-25-2 | Austria, Germany, Sweden | Registered; under re-evaluation | Special review required |
| 10 | Carbofuran | 1563-66-2 | Sweden, United States | Registered; under re-evaluation | Special review required |
| 11 | Chloropicrin | 76-06-2 | Austria, Germany, Sweden | Registered; under re-evaluation | Special review required |
| 12 | Chlorothalonil | 1897-45-6 | Sweden | Registered; under re-evaluation | Special review required |
| 13 | Chlorpyrifos | 2921-88-2 | * | Registered; under re-evaluation | Special review may not be required |
| 14 | Dazomet | 533-74-4 | Denmark | Registered; under re-evaluation | Special review required |
| 15 | Deltamethrin | 52918-63-5 | * | Registered; under re-evaluation | Special review may not be required |
| 16 | Diazinon | 333-41-5 | Denmark | Registered; under re-evaluation | Special review required |
| 17 | Dichlobenil | 1194-5-6 | Denmark, Norway, Sweden | Registered; re-evaluation completed | Special review required |
| 18 | Dichlorprop | 120-36-5, 7547-66-2 | * | Registered; under re-evaluation | Special review may not be required |
| 19 | Dichlorvos/DDVP | 62-73-7 | Denmark, Sweden, United Kingdom (suspended) | Registered; under re-evaluation | Special review required |
| 20 | Dicofol | 115-32-2 | Finland, Netherlands, Norway, Sweden | Registered; status in Re-evaluation Program unclear | Special review required |
| 21 | Dinitrophenol | 51-28-5 | Sweden | Registration expired | N/A |
| 22 | Dinocap | 39300-45-3 | Sweden, United States | Registered; under re-evaluation | Special review required |

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| 23 | Diquat | 85-00-7 | Denmark | Registered; under re-evaluation | Special review required |
| 24 | Diuron | 330-54-1 | Sweden | Registered; under re-evaluation | Special review required |
| 25 | Endosulfan | 115-29-7 | Netherlands, Norway, Sweden, European Union | Registered; under re-evaluation | Special review required |
| 26 | Ethylene oxide | 75-21-8 | Austria, Czech Republic, Finland, Germany, Sweden, United Kingdom | Registered; under re-evaluation | Special review required |
| 27 | Fenthion | 55-38-9 | European Union | Registration expired | N/A |
| 28 | Ferbam | 14484-64-1 | European Union | Registered; under re-evaluation | Special review required |
| 29 | Hexazinone | 51035-04-2 | Denmark, Norway, Sweden | Registered; under re-evaluation | Special review required |
| 30 | Iprodione | 36734-19-7 | Denmark | Registered; under re-evaluation | Special review required |
| 31 | Linuron | 330-55-2 | Norway, Sweden | Registered; under re-evaluation | Special review required |
| 32 | Maleic hydrazide | 123-33-1, 10071-13-3 | Austria, Denmark, Germany, United Kingdom | Registered; under re-evaluation | Special review required |
| 33 | Mancozeb | 8018-01-7 | * | Registered; under re-evaluation | Special review may not be required |
| 34 | Maneb | 12427-38-2 | Sweden | Registered; status in Re-evaluation Program unclear | Special review required |
| 35 | Metalaxyl | 57837-19-1 | European Union | Registered; under re-evaluation | Special review required |
| 36 | Metiram | 9006-42-2 | Finland* | Registered; under re-evaluation | Special review required |
| 37 | Monolinuron | 1746-81-2 | European Union | Registration expired | N/A |
| 38 | PCNB (Quintozene) | 82-68-8 | Austria, Finland, Germany, European Union | Registered; status in Re-evaluation Program unclear | Special review required |
| 39 | Paclobutrazol | 76738-62-0 | Sweden | Registered | Special review required |
| 40 | Pentachlorophenol (PCP) | 87-86-5 | Germany, Netherlands, New Zealand, Sweden, Switzerland | Registered; under re-evaluation | Special review required |
| 41 | Para-dichlorobenzene (1,4-dichlorobenzene) | 106-46-7 | Sweden | Registered; status in Re-evaluation Program unclear | Special review required |
| 42 | Paraquat | 1910-42-5, 4685-14-7 | Austria, Denmark, Finland, Sweden | Registered; re-evaluation completed | Special review required |
| 43 | Permethrin | 52645-53-1, 54774-45-7, 51877-74-8 | European Union | Registered; under re-evaluation | Special review required |
| 44 | Picloram | 1918-02-1 | Sweden | Registered; under re-evaluation | Special review required |
| 45 | Propanil | 709-98-8 | Sweden | Status unclear | Special review required, if still registered in Canada |

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| 46 | Propoxur | 114-26-1 | Sweden | Registered; under re-evaluation | Special review required |
| 47 | Quizalofop-ethyl | 76578-14-8 | Norway | Registration expired | N/A |
| 48 | Simazine | 122-34-9 | Norway, European Union | Registered; under re-evaluation | Special review required |
| 49 | Sodium chlorate | 7775-09-9 | Norway, Sweden | Registered; status in Re-evaluation Program unclear | Special review required |
| 50 | Terbacil | 5902-51-2 | Sweden | Registered; re-evaluation completed | Special review required |
| 51 | Thiabendazole | 148-79-8 | * | Registered; under re-evaluation | Special review may not be required |
| 52 | Thiophanate-methyl | 23564-05-8 | Denmark | Registered; under re-evaluation | Special review required |
| 53 | Thiram | 137-26-8 | Sweden | Registered; under re-evaluation | Special review required |
| 54 | Triadimenol | 55219-65-3 | Sweden | Registered | Special review required |
| 55 | Triallate | 2303-17-5 | Sweden | Registered; under re-evaluation | Special review required |
| 56 | Tributyltin oxide | 56-35-9 | Denmark, Japan | Registered; under re-evaluation | Special review required |
| 57 | Trifluralin | 1582-09-8 | Denmark, Norway, Sweden | Registered; under re-evaluation | Special review required |
| 58 | Vinclozolin | 50471-44-8 | Denmark, Finland, Norway, Sweden | Registered; under re-evaluation | Special review required |
| 59 | Zineb | 12122-67-7 | European Union, United States | Registered; under re-evaluation | Special review required |
| 60 | Ziram | 137-30-4 | Denmark, Sweden | Registered; under re-evaluation | Special review required |

** DSF is reviewing the status of these active ingredients in other OECD countries.*