

INDUSTRY TASK FORCE II ON 2,4-D RESEARCH DATA

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March 19, 2009

Mr. Jean-Marie David
Clerk
Standing Committee on International Trade
House of Commons
131 Queen Street, 6th Floor
Ottawa ON K1A 0A6

Dear Mr. David,

I am writing with regard to recent discussions that took place before the Standing Committee on International Trade pertaining to the Quebec Pesticides Management Code during which 2,4-D was mentioned. The purpose of my correspondence is to briefly describe the consultations that this Task Force has participated in with the Government of Quebec over the past seven years. I will not comment on the NAFTA Notice of Intent filed by one of the members of the Task Force.

Firstly, allow me to briefly introduce the Task Force and its mandate. The Industry Task Force II on 2,4-D Research Data is organized to provide funding for some 300 Good Laboratory Practice (GLP) research studies required to respond to Pest Management Regulatory Agency's (PMRA) pesticide re-evaluation program and similar science-based assessments in Europe, United States and elsewhere. The Task Force is made up of those companies owning the technical registrations on the active ingredient in 2,4-D herbicides. They are Dow AgroSciences (U.S.), Nufarm, Ltd. (Australia) and Agro-Gor Corp., a company jointly owned by Atanor, S.A. (Argentina) and PBI Gordon Corp. (U.S.). Much more information about the Task Force and regulatory decisions pertaining to the compound may be found at www.24d.org.

The Task Force shares with all stakeholders the paramount objective of protecting human health and the environment. In this regard, Parliament established a stringent standard when the Pest Control Products Act was given Royal Assent in 2002:

***“For the purposes of this Act, the health or environmental risks of a pest control product are acceptable if there is reasonable certainty that no harm to human health, future generations or the environment will result from exposure to or use of the product, taking into account its conditions or proposed conditions of registration.”
(PCPA s 2. (2))***

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2,4-D Web Page: www.24d.org

It is within this frame of reference the Task Force maintained dialogue with the Government of Quebec concerning the regulation of 2,4-D. Over the years, the Task Force has provided ongoing updates to Quebec about the science-based assessments of 2,4-D by those agencies mandated to protect human health. These regulatory decisions include those by the European Commission, New Zealand and the United States Environmental Protection Agency, as well as the most recent PMRA assessment. In issuing its re-evaluation decision document in May 2008, the Canadian government stated:

“Health Canada also consulted an independent Science Advisory Panel comprised of government and university experts/researchers in toxicology, epidemiology and biology. The Panel agreed with Health Canada’s assessment that 2,4-D can be used safely when used according to label directions, with some uses requiring additional protective measures.”

The Task Force engaged in this dialogue in the belief that Quebec would honour its commitment to remove 2,4-D from the list of prohibited compounds when the re-evaluation by Health Canada was completed. To-date, Quebec has not followed through on this pledge.

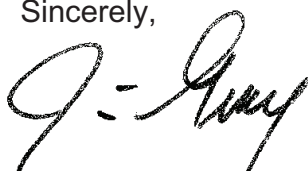
For more than 60 years, Canadian farmers, forest managers, turf care professionals, and homeowners have used 2,4-D to protect desirable vegetation against invasive species. A value-benefit study undertaken in 2006 found that for Canadian grain producers, the loss of 2,4-D and two related compounds would cost farmers \$508 million annually in higher weed control expenses and lower crop yields. The complete study is available at:

<http://www.24d.org/RD/Phenoxy%25Value%25Benefit%25Study%25December%252006.pdf>

On behalf of the members of the Task Force and those Canadian companies that provide 2,4-D based plant science products to Canadian users, I appreciate your interest in this matter. Furthermore, I trust that this submission has been of helpful in understanding a complex and important matter for all stakeholders.

Should questions remain, please do not hesitate to contact me at 1-800-345-5109 or james.gray@24d.org. Thank you for your consideration of this matter.

Sincerely,



James W. Gray
Executive Director
Industry Task Force II on 2,4-D Research Data

Attachment: (1)

Executive Summary the Criteria Established by Quebec and the Evaluation of 2,4-D

July 2002: Draft Pesticides Management Code Released

On July 3, 2002, the Quebec Minister of the Environment released the draft *Pesticides Management Code* (the “Code”) and the accompanying Schedule I. Shortly afterwards in August, Quebec released its scientific criteria in a document entitled: *Methodology for Establishing the List of Prohibited Active Ingredients* (Schedule I).¹

Based on the Environment Quebec’s initial interpretation of the International Agency for Research on Cancer (“IARC”) Group 2B (possible carcinogens) classification of chlorophenoxy herbicides, the herbicide 2,4-D, among others, was included on a list of the prohibited active ingredients in Schedule I. The report’s conclusions drawn from the IARC 1986 review were incorrect and the error was addressed by the Task Force in its submission to the Government of Quebec on August 30, 2002.

September 2002 – February 2003: Assessment Against Established Criteria

Documents made public by the Quebec government make clear that provincial officials knew that there was no scientific basis to support the inclusion of 2,4-D in Schedule I. In a Quebec government document entitled “Fiche pour information – Code de Gestion des Pesticides” dated September 23, 2002, it is stated:

“Certain herbicides in Schedule I (2,4-D, MCPA, Mecoprop) cannot be prohibited on a scientific basis (carcinogenic risk and others). Briefs from companies producing these active ingredients emphasized this. These are active ingredients commonly used on lawns, and the prohibition of them has raised many objections and comments. However, we must rethink our position on this or base our argument on other items.”

Within four weeks of reviewing the Task Force’s submission, Quebec acknowledged that it did not have a scientific basis to support the ban. Another Quebec government document, “Fiche Synthèse pour information”, dated October 30, 2002, confirms the absence of a scientific basis for the ban of chlorophenoxy herbicides.

“Certain herbicides in Schedule I (2,4-D, MCPA, Mecoprop) cannot currently be prohibited on the scientific basis of the carcinogenic risk. Briefs from companies producing these active ingredients emphasized this. This is also the opinion of the INSPQ [National Public Health Institute of Quebec].

The herbicides 2,4-D, MCPA and Mecoprop, although they cannot currently be prohibited based on the carcinogenicity criterion, would stay on the list of prohibited active ingredients for the following reasons:

¹ The documents referenced in this executive summary are available at:

<http://www.24d.org/background2/Quebec-Backgrounder-Attachments.pdf>

- in the case of public and semipublic lands, for exemplary reasons, by referring to the precautionary principle and so that these areas are kept free of pesticides as much as possible;
- in the case of private and residential green spaces, the prohibition on selling and using these products will be re-evaluated within three years because the provisions are only applicable in three years. The decision to maintain or lift the prohibition will be made in due course in the light of scientific data that will become available in the meantime.

As to the prohibition on selling domestic products containing the same active ingredients, the position is maintained at this time.”

As can be seen in the above, the absence of a scientific basis for the prohibition was confirmed by the INSPQ, the National Public Health Institute of Quebec. Similarly, a November 1, 2002, Quebec government document states:

“For the herbicides 2,4-D, Mecoprop and MCPA: the weight of scientific evidence is not great but there is doubt; the INRS could not defend the prohibition of chlorophenoxy.

Consistent with the proposed approach of not prohibiting 2,4-D, Mecoprop and MCPA and of adding measures to the code for limiting their use; this would be a good compromise that would still be beneficial.”

Another Quebec government document titled “Code de Gestion des Pesticides – Etat de situation a la consultation de l’été” dated January 2003 recognizes that the chlorophenoxy herbicides are on the banned list due to “lingering doubt” and in light of the “re-evaluation process under way at registration organizations (EPA, PMRA)”:

“Amendments have been made to the list of active ingredients in Schedule I taking into account the use of pesticides on lawns, that no active ingredients are currently prohibited based on the endocrine disruption criterion and certain products whose registration has been withdrawn. However, the herbicides 2,4-D, MCPA and Mecoprop remain on the list due to lingering doubt and in the light of the re-evaluation process under way at registration organizations (EPA, PMRA). They are prohibited on public lands and are under review until this prohibition is extended to private lands in three years.”

In a memorandum dated February 4, 2003, from then-Environment Minister André Boisclair, the statement is made:

“There have been comments to the effect that the various 2,4-D, MCPA and Mecoprop molecules cannot be retained in Schedule I because of the reference used, that of the International Agency for Research on Cancer (IARC) assessed the product family (chlorophenoxy) and not the products individually. **The prohibition cannot be scientifically defended on the basis of the criteria put forward.**” (Emphasis added.)

March 2003: Announcement by Quebec

On March 5, 2003, Quebec announced that it was adopting the Code, and the accompanying Schedule I. At that time, a revised "Methodology for Establishing the List of Prohibited Active Ingredients (Schedule I)" was issued dated March 2003.

The new March 2003 background report continued to recognize IARC as its basis for inclusion of the Active Ingredients in the Prohibited List. However, based on Quebec's apparent recognition of the weakness of this position, as summarized above, the description of its reliance on the IARC reviews was re-stated as follows:

"In all, the IARC identified 11 of the active ingredients on our list of 38 active ingredients registered for lawn use as possible carcinogens (Group 2B). These are chlorothalonil and chlorophenoxy herbicides which include the various chemical forms of 2,4-D, Mecoprop and MCPA. However, since the IARC list does not classify each active ingredient individually, but rather the entire chemical family of chlorophenoxy herbicides, and since epidemiological and clinical studies on each active ingredient taken individually are not sufficient to assess the carcinogenicity potential to man, it is preferable to wait for the reassessment of these active ingredients in order to classify them individually. **In fact, it is currently difficult to justify scientifically the introduction of these active ingredients taken individually, on the basis of this criterion. Given the doubt that persists, they are maintained on the list pending the outcome of the reassessments in progress.**" (Emphasis added.)

The revised evaluation criteria recognizes the absence of a scientific basis for including 2,4-D in Schedule I. Instead, Quebec states that because of the "doubt that persists", the herbicide will be prohibited pending the outcome of the Health Canada PMRA and US EPA reassessments in progress. This is affirmed in the March 5, 2003 news release announcing the Code:

"Due to the continuing uncertainty about their harmfulness herbicides made up of active ingredients, 2,4-D, MCPA and Mecoprop will continue to be prohibited for precautionary reasons until the availability of the products' re-evaluation results by recognized organizations."

These documents clearly establish that the Quebec government recognized the absence of a scientific basis for the inclusion of 2,4-D in Schedule I. Quebec also made a commitment to all stakeholders that upon the re-evaluation by Health Canada's Pest Management Regulatory Agency it would remove 2,4-D from Schedule I.



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/R E P R I S E/ - Santé, environnement et pesticides : QUEBEC ADOPTE LES PLUS HAUTS STANDARDS AMERIQUE DU NORD POUR DIMINUER L'EXPOSITION AUX PESTICIDES

2003
QUEBEC, le 5 mars /CNW Telbec/ - Le ministre d'Etat aux Affaires municipales et à la Métropole, à l'Environnement et à l'Eau, M. André Boisclair, a annoncé aujourd'hui l'adoption du nouveau Code de gestion des pesticides qui régira de façon sévère l'entreposage, la vente et l'utilisation des pesticides au Québec afin d'allier l'utilisation minimale et prudente de ces produits à la protection de la santé des citoyennes et des citoyens et de l'environnement.

"Par cette réglementation, le Québec devient le premier endroit en Amérique du Nord à interdire les pesticides les plus dangereux pour la santé et pour l'environnement. Le geste que le gouvernement du Québec pose aujourd'hui diminuera l'exposition des personnes à ces produits particulièrement nocifs pour les enfants", a déclaré le ministre Boisclair.

UNE UTILISATION PLUS RESTREINTE ET PLUS SECURITAIRE

D'abord, il est désormais interdit d'appliquer les pesticides les plus nocifs pour la santé sur les pelouses des terrains publics, parapublics et municipaux. Cette interdiction s'étendra, d'ici trois ans, à l'ensemble des pelouses des propriétés privées et commerciales. Pour ce qui est des herbicides composés des ingrédients actifs 2,4-D, MCPA et mécoprop, compte tenu du doute qui persiste quant à leur nocivité, leur interdiction est maintenue par principe de précaution en attendant les résultats de la réévaluation de ces produits par des organismes reconnus.

De plus, il est interdit d'appliquer dès maintenant la quasi-totalité des pesticides à l'intérieur et à l'extérieur des centres de la petite enfance, ainsi que des écoles primaires et secondaires. Dans les deux cas, des règles particulières régiront désormais l'application des pesticides dont l'utilisation demeure autorisée.

Par ailleurs, le respect de distances d'éloignement des plans d'eau, cours d'eau et de toute prise d'eau sera exigé lors de la préparation et de l'application de pesticides. A cela s'ajouteront des distances d'éloignement des zones d'activités humaines dans les cas de dérive importante, notamment dans les vergers et lors d'épandage aérien, et pour l'utilisation de pesticides dans les corridors routiers, ferroviaires ou d'énergie.

Comme autre mesure, les entreprises de services d'entretien des espaces verts ne pourront plus faire d'application généralisée de mélanges de pesticides et de fertilisants. Cette pratique génère une utilisation non essentielle de pesticides.

Enfin, il y aura obligation pour les terrains de golf de déposer auprès du ministère de l'Environnement un plan triennal de réduction des pesticides, soit d'ici trois ans après l'entrée en vigueur du Code de gestion des pesticides.

UN PROCESSUS DE VENTE MIEUX ENCADRE

Une des principales mesures vise à interdire, d'ici un an, la vente de mélanges fertilisants-pesticides et des emballages mixtes, tels que les herbicides et les insecticides.

Egalement, dans deux ans, l'accès direct aux produits d'usage domestique les plus à risques sera interdit au public. Ces produits devront être tenus dans des étalages aménagés à cette fin. Des préposés formés devront être au service de la clientèle pour la conseiller et lui fournir des instructions

d'usage et de manipulation sécuritaire.

De plus, dans trois ans, la vente de certains pesticides d'usage domestique pour l'entretien des pelouses sera interdite au Québec.

Des modifications ont aussi été apportées au "Règlement sur les permis et les certificats pour la vente et l'utilisation des pesticides". Elles comprennent la création de permis et de certificats spécifiques à la vente au détail ainsi que l'élargissement de la certification à tous les producteurs agricoles et forestiers qui utilisent des pesticides. De plus, le ministère de l'Environnement poursuit ses démarches pour améliorer la formation des vendeurs qui travaillent dans le secteur de la vente au détail de pesticides d'usage domestique.

Rappelons que le "Code de gestion des pesticides" découle des recommandations contenues dans le rapport du Groupe de réflexion sur les pesticides en milieu urbain, déposé en mars 2002, et dont le mandat était d'identifier des avenues de solutions qui permettraient aux Québécoises et aux Québécois de réduire leur dépendance à ces produits. Ce projet de règlement a fait l'objet d'une consultation qui s'est déroulée du 3 juillet au 3 septembre 2002. A cette occasion, plus de 71 personnes, groupes ou organismes ont présenté leur opinion ou leurs suggestions au ministre de l'Environnement, et 134 lettres d'appui ont également été transmises au ministre.

Des ajustements au texte réglementaire ont été effectués afin de prendre en compte la majorité des commentaires reçus. Ces ajustements ne modifient pas les orientations des projets de règlement qui visent à réduire les risques d'exposition des personnes, notamment des enfants, et de protéger l'environnement lors des activités liées à l'entreposage, la vente et l'utilisation des pesticides. Dans l'ensemble les modifications apportées, que se soit aux distances d'éloignement, aux pesticides interdits ou aux normes d'entreposage, ont été complétées par des ajouts au Code qui maintiennent les gains environnementaux anticipés. De plus, pour mieux protéger l'eau souterraine, des modifications de concordance au "Règlement sur le captage des eaux souterraines" sont en préparation.

"Le gouvernement du Québec innove à nouveau en présentant un règlement très avant-gardiste qui vise à donner aux citoyennes et citoyens un environnement sain. J'invite les municipalités, les entreprises, les Québécoises et les Québécois à contribuer au virage proposé par le Code de gestion des pesticides, et ce, pour le plus grand bien-être des générations futures. L'adoption de ce code représente un investissement important dans la santé des Québécoises et des Québécois", a conclu le ministre.

L'information sur le Code de gestion des pesticides et le Règlement modifiant le Règlement sur les permis et les certificats pour la vente et l'utilisation des pesticides est disponible à l'adresse suivante :
<http://www.menv.gouv.qc.ca/pesticides/permis/code-gestion/index.htm>

Sources :

Martin Lévesque
Attaché de presse
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aux Affaires municipales
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CODE DE GESTION DES PESTICIDES

ANNEXE 1 - LISTE DES INGREDIENTS ACTIFS QUI SERONT INTERDITS POUR
L'ENTRETIEN DES PELOUSES
(a. 25, 31 et 68)

INSECTICIDES

Carbaryl
Dicofol
Malathion

FONGICIDES

Bénomyl
Captane
Chlorothalonil
Iprodione
Quintozène
Thiophanate-méthyl

HERBICIDES

2,4-D sels de sodium
2,4-D esters
2,4-D formes acides
2,4-D sels d'amine
Chlorthal diméthyl
MCPA esters
MCPA sels de potassium ou de sodium
MCPA sels d'amine
Mécoprop, formes acides
Mécoprop, sels d'amine
Mécoprop sels de potassium ou de sodium

-30-

Autres communiqués diffusés par cet organisme

Envoyez ce communiqué à une adresse électronique

