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MEETING SUMMARY

NAFTA Technical Working Group on Pesticides Ottawa, Ontario

December 7-9, 2009

Canada 



Overview

The Executive Board of the North American Free Trade Agreement (NAFTA) Technical Working Group on Pesticides (TWG) met in Ottawa, Ontario, from December 7-9, 2009. The meeting was hosted by Dr. Richard Aucoin, Executive Director of the Health Canada's Pest Management Regulatory Agency (PMRA). Government officials from Mexico, the United States, and Canada attended, including Dr. Debbie Edwards, Director of the United States Environmental Protection Agency (U.S. EPA) Office of Pesticide Programs (OPP) and Miguel Angel de los Santos, Director of the Dirección General de Inocuidad Agroalimentaria, Acuícola y Pesquera del Servicio Nacional de Sanidad, Inocuidad y Calidad Agroalimentaria¹ /Secretaría de Agricultura, Ganadería, Desarrollo Rural, Pesca y Alimentación² (DGIAAP/SENASICA/SAGARPA). Growers, registrants, and other interested stakeholders from all three countries participated in the meeting.

Two breakout groups (BOGs) convened on key topics of interest to stakeholders. Government officials facilitated the BOG discussions and a stakeholder representative acted as rapporteur to report back in plenary on the key discussion points, as outlined in Attachments 1 and 2. The topics covered by the breakout groups are as follows:

- Breakout Group 1 (BOG 1): Resistance Management
- Breakout Group 2 (BOG 2): NAFTA TWG: Perspectives on Future Priorities and Direction for the Next 2-3 Years

Opening Remarks and Country Updates

Dr. Richard Aucoin welcomed participants to the meeting and provided a progress report on some of the key priorities the PMRA has been dealing with over the last year. These included the pesticide component of the Food and Consumer Safety Action Plan for an improved pesticide safety system, PMRA's new Protection of Proprietary Interest in Pesticide Data Policy, which will make the registration process more predictable and timely, and the establishment of a new habitat protection policy that will minimize the impact of pesticides on non-target habitats and wildlife. He acknowledged and applauded TWG's active participation in and collaboration on NAFTA science and OECD projects as well as current progress towards the establishment of the US-Canada Grower Priority Database.

Dr. Debbie Edwards thanked PMRA for organizing the TWG meeting and developing a full and interesting agenda. She provided an update on various areas of focus within OPP including environmental justice, new transparency policy for registering new chemicals, inerts disclosure to the public, focus of the registration review on ecological and occupational risks, pollinator protection, new worker risk assessment policy and the paradigm shift on how the U.S. evaluates pesticides. She also brought to the forefront issues such as, challenges encountered with Endangered Species Act, Migratory Bird Act, Endocrine Disruption review of chemicals and public health

¹ National Service for Sanitary Food Safety and Quality

² Secretary of Agriculture, Livestock, Rural Development, Fisheries and Food



concerns. Other challenging areas included scientific risks on nanotechnology, climate change, hospital disinfectants, bed bugs, and the 21st century toxicology.

Miguel Angel de los Santos, on his part, thanked the organizers for hosting the meeting. He informed the group of changes in Mexico's pesticide regulation in 2007. He indicated that this is a critical transition time for them and their plant protection product regulations are being re-examined in light of these changes, however, Mr. Santos reiterated that Mexico will continue participating in the NAFTA TWG forum

U.S.-Canada Grower Priority Database

Over the last few years, growers, government and industry have been working together to identify grower-designated priorities for addressing trade irritants in response to grower concerns. This meeting provided opportunity for government officials and stakeholders (Canadian and U.S. industry and growers) to give presentations in plenary regarding progress to-date on the U.S.- Canada Grower Priority Database and outline next steps.

The U.S. and Canada provided a brief overview of the purpose and responsibility for the database, indicating that each country is responsible for its portion of the database. Currently, U.S. and Canada have over 700 and 5000 grower-identified priorities listed, respectively. PMRA indicated that Canadian grower priorities have already been considered in existing regulatory programs.

Industry stated that they are already using the database and Bayer CropScience Inc. presented how they are using it and stated that their objective is not to have any of their products listed as priorities by the end of 2010. The Canadian and U.S. grower representatives observed that this project is a great opportunity for the growers to identify their priorities, update their needs and work together as partners to help speed up the regulatory process. Although industry and growers were supportive of the project, they were concerned about the increase in workload for all Canadian participants as well as future funding.

The Executive Board encouraged both industry and growers to cooperate in this work and noted the usefulness of joint reviews and work sharing as tools to facilitate the process.

As next steps, the Canadian portion of the U.S.-Canada Grower Priority Database will be made available online by the end of March 2010 and PMRA and EPA will review the priorities identified by growers and continue collaborating to manage the workload.

Agricultural Health Study (AHS)

Government representatives discussed the scientific challenges of using the results of AHS study in their risk assessments. The AHS is a project sponsored by different U.S. institutes, exploring potential human health effects of pesticide exposures among pesticide applicators and their families. The representatives recognised the importance of a joint communication strategy, hoping that the FIFRA Scientific Advisory Panel of February 2010 will be a beginning of it. The Executive Board



recommended that both Agencies continue on their cooperation and message sharing when reports on the AHS are released.

Pesticide Resistance Management

Canadian and U.S. government officials gave presentations in plenary on pesticide resistance management focusing on resistance risk issues, resistance management strategies, and regulatory activities on best practices. This was followed by a more in-depth discussion, providing industry and growers to present their perspectives. This resulted in a set of recommendations was outlined for consideration by the TWG (Attachment 1).

The leads will develop and present at the next NAFTA TWG Meeting, a project plan based on the BOG recommendations.

Aquaculture Industries in Canada and U.S.

PMRA presented an overview of the aquaculture industry in Canada and the current problems concerning sea lice, the most important pests for farmed salmon in Atlantic Canada, as well as the challenges for registering pesticides to control sea lice. Dr. Edwards indicated that in the U.S. there is an issue with the quality of fish when chemicals are used in fish farms. The Executive Board indicated that this could be an opportunity for both Agencies to share data and work together as appropriate to address some of these issues.

21st Century Toxicology

Government officials presented a new project for pesticide testing and assessment approaches. The objective of this project is to supplement, replace and reduce traditional animal toxicity testing methods and risk assessment by using a variety of tools and approaches in combination (integrative toxicology testing). The leads briefly discussed this project and its contribution to future joint reviews. The Executive Board applauded the TWG leads for taking the leadership in identifying such tools and approved the project for implementation by the leads with a report back at the next NAFTA TWG meeting.

Cross-Boarder Products

NAFTA Labels

Government officials presented a brief summary on the progress, challenges and future efforts on NAFTA labels. The Executive Board recommended that Agencies develop communication lines to stakeholders that acknowledge and summarize the process developed for NAFTA labels stating the Agencies' position of encouraging registrants to propose NAFTA labels for North American applications.

Canada's Own Use Import Program



PMRA stated that necessary steps have been taken to ensure that any relabeling of products for importation into Canada through Grower Requested Own Use (GROU) Program is done legally and in conformity with the intent of the program. The GROU Program allows farmers to import, for their own use, the foreign version of approved Canadian-registered products.

Residue Chemistry Crop Groupings

Government officials provided an update on the Residue Chemistry Crop Grouping project and the path forward. The leads will report back on the progress and status of this project at the next NAFTA TWG meeting.

Global Regulatory Issues

Updates on various international pesticides issues were provided to the Executive Board, including: OECD, Codex and Joint Meeting on Pesticide Residues, International Treaties for Chemical Management, Pollinator Incidents and Persistent, Bioaccumulative, Toxic (PBT) Chemicals. The Executive Board acknowledged the progress made at the global level, particularly, OECD joint reviews and Codex work and recommended that leads, in coordination with OECD, keep the NAFTA TWG informed of progress made and status of nominated pesticides for elimination under the various international treaties at future TWG meetings.

Government officials also discussed the recommendations from a recent OECD Survey on Pollinators, including, incident reporting, precautionary label language and coordination of research. The officials also discussed the current coordinated efforts among NAFTA partners to protect pollinators from plant protection products. It was recommended that NAFTA countries continue to work together and in coordination with OECD to further develop action steps to address issues raised as a result of the Pollinator Survey.

TWG Projects and Other Activities

Key NAFTA TWG projects and other informal areas of collaboration were discussed.

The Executive Board endorsed a new project proposal on NAFTA Guidance for Conducting Prospective Ground Water (PGW) Studies and the project plan will be presented at the next NAFTA TWG meeting for Executive Board approval.

New performance indicators and measures were proposed for future tracking over the next three years of the NAFTA TWG Five Year Strategy 2008-2013. The Executive Board asked the leads to undertake further work on the performance measures to better reflect Canadian priorities and report back on progress to the group at the next NAFTA TWG meeting.

With regard to incident reporting, the Executive Board recommended the creation of an approach to identifying products, issues and the coordination of risk management. When "Top Hits" are identified as a result of this process, subsequent action needs to be identified and taken. Progress on this approach will be reported at



the next NAFTA TWG meeting. The Mexican delegate expressed that Mexico would be happy to participate in this approach and will contact the department of animal health that would be responsible for this information.

The Executive Board was updated on the progress of other projects and activities such as, Residential Drafts SOPs, Aquatic Ecotoxicology Data, Agricultural Sustainability Standards, Benefit Assessment and Public Health Pesticides. Residential Draft SOPs have been developed by EPA and were distributed to stakeholders for comments. PMRA will provide these comments in early 2010.

A Biopesticide Workshop preview was presented to the Executive Board. The workshop was planned for Wednesday December 9th 2009, and was scheduled to take place in conjunction with the NAFTA meetings.

Regulatory Coordination on Emerging Issues

The Executive Board was updated on a number of regulatory coordinations between the U.S. and Canada on emerging issues such as, Worker Safety, The Use of Developmental Neurotoxicity Test (DNT) Data in Human Risk Assessment, Cumulative Risk Assessment and Data Protection/Compensation. PMRA will determine whether is able to support a workshop or series of meetings in conjunction with the EPA on DNT. With regard to Cumulative Risk Assessment, all three NAFTA countries will explore the possibility of developing a consistent approach for managing cumulative risk assessment more efficiently.

Treated Wood and Forest Products Sector

On Stakeholder Day, Wood Preservative Canada, The U.S. Treated Wood Council and Canada's Marwood Limited presented an overview of the Canadian and U.S. wood preservative industry and highlighted key registration issues facing the treated wood sector. It was indicated that there are not many wood preservatives available for this industry and although there are alternatives available instead of wood products such as, steel, concrete or plastic, there is not enough information available to show that these alternatives are as efficient or effective as wood products.

The Canadian representatives observed that there are a number of products registered in the U.S. that are not registered in Canada, which put the Canadian industry at a disadvantage. They also stated that the timelines for registering a wood preservative product in Canada is always longer and Canada also requires efficacy data, which is more strenuous when performing on wood products. The Executive Board recommended that the governments continue engaging with non-ag sector to better identify the priorities of this sector and promote joint reviews when new non-ag pesticide applications are submitted.

Data Requirements: Domestic Pesticides

Industry (CCSPA) presented a case study (crosswalk) comparing the data requirements of the three NAFTA countries for a domestic technical grade active ingredient and its associated end use product. Industry stated that data



requirements to register domestic pesticides vary across North America and triggers for conditional data requirements are unclear for registrants. The industry proposed the formation of a NAFTA working group (including regulatory agencies and industry) to facilitate a partnership between government and industry; to work on providing clarity of triggers for data requirements; and to ensure harmonization. The Executive Board recommended that Agencies further assess the issue and provide a prompt response to the industry presentation.

NAFTA Pest Control Products – An Industry Report Card

An Industry Working Group gave a presentation on their perspective on equal access and enabled trade as a result of the NAFTA and global joint review processes. Some examples of NAFTA accomplishments (the number of registered products at the NAFTA or global levels) and benefits to North American agriculture (quicker, equal access to new chemistry, open foreign markets, equal MRLs etc.) were presented to the group. The industry indicated that the future focus of the regulatory agencies should be toward globalizing the processes, as North American agriculture demands global markets.

Speech of Canadian Member of Parliament

The Honourable Bev Shipley (MP) attended the Stakeholder meeting and provided the Government of Canada's perspective on the regulation of pesticides. He stated that the Government of Canada recognises the difficulty of regulating pesticides across NAFTA countries and acknowledges the need for Canadian growers to have equal access to pest management tools introduced by their US counterparts. He expressed that as a result of better alignment between Canada and the U.S. and the establishment of the minor use program and the joint review process, Canadian growers now are able to have access to products faster. He stated that to facilitate the process even further he has submitted a bill (Bill M-460), focusing on a science-based approach to pesticide regulation, to the House of Commons. He mentioned that the Government of Canada would continue to improve the registration processes and collaborate with other countries while maintaining its high standards of protecting human health and the environment and would create a fair and collaborative environment for our growers.

Closing Remarks

The meeting concluded with closing remarks by the Executive Board. As host, the Canadian Executive Board member thanked the NAFTA government officials and stakeholders for their attendance and participation in the exchange of information and ideas on issues of key importance.



Break-Out Group (BOG) Reports

BOG 1 – Resistance Management

The focus of this BOG was on resistance management issues in agriculture. The goals of the discussion were to obtain feedback on what is known about pest resistance and what experience and approaches exist with regards to resistance management. Below is the summary report of this BOG.

Awareness of pest resistance and resistance management practices

- Growers and other stakeholders are aware of resistance and consider it a serious issue.
- Level of awareness varies among growers.
- Many users do not read labels completely and read portions that relate to application of the product.
- MOA (Mode of Action) symbol is key information that can facilitate grower behaviour and encourage rotating modes of action as resistance management tactic.

Sources of information

- Extension personnel
- Trade journals/popular agricultural press (WSSA (Weed Science Society of America) survey indicates >60% of growers get most RM information from this source)
- Company representatives, Chemical dealers, Websites on resistance management

Possible roles for regulators

- Make more tools available for growers
- Consider RM systematically in decision-making
- Encourage use of tank mixes (recent publication in *Weed Technology* suggests this is effective for herbicides)
- Encourage rotating modes of action and Integrated Pest Management (IPM), including non-chemical pest control
- Promote education for pesticide users
- Absence of Maximum Residue Limits (MRLs) in export market limits the use of alternatives that have role in RM
- Consider proactive resistance management as justification for emergency exemptions

Education



- Getting information to the majority of pesticide users seems to be the key to increasing users' adoption of RM practices
- Emphasize resistance management in standard pesticide use training programs

BOG 2 – NAFTA TWG: Perspectives of Future Priorities and Direction for the Next 2-3 Years

The purpose of this BOG was to engage participants in a roundtable discussion to review current context and provide perspectives on NAFTA TWG's future priorities and direction for the next 2-3 years. Below is the summary report of this BOG.

Technology Gap & Joint Reviews

Labels:

- Rethink and refresh the NAFTA Label process
- Keep the focus on the NAFTA Label process
- Provide incentives to make it attractive to registrants

Registration Review & Re-evaluation

- Use the registration and re-evaluation processes to bring in new uses and harmonize MRLs
- Be more efficient in submission timelines – harmonized between the use site categories
 - Formulation changes
 - Foliar application to seed treatment

Effective Communication

- Need to communicate science and benefits of pesticides and build public confidence.
- Communicate issues that arise in Joint Reviews and how they can communicate those to other countries that don't participate in regulatory reviews.
- Go beyond the NAFTA Nations to include other Nations such as Latin America in our capacity building process.
- The TWG should promote its experiences to the EU and have input into the EU Regulatory process on products and processes.
- Be proactive in the EU process to ensure that the channels of trade stay open.
- Utilize other resources such as academia and industry science to assist in the development science processes and standards.
- Reengage Mexico, especially COFEPRIS into the NAFTA process (i.e. Joint Reviews)
- COFEPRIS has a responsibility to attend the meetings.