

Health Canada's Pest Management Regulatory Agency / Regulatory Operations and Regions Branch Compliance and Enforcement Report 2016-2017

NATIONAL PESTICIDE COMPLIANCE PROGRAM

ANNUAL REPORT

2016 – 2017

YOUR HEALTH AND SAFETY... OUR PRIORITY.



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PROGRAMME NATIONAL DE SURVEILLANCE DE LA CONFORMITÉ DES PESTICIDES

RAPPORT ANNUEL

2016 – 2017

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This document does not constitute part of the Pest Control Products Act (Act) or its associated Regulations and in the event of any inconsistency or conflict between that Act or Regulations and this document, the Act or the Regulations take precedence. This document is not intended to provide legal advice regarding the interpretation of the Act or Regulations. If a regulated party has questions about their legal obligations or responsibilities under the Act or Regulations, they should seek the advice of legal counsel.

Mission and Vision

OUR MISSION

The mission of Health Canada's National Pesticide Compliance Program is to help protect the health and environment of Canadians by promoting, monitoring and enforcing compliance with the *Pest Control Products Act* and its Regulations.

OUR VISION

The vision is to strive for Excellence in Pesticide Compliance.

Executive Summary

This report outlines activities and results for Health Canada's National Pesticide Compliance Program (NPCP) in the 2016-2017 fiscal year.

The NPCP is responsible for promoting, monitoring and enforcing compliance with the *Pest Control Products Act* (PCPA) and its Regulations. The program is administered jointly by Health Canada's Pest Management Regulatory Agency (PMRA) and the Regulatory Operations and Regions Branch (RORB). PMRA sets the strategic direction, program priorities and policies, and determines how those priorities are implemented nationally. RORB is responsible for the delivery of compliance and enforcement activities and for maintaining valuable relationships with regional partners and stakeholders.

2016-2017 STATISTICS - HIGHLIGHTS

This report outlines compliance and enforcement activities conducted by PMRA in partnership with RORB in fiscal year 2016-2017. In planning the activities for the NPCP, a risk-based approach is utilised. The scope of the NPCP covers the full range of parties regulated by the PCPA, including pesticide registrants, manufacturers, importers, vendors, retailers, and users.

Given the broad scope of the regulated community, factors that affect compliance can vary. Regional diversities, such as commodities produced, provincial and municipal requirements, and established grower networks and associations, may contribute to differences in compliance behaviour. To account for these differences, the NPCP consists of both national and regional activities. The diversity of NPCP programs allows the Pesticide Compliance Program to assess a sample of users from a variety of sectors and provides the PMRA with information indicating compliance rates at a regional or national level.

In some instances, when non-compliance is known or suspected, a targeted approach may be used, while in other situations, a randomly selected inspection is preferred. Compliance rates presented in this report reflect the regulated parties inspected and are not representative of the industry as a whole. The results presented in this report include summary findings of all compliance observations.

The NPCP activities fall into the following main areas: Active Prevention, Targeted Oversight, Rapid Response, Border Activities, and Laboratory Activities. Highlights from each of these areas are noted below, with details provided in later chapters.

Active Prevention

The objective is to provide regulatory guidance to industry and the public while identifying safety concerns at an early stage to encourage compliance with the PCPA and its associated Regulations.

- The key priority was to continue to educate stakeholders in priority areas of their obligations under the PCPA. In 2016-2017, six active prevention programs were conducted to promote awareness of the requirements under the PCPA and its Regulations. These included promoting the safe use of pesticides by following label directions and use of Personal Protective Equipment (PPE) by agricultural and commercial users; consultations with school boards about pest control practices; promoting pollinator protection; and outreach to customs brokers.
- A total of 159 outreach activities were conducted, including presentations, meetings and exhibit booths at trade shows. Communication materials were distributed and included topics such as PPE, Incident Reporting, Restricted Entry Intervals (REI) and Pre-Harvest Intervals (PHI).
- Outreach elements such as the provision of verbal or written regulatory requirements were included during the delivery of many inspection activities.

Targeted Oversight

The objective is to identify health, safety and environmental concerns at the appropriate stage of the pest control product life cycle.

- The key priority was to monitor compliance with the PCPA among users (commercial, agricultural, and industrial), registrants, manufacturers, and vendors of pest control products.
- A total of 1067 inspections and interviews focusing on 26 NPCP priority areas were conducted. In addition, 233 compliance verification inspections in response to complaints, incidents and inquiries were also conducted.
- A total of 321 soil, plant tissue, wipe, formulation and other samples were analysed by PMRA's laboratory to verify compliance as part of NPCP targeted oversight programs.

In 2016-2017, levels of compliance with the PCPA for inspected entities varied depending on the sector of activity. Rates of compliance ranged from 17% (soil fumigation inspection program) to 100% compliant in several programs (emergency registration, marine products, greenhouse peppers). The average rate of compliance for all targeted oversight inspections including surveillance was 65%. Many of the detected instances of non-compliance involved the possession or sale of an unregistered product or the use of registered products contrary to the label approved by PMRA.

Surveillance inspections verified whether compliance had been restored. Inspections were conducted on regulated parties who were previously non-compliant, and who have significant risks to re-offend— 77% were found to have returned to compliance.

Rapid Response

The objective is to conduct timely interventions when unacceptable risks of non-compliance are identified.

- The key priority was risk-based action in response to non-compliant situations noted during inspections, as well as responding to publicly-reported complaints and incidents.
- In 2016-2017, a total of 848 enforcement responses were issued to non-compliant parties based on the outcome of inspections and complaints. Enforcement responses included verbal education (83), written education (416), enforcement letters (337), and Compliance Orders (12). In addition, 22 Notices of Violation (NOVs) with penalty were issued under the *Agriculture and Agri-Food Administrative Monetary Penalties (AMPs) Act*.
- As part of the enforcement responses listed above, specific enforcement actions taken in response to non-compliant product included requests to dispose of product (392), requests to cease activity or remove product (732), requests to return or recall product (30), request to re-label (20), order to cease activity or remove product (45), order to dispose of product (4), collection of investigative samples (68), denials of entry at the border (222), and other actions (76).

Border and International Activities

The objective is to monitor border activities to reduce risks posed by imported pesticides, and to bolster the international cooperation that facilitates the management of global pesticide compliance and enforcement issues.

- Following the analysis of Canada Border Services Agency (CBSA) importation data, 150 targeted inspections of suspected non-compliant importations were conducted. Thirty-nine percent of these inspections were found to be compliant with the PCPA. The enforcement actions requested of non-compliant importers included ceasing activity, removing product from sale, disposing of product, and denial of entry at the border. Enforcement letters were also sent to 52 international vendors of suspected non-compliant pest control products located outside of Canada. The enforcement letters requested that they stop selling non-compliant products to Canadian consumers.
- Health Canada continued to work with CBSA at the border. Of 286 referrals from CBSA received from various border points, 195 (68%) resulted in denials of entry of the pesticide products into Canada. Health Canada also participated in 21 training opportunities for CBSA Border Services Officers to provide information about the importation requirements for pest control products.
- The pesticide program strengthened working relationships with international regulatory partners through the Organisation of Economic Cooperation and Development's (OECD) Network to fight Illegal Trade of Pesticides (ONIP) and continued using the OECD Rapid Alert System database for targeting unsafe shipments of pesticides.

Laboratory Activities

The objective is to conduct timely pesticide sample analyses in support of compliance verification and enforcement of the *Pest Control Products Act*.

- The Laboratory supports planned NPCP inspection activities, surveillance and compliance verification activities, collaborates on international pesticide laboratory proficiency testing, and maintains ISO17025 accreditation of its laboratory facilities.
- In 2016-2017, Health Canada's Pest Management Regulatory Agency (PMRA) Laboratory analyzed a total of 321 samples in support of NPCP activities and 125 compliance verification samples in response to complaints.
- In 2016-2017, the laboratory developed new methodologies to support a wide variety of pesticide analysis activities.

SUMMARY OF KEY OBSERVATIONS

In 2016-2017, levels of compliance with the PCPA for inspected entities varied depending on the sector of activity. The average rate of compliance for planned NPCP inspections, including surveillance and border activities, was 61%. Overall, for all inspections resulting from planned programs, and unplanned Compliance Verification inspections and referrals from CBSA, the majority of detected non-compliance involved the possession, import or sale of an unregistered product or the use of registered products contrary to the label approved by PMRA.

Surveillance inspections verified whether compliance had been restored. Inspections of regulated parties who were previously non-compliant found that 77% had returned to compliance. The NPCP took active steps, including application of escalated enforcement measures, to induce the non-compliant regulated parties to fully comply with the PCPA and its associated Regulations.

Chapter 1 - Overview of NPCP

The NPCP is coordinated from Ottawa and is delivered by regional inspectors located in Burnaby, Kelowna, Edmonton, Calgary, Lethbridge, Regina, Saskatoon, Winnipeg, London, Guelph, Toronto, Montreal, Quebec City, Ottawa, Moncton, Charlottetown, and Kentville. In Newfoundland and Labrador, the NPCP is implemented by the Provincial inspectors located in St. John's, Corner Brook, and Gander. The NPCP is supported by PMRA's ISO 17025 accredited laboratory located in Ottawa.



Figure 1. Map of Regional Offices and Headquarters (Ottawa)

NPCP PLANNING

The scope of the NPCP covers the full range of parties regulated under the PCPA, including: pesticide registrants, manufacturers, importers, vendors, retailers, and users. Annual compliance promotion and inspection priorities are determined after consultation with PMRA science directorates, RORB staff and provincial and territorial partners. Results from previous inspection programs, stakeholder concerns and changes in product registration status or use patterns are also considered. NPCP activities cover specific sectors periodically in order to remain aware of challenges faced by stakeholders, changes in compliance levels, and to maintain a presence in the regulated community.

Every fall, all relevant information is assessed on a risk basis, from which priority sectors and activities are selected for inspection during the upcoming fiscal year. Both national and regional priorities are selected at this time. These risk-based work plans include activities in each of the three pillars of Health Canada's compliance and enforcement framework. Figure 2 represents the activities which fall under each pillar of compliance and enforcement.

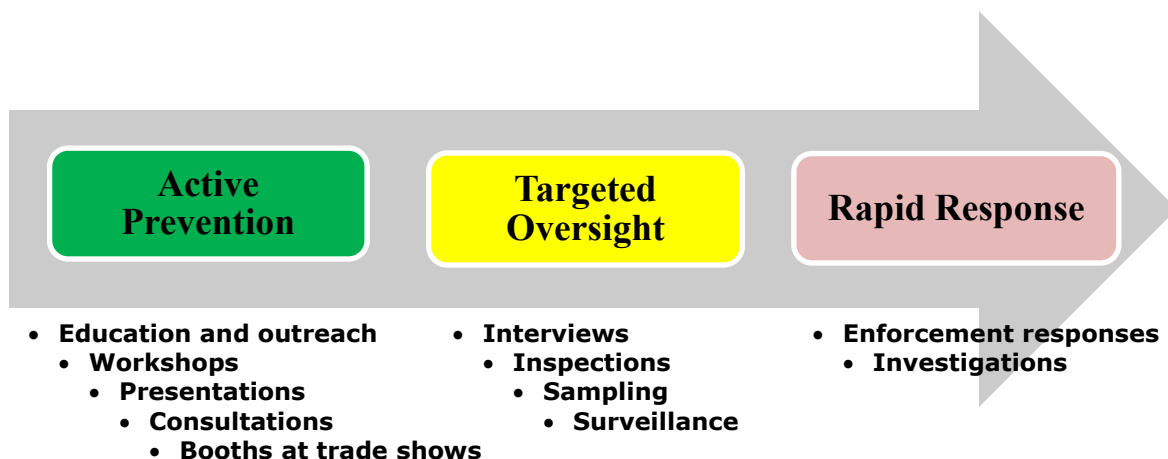


Figure 2. PMRA Compliance and Enforcement Framework

IMPLEMENTATION

The following is a description of current national pesticide program measures used in the delivery of compliance promotion, inspection, and enforcement activities under the PCPA and its Regulations.

Identifying Compliance Issues

PMRA and RORB identify compliance issues through:

- Ongoing NPCP activities;
- Voluntary reporting of suspected infractions; and/or
- Information reported from other government agencies.

When a situation of non-compliance has been identified, a compliance risk analysis is performed to determine an appropriate response.

Active Prevention - Encouraging and Promoting Compliance

There are a number of activities conducted by regional and headquarters officers that encourage and promote compliance. These activities support the collection, distribution and exchange of information and include the following:

- Compliance education and outreach;
- Working agreements, partnerships and consultations with other regulators of pesticides; and
- Sector consultations with the regulated community.

Targeted Oversight - Inspecting for Compliance

In general, inspections are conducted to review and examine the compliance status of a pest control product or any place or operation where pest control products are manufactured, held,

stored, marketed, sold, distributed, transported, used or disposed. Different types of inspections utilized by the Pesticide Compliance Program include:

- Inspections conducted to verify compliance as part of planned NPCP activities;
- Surveillance inspections to confirm return to compliance; and
- Compliance Verification inspections in response to complaints or incidents.

During an inspection, the inspector assesses the activities conducted by the regulated party and records all deviations from the regulatory requirements in accordance with the PCPA and Regulations. When required, samples are taken and submitted to PMRA's ISO 17025 accredited laboratory in Ottawa for chemical analysis.

In some instances, when non-compliance is known or suspected, a targeted approach may be used, while in other situations, a randomly selected inspection is preferred. Compliance rates reflect the regulated parties inspected and are not representative of the industry as a whole.

Rapid Response - Managing the Risk Resulting From Situations of Non-Compliance

A compliance risk management approach is taken when there is a known or suspected non-compliance that would result in an unacceptable risk. All violations are assessed to determine if there is knowledge, intent, and/or lack of ability to comply with regulatory requirements. The following factors are also considered:

- The history of compliance, including corrective action already taken;
- The degree of actual or potential risk to human health or the environment as a result of non-compliance; and
- The level of response necessary to achieve and maintain continuing compliance by the violator and others in the regulated community.

Since the majority of the regulated community will generally comply if they understand the requirements, violations are often addressed through education. Education is typically used when the resulting infraction has limited health or environmental impact, the offender clearly does not understand or know of their obligations, or in some circumstances, it is not clear that they were responsible. Other enforcement options could include: enforcement letters, Compliance Orders, Notices of Violation (NOVs) with warning or monetary penalty, prosecution, suspension or cancelation of registration, recall, seizure and detention or forfeiture, and denial of product entry into Canada.

Chapter 2 - Active Prevention

In 2016-2017, Health Canada delivered six active prevention programs to promote awareness of the requirements under the PCPA and its Regulations. In addition to regulatory requirements, compliance promotion activities promote the safe use of pesticides and best practices for pesticide users. A total of 159 compliance promotion activities and 115 interviews to collect information were conducted in 2016-2017 (Table 1).

Table 1. Type of Active Prevention Activity by Program

| | Program Name | Type of activity | | | |
|----------|--|------------------|---------------|-----------|------------|
| | | Booths | Presentations | Meetings | Interviews |
| National | Agricultural users | 23 | 31 | 18 | 0 |
| | Customs Brokers | 0 | 0 | 18 | 0 |
| | Non-agricultural users | 17 | 18 | 2 | 0 |
| | Pest Control in and around schools | 0 | 0 | 28 | 0 |
| | Pollinator Incident & Complaint Response | 0 | 0 | 0 | 109 |
| Regiona | Aerial Applicators | 2 | 2 | 0 | 6 |
| | Total | 42 | 51 | 66 | 115 |

AGRICULTURAL USERS (NATIONAL)

The focus of this program was to communicate the regulatory requirements related to pesticide use to users in the agricultural sector and to promote the safety benefits of using registered products according to the label directions. This stakeholder sector includes, but is not limited to: growers, seasonal workers, grower associations, college and university level agriculture students, custom applicators, agricultural extension specialists and consultants, and third party auditors. Program delivery to this diverse user group involved a mixture of presentations, trade shows, association meetings and training sessions for agriculture users and industry. In 2016-2017, outreach activities to agricultural users included 23 booths, 31 presentations, and 18 meetings.

Fact sheets on topics such as Personal Protective Equipment (PPE), incident reporting, protecting pollinators, and the PMRA Label Search website and mobile application were distributed in multiple languages. Informational “Pest Note” brochures concerning common pests were also distributed.

An example of a compliance promotion activity developed and delivered by the Pesticide Compliance Program is a tradeshow booth activity designed by Prairie Region inspectors. This activity informed growers about the different types of gloves available and what to look for when selecting the appropriate gloves to use when applying pesticides. This glove activity received positive feedback from tradeshow attendees in all regions where it has been presented.

Compliance promotion activities focusing on the agricultural user group continues to be a priority for 2017-2018.

CUSTOMS BROKERS (NATIONAL)

Customs brokers play a crucial role as facilitators between Canadian importers and the Canadian Border Services Agency (CBSA). Pest control products may constitute only a small percentage of the wide variety of the importations of products and commodities brokered by a customs brokerage firm.

The objectives of this compliance promotion activity were to educate customs brokers of the importation requirements of the PCPA and its Regulations and to promote best practices when submitting importation data to CBSA. In 2016-17, 18 customs brokerage firms were contacted and supplied with information outlining importation requirements. This active prevention activity is continuing in 2017-2018.

NON-AGRICULTURAL USERS (NATIONAL)

Non-agricultural users include: structural pest control applicators, vegetation management applicators, aerial applicators, gardeners, arborists, lawn care and landscape applicators, swimming pool and spa operators, industrial users, homeowners and the general public. Levels of awareness regarding the regulation of pesticides in Canada may vary within this diverse group. The focus was to communicate the regulatory requirements and safety benefits of using registered products according to label directions.

In 2016-2017, outreach to non-agricultural users included 17 booths, 18 presentations, and two meetings. Compliance promotion activities with this user group will continue in 2017-2018.

PEST CONTROL IN AND AROUND SCHOOLS (NATIONAL)

In response to concerns about the potential human health risks associated with pesticide applications in and around schools, 28 consultation meetings were held with school district administrators. These consultations helped to determine what, if any, pest management challenges they are experiencing in and around their schools and to discuss what strategies they are currently using to control these pests. Consultations focused on the extent of the knowledge the school administrators have regarding the regulation and safe use of pesticides in and around schools in order to protect school district staff and students.

Although no compliance risks were identified during the consultation meetings, this program initiated a relationship with this stakeholder group. Outreach with school district administrators and their respective associations may be considered for inclusion in the 2018-2019 NPCP and as opportunities present.

POLLINATOR INCIDENT & COMPLAINT RESPONSE (NATIONAL)

This program responded to ongoing concerns about the potential impact of pesticides on pollinators in Canada. To support PMRA's monitoring of reported incidents, regional inspectors collected information related to reported honeybee mortality incidents.

In total, 30 samples of bees, comb pollen, nectar, vegetation and water were collected for laboratory analysis, and 109 interviews were conducted with 45 different beekeepers. The majority of incidents reported were in Ontario. More information can be found on Health Canada's [pollinator protection webpage](#).

AERIAL APPLICATORS (REGIONAL)

Aerial applicators are licenced by provincial pesticide authorities and are responsible for following provincial and federal requirements. In response to complaints received and gaps in knowledge identified by Health Canada, an active prevention program was developed targeting this user group. In Prairie Region, six interviews were conducted to gather intelligence about use practices in the sector. Any compliance concerns identified during the interviews were addressed by the inspector and if necessary, enforcement action was taken. In addition, two presentations and two booths were delivered at aerial applicator association meetings in Prairie Region.

Summary

In 2016-2017, a total of 159 compliance promotion activities and 115 interviews to collect information about use practices were conducted. Over 11,200 outreach materials were disseminated, including factsheets (4470), gloves (832), Pest Notes (3684), and other items such as posters and magnets (2255). Through these activities, the Pesticide Compliance Program increased awareness among targeted regulated groups of their regulatory obligations under the PCPA. Health Canada will continue to prioritize communicating regulatory requirements with all affected stakeholders to achieve voluntary compliance.

Chapter 3 - Targeted Oversight

Targeted oversight activities are planned to promote and monitor compliance of regulated parties with the PCPA and Regulations. In some instances, when non-compliance is known or suspected, a targeted approach may be used, while in other situations, a randomly selected inspection is preferred. Compliance rates presented in this report reflect the regulated parties targeted for inspections and are not representative of the industry as a whole.

Given the broad scope of the regulated community, factors that affect compliance can vary. Regional diversities exist, such as commodities produced, provincial and municipal requirements, and established grower networks and associations, which may contribute to

differences in compliance behaviour. The diversity of NPCP programs allows the Pesticide Compliance Program to assess a sample from a variety of sectors and provides the PMRA with information to determine if the cause of non-compliance is a regional or national issue. Non-compliance identified will be considered during planning for future compliance activities.

In 2016-2017, 1067 planned inspections were conducted in 26 priority areas. Inspections of users and distributors occurred in a variety of agricultural, commercial, and industrial sectors. Inspections were also conducted at the user and distributor level to verify compliance with risk mitigation measures associated with the re-evaluation of specific active ingredients. In order to verify that regulated parties who had previous violations of the PCPA and Regulations and were considered at risk to re-offend had returned to compliance, targeted surveillance inspections were conducted.

In response to complaints and incidents of suspected non-compliance, an additional 233 compliance verification inspections were also conducted in 2016-2017.

For more information about targeted oversight activities related to the border, see Chapter 5.

USER INSPECTION PROGRAMS

In order to verify the compliance of users with the PCPA, 485 inspections were conducted in 14 programs in 2016-2017, Table 2.

Table 2. Targeted Oversight Inspections of Users by Program

| | Inspection Program- Use | Inspections conducted | % in compliance with the PCPA |
|----------|--------------------------------------|-----------------------|-------------------------------|
| National | Market Gardeners | 103 | 40% |
| | Pest Control Operators & Lawn Care | 125 | 65% |
| Regional | Antifouling Marine Paints | 15 | 60% |
| | Antisapstain Wood Treatment | 8 | 63% |
| | Aquaculture | 48 | 96% |
| | Highbush Blueberries | 17 | 76% |
| | Greenhouse Peppers | 3 | 100% |
| | Industrial Vegetation | 39 | 77% |
| | Marine Products | 20 | 100% |
| | Muck Soils | 25 | 24% |
| | Obsolete Pesticide Collection | 16 | 56% |
| | On-Farm Inspections | 23 | 65% |
| | Outdoor Nurseries and Garden Centres | 31 | 32% |
| | Potato Warehouse Fumigation | 12 | 83% |
| | Average | | 61% |

Market Gardeners (National)

Market gardeners sell their fruit and vegetable crops directly to consumers on-site at the farm, at roadside stalls, or farmer's markets. Multiple crops, successive planting, hand weeding and hand harvesting in this industry necessitate the need to record and diligently follow Restricted Entry Intervals (REI) and Pre-Harvest Intervals (PHI). The variety of crops grown may also equate to a wider variety of pesticide products kept in storage. Previous NPCP inspection programs targeting market gardeners have found expired products in storage and off-label use to be an issue. Considering the previous compliance rates and on-going complaints received concerning this sector, a national activity targeting market gardeners was delivered in 2016-2017.

In 2016-2017, 103 market gardeners were inspected across Canada and 101 samples were collected and analyzed. Overall, 41 growers (40%) were found fully compliant at the time of inspection. While the compliance rate of the market gardeners inspected is relatively low, the majority of the violations involved the storage of obsolete (expired or unregistered) pest control products (46 growers). Of the 62 non-compliant growers, 25 growers had storage as their only instance of non-compliance and had no use-related violations. Notifying growers of expired product found in storage and educating them about registration status and the proper disposal of pesticides is a valuable component of the inspection process. Twenty-three growers used a registered product contrary to label directions, which included crops not included on the label, application rate or number of applications. Deficiencies in PPE were noted for 17 growers.

All operations inspected received verbal education concerning any violations found. This included informing growers of obsolete pesticides, and the options available to them for disposal. In addition to verbal education, 35 education letters were issued and 33 enforcement letters were issued. Inspections of market gardeners are continuing in Ontario Region in 2017-2018.

Pest Control Operators (National)

Pest Control Operators (PCOs) are commercial applicators who provide structural and landscaping extermination services for a wide range of clients in residential, commercial, and institutional settings. These applicators apply pest control products to control a vast array of indoor and outdoor pests. The NPCP has been conducting outreach and inspection activities targeting this user group for several years. Compliance promotion activities focused on PMRA's regulatory role, new risk mitigation measures following the re-evaluation of specific pest control products, and the safe use of PPE. In 2016-2017, compliance promotion activities included 11 presentations and two articles in association newsletters. As well, relevant compliance promotion handouts were provided to PCOs at the time of inspection.

In 2016-2017, 125 PCOs (landscape and structural) were inspected across the country to verify compliance with pest control product labels. Key elements verified during the inspections included:

- Safe use of products, e.g., use of proper PPE, proper handling of products and precautionary notifications;
- Product use according to label specifications, e.g., pest controlled, use site and rate; and

- Use of Canadian registered products.

Overall, 81 out of 125 PCOs inspected (65%) were compliant at the time of inspection. The most frequent violations included the use of pest control products contrary to label directions (32) including pests not included on the label, incorrect use sites and incorrect rates; inadequate PPE or safety measures (13), storage of unregistered or expired product (12); non-compliant website advertising (2) and the import or sale of unregistered pest control products (2).

In 2016-2017, Quebec Region piloted a sampling program of application equipment wipe and spray tank formulation samples to verify the active ingredients present. Overall, 27 out of 52 samples analyzed were found to be compliant (52%). For structural applicators, three out of 16 (19%) samples were compliant, while 67% of samples from landscape applicators were compliant.

Enforcement responses issued for instances of non-compliance included verbal education (5), education letters (7), enforcement letters (37), and NOVs with penalty (13). This inspection program remains a high priority for the 2017-2018 NPCP activities. Based on the results of Quebec Region's sampling program, the sampling component has been expanded to all regions for 2017-2018.

Antifouling Marine Paints (Regional)

Antifouling marine paints are used on boat hulls to provide a protective coating against algae, barnacles and other marine fouling organisms. When applying the paint, respiratory exposure is a health concern and many labels include PPE requirements. In Canada, older tributyl tin antifouling products have been replaced by copper-based products, while different formulations have become available in the US. Given the close proximity to the US border and the ease of online purchasing, there is potential for American product to be applied in Canada. Inspections conducted in this sector in 2015-2016 in Ontario and Atlantic Regions identified a lack of awareness of label PPE requirements for some applicators.

In British Columbia Region, 15 inspections were conducted to verify product registration status and adherence to label directions including PPE requirements at marinas (8), retailers (5), and marinas with retail operations (2). Of the operations inspected, nine (60%) were found to be fully compliant at the time of inspection. The majority of non-compliance found involved failure to follow PPE requirements, as well as sale and use of unregistered products. As a result of these violations, one operation voluntarily removed unregistered product from sale and five education letters were issued.

As a result of these findings, 111 outreach letters were sent to vendors of commercial class antifouling paints highlighting the respiratory protection measures required for commercial products. Industry associations were also contacted resulting in a trade magazine publishing an article urging antifouling paint users to check product labels for personal protective equipment requirements.

Antisapstain Wood Treatment (Regional)

Changes to application methods, worker handling scenarios, cleaning, and maintenance practices may have reduced the likelihood of exposure to employees working in and around treatment sites. However, significant precautions can be required when handling the concentrate or treated woods, as well as during clean-up, maintenance or repair activities. Inspections verified if products are applied in a way consistent with label directions, including application rates and methods as well as worker precautions and PPE.

In British Columbia Region, five of eight (63%) operations inspected were fully compliant with label requirements at the time of inspection. Of the 3 non-compliant operations, two operations had multiple instances where workers were not wearing adequate PPE, while a third operation did not apply the product at the correct rate. Two enforcement letters were issued in response to this non-compliance.

Due to the lack of knowledge of PPE requirements by some users and the resulting failure to protect workers, inspections with this user group are continuing in 2017-2018 in British Columbia Region.

Aquaculture (Regional)

Aquaculture is an important industry in British Columbia and Atlantic Canada, however, growing conditions, pest pressure and regulatory regimes are different between the two regions. In some areas, pest control products are used to control sea lice, a marine pest which attaches itself to salmon. These products have the potential to pose risks to the marine environment if not used according to the label directions. The risk of non-compliance in this industry appears to increase when environmental conditions are favourable for marine pests. In 2016, the New Brunswick aquaculture industry experienced an extreme outbreak of sea lice, compounded by higher than normal water temperatures resulting in the exponential reproduction of sea lice. This outbreak resulted in increased and more frequent use of pesticides to control sea lice in Atlantic Canada.

In 2016-2017, 48 inspections of aquaculture operations were conducted in British Columbia and Atlantic Regions. Overall, a compliance rate of 96% was observed and the two instances of non-compliance were observed in Atlantic Region; compliance issues were not identified in British Columbia Region. During the inspections in Atlantic Region, 28 samples were submitted to PMRA's laboratory for pesticide analysis. No instances of non-compliance were detected in the samples taken. Enforcement letters were issued by Atlantic Region for lack of worker PPE and failure to have a Canadian label on-site.

Historically, this sector has been found to have high rates of compliance; however, serious instances of non-compliance have occurred in the past in Atlantic Region. In fall 2016, two NOV's with penalty were issued based on positive detections of unregistered pesticides in samples collected during the 2015-2016 inspection program. Due to the fluctuating nature of pest outbreaks and in order to maintain a presence in the industry, salmon aquaculture inspections are continuing in Atlantic Region in 2017-2018.

Highbush Blueberries (Regional)

The potential for non-compliant pesticide applications occurring in the British Columbia blueberry industry has increased in recent years due to many factors, including an increase in the number of growers, new pests requiring control such as spotted wing drosophila, lack of training in the grower community, lack of awareness of pesticide safety and regulatory requirements, language barriers, and the close proximity of lands in agricultural production to residential settings. As a result of knowledge gaps with respect to pesticide application and safety identified during inspections in 2015-2016, inspections of blueberry growers in British Columbia Region continued in 2016-2017.

Of 17 growers inspected (including leaf samples collected for analysis), 13 (76%) were found to be fully compliant at the time of inspection. Three of the four growers with instances of non-compliance had expired product in storage and one leaf sample had a positive detection for a pesticide not registered on blueberries. All non-compliant growers (4) were issued enforcement letters.

Greenhouse Peppers (Regional)

Given the specific requirements for pest control products used in greenhouse vegetable production and recent minor use label expansions to include greenhouse peppers on several products, Alberta Region conducted three inspections of greenhouse pepper growers in 2016-2017. During inspections, growers were provided with information on regulatory requirements to increase awareness and compliance with label directions, such as REI, PHI, and PPE.

Of the three growers inspected and three leaf samples were collected and analyzed, 100% were found to be in compliance of the PCPA. No instances of non-compliance were identified during this inspection program.

Industrial Vegetation (Regional)

The industrial vegetation control industry plays a vital role in the maintenance of infrastructure in Canada. Provincial governments and regional municipalities, in conjunction with national railways and utilities companies, are responsible for maintaining various rights of way including highways and roads, utilities, railway or pipeline corridors which traverse through municipalities or cities, as well as industrial areas and airports. Industrial vegetation services may be performed directly or contracted to specialized application companies. Given provincial, regional, and municipal restrictions on the use of a variety of insecticides, herbicides, and fungicides traditionally used for industrial vegetation control in recent years, this sector was selected for an inspection program in 2016-2017.

Inspections were conducted in the Atlantic, Ontario, and Prairie Regions. Of 39 inspections, 30 were compliant (77%). Of the nine inspected parties with instances of non-compliance, the most common violations were related to the use of pest control products contrary to label directions. This included issues with PPE (7 operations), application without a provincial licence (2 operations), or use on a site or pest not included on label (2 operations). During inspections of

pest control product storage areas, two operations had pest control products with missing labels, while one operation had multiple expired and unregistered pest control products in storage. Enforcement responses included verbal education, education letters (6), and enforcement letters (2). In addition to inspections, two outreach activities were conducted in Prairie Region.

Marine Products (Regional)

Marine seafood aquaculture is a new and innovative industry in Atlantic Canada that produces American oysters, mussels, Bay quahogs, salmon, Arctic char, Atlantic halibut, Bay scallops, clams, marine plants, rainbow trout, striped bass, American eel, sea scallops, and brook trout for human consumption. Atlantic Region conducted inspections to assess the pest management practices of the marine seafood product industry, including the use of registered products, adherence to label requirements, PHI and the use of PPE. Although Health Canada has been active in the salmon aquaculture industry for many years, the 2016-2017 inspection program was the first of its kind in this specialized industry.

In addition to gathering information about the marine products industry and pest management practices, inspections verified compliance with the PCPA. Of the 20 inspections conducted, 100% of producers inspected were compliant. This inspection program increased awareness of the PCPA and Regulations with marine seafood product producers and created a relationship between Health Canada and this new industry.

Muck Soils (Regional)

Muck soil is a specialized field soil type that is able to produce excellent crops and is used extensively for commercial vegetable production. As a result of suspected non-compliant pesticide use in commercial vegetable growing areas located in muck soils in Quebec, 25 inspections of vegetable growers and 38 leaf and/or spray tank samples were collected in 2016-2017. Of growers inspected, six were found to be compliant (24%). Use contrary to label directions was the most common violation for the 19 growers with instances of non-compliance. This included instances of applying product at the wrong rate (14 growers), inappropriate tank mixes (3 growers), and applying in adverse weather conditions (one grower). Seven growers had expired product in storage and four growers had a positive sample detection for a pesticide not registered on that crop. All non-compliant growers (19) were issued enforcement letters.

Based on the findings of the 2016-2017 inspection program, growers in muck soils will continue to be monitored through surveillance inspections or subsequent inspection programs.

Obsolete Pesticide Collection (Regional)

An industry-led obsolete pesticide collection program offers growers an environmentally responsible way to dispose of unregistered, obsolete or otherwise unwanted agricultural pesticides. This stewardship program is offered in each province across Canada, on a rotating basis, at no cost to growers. The collection program took place in Ontario and Manitoba in the fall of 2016. In September 2016, collection was held at agriculture retailers across Ontario (40) and Manitoba (19).

Growers were targeted for inspection based on recent compliance history of unregistered, unlabelled or obsolete pesticides in storage. Active prevention activities were conducted by regional staff to promote participation in this collection program, including letters, emails, and phone calls to growers and associations.

Ontario and Manitoba each conducted 8 inspections, for a national total of 16. Compliance rates varied greatly between Ontario (25%) and Manitoba (88%) Regions. This may have been due to the timing of the late September collection date conflicting with fall harvest activities of market gardeners in Ontario. Six of the seven growers with instances of non-compliance failed to dispose of the obsolete pesticide, while one violation was related to product use. In addition to the verbal education conducted with all non-compliant growers, education letters (3) and enforcement letters (3) were issued.

On-Farm Inspections (Regional)

In 2016-2017, a pilot inspection program was conducted in Ontario and British Columbia, allowing inspectors the flexibility to complete on-farm inspections with any agricultural pesticide user. This allows inspectors to inspect and engage users that would not otherwise be inspected under a planned NPCP inspection. Inspection questionnaires were conducted to collect information about pesticide use practices.

Twenty-three inspections were conducted in Ontario and British Columbia. 65% (15) growers were deemed compliant at the time of inspection. Of the 8 non-compliant growers, all of the violations were related to the storage of pest control products. Seven operations had unregistered or expired products in storage while the unsafe storage of pest control products was a concern at one operation. Seven education letters and one enforcement letter were issued to non-compliant operations.

In 2017-2018, the on-farm inspection program is continuing and will provide the ability to address regional variation with regional focus in specific commodities. In 2017-2018, the on-farm program is focused on strawberries, cherries, poultry producers, field corn, market gardeners, ginseng, cranberries, and aquaculture. Monitoring of various communities provides valuable information with respect to compliance with regulatory requirements and allows for efficient outreach to various groups of agricultural users.

Outdoor Nurseries and Garden Centres (Regional)

Pesticide use by outdoor nurseries or garden centres may pose a potential health risk to employees and the public if pesticides are applied while the business remains open to the public or in a way contrary to label directions. As a result of the potential risk, inspections of nurseries and garden centres were conducted in British Columbia Region to verify the registration status and use practices, including adherence to label requirements such as PPE, PHI, and REI for the pest control products used.

Of the 31 operations inspected in 2016-2017, 10 were compliant at the time of inspection (32%). The majority of non-compliance detected was for possession of unregistered or expired product (19) and use of a registered product contrary to label directions (19). These “off-label” uses

included: unregistered crop (10), inadequate/lack of PPE (4), failure to adhere to REI (3), application method (1), and number of applications (1). Other instances of non-compliance included sale (2) and use (1) of unregistered (expired) products. Education letters were issued to all non-compliant operations. Operations with use violations also received additional verbal education. Based on the results of this inspection program, additional inspections in this industry are planned in the future.

Potato Warehouse Fumigation (Regional)

A major component of managing potato quality while in storage is effective sprout control. A sprout inhibitor is applied to potatoes in storage as a fog throughout the ventilation system of the storage warehouse after the potatoes are harvested. This inspection program verified compliance with label requirements while gathering information about potato warehouse fumigation in Atlantic Canada.

Of the 12 inspections conducted in Atlantic Region, three were with fumigation service providers and nine were with potato warehouse owners. Overall, 83% of those inspected were found to be compliant. While all of the potato warehouse owners were found to be compliant, only one of the fumigation service providers was found to be compliant. Both non-compliant fumigation service providers were lacking some of the required PPE. One fumigation service provider was also not following the correct REI, as per incorrect information from a distributor. Enforcement letters were issued to both non-compliant fumigation service providers, as well as to the distributor.

Summary Compliance Rates for User Programs

The average rate of compliance for all targeted oversight inspection programs of pesticide users, was 61%, while levels of compliance varied by individual program. The majority of violations observed were related to storage of unregistered (expired) products and worker protection. In all instances of non-compliance, enforcement actions were taken.

In 2016-2017, the level of compliance was lowest amongst growers in muck soils (24%), outdoor nurseries and garden centres (32%), and market gardeners (40%). In each of these programs, minor violations such as the storage of unregistered (expired) pest control products were a contributing factor to the rate of compliance. Users in each of these inspection programs will continue to be monitored through surveillance inspections or subsequent inspection programs in the future.

DISTRIBUTION INSPECTION PROGRAMS

Four national inspection programs were conducted to determine compliance of stakeholders along the distribution chain. In total, 154 inspections were conducted through the following programs:

Table 3. Targeted Oversight Inspections of Distribution Chain by Program

| | Inspection Program- Distribution | Inspections conducted | % in compliance |
|----------|-----------------------------------|-----------------------|-----------------|
| National | Emergency Registration | 4 | 100% |
| | Marketplace Domestic Rodenticides | 84 | 88% |
| | Registrants | 36 | 72%* |
| | Research Authorizations | 30 | 73% |
| | Average | | 82% |

* See page 21 for a detailed description of compliance ratings for the Registrant program in 2016-2017.

Emergency Registration (National)

Under the provisions of Section 18 of the Pest Control Products Regulations, the Minister may register a control product, for a period not exceeding one year, for the emergency control of seriously detrimental infestations.

An emergency is generally deemed to exist when the following criteria are met:

- a pest outbreak or pest situation occurs that can cause significant economic, environmental or health problems;
- there is no effective product or application method registered in Canada for the control of the pest; and
- there is no effective, alternative control method available.

For pest control products registered under Emergency Registration, the label directions may be different from those indicated on the labels approved through the normal registration process. In addition, as emergency registration labels are only valid for one year, labels may change annually, causing confusion for pesticide applicators relying on previous experience. Continued inspections of users of emergency registration products are needed to identify and mitigate any potential risks associated with their use.

In 2016-2017, four inspections were conducted to verify adherence to the conditions of the emergency registrations granted for various products and 100% of users inspected were deemed to be compliant.

Marketplace Domestic Rodenticides (National)

Every year, the NPCP monitors pesticide retailers for sale of unregistered pest control products. Following the re-evaluation of eight rodenticides in 2010, several new mitigation measures were

required for certain rodenticide products. For pest control products remaining on the marketplace, label amendments were required. The expiration date of product registrations was December 31, 2016.

In order to ensure retailers were informed of these changes and to promote compliance, regulatory information was disseminated by the Pesticide Compliance Program. Two letters outlining the requirements were sent to national retail associations.

Eighty-four inspections of retailers were conducted to verify the removal of non-compliant products from the marketplace and 88% were compliant at the time of inspection. In addition, 578 (96%) of the 600 inspected domestic rodenticide products were compliant. Non-compliant products were removed from store shelves at 10 retailers. In total, education letters (4) and enforcement letters (9) were issued to the non-compliant vendors. Non-compliance typically resulted from a lack of knowledge of the regulatory requirements and re-evaluation decisions.

Registrants (National)

Registrants have a significant impact on the regulated community as they determine which products are available to enter the marketplace. Registrants play a key role in product stewardship because of their influence on product distribution and use. Preventing and correcting compliance issues prior to reaching the production or distribution chain may reduce the number of issues occurring in the marketplace. Inspections of registrants are conducted annually.

In 2016-2017 as part of Health Canada's transparency initiative, [results for each of the registrant inspections](#) were posted on Health Canada's website and made available to the public. To aid in the classification and interpretation of compliance results posted online, the following [compliance ranking criteria were used](#):

- A regulated party will be classified as **Compliant** if at the time of the inspection, the regulated party has demonstrated the activities inspected are in compliance with the *Pest Control Products Act* and Regulations. *Requirements have been met and desired behaviours were observed.*
- A regulated party will be classified as **Compliant with observations** if at the time of the inspection, the regulated party has demonstrated some deviations (called observations) from the requirements of the PCP Act or Regulations *of a technical nature and for which the potential or the probability for causing any harm (i.e., to human health or safety, or to the environment or the integrity of the regulatory system) is low. The observations do not require immediate corrective actions.*
- A regulated party will be classified as **Non-Compliant** if at the time of the inspection, observations have been documented where the potential or the probability for causing any harm (i.e., to human health or safety, or to the environment or to the integrity of the regulatory system) is moderate or if these observations indicate a situation causing harm or where the potential or the probability for causing any harm (i.e., to human health or safety, to the environment or to the integrity of the regulatory system) is significant. The observations in these cases require immediate corrections in a specific timeline.

In 2016-2017, a total of 36 inspections were conducted and 23 products were sampled for guarantee verification. Overall, 22 registrants were compliant (61%) and four registrants (11%) were deemed compliant with observations due to minor labelling issues (2 registrants) and manufacturing (2 registrants). The remaining 10 registrants were deemed non-compliant (28%) at the time of inspection. Of the non-compliant registrants, the issues found were related to labels (8 registrants), manufacturing (four registrants), advertising (three registrants), and failure to provide sales data (1 registrant). All samples were found to be compliant. These issues did not result in risks to human health or the environment.

For all instances of non-compliance detected, including minor ones, enforcement responses were issued to the registrant including verbal education (2), written education (3), and enforcement letters (13). Note that some registrants received more than one enforcement response depending on the source of the non-compliance.

The registrant inspection program continues to be a priority for 2017-2018.

Research Authorization (National)

Under the Pest Control Products Regulations, PMRA may authorize the use of an unregistered pest control product for research purposes. Depending on the nature of the proposal, a research authorization or research notification certificate is granted to an applicant to conduct research under specific conditions. Inspections verify compliance with the regulatory requirements for research, specifically with the conditions set out in the research certificate and on the experimental label. As researchers may be using unregistered pesticide products, or registered products for an authorized off-label use, regular monitoring of this community is warranted. Research establishments to be inspected were selected based on risk. Considerations may include the use of a new active ingredient; conditions and restrictions placed on the research permit (such as crop destruct, buffer zones, or application in sensitive environments); or compliance history.

Nationally, 30 research sites were inspected across Canada, and 22 (73%) were found fully compliant. Non-compliance identified included storage of unregistered (expired) product (1), use contrary to the experimental label directions which included inadequate PPE (2), improper signage (2), incorrect PHI (1), off-label crop (1), and failure to return unused product to the registrant (1). During the inspection, researchers and co-operators were informed of the regulatory requirements. Enforcement responses included verbal education (2) and enforcement letters (6) for instances of non-compliance.

Summary Compliance Rates for Distribution Programs

The average rate of compliance for targeted oversight inspection programs related to pesticide distribution was relatively high at 82%, with some variation by individual program. The most frequent violations were distribution of expired or unregistered pest control products and issues with product labels.

RE-EVALUATION RELATED PROGRAMS

The *Pest Control Products Act* mandates re-evaluation of all active ingredients every fifteen years. Following re-evaluation, Health Canada may:

- Retain the registration with no changes;
- Amend the label directions to improve safety of health and/or the environment;
- Modify maximum residue limits;
- Place conditions on use; or
- Eliminate or phase-out uses, formulations or the registration.

Re-evaluation decisions may create challenges at the retail and user level due to the number and type of changes in registrations and uses. Compliance programs are conducted annually to verify that re-evaluation decisions are adequately implemented and maintained. In 2016-2017, inspections were conducted in the following re-evaluation related programs, Table 4.

Table 4. Targeted Oversight Inspections related to Re-Evaluation by Program

| | Inspection Program- Re-evaluation | Inspections conducted | % in compliance with the PCPA |
|----------|-----------------------------------|-----------------------|-------------------------------|
| National | Diquat | 57 | 54%* |
| | Paraquat | 37 | 86% |
| | Phosphine Fumigation | 4 | 50% |
| | Thimet 20-G | 35 | 34% |
| Regional | Soil Fumigants | 14 | 17% |
| | Average | | 54%* |

*Overall rate of completion of the stewardship plan for both registrants - see the Diquat summary below for more information.

Diquat (National)

Diquat is a herbicide that is used primarily as a drying agent to aid in the harvest of food, feed, industrial oilseed, and fiber crops. Following an analysis of incident reports related to products containing diquat, PMRA determined that label modifications were required after April 1, 2016 for commercial diquat products to strengthen warning and first aid statements, including updated use precautions and PPE requirements. A stewardship plan was designed to provide information about the new label to retailers who had products with the previous labels. The retailers were to provide this information to users buying the products. The inspection program was initiated to determine whether the two registrants were successful in completing this agreement.

Fifty-seven retail outlets were inspected nationally to determine if the registrants had completed the stewardship plan. All 57 retail sites carried the diquat product from one registrant, while seven retailers also carried the diquat product from the second registrant. For the first registrant, 31 out of 57 retail sites (54%) met the parameters of the stewardship plan, whereas for the second registrant, two out of seven retail sites (29%) met the parameters of the stewardship plan.

While the parameters of the stewardship plan for diquat were considered voluntary, retailers who were unaware of the label changes were educated on-site. The registrants were also informed in writing of the inspection results and any deficiencies observed with respect to the stewardship plan. Verification of retailers of diquat products are included in agricultural retail inspections planned for 2017-2018.

Paraquat (National)

As a result of a special review of paraquat published in 2015, label changes were required based on human health and the environmental risks. As such, the registrant was required to ensure that all products in the marketplace had new labels and a stewardship plan was required to address product with the previous label. The registrant was to provide retailers with information about the new label for distribution to users buying the product. The inspection program was initiated to determine if the registrant completed the required labelling and stewardship plans.

Nationally, 37 retailers were inspected. At 32 of 37 sites (86%), inspectors found that product had new labels or that the information for the users was provided for distribution. For the five retail sites with non-compliance, the registrant was found to be non-compliant with the conditions of registration. Retailers who were unaware of the new requirements were educated on-site. The registrant was informed in writing of the inspection results and any deficiencies observed with respect to the stewardship plan. Additional verification of retailers and users of paraquat products is planned for 2017-2018.

Phosphine Fumigation (National)

Over the course of the re-evaluation of phosphine, a number of new risk mitigation measures were required. Due to the high acute toxicity of phosphine and reported incidents, a compliance program targeting phosphine applicators was initiated. The program began in 2013 with promotion of risk mitigation requirements associated with the use of the product, and continued with inspections of applicators in 2014-2015, and again in 2015-2016 based on the high level of non-compliance.

In August 2015, the re-evaluation of phosphine-producing products was completed, requiring new risk mitigation measures to be implemented by July 2016, including an increased buffer zone around all fumigated sites. In 2016, four research authorizations were issued to collect additional data at major grain terminals to support reduced buffer zones.

Inspections of the research authorizations at grain terminals were conducted in 2016. Two of the four inspections were fully compliant with the research authorization requirements. Two were found non-compliant as the applicators did not wear respirators while dispensing the product into the grain bins. These applicators did, however, wear monitors which measured phosphine gas.

In addition, nine presentations to applicators as part of the training for provincial licensing/certification were delivered to individual growers in Alberta.

Given the potential risk of these products to human health and the multiple changes to the mitigation measures on the label, this program remains a priority for 2017-2018 and beyond.

Thimet 20-G (National)

Following a re-evaluation decision in 2004, the registration for the pest control product Thimet 15-G (active ingredient, phorate) was subject to cancellation based on risks from environmental exposure. A re-evaluation update in 2012 extended the last date of use to August 2015. A new product, Thimet 20G, was registered with new mitigation measures and marketed in 2016-2017. Thimet 20G requires the use of the new SmartBox pesticide application system and pinch valve, which decreases applicator and environmental exposure significantly.

In 2016-2017, 35 inspections were conducted to determine if growers had purchased the new SmartBox technology and were using Thimet 20G according to label directions. Overall, 12 of the 35 growers (34%) inspected were compliant. The majority of the violations detected were related to inadequate PPE (13 growers), lack of the required SmartBox technology (6 growers) or improper use of the SmartBox technology (4 growers). Other violations included storage of unregistered (expired) products (4 growers), use of expired Thimet 15G product (2 growers), and lack of provincial applicator license/certificate (2 growers).

Verbal education was provided during all inspections. Enforcement responses issued to non-compliant growers included education letters (14) and enforcement letters (9). In response to issues at the grower level, inspections were conducted on two retailers in Alberta who had sold Thimet 20G to unlicensed growers or sold expired Thimet 15G. The registrant has since recalled and collected any remaining Thimet 15G from retail locations. Based on the non-compliance found in 2016-2017, targeted inspections will continue as a regional program in Prairie Region in 2017-2018.

Soil Fumigant (Regional)

The re-evaluation of soil fumigants required registrants to make amendments to their product labels to further limit human exposure during applications, as well as to further protect bystanders and the environment. Label amendments included increased PPE, buffer zones, re-entry restrictions and requirement for applicators to complete a Fumigation Management Plan (FMP) for all applications. During the 2015-2016 soil fumigation inspection program conducted in several regions, instances of non-compliance with new risk mitigation requirements were observed in Manitoba and British Columbia. In these regions, soil fumigations are largely conducted by growers rather than custom applicators and they were found to lack sufficient understanding of the label requirements. For many agricultural pest control products, a FMP is not required, and incomplete FMPs were found to be a source of non-compliance.

A total of 14 inspections were conducted in Manitoba and British Columbia and 17% of applicators who had applied fumigants (2 out of 12) were fully compliant at the time of inspection. The majority of the non-compliance detected related to failure to adhere to label directions including: completing FMPs, signage requirements, PPE, and licensing. Additional oversight and education are required for applicators in British Columbia and Manitoba to facilitate adherence to the complex label requirements on soil fumigant products. This program will continue in Manitoba and British Columbia in 2017-2018.

Summary Compliance Rates for Re-evaluation Programs

Inspection programs at the retail and user level verify whether re-evaluation decisions and mitigation measures are adequately implemented. Across all targeted oversight programs related to the re-evaluation of specific active ingredients, varying levels of compliance were observed.

The most frequent violation was the failure to adhere to label directions, including PPE, application equipment, and completion of FMPs. The lowest rate of compliance was observed during inspections of soil fumigant applicators. Re-evaluation inspection programs remain a high priority for 2017-2018.

SURVEILLANCE INSPECTION PROGRAM (NATIONAL)

In 2016-2017, the surveillance inspection program verified whether there was a return to compliance in sectors of concern. Regulated parties and individuals were targeted in 78 surveillance inspections based on previous non-compliance, and the likelihood to re-offend. In addition to inspections, seven samples were collected and analyzed to verify compliance. 77% of these inspections found a return to compliance (18 non-compliant findings). Of those with instances of non-compliance, 14 were non-compliant with respect to the original violation, while four had corrected the original violation, but were found to have an additional violation at the time of the inspection. The majority of the violations were related to the import or sale of unregistered pest control products (8), non-compliant label or advertising (5), storage of unregistered or expired products (3), use contrary to label (2), use of expired or unregistered product (2).

While education letters (4) and enforcement letters (9) have been issued to date, further enforcement action such as compliance orders or NOVs may be considered in some cases. NPCP is taking active steps, including application of escalated enforcement measures, to induce the remaining regulated parties and individuals to fully comply with the PCPA and its associated Regulations.

Summary

Targeted Oversight activities in 2016-2017 included inspections, presentations, meetings and interviews with growers, applicators, retailers, registrants and distributors. The level of compliance varied by program. Common violations included possession of an unregistered product; sale, import, and use of unregistered products; and use contrary to the label approved by PMRA. Lack of awareness of regulatory obligations and decisions were the primary reasons for non-compliance.

Chapter 4 - Rapid Response

Enforcement Responses

In 2016-2017, inspections resulted in a total of 848 enforcement responses issued to non-compliant parties: 615 from planned inspections and 233 as a result of complaints. Enforcement responses included verbal education (83), written education (416), enforcement letters (337), and Compliance Orders (12). In addition, 22 Notices of Violation (NOVs) with penalty under the *Agriculture and Agri-Food Administrative Monetary Penalties (AMPs) Act* were issued.

In response to non-compliant products detected in 2016-2017, 1589 enforcement actions were taken: 1200 as part of planned inspections and 389 as a result of compliance verifications resulting from complaints. These enforcement actions included requests to dispose of product (392), requests to cease activity or remove product (732), requests to return or recall product (30), request to re-label (20), order to cease activity or remove product (45), order to dispose of product (4), collection of investigative samples (68), denials of entry at the border (222), and other actions (76).

In support of the program, 534 samples of soil, plant tissues, animal tissues, liquids, and surface wipes were submitted to PMRA's laboratory to verify compliance with the PCPA. Among these samples, 125 were collected during compliance verification inspections to ascertain compliance with the PCPA.

RESPONSE TO INCIDENTS AND COMPLAINTS

In 2016-2017, the pesticide program responded to 233 reported incidents of suspected non-compliance and complaints received from the public and regulated parties. When instances of non-compliance with the PCPA were detected, measures were taken appropriate to the circumstances and risks involved. As a result, 389 enforcement actions were taken. Enforcement actions for products were primarily requests to cease activity and remove the product from sale.

Chapter 5- Border Activities

The vast majority of pest control products used in Canada are foreign-made and imported via several streams, including commercial, postal service, courier, and traveller. Unregistered pest control products have not been evaluated or approved for use by PMRA. The importation of pest control products that do not meet the requirements set out by the PCPA and Regulations may pose a potential risk to human and environmental health and safety.

Continued presence in the import sector, via monitoring, outreach, and where appropriate, enforcement, supports the long term risk management strategy to prevent the entry of unregistered products into the Canadian marketplace. Given that the majority of pest control

products sold or used in Canada are foreign-made, activities conducted in the import sector provide long-term support to activities in other NPCP sectors.

Health Canada's Pesticide Compliance Program uses import data from Canada Border Services Agency to identify trends in pesticide imports and to gather evidence to respond to non-compliant importations. An inspection program targeted at importers was delivered in 2016-2017 to verify the compliance of pesticide importations and to educate importers on the requirements under the PCPA. In addition to targeted inspections, the pesticide program also worked proactively to educate online vendors about import requirements and restrictions.

Of the 150 targeted inspections of suspected non-compliant importations conducted, 39% of these inspections were found to be compliant with the PCPA. Importers included retailers, individuals, industrial facilities, growers, and commercial applicators. Many of the non-compliant importations were US EPA registered products available online. Enforcement responses issued to non-compliant importers included verbal education (5), written education (37), and enforcement letters (37). One inspection was also conducted to verify that import requirements of a Grower Requested Own Use (GROU) certificate were followed by the importer. Enforcement letters were also sent to 52 international vendors of suspected non-compliant pest control products located outside of Canada requesting that they stop selling non-compliant products to Canadian consumers. The Pesticide Compliance Program is continuing to monitor importations from these vendors and may take additional enforcement actions.

Health Canada continued to work with CBSA and other federal agencies at border points nationwide to identify, examine, and intercept non-compliant shipments at the border. Of 286 referrals from CBSA received from various border points, 195 (68%) resulted in denials of entry of the pesticide products into Canada. Health Canada's pesticide program also participated in one inspection blitz at a border point and 21 training opportunities to provide information about the importation requirements for pest control products to CBSA Border Services Officers.

Summary

The verification of imported pest control products and removal of those found to be non-compliant from the Canadian marketplace is an important component of the NPCP. Both planned inspections and responding to CBSA referrals at the border are conducted to ensure imported products are compliant with the PCPA. These activities continue to be a priority for 2017-2018 and beyond.

Chapter 6 - Laboratory Activities

The PMRA Laboratory's core objective is to conduct timely pesticide sample analyses in support of compliance verification and the enforcement of the *Pest Control Products Act*. The Laboratory supports planned NPCP inspection activities as well as surveillance and compliance verification activities, collaborates on international pesticide laboratory proficiency testing, and maintains ISO17025 accreditation of its laboratory facilities.

In 2016-2017, PMRA's laboratory analyzed 321 samples in support of NPCP activities and 125 compliance verification samples in response to complaints. New methodologies were developed by the laboratory to support a wide variety of pesticide analysis activities in 2016-2017. These methodologies include multi-residue quantification of active ingredients in cannabis (leaves, oil, and buds), plant growth regulators, and rodenticide pest control products; and the quantification of micro-contaminants in products containing essential oils.

Chapter 7 - National and International Partnerships to Further Reduce Risk for Canadians

NATIONAL COLLABORATION

Health Canada regional offices work collaboratively with federal, provincial, territorial and municipal partners on a number of priority issues. This includes compliance promotion activities, participation on intergovernmental working groups, contributing to provincial certification/licensing activities, and communication on topics such as responsible pest control, emerging issues, and invasive species. Relationships with various industry associations allow for the dissemination of important regulatory information to specific industries. A few examples from 2016-2017:

- Cannabis for Medical Purposes Collaboration
- Canadian Centre for Health and Safety in Agriculture
- Communications pieces to promote compliance

Cannabis for Medical Purposes Collaboration

In 2016-2017, the Pesticide Compliance Program partnered with Health Canada's Office of Medical Cannabis to provide pesticide-related training, inspection, and laboratory support to the cannabis for medical purposes inspection program. As a result of this collaboration, the Pesticide Compliance Program developed additional training materials and laboratory analysis methodologies related to cannabis.

Canadian Centre for Health and Safety in Agriculture

The Pesticide Compliance Program's Prairie Region collaborated with the University of Saskatchewan's Canadian Centre for Health and Safety in Agriculture and provided approximately 200 handouts and posters promoting proper PPE use to support their farm health and safety initiatives.

Communications pieces to promote compliance

The Pesticide Compliance Program's Quebec Region published information related to best practices for swimming pool sanitation and controlling common pests, including ants and

rodents. Enforcement bulletins related to violations of the PCPA were also circulated to local media outlets. These compliance promotion activities reached more than 46,000 individuals and organizations in Quebec in 2016-2017.

INTERNATIONAL COLLABORATION

With world commerce growing larger, more complex, and even more interconnected, surveillance is increasingly essential to protect the health of Canadians. The NPCP engages with a wide variety of organizations, including other government agencies and international organizations, to leverage information. Through effective engagement with selected partners, the NPCP expands its reach to protect health and the environment with finite resources.

During 2016-2017, the NPCP continued to strengthen working relationships with its international regulatory partners through the OECD Network to fight Illegal Trade of Pesticides (ONIP). The access to the OECD Rapid Alert System facilitated quick sharing of information when illegal or unsafe shipment of pest control products was identified by one of its member countries. The NPCP participated in ONIP meetings that discussed the elements to be included in the Best Practice Guidance Document. The goal of the document is to provide an overview of best practices in detecting and stopping illegal trade of pesticides, primarily to assist regulators in OECD countries that are developing this capacity.

Summary

By collaborating with our international partners and working with other federal and provincial/territorial ministries, Health Canada has rapid access to compliance information for promoting and verifying compliance with the PCPA and to educate individuals, local officials and grower groups on regulatory requirements.

Chapter 8 - Compliance Overview

TYPE OF VIOLATION

The overall breakdown of violations of the PCPA detected in 2016-2017 is shown in Figure 3. This includes violations observed during planned activities (1133) and compliance verifications (315). The most common violation types are possession (32%), importation (24%), and sale (16%) for all violations observed in 2016-2017.

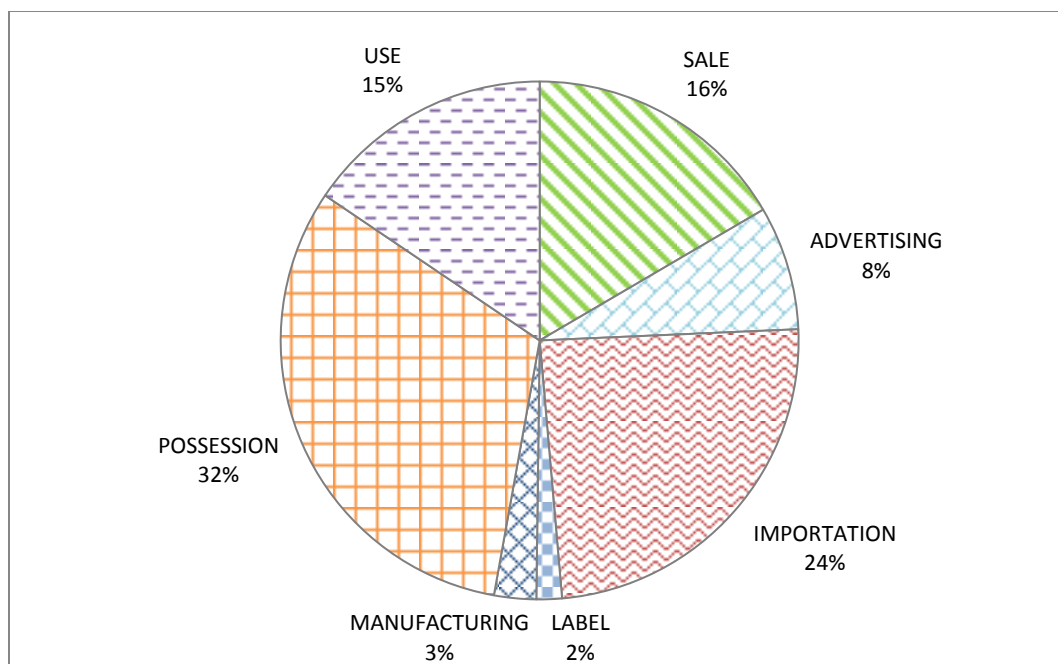


Figure 3. Violation by type, all violations 2016-2017

Compliance Verifications Conducted

In 2016-2017, 233 compliance verifications were conducted outside of planned NPCP activities. These inspections were a result of known or suspected non-compliance discovered as a result of complaints, incidents, or inquiries. This is a decrease from 2015-2016 (488) and 2014-2015 (299).

Return to Compliance

Of the regulated parties inspected in 2016-2017 who were previously non-compliant with the Act or Regulations and were likely to re-offend, 77% were found to have returned to compliance at the time of inspection. This is consistent with rates observed in 2015-2016 (78%) and 2014-2015 (76%).

Chapter 9 - Forward Planning

Several priorities were identified by the NPCP for the 2017-2018 fiscal year:

- Delivering the 2017-2018 NPCP commitments in the following sectors: import, marketplace, re-evaluation, registrant, and users; as well as continuing the delivery of surveillance inspections targeting regulated parties who were previously non-compliant, and continuing to respond to complaints and inquiries received from Canadians;
- Delivering on-going compliance outreach activities to encourage and promote compliance, for example by providing information and educational outreach materials;

- Continuing to deliver the Regulatory Transparency and Openness commitments, including web posting of the 2016-2017 Compliance and Enforcement report, and the registrant inspection information;
- Continuing the assessment of technology and tools to conduct inspections and gain efficiencies in reporting of compliance activities;
- Improving information sharing with regulatory partners, and strengthening compliance and enforcement relationships with other governments and organizations, including the OECD ONIP, CBSA and other government departments.

Glossary

Active Prevention: Promotion of appropriate import, manufacture, distribution, sale, and use of pest control products. See also the definition of compliance promotion.

Administrative Monetary Penalties (AMPs): *The Agriculture and Agri-Food Administrative Monetary Penalties Act* provides a system of penalties and warnings for violations of several federal Acts including the *Pest Control Products Act*. The *Agriculture and Agri-Food Administrative Monetary Penalties Act* allows Canadian pesticide regulatory officials to impose penalties without having to pursue formal prosecution.

Candidate: The person or business reported or suspected of being in contravention of the *Pest Control Products Act* or its associated Regulations.

Compliance: The full implementation of legal requirements. It is the state of conformity of a regulated party (including a corporation, institution, individual or other legal entity) or a pest control product with the *Pest Control Products Act* and its associated Regulations.

Compliance Monitoring: Collecting and analysing information on compliance status of a pest control product or a facility (place or operation where pest control products are manufactured, held, stored, marketed, sold, distributed, transported, used or disposed or where records relating to such activities are maintained) or of an industry or use sector. Compliance monitoring involves interviews, inspections and sampling.

Compliance Orders: A tool to inform the regulated party of a violation of the *Pest Control Products Act* and its associated Regulations which requires timely action to prevent risk to health and safety.

Compliance Promotion: Action taken to assist regulated enterprises, individuals and other legal entities to comply with the *Pest Control Products Act* and its associated Regulations. These actions include educational activities and the provision of information on legislation and policies.

Compliance Verification: Inspections that are conducted outside of a planned inspection program in response to specific violations, suspected violations, or complaints.

Contravention: The act of coming into conflict with a provision of legislation. Under the *Pest Control Products Act* and its associated Regulations, a contravention can lead to either a violation or an offence.

Co-operator: Any individual, corporation or institution not engaged in pesticide research who has agreed to use or allows the use of a pesticide for research purposes on a site owned or operated by that individual, corporation or institution.

Detention: The act of holding a pest control product in the custody of the Pest Management Regulatory Agency, which nullifies the rights of the owner over this product, until the provisions of the *Pest Control Products Act* and its associated Regulations are complied with.

Education Letters: Primarily provides an individual or company with information about their regulatory obligations.

Emergency Registration: Registration of a pest control product, for a period not exceeding one year, for the emergency control of seriously detrimental pest infestations.

Enforcement Letters: In addition to informing stakeholders of their regulatory obligations, enforcement letters require that action be taken to restore compliance.

Enforcement Actions: Specific actions that are requested or ordered by Health Canada's Pesticide Compliance Program in response to non-compliance in order to bring the candidate into compliance with the PCPA. Examples include requests to remove product from sale or dispose of non-compliant products.

Enforcement Responses: Actions that may be taken by Health Canada's Pesticide Compliance Program to induce, encourage or compel compliance by the regulated party with the *Pest Control Products Act* and its Regulations or to cause a contravention to cease, to prevent future contravention or to impose sanctions for non-compliance. Enforcement responses include education letters, enforcement letters, compliance orders, Administrative Monetary Penalties, and Prosecution. Enforcement responses include specific enforcement actions that must be taken to return to compliance.

Forfeiture: The loss or surrendering of an item to the Crown as part of the enforcement response to a contravention, where an item has been seized and detained and subsequently forfeited using either section 55 of the *Pest Control Products Act* or section 22 of the *Agriculture and Agri-Food Administrative Monetary Penalties Act*.

Guarantee Limits: The active ingredient(s) levels in the pest control product must be in compliance with its declared guarantee statement and product specifications.

Inspection: The review and examination of the compliance status of a pest control product or any place or operation where pest control products are manufactured, held, stored, marketed, sold, distributed, transported, used or disposed, or where records relating to such activities are maintained.

Interview: A compliance monitoring activity that is part of the National Pesticide Compliance Program and involves a questionnaire. Health Canada's pesticide program officer gathers information to determine risk of non-compliance. The consideration of this risk determines the nature, type and frequency of oversight in a given situation.

Investigation: Actions taken to gather evidence to support a case referral for potential judicial determination regarding specific violations of the *Pest Control Products Act* and its associated

Regulations. This includes taking statements and activities carried out under the *Criminal Code*, i.e., executing search warrants.

Phase-Out: The gradual elimination of registered product uses, product formulations, or product registrations, through the Pest Management Regulatory Agency's [Re-evaluation Program](#).

Pre-Harvest Interval (PHI): The time between the last application of the pesticide and harvest.

Rapid Response: Enforcement responses to non-compliance, which can vary depending on a number of factors, such as the harm or potential harm caused by the infraction, compliance history, whether the regulated party acted with indifference or premeditation, the likelihood that the problem will reoccur, and the probable and likely outcome of each enforcement action.

Registrant: A person in whose name a pest control product is registered.

Restricted-Entry Interval (REI): A restricted-entry time after the application of a pest control product.

Seizure: The act of taking possession of a product under the authority of the *Pest Control Products Act* without the person's consent for the purposes of placing the product under detention. Seizure deprives the owner of the item from freely doing anything with the item, but unlike forfeiture, he/she retains ownership of the item.

Surveillance: Follow-up inspections conducted to verify a candidate's return to compliance with the PCPA and Regulations.

Targeted Oversight: Early detection of health, safety and environmental concerns at the appropriate stage of a pest control product's life cycle. This is achieved by undertaking a variety of activities including inspections, sampling and surveillance to identify risks.

Violation: A contravention of the Act or the Regulations that may be proceeded with in accordance with the *Agriculture and Agri-Food Administrative Monetary Penalties Act* see subsection 2(2) of the *Pest Control Products Act*.

Abbreviations

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| <i>AMPs Act</i> | <i>Agriculture and Agri-Food Administrative Monetary Penalties Act</i> |
| CBSA | Canada Border Services Agency |
| FMP | Fumigation Management Plan |
| GROU | Grower Requested Own Use |
| ISO | International Organization for Standardization |
| NOV | Notice of Violation |
| NPCP | National Pesticide Compliance Program |
| OECD | Organization of Economic Cooperation and Development |
| ONIP | OECD's Network for Fighting Illegal Trade of Pesticides |
| PCO | Pest Control Operator |
| PCPA | <i>Pest Control Products Act</i> |
| PCPR | Pest Control Products Regulations |
| PHI | Pre-Harvest Interval |
| PMRA | Pest Management Regulatory Agency |
| PPE | Personal Protective Equipment |
| REI | Restricted Entry Interval |
| RORB | Regulatory Operations and Regions Branch |