

Health Canada's Pest Management Regulatory Agency / Regulatory Operations and Regions Branch Compliance and Enforcement Report 2017-2018

NATIONAL PESTICIDE COMPLIANCE PROGRAM

ANNUAL REPORT

2017 – 2018

YOUR HEALTH AND SAFETY... OUR PRIORITY.



Également offert en français sous le titre :

Rapport annuel 2017-2018 du Programme national de surveillance de la conformité des pesticides

This publication is also available on the Internet at Canada.ca/pesticides

This publication can also be made available in alternate format(s) upon request.

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ISSN: 2371-0713 (PDF version)

Catalogue Number: H111-5E-PDF (PDF version)

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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 and enforcement.

Executive Summary

This report outlines the results of compliance and enforcement activities conducted by Health Canada's National Pesticide Compliance Program (NPCP) in the 2017-2018 fiscal year. The NPCP is responsible for promoting, monitoring and enforcing compliance with the *Pest Control Products Act* 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). The PMRA sets the strategic direction, program priorities and policies, and determines how those priorities are implemented nationally. The RORB is responsible for the delivery of compliance and enforcement activities and for maintaining valuable relationships with provincial and territorial partners and stakeholders.

The scope of the NPCP covers the full range of parties regulated by the *Pest Control Products Act*, including pesticide registrants, manufacturers, importers, retailers, and users. To align activities with these regulated parties and better capture the work we do, the NPCP adopted a new framework beginning in 2017-2018. The NPCP is now divided into seven sectors: Registrants, Importation, Marketplace, Users, Re-Evaluation, Surveillance, and Inquiries and Complaints. NPCP highlights are noted below, with details of activities conducted in each sector provided in later chapters.

To account for regional variation, the NPCP includes 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 subsectors and provides the PMRA with information about compliance issues or potential trends.

Compliance activities are prioritised based on risk. In some instances, when non-compliance is known or suspected, a targeted approach may be used, which may result in higher rates of non-compliance. In other situations, random inspections are 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, which include all levels of risk. These findings are used in planning compliance priorities for subsequent years.

2017-2018 KEY STATISTICS

- 253 Compliance Outreach activities were conducted to promote compliance with the *Pest Control Products Act*. These activities included presentations, meetings, exhibit booths at trade shows, and other activities such as providing publications for mail-outs and contributing to association newsletters.
- 933 inspections were conducted.
- 428 samples were analyzed by the PMRA's laboratory.

- The rate of compliance varied by subsector, ranging from 11% to 100%.
- The most common violation types noted for all inspections were sale (34%), possession (25%), and importation (21%). This includes violations noted during planned activities (1288) and compliance verifications (242). 796 enforcement responses were issued to non-compliant parties. Enforcement responses included verbal education (75), written education (359), enforcement letters (341), and Compliance Orders (21).
- In addition, 30 Notices of Violation (NOVs) with penalty and 2 Notices of Violation (NOVs) with warning were issued under the *Agriculture and Agri-Food Administrative Monetary Penalties (AMPs) Act*.

Chapter 1- Overview of NPCP

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

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 the PMRA's ISO 17025 accredited laboratory located in Ottawa.



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

The scope of the NPCP covers the full range of parties regulated under the *Pest Control Products Act*, including: pesticide registrants, manufacturers, importers, retailers, and users. To align activities with these regulated parties and better capture the work we do, the NPCP adopted a new framework starting in 2017-2018. The NPCP is now divided into seven sectors: Registrants, Importation, Marketplace, Users, Re-Evaluation, Surveillance, and Inquiries and Complaints. Details on activities conducted in each of these sectors can be found in Chapter 3.

The following sections outline the program's priority setting and implementation approach.

IDENTIFYING COMPLIANCE ISSUES

The PMRA and the RORB identify compliance issues through:

- Ongoing NPCP activities including responding to complaints;
- 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.

Given the broad scope of the regulated community, factors that affect compliance can vary. Factors which may influence compliance rates across Canada include commodities produced, provincial and municipal requirements, and availability of grower networks and associations. The diversity of NPCP programs allows the Pesticide Compliance Program to assess a cross section of sectors and provides Health Canada with information about compliance issues or potential trends both nationally and regionally. In addition to any enforcement action taken in response to non-compliance, identified trends are considered during planning for future compliance activities.

SETTING NPCP PRIORITIES

Annual compliance promotion and inspection priorities are determined after consultation with the PMRA science directorates, the 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 subsectors 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 priorities are selected for activities for 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.

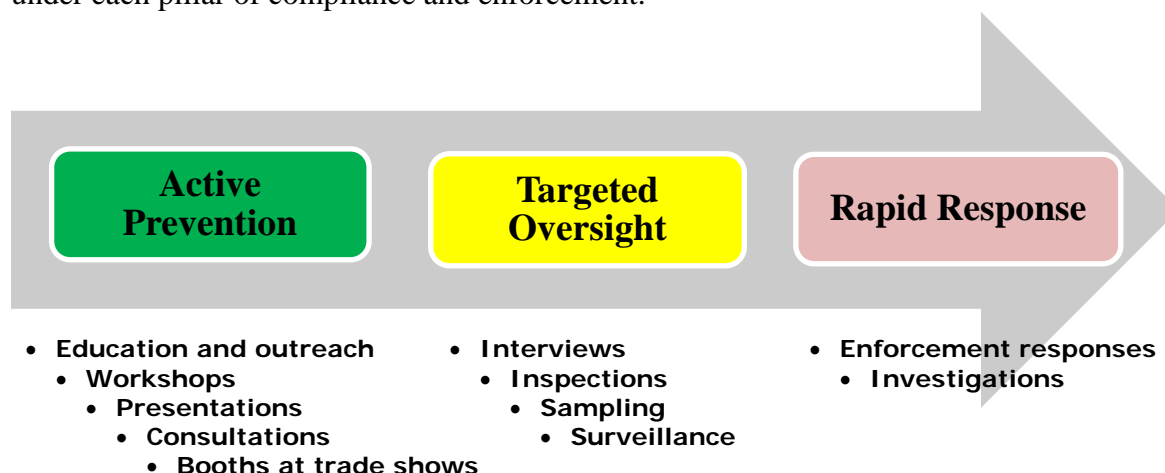


Figure 1. PMRA Compliance and Enforcement Framework

IMPLEMENTING THE NPCP

The following is a description of current measures used in the delivery of compliance promotion, inspection, and enforcement activities under the Pest Control Products Act and its Regulations.

Active Prevention: Encouraging and Promoting Compliance

There are a number of activities conducted to 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 conducted 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 any deviations from the regulatory requirements in accordance with the *Pest Control Products Act* and Regulations. When required, samples are taken and submitted to the 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, which may result in higher rates of non-compliance. 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. Findings are used in planning compliance priorities for subsequent years.

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 compliance by the violator and others in the regulated community.

Since the majority of the regulated community will generally comply when 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- Compliance Overview

Compliance activities were prioritised based on risk. In some instances, when non-compliance is known or suspected, a targeted approach was used, which may result in higher rates of non-compliance. In other situations, random inspections were preferred. Compliance rates presented reflect the regulated parties inspected and are not representative of the industry as a whole. The results presented include summary findings of all compliance observations, which include all levels of risk. These findings are used in planning compliance priorities for subsequent years. A summary of compliance findings is presented in Table 1 below.

TABLE 1. COMPLIANCE RATES BY SUBSECTOR

Sector	Subsector	Scope	Number and Type of Activities Conducted ¹	Compliance Rate (%)
Registrant	Registrants	National	36 inspections	33% ²
	Research	National	19 inspections	89% ²
	Emergency Registration	National	5 inspections	60%
Importation	Commercial Importation	National	126 inspections	25%
	Border Work	National	413 Admissibility Decisions	45%
Marketplace	Agricultural Retailers	National	134 inspections	62%
	Hydroponic Marketplace	National	100 inspections	11%
User	On-Farm	National	169 inspections	60%
	Pest Control Operators	National	145 inspections	35%
	Antisapstain	Regional	13 inspections	100%
	Malathion	Regional	12 inspections	75%
Re-Evaluation	Phosphine	National	8 inspections	38%
	Paraquat	National	78 inspections	33%
	Phorate	Regional	13 inspections	92%
	Soil Fumigants	Regional	8 inspections	88%
Surveillance		National	56 inspections	63%
Inquiries and Complaints		National	185 enforcement responses	n/a

¹ Only inspection activities where a compliance rate was calculated are included above. For example, Active Prevention activities, or border blitz events conducted under the Border Work subsector are not included.

² See Chapter 3.1 Registrant Sector for a description of the Compliance Rating System used for the Registrant and Research Authorization & Notification subsectors in 2017-2018.

Activities in the registrant, commercial importation, border work, hydroponic and pest control operator subsectors continue to be a high priority for the NPCP in 2018-2019.

SAMPLES ANALYZED

In support of the program, 428 samples of soil, plant tissues, animal tissues, liquids, and surface wipes were analyzed by the PMRA's laboratory to verify compliance with the *Pest Control Products Act*. Among these samples, 144 were collected during compliance verification inspections to determine compliance with the *Pest Control Products Act*.

TYPE OF VIOLATION

The overall breakdown of violations of the *Pest Control Products Act* detected in 2017-2018 is shown in Figure 3. This includes violations noted during planned activities including requests for admissibility decisions from the Canada Border Services Agency (CBSA) (1288) and compliance verifications (242). The most common violation types are sale (34%), possession (25%), and importation (21%) for all violations.

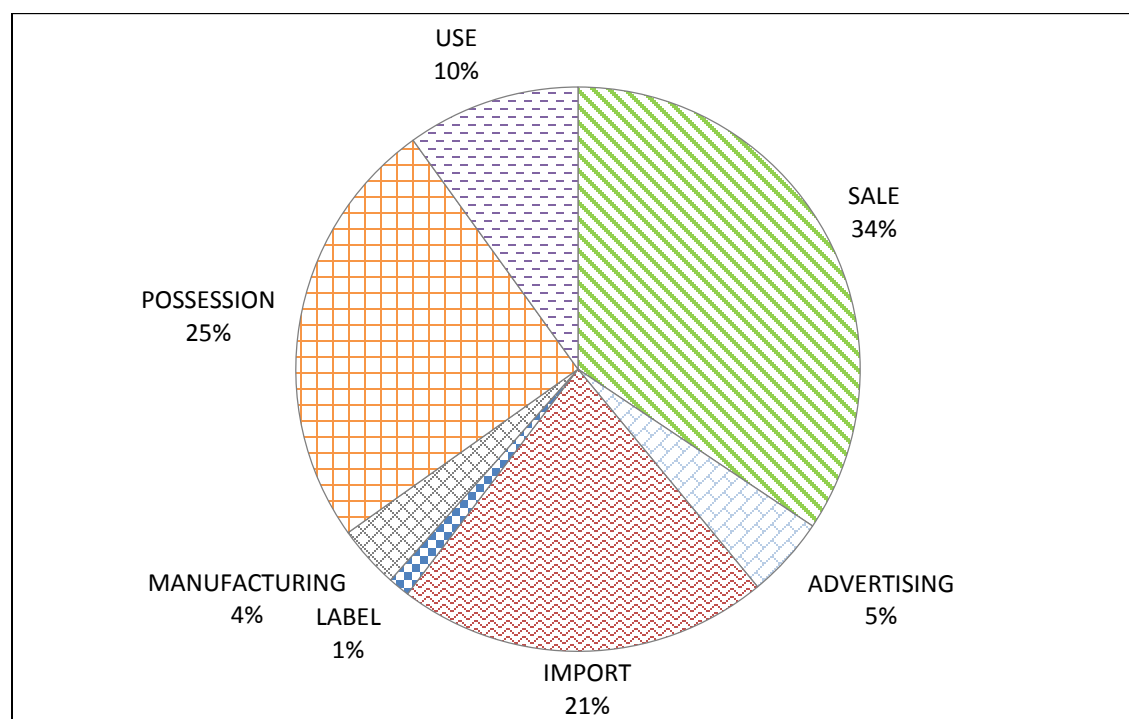


Figure 2. Violation by type, all violations 2017-2018

RETURN TO COMPLIANCE

Of the regulated parties targeted for surveillance inspections in 2017-2018 due to previous non-compliance with the Act or Regulations, 63% (35 out of 56) were found to have returned to compliance at the time of inspection.

ENFORCEMENT RESPONSES & ENFORCEMENT ACTIONS TAKEN

In 2017-2018, inspections resulted in a total of 796 enforcement responses issued to non-compliant parties: 611 from planned inspections including requests for admissibility decisions from the CBSA and 185 as a result of complaints. Enforcement responses included verbal education (75), written education (359), enforcement letters (341), and Compliance Orders (21). In addition, 2 Notices of Violation (NOVs) with warning and 30 Notices of Violation (NOVs) with penalty were issued under the *Agriculture and Agri-Food Administrative Monetary Penalties (AMPs) Act*.

In response to non-compliant products detected in 2017-2018, 1549 enforcement actions were taken. These enforcement actions included: requests to cease activity or remove product (588), requests to dispose of product (478), denials of entry at the border (209) requests to return or recall product (116), order to cease activity or remove product (43), collection of investigative samples (41), and other actions (74).

CHAPTER 3- NPCP SECTORS

This chapter details the 2017-2018 results for each of the seven NPCP sectors: Registrants, Importation, Marketplace, Users, Re-Evaluation, Surveillance, and Inquiries and Complaints. For a summary of all results, refer to Chapter 2, Compliance Overview.

3.1 REGISTRANT

Registrants play a key role in product availability and stewardship with respect to 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 2017-2018, the national focus was registrants, research authorization and notification, and emergency registrations.

Starting 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 rating 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 *Pest Control Products 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 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.

REGISTRANT (NATIONAL)

In 2017-2018, an information package was sent to all registrants to provide them with the following information:

- Information outlining the mandate of Health Canada's role in pesticide compliance and enforcement;
- An overview of the Registrant Inspection Program;
- A checklist to help prepare for an inspection; and
- Information on Health Canada's transparency initiative.

A total of 36 inspections were conducted of registrants selected using a risk-based approach. Registrants may be prioritized for inspection if: the registrant has not been inspected in the past few years; the registrant has poor compliance history; the registrant did not submit sales reporting and/or incident reporting information; the inspector has reasonable ground to suspect any other potential non-compliance. Overall, 8 registrants were determined to be compliant at the time of inspection (22%) and another 4 registrants (11%) were determined compliant with observations. The remaining 24 registrants were determined non-compliant (67%) at the time of inspection. The most common violations noted were related to labelling (17), sales reporting (12), and advertising (11).

For all instances of non-compliance detected, enforcement responses were issued to the registrant including verbal education (2), written education (4), and enforcement letters (21). Note that some registrants received more than one enforcement response depending on the nature of the non-compliance. The registrant inspection program continues to be a priority for 2018-2019.

RESEARCH AUTHORIZATION AND NOTIFICATION (NATIONAL)

The 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 certain conditions. Health Canada inspects for compliance with the requirements for research, specifically with the conditions set out in the research certificate and on the experimental label.

In addition to verifying that the conditions of the research are being followed, this inspection program also provides the benefit of engagement with the research community; increased knowledge of new and emerging pest management technologies; and increased awareness of pesticide import and/or broker activity for research products.

Research establishments to be inspected were selected based on risk. Considerations included the use of a new active ingredient; conditions and restrictions placed on the research permit (such as where crops must be destroyed after the research is completed, buffer zones, or application in sensitive environments); or compliance history. Nationally 19 research sites were inspected across Canada; 16 were found fully compliant (84%) and one was determined to be compliant with observations (5%) at the time of inspection. The instances of non-compliance identified related to the application of pesticides at the wrong rate, which is contrary to the experimental label directions. The violations noted involved a single registrant. An enforcement letter was issued to the registrant outlining the violations related to the Research Notifications.

The continuously changing nature of research, with applicants, co-operators, trial sites and pesticide products necessitates maintaining a regulatory presence to encourage compliance within this subsector. Inspections for the 2018-2019 fiscal year will be conducted using a risk based approach.

EMERGENCY REGISTRATION (NATIONAL)

Under the provisions of Section 18 of the Pest Control Products Regulations, the Minister may register a pest 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 both of the following criteria are met:

1. An unexpected and unmanageable pest outbreak or pest situation occurs that can cause significant health, environmental or economic problems; and
2. Registered pesticides and cultural control methods or practices are insufficient to address the pest outbreak.

For pest control products registered under Emergency Registration, the label directions may differ from those indicated on the labels approved through the normal registration process. In addition, the Emergency Registration labels may change over time, increasing the potential for misuse when users rely on their past experience for pesticide applications.

In 2017-2018, five inspections were conducted to verify adherence to the conditions of the Emergency Registrations granted for various products and 60% of users inspected (3 of 5) were determined to be compliant. For the two instances of non-compliance, Emergency Registration products were distributed with US labels instead of Canadian emergency registration labels. Emergency Registration inspections are continuing in 2018-2019 on an as-needed basis.

SECTOR SUMMARY: Preventing and correcting compliance issues prior to reaching the production or distribution chain may reduce the number of instances of non-compliance occurring in the marketplace. 60 inspections of registrants, research permit recipients, and emergency registration users were conducted.

3.2- IMPORTATION

The vast majority of pest control products used in Canada are foreign-made and imported. Products are imported via several streams, including commercial, postal service, courier, and traveller (on-person). This also includes unregistered pest control products which have not been evaluated or approved for use by the PMRA. The importation of pest control products that do not meet the requirements set out by the *Pest Control Products Act* 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 activities in the other NPCP sectors by preventing the entry of unregistered products into the Canadian marketplace. In 2017-2018, the national focus was commercial importation, outreach to customs brokers, international vendors, and responding to requests for admissibility decisions from the CBSA.

COMMERCIAL IMPORTATION (NATIONAL)

Health Canada's Pesticide Compliance Program uses import data from the CBSA to identify trends in pesticide imports and to gather information about potentially non-compliant importations. An inspection program targeted at importers was delivered in 2017-2018 to verify the compliance of pesticide importations and to educate importers of the requirements under the *Pest Control Products Act*.

Importations were targeted for inspection based on a number of factors including compliance history and products known to be non-compliant. Of the 126 targeted inspections conducted of suspected non-compliant importations, 25% of these inspections (32 of 126) were found to be compliant with the *Pest Control Products Act*. Importers included retailers, growers, commercial applicators, and consumers. Many of the non-compliant importations were American-registered products available online. Enforcement responses issued to non-compliant importers included verbal education (4), written education (35), enforcement letters (39), compliance orders (9), and Notices of Violation with penalty (3).

CUSTOMS BROKERS OUTREACH (NATIONAL)

Customs brokers act as professional agents for importers or exporters by preparing and submitting all documents for clearing goods through customs. Customs brokers operating in Canada range from small, local operations to large multi-national firms.

A compliance promotion activity to inform customs brokers of the requirements for importation under the *Pest Control Products Act* and Regulations has been ongoing since 2016-2017. As customs brokers play a crucial role as facilitators between Canadian importers and the CBSA, the objective of this activity was to promote awareness of the *Pest Control Products Act* and its requirements to prevent the future importation of unregistered pest control products, reducing the risk to health, the environment and regulatory integrity. In 2017-2018, inspectors communicated regulatory requirements with 12 customs brokerage firms across the country. Continued compliance promotion with associations representing customs brokers is continuing in 2018-2019.

BORDER WORK (NATIONAL)

Health Canada continued to work with the CBSA and other federal agencies at border points nationwide to identify, examine, and intercept non-compliant shipments at the border. Of 424 requests from the CBSA for admissibility decisions, 413 were determined to be subject to the *Pest Control Products Act*. 229 (55%) resulted in denials of entry of the pesticide products into Canada. The vast majority of products that were refused entry were products purchased online by Canadian consumers. Health Canada's pesticide program also participated in two inspection blitzes at border points and 17 training opportunities with CBSA Border Services Officers to provide information about the importation requirements for pest control products.

INTERNATIONAL VENDORS (NATIONAL)

Since 2015-2016, the NPCP has identified vendors located internationally that export unregistered pest control products into Canada. In 2017-2018, enforcement letters were sent to 11 international vendors of suspected non-compliant pest control products informing them of Canadian regulatory requirements and the consequences of non-compliance. The Pesticide Compliance Program is continuing to monitor importations from these vendors and may take additional enforcement actions in the future.

SECTOR SUMMARY: *The importation of pest control products that do not meet the requirements set out by the Pest Control Products Act and Regulations may pose a potential risk to human health and the environment. In 2017-2018, 29 Compliance Outreach activities were conducted with customs brokers and CBSA Border Services Officers (BSOs). 552 Targeted Oversight activities were conducted including: inspections of commercial importers of pesticide products, enforcement actions against international vendors, admissibility decisions at the border and participation in border blitzes.*

3.3- MARKETPLACE

Health Canada verifies that only pest control products compliant with the *Pest Control Products Act* are offered for sale to Canadians. There are thousands of retailers across Canada and in the online marketplace accessible to Canadians. Active prevention, targeted oversight and surveillance activities are used to promote, monitor and enforce industry compliance with the *Pest Control Products Act* and its Regulations as they pertain to pesticides used by consumers.

Target subsectors are determined using a risk-based approach where patterns of non-compliance are suspected or regulatory changes have occurred. In 2017-2018, the national focus was agricultural retailers, essential-oil based personal insect repellants, and hydroponic and indoor garden marketplace.

AGRICULTURAL RETAILERS (NATIONAL)

Periodic inspections of agricultural retailers are conducted to ensure that only products compliant with the *Pest Control Products Act* are sold in Canada. Inspectors verified product registration status as well as changes to labelling or other risk mitigation measures, such as those required as a part of the recent re-evaluation decisions for paraquat, diquat and diazinon.

Nationally, 134 inspections were conducted and 62% of retailers were found to be compliant at the time of inspection. Of the 14,008 individual pest control products inspected nationally, 13,845 were compliant (99%). The majority of violations related to distribution of expired product (37) and of products that were never registered (12). Deficiencies in labelling (4) and packaging (1) were also noted. Lack of knowledge of product registration status and frequency of obsolete product disposal were noted to be key factors in this subsector.

For the three recently re-evaluated products that were included in this inspection program, all paraquat and diquat products complied with labelling changes, while three retailers were found to be distributing expired diazinon products.

As a result of the inspection findings, enforcement responses included verbal education (1), education letters (20), and enforcement letters (28).

ESSENTIAL-OIL BASED PERSONAL INSECT REPELLANTS (NATIONAL)

Consumers have continued to demonstrate a demand for personal insect repellent products that are made with naturally derived ingredients, such as essential oils. Many consumers and retailers are unaware that these natural products require registration and may pose human health risks. Methyl eugenol is a carcinogenic compound present in some essential oils. A PMRA assessment concluded that the methyl eugenol content in products used as personal insect repellents must be below 0.0002%. Since these products are widely available in the marketplace, including online,

the Pesticide Compliance Program conducted a sampling program of essential oil insect repellents known to be unregistered to quantify the levels of methyl eugenol.

Of the 22 samples of unregistered products collected, methyl eugenol levels exceeded 0.0002% in seven of the samples. Enforcement letters were sent to the manufacturers of the products sampled and one Compliance Order was issued. Communication material was posted on the [Health Canada website](#), and via social media to advise Canadians to purchase only registered personal insect repellents to mitigate the potential risks associated with unregistered pest control products.

HYDROPONIC AND INDOOR GARDEN MARKETPLACE (NATIONAL)

Hydroponic and horticultural retailers supply users with products for growing plants indoors or in greenhouses in a variety of growing mediums. In some areas, it is a relatively new and rapidly expanding industry. Products marketed to hydroponic, indoor garden, and cannabis growers may not identify the presence of pesticide ingredients and may lack adequate use instructions or safety precautions.

In 2017-2018, 100 retailers of hydroponic products were inspected and 10 samples were taken. Overall, 11 (11%) retailers were found to be compliant at the time of the inspection. However, it is important to note that of 1404 products inspected across the country in 2017-2018, 988 (70%) were found to be compliant. The majority of the violations related to distribution or manufacturing of unregistered pest control products. Knowledge of the *Pest Control Products Act* and regulatory obligations was low within the retailers inspected. Enforcement responses included verbal education (2), written education (48), enforcement letters (34), and Compliance Orders (4). Inspections are continuing in 2018-2019 at the retailer level with an added focus on manufacturer and distributor follow-up to prevent these products from entering the Canadian marketplace.

SECTOR SUMMARY: *Health Canada verifies that only pest control products compliant with the Pest Control Products Act are offered for sale to Canadians. 234 inspections were conducted of agricultural retailers and hydroponic retailers and 10 samples were collected. An additional 22 samples of essential oil personal insect repellents were collected and analyzed for methyl eugenol content.*

3.4- USER

Health Canada strives to prevent unacceptable risks to people and the environment from the use of pesticides. Pesticides are used by a variety of users including agricultural growers of food and non-food crops as well as commercial and industrial users. These sub-sectors are large, diverse, encompass many different commodities and require the use of various types of pesticides.

Due to the large volume and diversity of pesticide users, compliance verification of this sector is completed annually. In order to focus efforts effectively and in a manner relevant to the nature of the risk, specific sub-sectors for compliance monitoring are selected using a risk-based approach.

In 2017-2018, national and regional focuses were on-farm, outreach, pest control operators, animal poisoning, antisapstain, and malathion users.

ON-FARM (NATIONAL)

According to the 2011 Census of Agriculture, Canada has approximately 200 000 farms employing 41,660 farmers. Traditionally, agricultural inspections as part of the NPCP inspect a small percentage of this population through risk targeted, sector specific activities. While regional differences exist, there are common requirements for farmers who use pesticides; including following label directions, which indicate necessary personal protective equipment (PPE) and use practices, and reporting pesticide incidents.

In 2017-2018 specific commodities were targeted using a risk-based approach for compliance verification of on-farm pesticide use across Canada. The commodities targeted for inspection in 2017-2018 were strawberries, cherries, poultry producers, market gardeners, ginseng, cranberries, and aquaculture. This monitoring of various communities provided valuable information on compliance with regulatory requirements. This approach also allowed for efficient outreach to various groups of agricultural users. Non-compliant behaviour identified will inform planning for future activities within the agricultural sector.

In 2017-2018, 169 growers were inspected across Canada. Overall, 101 were determined to be compliant at the time of inspection (60%). During inspections, 114 samples were collected and 93% were found to be compliant. Of the violations reported, 54 were related to storage of expired or never registered pesticide products, and for 24 of those growers (35% of the non-compliant growers), storage was the only violation noted at the time of inspection. Other violations included use contrary to label directions (32) such as incorrect crop, pest, rate, site, application method, failure to respect Restricted Entry Interval (REI), etc. This included 8 samples where active ingredients not registered on the sampled commodity were detected. Eleven violations were due to inadequate use of PPE. Other violations noted included use of an expired (4) or never registered (1) product.

Enforcement responses issued for instances of non-compliance included verbal education (2), education letters (34), and enforcement letters (56). This inspection program is continuing in 2018-2019 targeting the following commodities: hops, aquaculture, corn, leafy vegetables, and poultry producers.

OUTREACH (NATIONAL)

Conducting outreach to the user community to communicate and raise awareness of the regulatory requirements under the *Pest Control Products Act* is a core activity of the Pesticide Compliance Program. The primary objective of the Act is to mitigate risks to people and the environment from the use of pesticides. Engaged and informed Canadians and stakeholders will have the confidence that the science supporting the registration of pesticides is sound and will understand that pesticides can be used safely. The outreach subsector optimizes local

opportunities to engage the agriculture and non-agriculture pesticide sectors across the country. Compliance outreach activities specific to another NPCP subsector are reported within that subsector's activities. The outreach subsector is divided into two user groups:

- The agriculture stakeholder group includes, but is not limited to: growers, seasonal workers, grower associations, extension specialists, consultants, custom applicators, and third party auditors.
- The non-agricultural stakeholder group includes, but is not limited to: vegetation management specialists, aerial applicators, gardeners, arborists, industrial users, university and college students, homeowners and the general public.

A total of 163 outreach activities were conducted, including presentations (59), meetings (66) and exhibit booths at trade shows (36), and other activities such as providing publications for mail-outs and contributing to association newsletters (2). Communication materials such as posters, fact sheets, pest notes, Power Point presentations, and engagement activities were developed and distributed and included topics such as chemical resistant gloves, personal protective equipment (PPE), Incident Reporting, Restricted Entry Intervals (REI) and Pre-Harvest Intervals (PHI). Where applicable, information was provided in several languages. The outreach subsector continues to be a core activity within the NPCP and is continuing in 2018-2019.

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. Concerns regarding the potential use of pesticides by PCOs which are not permitted for use in residential areas led to an increased number of inspections targeting PCOs holding landscape licenses/certificates as well as an expansion of the sampling component nationally.

Compliance promotion activities focused on Health Canada's regulatory role, new risk mitigation measures following the re-evaluation of specific pest control products, and the safe use of PPE. In 2017-2018, 17 compliance promotion activities including booths, presentations, and meetings were conducted to promote compliance with the *Pest Control Products Act*. In addition, fact sheets promoting the changes from the re-evaluations of boric acid and propoxur were created and distributed to the industry.

In 2017-2018, 145 PCOs (both landscape and/or 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, 51 out of 145 PCOs inspected (35%) were compliant at the time of inspection. During inspections, 123 application equipment samples (wipe and spray tank formulation) were collected, and 102 (83%) were found to be compliant. The use of pest control products contrary to label directions continues to be the primary violation reported, particularly related to incorrect use sites or locations (39), pests not included on the label (30), bait stations not properly labelled (19), and lack of appropriate PPE (17). Possession of unregistered (never registered or expired) products was also noted in 29 instances.

Enforcement responses issued for instances of non-compliance included verbal education (2), education letters (18), enforcement letters (65). Additional enforcement actions may be considered to address non-compliance in this subsector. This inspection program remains a high priority for the 2018-2019 NPCP activities.

ANIMAL POISONING (REGIONAL)

In the prairie region, off-target animal poisoning involving the use of pest control products, such as rodenticides and notably strychnine, continue to be reported either through the Incident Reporting process or directly to inspectors. The active prevention activities in this subsector were designed to establish relationships with local animal protection groups and provide information about pest control products and Incident Reporting so they will be better positioned to address situations of animal poisonings involving pest control products.

Prairie region inspectors held a total of 18 meetings with various municipal and provincial animal protection groups. General information about the regulation of pesticides in Canada, the importance of using pesticides according to the label, and reporting incidents to Health Canada were distributed.

ANTISAPSTAIN (REGIONAL)

Antisapstain products are used to control blue stain, mold and decay in freshly cut lumber and are regulated as pest control products under the *Pest Control Products Act*. Due to the gaps in worker protection identified during inspections in British Columbia in 2016-2017, the inspection program continued in 2017-2018. Thirteen saw mills were inspected in the British Columbia region to verify that registered antisapstain products were used according to label directions. Inspectors also used this opportunity to raise awareness of recent Re-evaluation Decisions and upcoming label changes that will impact the industry. While some PPE concerns were noted by inspectors, no violations of the *Pest Control Products Act* were noted and all of the saw mills were fully compliant with requirements of the *Pest Control Products Act* at the time of inspection.

MALATHION (REGIONAL)

In Canada, malathion is a registered insecticide mainly used to control insects in agriculture, but it can also be used in and around the home. In some municipalities, it is applied either aerially or by spray equipped trucks. Manitoba has historically used Ultra Low Volume (ULV) malathion products to control mosquitoes for nuisance and public health reasons (West Nile Virus, Equine Encephalitis, etc.).

The malathion re-evaluation decision (RVD2012-10, [Malathion](#)) imposed additional risk mitigation measures for human health and the environment. Isomalathion, a toxic metabolite of malathion, can naturally form when malathion products are stored at elevated temperatures or for extended periods of time. After storage for more than a year, levels of isomalathion could become a concern, even when containers are stored correctly. Therefore, a one year storage restriction was implemented for all malathion pest control products. In 2016, Health Canada [advised Canadians](#) to stop using pesticides that contain malathion when products are older than one year, as there can be chemical changes in the product over time.

For 2017-2018 compliance promotion and inspection activities were implemented in Manitoba to educate distributors and users, including rural municipalities, of changes in ULV malathion pest control products and uses. In total, five active prevention activities including booths (2), presentations (2) and meetings (1) were conducted to provide information about the storage requirements. To verify proper use and storage of the products, 12 inspections were conducted and 75% (9 out of 12) were found to be compliant. Not all municipalities were aware of the changes implemented for malathion products, and the non-compliance noted related to use (1) and possession (1) of expired products and use of a pest control product contrary to label directions (1). To address the non-compliance, two education letters and one enforcement letter were issued.

SECTOR SUMMARY: *Pesticides are used by a variety of users including agricultural growers of food and non-food crops as well as commercial and industrial users. 203 Compliance Outreach activities were conducted with a broad variety of agricultural and non-agricultural users of pesticides. 339 inspections were conducted of agricultural users, pest control operators, antisapstain users, malathion users, and agencies involved in the reporting of animal poisoning events. 237 samples were collected. The majority of the violations related to storage or possession of unregistered (expired or never registered) products and use of registered products contrary to the label directions.*

3.5- RE-EVALUATION

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 activities are conducted annually to verify that re-evaluation decisions are adequately implemented and maintained. In 2017-2018, the national and regional focuses were paraquat, phosphine, phorate, and soil fumigants.

Paraquat (National)

The PMRA completed the special review of paraquat in 2015 (REV2015-14, [Special Review Decision: Paraquat](#)) and concluded that continuing registration for this active ingredient and associated end-uses was acceptable, provided that new and revised risk mitigation measures and a stewardship/ outreach program for applicators and vendors were implemented. In 2016-2017, the NPCP inspected the marketplace to determine completion of the registrant's stewardship plan which focused on alerting retailers and users to the label changes.

In 2017-2018, on-farm inspections were conducted to determine user awareness and compliance with the changes to product use which focused heavily on personal protective equipment for various mixing/loading and application scenarios. Of 78 inspections conducted, 33% were determined to be compliant at the time of inspection (26). The violations noted related to inadequate PPE (45), possession of expired product (23), and use contrary to label directions (17), including use site, application method, and lack of licensing or certification. While many growers had at least one instance where inadequate PPE was noted for a given scenario, in many cases only a single piece of PPE was missing. The label had changed in 2016, adding additional PPE which may account for the number of PPE violations. In all cases where the growers applied product to the wrong use site, it was used for personal weed control, not on a commercial crop. Storage violations may be due to growers waiting to take advantage of the Clean Farms Obsolete Product Disposal program to dispose of unwanted agricultural products without cost which is available every three years.

Enforcement responses included written education (23), and enforcement letters (13). The single remaining end-use paraquat product, at the current concentration and in the current packaging, will expire 31 December 2018.

Phosphine (National)

The re-evaluation of aluminum phosphide, magnesium phosphide and phosphine gas was completed in 2015 and is detailed in RVD2015-03, [Aluminum/Magnesium Phosphide and Phosphine Gas](#). At this time, the PMRA required the implementation of additional risk mitigation measures for all fumigated sites to further limit potential exposure to workers and bystanders. Label changes to buffer zones around fumigations are ongoing. An active prevention

program was planned to help ensure users are aware of the label changes found on various phosphine labels.

A total of 20 active prevention activities were conducted, including presentations (10), meetings (7) and exhibit booths at trade shows (2), and an outreach email to various stakeholders including various agricultural, industrial, and commercial users of phosphine products. During the course of these active prevention activities, eight interviews with growers were conducted and 38% were determined to be compliant. Conversations with the growers indicated that awareness of label requirements for on-farm grain treatment was limited, especially with respect to PPE and placarding requirements. The five non-compliant growers were issued enforcement letters. It is recommended that inspections of users of phosphine products continue once all label changes are implemented.

Phorate (Regional)

For the 2016-2017 growing season, new mitigation measures including the use of the SmartBox pesticide application system and pinch valve were added to phorate product labels which decreases applicator and environmental exposure significantly. Inspections in 2016-2017 found instances where the grower did not have the SmartBox equipment or it was not installed as per the label and manufacturer's instructions. Inspections in 2017-2018 verified that phorate products were used according to label directions and that the SmartBox technology was correctly installed on the planter. 13 inspections of users were conducted and 12 (92%) were found to be compliant. There was one instance of expired phorate product being used by a grower and one instance of a distributor distributing the expired product. As a result, both parties were issued written education and four NOVs were issued to the distributor. Inspections of retail and smaller growers not previously inspected are planned for 2018-2019.

Soil Fumigants (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. Inspections in this subsector have been conducted in British Columbia and Manitoba since 2015-2016 due to ongoing non-compliance with label requirements. In these regions, soil fumigations are largely conducted by growers rather than custom applicators and there was a general lack of understanding of the label requirements.

In 2017-2018, eight inspections were conducted and 88% of applicators (7 out of 8) were found to be compliant at the time of inspection. This is a significant increase from 2016-2017 where 17% of applicators inspected were found to be compliant. Inspectors provided education and support to the applicator before the fumigation takes place and as the paperwork is drafted. Growers were able to submit draft documentation, providing the opportunity for errors and omissions in FMPs to be corrected. Vendors also provided the growers with information on the documentation required for the use of these products and connected interested growers with

inspectors for information early in the fumigation process. This support has resulted in increased compliance rates in this sector.

One instance of non-compliance was noted for use contrary to label directions. An enforcement letter was issued to the applicator.

SECTOR SUMMARY: *Compliance activities are conducted annually to verify that re-evaluation decisions are adequately implemented and maintained. 21 Compliance Outreach activities were conducted with users of phosphine and soil fumigants. 107 inspections were conducted of users and retailers of phosphine, paraquat, phorate, and soil fumigants. The majority of violations related to inadequate or lack of PPE and storage or possession of unregistered (expired or never registered) pest control products.*

3.6- SURVEILLANCE

The surveillance inspection program verified whether there was a return to compliance by previously inspected regulated parties.

Regulated parties and individuals were targeted in 56 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. 63% of these inspections (35 out of 56) were found to have returned to compliance.

Of the 21 inspections where non-compliance was noted, 17 were non-compliant with respect to the original violation, while four had corrected the original violation but were found to have additional violations at the time of the inspection. The majority of the violations were related to the distribution of unregistered products (13), misleading advertising (3), use contrary to label directions (3), distribution of unregistered pest control products (2).

Enforcement responses issued to date to address the non-compliance noted were verbal education (3), written education (5) enforcement letters (7), Compliance Orders (3), and Notices of Violation (1). Inspections within the Surveillance sector are continuing in 2018-2019 to address ongoing non-compliance with a focus on higher risks for repeat violations, and possible health and safety and regulatory impacts of continued non-compliance.

3.7- INQUIRIES & COMPLAINTS

The Pesticide Compliance Program dedicates significant effort to unplanned compliance activities. The Inquiries and Complaints sector is responsible for triaging incoming inquiries, referrals and complaints received from a variety of sources: the public, media, stakeholders (e.g. importers, registrants, distributors/retailers, users), other Health Canada branches and Government departments, and provincial, territorial, and international partners.

Inquiries, referrals, and complaints are assessed in the context of requirements and conditions in the *Pest Control Products Act* and its Regulations, and the responses may involve compliance

promotion, inspection, sample collection, and /or enforcement action, as needed. The compliance risk of each case determines the appropriate response to be taken.

In 2017-2018, 185 enforcement responses were issued as a result of suspected non-compliance and complaints received from the public and regulated parties. The majority of violations noted were related to distribution of unregistered (expired or never registered) products and advertising. As a result, enforcement responses issued included verbal education (30), written education (48), enforcement letters (95), Compliance Orders (12). In addition, 8 Notices of Violation were issued in 2017-2018 related to complaints.

Chapter 4- 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 2017-2018, the PMRA's laboratory analyzed 428 samples: 284 in support of NPCP activities and 144 compliance verification samples in response to complaints. During the fiscal year, the laboratory improved its methods for diatomaceous earth, methyl eugenol, and glyphosate analysis and became the first lab in Canada with an ISO17025 accredited method for quantitative analysis of pesticides in cannabis samples.

Chapter 5- National & International Partnerships

NATIONAL COLLABORATION

Health Canada's Pesticide Compliance Program works collaboratively with federal, provincial, territorial and municipal partners on a number of priority issues. This includes conducting joint inspections, delivering compliance promotion activities, participating on intergovernmental working groups, contributing to provincial certification/licensing activities, and communicating on topics such as responsible pest control and emerging issues such as invasive species. Relationships with various industry associations allow for the dissemination of important regulatory information. A few examples from 2017-2018:

- Cannabis for Medical Purposes collaboration
- Compliance Promotion

Cannabis for Medical Purposes Collaboration

In 2017-2018, the Pesticide Compliance Program continued to partner with Health Canada's Cannabis Legalization and Regulation Branch 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.

Compliance Promotion

The Pesticide Compliance Program continues to provide regulatory information and updates on a variety of pesticide related topics such as personal protective equipment (PPE), to the public, seasonal workers, applicator and grower associations, and provincial and territorial partners. Information was provided both as print material such as articles in newsletters, factsheets and handouts, and during presentations at meetings and conferences. For example, the Ontario Pesticide Compliance Program delivered presentations to several academic institutions to promote a greater understanding of the *Pest Control Products Act* and use of PPE to students in agricultural and pesticide related programs.

As another example, Health Canada's Quebec Pesticide Compliance Program collaborated with the Union des Producteurs Agricoles, the Commission of Standards, Fairness, Occupational Health and Safety, the Ministry of Agriculture, Food, Fisheries and Agri-Food du Québec, and the National Institute of Public Health of Québec to prepare and deliver a two-day training for more than two hundred stakeholders, on the various aspects of pesticide risk reduction for farm workers.

In addition, Health Canada's Prairie Pesticide Compliance Program collaborated with Manitoba Hydro and Manitoba Sustainable Development to finalize zebra mussel preparedness planning to protect power generation in Manitoba.

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 2017-2018, the NPCP continued to strengthen working relationships with other government agencies including the United States Environmental Protection Agency (USEPA). For example, Health Canada's British Columbia Pesticide Compliance Program worked collaboratively with the USEPA, Washington State Department of Agriculture and Oregon State Department of Agriculture with respect to the manufacture and sale of unregistered pest control products in the hydroponic industry.

During 2017-2018, the NPCP continued to strengthen working relationships with its international regulatory partners through the Organization of Economic Cooperation and Development (OECD) Network of 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. In 2018, Health Canada participated in the organization of the first Workshop on Compliance and Enforcement of Pesticide Regulation in West Africa to inform and raise awareness on the control of illegal pesticides at the border, and which was attended by 17 countries from West and Central Africa.

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 *Pest Control Products Act* and educating individuals, local officials and grower groups on regulatory requirements.

Chapter 6- Forward Planning

Several priorities were identified by the NPCP for the 2018-2019 fiscal year:

- Delivering the 2018-2019 NPCP commitments in the following sectors: registrant, import, marketplace, re-evaluation, 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 2017-2018 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, the CBSA, and other government departments; and
- Establishing a new three year (2019–2022) NPCP planning cycle that will continue to include an environmental scan to identify areas of high risk.

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 PMRA, 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 *Pest Control Products Act*. 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 PMRA'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 *Pest Control Products Act* 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

AMPs Act	<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
PHI	Pre-Harvest Interval
PMRA	Pest Management Regulatory Agency
PPE	Personal Protective Equipment
REI	Restricted-Entry Interval
RORB	Regulatory Operations and Regions Branch
ULV	Ultra Low Volume