

Health Canada Pesticides Compliance Program: Activity report 2019-2020



Health Canada is the federal department responsible for helping the people of Canada maintain and improve their health. Health Canada is committed to improving the lives of all of Canada's people and to making this country's population among the healthiest in the world as measured by longevity, lifestyle and effective use of the public health care system.

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Introduction

Mission: To help protect the health and environment of Canadians by promoting, monitoring and enforcing compliance with the Pest Control Products Act and its Regulations

Program description

Health Canada's Pesticide Compliance Program (PCP) is responsible for promoting, verifying and enforcing compliance with the *Pest Control Products Act* (PCPA) and its Regulations. The primary objective of this legislation is to prevent unacceptable risks to the health and safety of Canadians and the environment from the use of pest control products, more commonly known as pesticides. More specifically, the PCP aims to prevent unauthorized pesticides from being available on the Canadian market and to see that authorized pesticides are imported, manufactured, distributed and used in accordance with the label conditions established by Health Canada.

Health Canada has oversight on all parties regulated by the PCPA, including pesticide registrants, importers, retailers, and users. To that effect, Health Canada conducts compliance promotion, compliance verification and enforcement activities:

- **Compliance promotion** activities includes presentations, exhibits at trade shows, written articles, and the development and distribution of publications such as fact sheets and information packages. These activities increase Health Canada's reach and support overall levels of compliance by providing important information to regulated parties to foster compliance with the PCPA and Regulations.
- **Compliance verification** includes, but is not limited to, conducting inspections, collecting samples for analysis, and verifying records to assess compliance with the PCPA, including a focus on recent re-evaluation or special review decisions related to pesticides. Compliance verification may be conducted as part of planned activities or in response to complaints received.
- When required, **enforcement action** is taken against regulated parties to address identified non-compliance with the PCPA. Any contravention with the PCPA is considered a non-compliance. Health Canada uses a range of enforcement tools including warning letters, compliance orders, notices of violation (NOV) under the *Agriculture and Agri-Food Administrative Monetary Penalties (AMPs) Act* with warning or monetary penalty, prosecution, seizure, and partnering with Canada Border Services Agency (CBSA) to refuse entry of unauthorized pesticides into Canada. The choice of enforcement actions is reflective of the severity of the risks posed by the identified contraventions. In some cases, multiple enforcement actions may be considered.

Health Canada works collaboratively with international, federal, provincial, territorial, and municipal partners on a number of priority issues. This includes maintaining working relationships with other pesticide regulators, conducting joint inspections, delivering compliance promotion activities, participating on intergovernmental working groups, informing on federal legislation during provincial/territorial certification/licensing activities, and communicating on topics such as responsible

use of pest control and emerging issues. The dissemination of important regulatory information can also occur through the networks of various industry associations.

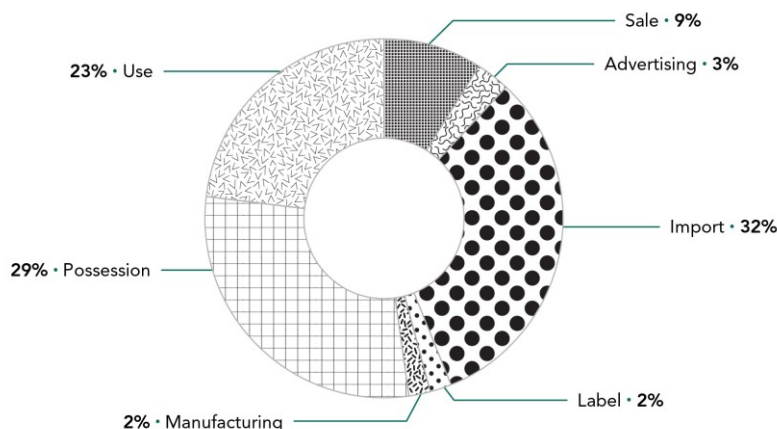
The delivery of compliance activities is prioritized based on criteria including potential risks to human health and the environment and compliance history, which are assessed based on considerations such as observations from the field, information from the PMRA and provincial regulators, complaints from stakeholders, and data mining. Regulatory changes including outcomes of re-evaluation or special review decisions made by the Pest Management Regulatory Agency (PMRA) about specific pesticides are also used as criteria for selecting priority areas for compliance verifications as they can result in the cancellation of products and significant label changes including new mitigation measures. In 2019-2020, compliance verifications included the label changes recently implemented as a result of re-evaluation or special review decisions for three active ingredients (carbaryl ([RVD2016-02](#)), diazinon ([REV2017-13](#)) and glyphosate ([RVD2017-01](#)).

2019-2020 highlights

The results presented in this report include summary findings of compliance activities for 2019-2020:

- 257 compliance promotion activities were conducted.
- 1,526 inspections were conducted as a result of both planned and reactive activities (e.g. in response to complaints).
- 1,695 contraventions were identified. The most common contravention types noted were importation of unauthorized products (32%), possession of unregistered products (29%) and use of pesticides contrary to the approved label (23%), Figure 1.

Figure 1. Contraventions under the *Pest Control Products Act* by type (as a percentage of total contraventions) for 2019-2020



- 1,606 enforcement actions addressing single or multiple contraventions were issued to non-compliant regulated parties, Figure 2.

Figure 2. Enforcement actions taken 2019-2020



- In partnership with CBSA, 512 importations containing unauthorized products (including 1,182 pest control devices and more than 565 kg of pesticides) were refused entry into Canada.
- 35 notices of violation (NOV) with penalty under the *Agriculture and Agri-Food Administrative Monetary Penalties (AMPs) Act*. The total value of penalties issued in 2019-2020 was \$147,600.

Compliance and enforcement key activities and results

Registrant sector

Sector introduction Registrants are responsible for product registration with the PMRA and for ensuring that the products available in the Canadian marketplace meet the requirements of the PCPA and its Regulations and the conditions of registration.

Registrant inspections

Registrant inspection findings and the compliance rating criteria used to aid in the classification and interpretation of compliance results are available to the public on Health Canada’s [website](#). Registrants were targeted for inspection using selection criteria including (but not limited to): not having been inspected previously, poor compliance history, or high sales volume.

A total of 32 inspections were conducted nationally to verify compliance with the PCPA. Non-compliance was observed in 23 (72%) of the inspections conducted. The most common contraventions noted were related to deficiencies in labelling, manufacturing specifications and sales reporting requirements. Warning letters were issued for all instances of non-compliance detected.

In addition, all 26 registrants of glyphosate products were inspected to verify that label amendments required by the re-evaluation decision for glyphosate products were implemented within the required timelines. Registrant labels were found to be consistent with the approved label.

Verifying other types of authorizations

Under certain circumstances, the Regulations allow PMRA to authorize pesticides for specific uses that fall outside of the normal registration process, as is the case with the [Research Authorization/Research Notification](#) and [Emergency Registrations](#). For example, allowances may be made for the use of unregistered pesticides, or uses that are not normally included on the label. Furthermore, these uses may result in additional mitigation measures such as a requirement for Personal Protective Equipment (PPE) or the need to destroy crops after harvest. Label directions may differ from those indicated on the labels approved through the normal registration process and may change over time.

Health Canada inspects for compliance with label directions for products granted Research Authorization/Research Notification and Emergency Registration certificates. Inspections are selected based on the risk. In 2019-2020, nine research sites were inspected across Canada and two (22%) were found to be non-compliant with the requirements of the experimental products' labels. Warning letters were issued in both instances. In addition, one inspection was conducted to verify adherence to the conditions of the Emergency Registration granted, and the user was found to be compliant.

Import sector

Sector introduction

The vast majority of pesticides used in Canada are foreign-made and imported into the country. Health Canada conducts a range of compliance and enforcement activities to prevent the entry of unauthorized products into the Canadian marketplace.

Verification of commercial trade data

Importation data from the Canadian Border Services Agency (CBSA) are used to identify trends and to gather information about suspected non-compliant importations. Importers are targeted for inspection taking into consideration factors such as the importer's compliance history, products known to be non-compliant, or products that have not been observed in Canada before.

Of the 53 inspections conducted, 19 (36%) were found to be non-compliant with the PCPA. Non-compliant importers were issued warning letters and one importer was also issued a compliance order. Many of the non-compliant importations were of products registered in the United States and available online; those products have not been assessed or approved by Health Canada.

Inspections at border points

Health Canada collaborates with CBSA at border points nationwide to identify, examine and intercept non-compliant shipments. In 2019-2020, this collaboration resulted in 512 importations being refused entry into Canada (out of 583 referrals from CBSA). In total, 1,182 unauthorized pest control devices and more than 565 kg of unauthorized pesticides were prevented from entering Canada. The majority of these unauthorized products were for personal use around the homes, and included lawn care and structural pesticides, pet products, and personal insect repellents. Warning letters were also issued to the importers for each non-compliant importation that was refused entry into Canada.

Compliance promotion: Training for CBSA border services officers

In conjunction with other Health Canada enforcement programs, 41 training events were delivered to CBSA Border Services Officers to increase awareness of products regulated by Health Canada and to provide tools to facilitate the identification and referral to Health Canada of products suspected to be non-compliant.

Marketplace sector

Sector introduction | Health Canada verifies that only pesticides compliant with the PCPA are offered for sale in Canada. There are thousands of retailers across Canada that sell pesticides to Canadians through storefronts, online presence, or a combination of both.

Marketplace inspections

Marketplace inspections in 2019-2020 focused on retailers of commercial and domestic-class products containing carbaryl or diazinon, two active ingredients recently re-evaluated by Health Canada and subject to significant label changes including new mitigation measures. Health Canada verified that products being offered for sale included the amended labels as required by the re-evaluation and special review decisions. All 53 retail establishments inspected were found to be selling only products that were compliant with these decision

User sector

Sector introduction | The user sector consists of two major subsectors: agricultural and non-agricultural. The agricultural user subsector is composed of growers of food and non-food crops (e.g. specialty and large field crops, greenhouses, floriculture, berries, tree fruit, animal husbandry, forestry, aquaculture, and outdoor nurseries). The non-agricultural user subsector includes landscape and structural pest control operators (PCOs), vegetation management applicators, aerial applicators, gardeners, arborists, golf courses and industrial users. Given the large volume and diversity of these users, the user sector continues to be a main focus of compliance verification and compliance promotion activities.

Agricultural users: On-farm inspections

Compliance verification of on-farm pesticide use across Canada included growers of a variety of crops including potatoes, tree fruits, grapes, greenhouse vegetables, and greenhouse ornamentals.

In total, 315 inspections of growers were conducted across Canada to verify compliance with the PCPA. This included the collection of 256 samples of vegetation for laboratory analysis. Non-compliance with the PCPA was detected in 167 (53%) of the inspections conducted. The most commonly observed contravention was pesticide use contrary to label directions. Some examples include applying product to crops or pests that are not specified on the label, applying the product at the incorrect rate, or applying it with the wrong type of equipment. Storage of expired or unregistered pesticide products was another

common contravention. In most cases of non-compliance warning letters were issued in 2019-2020, and in one case a compliance order was also issued.

Of the inspections conducted, 28 focussed on recent changes to carbaryl and diazinon product labels stemming from re-evaluation and special review decisions. In two (7%) of the inspections, non-compliant use inconsistent with the amended label directions for pesticides containing carbaryl or diazinon was identified.

Non-agricultural users: Pest control operator inspections

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 pesticides to control a vast array of indoor and outdoor pests.

In 2019-2020, 166 PCOs were inspected across the country to verify compliance with the PCPA and 208 samples were collected for laboratory analysis. Non-compliance was detected during 107 (64%) of the inspections conducted. The use of registered pesticides contrary to label directions continues to be the primary contravention reported within this sector. Examples of misuse included incorrect use sites or locations, application for pests not included on the label, unapproved application method or equipment, and lack of appropriate personal protective equipment (PPE). Possession of unregistered (never registered or expired) products was also noted in several instances. In addition to warning letters issued to address non-compliance, seven compliance orders were also issued.

Compliance promotion to pesticide users

Compliance promotion with pesticide users aims to target emerging issues, as well as areas where frequent non-compliant actions are noted. For example, compliance promotion activities might focus on advising users of important changes to product use directions as a result of re-evaluation decisions, or instructing them on the appropriate use of personal protective equipment (PPE), or the accurate use of label restricted entry intervals (REI) and pre-harvest intervals (PHI). Where applicable and appropriate, compliance promotion information is made available in several languages.

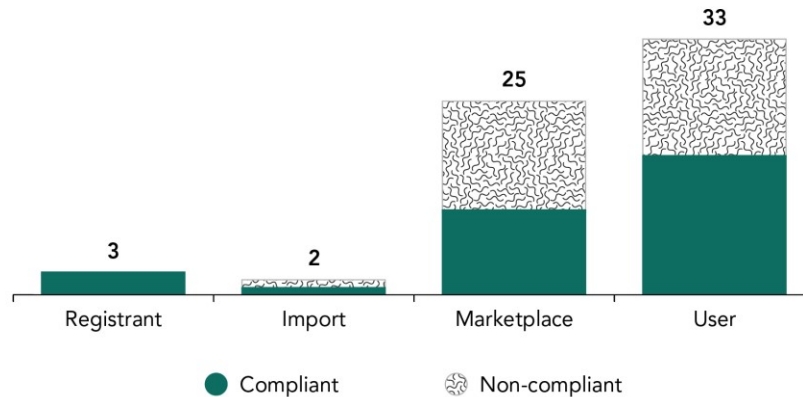
In 2019-2020, Health Canada focused compliance promotion activities on users most impacted by re-evaluation decisions:

- Delivered 74 presentations to different industry and user groups across Canada.
- Provided regulatory information and engaged with attendees at 20 trade show exhibits.
- Participated in various meetings, contributed to written articles and distributed publications to regulated parties and the public.

Surveillance inspections: Following up on previous non-compliance

Based on the level of risk associated with a non-compliant rating, or when there is a high likelihood of repeat non-compliance, Health Canada will conduct follow-up (or “surveillance”) inspections. In 2019-2020, regulated parties were targeted in 63 surveillance inspections, 30 (48%) of which were found to be non-compliant with the PCPA. The majority of inspections targeted users and retailers (Figure 3).

Figure 3. Surveillance inspections by sector, 2019-2020



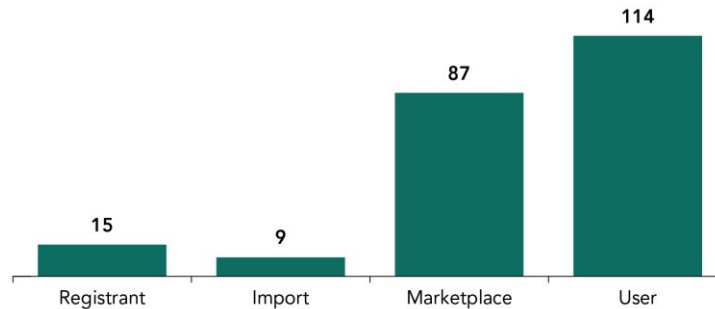
Of the 30 inspections where non-compliance was noted, 15 were non-compliant with respect to the original contravention, while the other 15 had corrected the original contravention but were found to have additional contraventions of the PCPA at the time of the inspection. The majority of contraventions identified related to the distribution of unregistered pesticides and the use of registered pesticides in a way that is contrary to the label directions. Enforcement actions issued to address the non-compliance noted included warning letters, six compliance orders and four NOVs (three with penalty and one with warning).

Responding to complaints

Incoming inquiries, referrals and complaints are received from a variety of sources, including: the public, media, stakeholders (e.g. importers, registrants, distributors/retailers, users, etc.), other Health Canada branches and government departments, and provincial, territorial, and international partners. All incoming complaints are assessed for risks to human health, the environment or regulatory integrity of the PCPA and its Regulations to determine the appropriate actions to be taken.

In 2019-2020, 225 complaints were assessed by Health Canada. The majority of complaints received related to users of pesticides (Figure 4). Following inspections, the majority of contraventions noted were related to the use of pesticides contrary to label directions and to the distribution of unregistered products. In 2019-2020, 161 enforcement actions were issued in response to findings of non-compliance as a result of complaints: 141 warning letters, one [public advisory](#), nine compliance orders, and 13 NOVs with penalty.

Figure 4. Complaints assessed by sector, 2019-2020.



Looking ahead

In future fiscal years, Health Canada will:

- Conduct compliance promotion activities with key regulated sectors to raise awareness of Health Canada regulatory requirements and of regulatory changes including outcomes of re-evaluation or special review decisions.
- Carry out activities to verify compliance with the PCPA throughout the regulated community of registrants, importers, retailers and users identified based on risk criteria. The candidates selected for compliance verifications will include regulated parties previously found to be non-compliant with the PCPA. Responding to complaints and inquiries received from Canadians will remain a priority.
- Continue to take compliance and enforcement actions when non-compliance with the PCPA is confirmed to address the risks posed to Canadians and the environment.
- Continue web posting of registrant inspection information and seek additional opportunities for sharing information on compliance and enforcement activities with Canadians;
- Focus on strengthening collaboration with regulatory partners, including other government departments and international regulators.