Health Canada Regulatory Update
Pest Management Canada
March 17, 2017
Outline
1. Pesticide Regulation in Canada: Health Canada’s Role

2. Federal Pesticide Compliance & Enforcement
   ➢ Involvement in the PCO Sector to date
     • Inspections
     • Inspection Findings
   ➢ Enforcement Tools
     • Administrative Monetary Penalties
     • Enforcement Bulletins

3. How can you stay in compliance?

4. Regulatory Updates: Recent Re-evaluation Decisions

5. Next Steps

6. Update from BC Region
Pesticide Regulation in Canada

- Regulation of pesticides is shared among federal, provincial/territorial and municipal levels of government

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<th>Provincial / Territorial</th>
<th>Municipal</th>
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<td>Transportation, sale, use, storage and disposal</td>
<td>Bylaws</td>
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<td>Registration and re-evaluation</td>
<td>Training, certification, and licensing of applicators and vendors</td>
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<td>Human health and safety</td>
<td>Spills and accidents</td>
<td></td>
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<td>Environmental impact</td>
<td>Permits and use restrictions</td>
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<td>Value assessment</td>
<td>Compliance and enforcement</td>
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Health Canada’s Pest Management Regulatory Agency

Mandate

To prevent unacceptable risks to Canadians and the environment from the use of pest control products

Primary roles/functions

• Registering pesticides after a rigorous, science-based evaluation
• Re-evaluating pesticides every 15 years to ensure that products meet current scientific standards
• Promoting and verifying compliance with the *Pest Control Products Act* (PCPA) and its Regulations
**Pest Control Products Act**

Primary objective

4(1): to prevent *unacceptable risks* to people and the environment from the use of pest control products

Prohibitions

6(1): prohibits the manufacture, possession, handling, storage, transport, import, distribution and use of *unregistered pest control products*

6(5): prohibits handling, storage, transport, use or disposal of a pest control product in a manner *inconsistent with label directions*

**Compliance is an essential component of the regulatory system**
Federal Pesticide Compliance and Enforcement

National Headquarters
- Responsible for setting strategic direction, priorities and reporting compliance and enforcement results.

Regional Operations
- Responsible for the delivery of compliance and enforcement activities

Laboratory Services
- Lab analysis of inspection and compliance verification samples
Contact Us

PMRA Information Service
1-800-267-6315
613-736-3799 (outside Canada)

pmra.infoserv@hc-sc.gc.ca

Regional Contacts:

<table>
<thead>
<tr>
<th>Region</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>BC Region</td>
<td>604-666-0741</td>
</tr>
<tr>
<td>Prairie Region</td>
<td>780-495-5042</td>
</tr>
<tr>
<td>Ontario Region</td>
<td>519-826-2895</td>
</tr>
<tr>
<td>Quebec Region</td>
<td>514-236-0765</td>
</tr>
<tr>
<td>Atlantic Region</td>
<td>506-851-7876</td>
</tr>
</tbody>
</table>
National Pesticide Compliance Program

- The National Pesticide Compliance Program outlines Health Canada’s compliance priorities under the authority of the PCPA
- Risk-based and transparent approach
- The NPCP is aligned with the three pillars of Health Canada’s compliance and enforcement framework:
Commercial & Industrial Users Sector

The NPCP has 5 key sectors:

- Commercial Rodenticides
- Arborists
- Aerial Applicators
- Antifouling Paint
- Industrial Vegetation
- Pest Control Operators
Involvement in the PCO Sector to Date

• Over 500 inspections conducted in the sector in the past 15 years (targeted oversight & compliance verification)
  – Number of complaints received by PMRA is increasing
  – Variation in compliance rate across the regions due to regional differences and relationship with provincial counterparts

• Previous program activities in response to re-evaluation decisions and high volume of inquiries and complaints

• 7 consecutive years of outreach & inspections in the PCO sector across various regions

• Inclusion of lawncare applicators into the PCO sector due to suspected off-label use of dimethoate, chlorpyrifos and diazinon in some regions

• Sampling component added to program
# Inspections

## Targeted Oversight
- Planned, program inspections

## Compliance Verification
- Unplanned, reactive inspections
- Referrals from the PMRA Info-Serv, provincial regulatory authorities, complaints from the public

## Verifications
- Verify compliance with the pesticide label
- Look at what pesticides are used – where and how
- Use of PPE
- Product storage
- Registration status of pesticides in storage
- Sample collection and analysis

**THE LABEL IS THE LAW!**
Inspection Findings

Off-label use of registered pesticides
• Use to control pests not specified on label
• Application at incorrect rate (over application)
• Application to furniture (including mattresses) when not specified on the label
• Applying crack and crevice pesticide over entire floor
• Products not registered for residential use (ie. chlorpyrifos & diazinon)
• Agricultural class products used
• Bait stations not properly labelled

Application of pesticides without proper PPE

Use of unregistered pesticides or those with expired registration

Manufacture and/or Repacking of pest control products: products must be stored in their original container with proper labelling
Enforcement Tools

Enforcement response considers the level of response required, based on:

- History of non-compliance
- Degree of harm
- Intent

Various enforcement tools available:

- Education or Enforcement Letter
- Voluntary Removal
- Denial of Entry into Canada, Border Lookouts
- Compliance Order
- Seizures & Detentions
- Administrative Monetary Penalties (AMPs)
  - Warning
  - Penalty
- Prosecution
Administrative Monetary Penalties (AMPs)

• The penalties are imposed through an administrative process with no resulting criminal record.

• Warning
  – No response = acceptance
  – Review Minister (PMRA Review)
  – Review Tribunal

• Penalties
  – Multiple counts or Notice of Violations (NOVs) are possible under one AMP
  – Payment is required within 30 days
  – Compliance Agreement
  – Review by PMRA or Tribunal

• Once candidate is deemed to have violated PCPA, that information can be published

• To date, more than 20 AMPs have been issued to PCOs
Enforcement Bulletins

• Posted publically on the PMRA website

This section provides information on violations of the Pest Control Products Act and Pest Control Products Regulations that have resulted in warnings, penalties, and/or convictions.

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

Health Canada is responsible for the regulation of pesticides in Canada under the Pest Control Products Act. Each pesticide proposed for use in Canada is evaluated to determine if it meets Health Canada's standards for the protection of health and the environment, and whether the product is effective for its intended use. Pesticides that meet Health Canada's standards are registered for use.

The import, sale or use of unregistered pesticides in Canada is a violation of the Pest Control Products Act, as is using a pesticide in a manner other than directed on the product label. Health Canada verifies reports of illegal pesticides or misuse through its network of regional officers.
2016

- **Protex Extermination 2010 Inc.** was fined $4,000 for using a pest control product in a way that is inconsistent with the label directions.
- **NOD Apiary Products Ltd.** was fined $6,000 for not filing complete and accurate pesticide incident reports.
- **L’Ex-Terminateur J.M.** was fined $4,000 for using a pest control product in a way that is inconsistent with the label directions.
- **Extermination Monarck Horticulture Inc.** was fined $4,000 for using a pest control product in a way that is inconsistent with the label directions.
- **Orkin Canada Corporation Inc.** was fined $4,000 for using a pest control product in a way that is inconsistent with the label directions.
- **Les Entreprises Spray & Green Inc.** was fined $8,000 for using pest control products in a way that is inconsistent with the label directions.
- **Gray Aqua Group Ltd.** was fined $8,000 for using a pest control product not registered in Canada.
- **Service d’Extermination Le Vert Inc.** was fined $4,000 for using a pest control product in a way that is inconsistent with the label directions.
- **Kirpal Singh Boparai (operating as Ajay Boparai Enterprises Ltd.)** was fined $4,000 for using a pest control product not registered in Canada.
- **Jonathan Carrière (operating as PelousExpert) was fined $24,000 for manufacturing and distributing pest control products not registered in Canada, and for manufacturing and distributing a pest control product endangering human health.**
- **Laurence Harvey (operating as PelousExpert) was fined $4,800 for possessing and using a pest control product not registered in Canada.**
- **Extermination Monarck Horticulture Inc.** was fined $4,000 for using a pest control product in a way that is inconsistent with the label directions.
- **Extermination Monarck Horticulture Inc.** was fined $2,000 for refusing to provide documents requested by an inspector.
What can you do to stay in compliance?

- Use PMRA registered products
- Follow the instructions on the label, including the precautions, PPE and the proper application rate
- Report incidents (including packaging failures) to PMRA’s Incident Reporting program
- Provide information & assistance to inspectors when requested
- Be transparent:
  - Write the registration number of the products used on paperwork given client (invoices, prep sheets, etc.)
  - Give your client the precise information needed as stated on the label (delay of re-entry, cleaning precautions, ventilation of treated areas)
  - The information may be useful if there is the need to consult medical practitioner or veterinarian (poisoning, irritation, etc.)
Pesticide Label Search website

- Google: “PMRA label search”
- Use the drop down menus or search bar at the bottom of the page to search for:
  - Products by Active Ingredients
  - Products by Brand Name
  - Products by Pest
### Label Search Results

Number of records found = 77

<table>
<thead>
<tr>
<th>Registration Number</th>
<th>Registrant Name</th>
<th>Product Name</th>
<th>Registration Status</th>
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<tbody>
<tr>
<td>20773</td>
<td>S.C. JOHNSON AND SON LTD.**</td>
<td>RAID ROACH &amp; EARWIG BAITS</td>
<td>REGISTERED</td>
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<tr>
<td>21340</td>
<td>WOODSTREAM CANADA CORPORATION**</td>
<td>INSECTIGONE COCKROACH &amp; ANT KILLER</td>
<td>REGISTERED</td>
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<tr>
<td>24239</td>
<td>BAYER CROPSCIENCE INC.**</td>
<td>MAXFORCE ROACH KILLER BAIT GEL (SYRINGE)</td>
<td>REGISTERED</td>
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<tr>
<td>24240</td>
<td>BAYER CROPSCIENCE INC.**</td>
<td>MAXFORCE ROACH KILLER BAIT GEL</td>
<td>REGISTERED</td>
</tr>
<tr>
<td>24372</td>
<td>WOODSTREAM CANADA CORPORATION**</td>
<td>INSECTIGONE TRIGGER SPRAY COCKROACH &amp; ANT KILLER</td>
<td>REGISTERED</td>
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<tr>
<td>24712</td>
<td>K-G SPRAY-PAK INC.**</td>
<td>K-G INSECTICIDE VI PRESSURIZED</td>
<td>REGISTERED</td>
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<tr>
<td>24729</td>
<td>MCLAUGHLIN GORMLEY KING COMPANY**</td>
<td>PYROCIDE PRESSURIZED MULTI-PURPOSE SPRAY 7416</td>
<td>REGISTERED</td>
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<tr>
<td>24974</td>
<td>K-G SPRAY-PAK INC.**</td>
<td>K-G MULTI-PURPOSE INSECTICIDE SPRAY</td>
<td>REGISTERED</td>
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<tr>
<td>25360</td>
<td>ECOLAB INC.**</td>
<td>ECO2000-XP COCKROACH BAIT</td>
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<tr>
<td>25596</td>
<td>9272-9771 QUEBEC INC.</td>
<td>INSECT STOP COCKROACH &amp; ANT KILLER</td>
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<tr>
<td>25597</td>
<td>9272-9771 QUEBEC INC.</td>
<td>INSECT STOP SILVERFISH &amp; COCKROACH KILLER</td>
<td>REGISTERED</td>
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<tr>
<td>25735</td>
<td>S.C. JOHNSON AND SON LTD.***</td>
<td>RAIND ANT ROACH &amp; EARWIG GEL BAITS</td>
<td>REGISTERED</td>
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<tr>
<td>26140</td>
<td>753146 AB LTD. O/A ULTRASOL INDUSTRIES</td>
<td>DOKTOR DOOM HOUSE &amp; GARDEN INSECTICIDE SPRAY</td>
<td>REGISTERED</td>
</tr>
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</table>
PMRA Label Search App

Health Canada Pesticide Labels App

1. Search for any registered pesticide's label using a full text search, or by using any of the Advanced Search options.

2. From the results of your search, you can filter within the results, save any of the labels as a Favourite, or save your search.

3. Clicking on any of the results gives more details on the pesticide product. It allows you to save it as a Favourite, and view a PDF version of the label.

4. Find your Favourite labels & Saved searches in the Favourites tab.

The FREE Pesticide Labels App is available for iOS, Android & the Amazon App Store for Blackberry or scan the QR code from your device.
Regulatory Update: Propoxur

Re-evaluation Decision, RVD2014-01:

• Mechanically-pressurized equipment must not be used.
• Indoor applications to commercial locations will be limited to perimeter application using manually-pressurized handwand, and crack and crevice applications.
• All indoor domestic-class products (except bait trays) will be phased out.
• Commercial-class products must not be applied to indoor residential use sites, including homes, schools, public buildings, day care facilities, motels, hotels, passenger areas of trains, buses or airplanes, and other indoor locations where children may be exposed.
• Label amendments with specific directions for outdoor domestic-class and commercial-class products are also required.

• Last date of sale for products with old labels was June 2016
Regulatory Update: Boric Acid and its Salts (Boron)

Re-evaluation Decision RVD2016-01:

- All dust/powder formulations for use in commercial poultry houses or barns will be cancelled:
  - Last sale by retailers: July 22, 2018
  - Expiry of registration: July 22, 2019

- Domestic dust, granular and solution (except for enclosed bait stations and spot treatment with gel formulations) formulations will be cancelled:
  - Last sale by retailers: July 22, 2018
  - Expiry of registration: July 22, 2019

- Additional personal protective equipment (chemical resistant coveralls and gloves) will be required for all paste, solution, soluble powder, pressurized product, and granular formulations. The addition of a dust mask to the above personal protective equipment will be required for all dust and powder formulations.

- Use directions will be updated to specify that boron products can only be applied to areas inaccessible to children and pets.

- New labels to be implemented no later than July 22, 2018
Regulatory Update: Imidacloprid

Proposed Re-evaluation Decision, PRVD 2016-20

- Environmental risks identified: aquatic insects, birds & small mammals
- PMRA is proposing to cancel the following areas:
  - Products used by commercial applicators and growers for: trees, greenhouse uses, outdoor agricultural uses (including ornamentals), commercial seed treatments uses, turf (lawns, golf courses, and sod farms)
  - Products used at home for lawns
- Certain uses have value and DO NOT pose risks to human health or the environment, including products used by commercial applicators for:
  - Use in and around structures (such as homes and buildings)
  - Trees when applied as a tree trunk injection

- Consultation period open until March 23, 2017
Regulatory Update: Cyfluthrin

*Proposed Re-evaluation Decision*, PRVD 2016-17

- All domestic-class products are proposed for cancellation.
- For the commercial-class products:
  - Application in residential areas to be limited to crack and crevice/void only
  - Application in non-residential areas can be maintained as band, spot, crack and crevice applications
  - As a result of the incident reports, entry to treated sites must occur no sooner than 8 hours after application.

- Consultation period is now closed
Regulatory Update: Aluminum/Magnesium Phosphide and Phosphine Gas

• The re-evaluation of aluminum phosphine, magnesium phosphine, and phosphine gas was completed in 2015 and the decision was published in August, 2015. One of the key changes was the introduction of the 50 m buffer zone around application sites as well as placarding of the buffer zone.

• Since that time, data was provided allowing the reduction of that buffer zone to 30 m.

• Additional data has been provided and the PMRA is considering the revision of the buffer zone requirement for certain scenarios.

• Please note that the Agency is still in the process of finalizing its decision. Until the changes are implemented and the labels amended accordingly, all users must adhere with the currently registered label. This includes adherence to the required 30 m buffer zone, and all other requirements as specified on the current label.
Considerations Moving Forward

• Continued collaboration with provincial/territorial counterparts and industry stakeholders

• Targeted outreach
  – Outreach materials tailored to PCO sector
  – Communication of specific information (i.e. re-evaluation decisions, active ingredients with high levels of non-compliance, best practices)
  – Broader reach within the industry

• Transparency and openness
Transparency and Openness

Under Health Canada’s Regulatory Transparency and Openness Framework (RTOF), PMRA is committed to:

• Posting an annual Compliance and Enforcement Report
  – 2014-15 and 2015-16 Annual Reports posted on website

In 2015-2016, 83 PCOs were inspected across the country to verify compliance with the various labels of pest control products used by the PCOs. 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
• the use of Canadian registered products.

Overall, 54% of PCOs inspected were compliant. The most frequent violations included the use of pest control products contrary to label directions (use not included on the label, incorrect use sites and incorrect rates), use or possession of unregistered pest control products, and inadequate use of the PPE. Enforcement responses included verbal education, provision of outreach materials to all inspected PCOs, education letters (9), enforcement letters (16), and NOVs with penalty (11).

During the delivery of this program, additional outreach activities were undertaken targeting PCOs and their staff. This included 11 presentations and participation in one trade show. This inspection program remains a high priority for the 2016-2017 NPCP activities.
• Enhanced Inspection Reporting
  – Modernization of inspection and collection techniques (use of tablets, electronic tools, lab analytical methods)
  – Published publically on PMRA website
British Columbia Compliance Office

- Local Contacts
  - Kelly Walker (Manager)  604-666-0741  Burnaby, BC
  - Dorothy Lee  604-666-1262  Burnaby, BC.
  - Virginia Abbott  604-666-1081  Burnaby, BC.
  - Megan Willems  604-666-9432  Burnaby, BC.
  - Shaun Dhaliwal  604-666-2153  Burnaby, BC.
  - Irene Wilkin  604-666-7730  Burnaby, BC.
  - Yvonne Herbison  250-470-4890  Kelowna, BC.
  - Laura Feeny  250-470-4810  Kelowna, BC.

- 2017 Inspections in BC
Compliance concerns identified in BC

- **Catalyst PCP# 25149 (propetamphos)**
  - Not for use in residential settings (e.g. homes, apartments, care facilities)
  - Only as a crack & crevice treatment

- **Structural uses λ-cyhalothrin**
  (i.e. Demand CS, Lambda-Cyhalothrin CS, MasterLine LambdaCy, Prescription Treatment brand 221L Formula 2)
  - Indoor applications limited to 4 times per year (per location)
  - 21 days between applications
  - Challenging for multi-tenant housing
Compliance concerns identified in BC cont’d

- **Temprid SC PCP# 32524 (imidacloprid & beta-cyfluthrin)**
  - “Do not apply any product containing beta-cyfluthrin or cyfluthrin more than once every 7 days.”
  - 6 hour REI for indoor treatments
  - “Following indoor applications to areas that people may re-enter, the user must complete the Information Sheet for Occupants and either post it at points of entry or provide directly to the occupant”

Information Sheet for Occupants of indoor areas treated with Temprid SC Insecticide.

To be posted at points of entry or given to the occupant.

This area has been treated with Temprid SC Insecticide (Reg. No. 32524), containing the active ingredients imidacloprid and beta-cyfluthrin.

DATE APPLIED:
TIME APPLIED:

- Bystanders and animals must not be present during application.
- Do not re-enter the treated area until at least 6 hours after the product has been applied.
- Ventilate treated areas, either by opening windows and doors or through the use of air exchange/ventilation systems confirmed to be operational. Use fans where required to aid in the circulation of air.

The following adverse effects have been reported following re-entry into areas treated with products containing beta-cyfluthrin:

- respiratory effects such as cough, sore throat, or shortness of breath
- nausea
- dizziness
- eye irritation

If you experience effects, leave the area and ventilate further. For medical information, call 1-800-334-7577. If you experience effects that do not resolve rapidly or become worrisome, contact your health care professional.

For information pertaining to this application, contact the following pest control company which applied the product:

[Insert PCC name and contact details]

For more information, contact:

BAYER CROPSCIENCE INC.
Suite 200, 160 Quarry Park Blvd. S.E.
Calgary, Alberta T2C 3G3
Telephone: 1 888 283- 6847
Compliance concerns identified in BC cont’d

- **Products that can’t be applied to furniture (including mattresses)**
  - Demand (λ-cyhalothrin, PCP # 27728)
  - Dragnet (permethrin, PCP # 24175)
  - Prelude (permethrin, PCP # 26509)

- **Outdoor use of brodifacoum and difethialone**
  - First Strike Soft Bait PCP# 29503 (difethialone) used outdoors
Compliance concerns identified in BC cont’d

• **Use of eye protection**
  – Demand CS (PCP# 27428)
  – Dragnet FT (PCP# 24175)
  – Prelude 240 (PCP# 26509)

• **Products not labelled as pesticides**
  – Cleaners/Enzymes used for bedbugs
  – Multi-purpose products
Visit our Booth

• Handouts
  – Label Search Tool & Label Search App
  – Incident Reporting
  – Responsible Pesticide Use (for landlords & building managers)
  – Pest Notes (for public)

• Interested in hearing from you
  - Your experiences & concerns
  - Termite Products