



Health Canada Regulatory Update

Pest Management Canada March 17, 2017



Outline

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 - Involvement in the PCO Sector to date
 - Inspections
 - Inspection Findings
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 - Enforcement Bulletins
- 3. How can you stay in compliance?
- Regulatory Updates: Recent Re-evaluation Decisions 4.
- 5. Next Steps
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Pesticide Regulation in Canada

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

Federal	Provincial / Territorial	Municipal
 Pest Control Products Act and Regulations Registration and re- evaluation Human health and safety Environmental impact Value assessment Compliance and enforcement 	 Transportation, sale, use, storage and disposal Training, certification, and licensing of applicators and vendors Spills and accidents Permits and use restrictions Compliance and enforcement 	Bylaws

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:

BC Region 604-666-0741

Prairie Region 780-495-5042

Ontario Region 519-826-2895

Quebec Region 514-236-0765

Atlantic Region 506-851-7876

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:

Registrant Re-evaluation Marketplace **Users Importation** Agricultural Commercial & Industrial

Previous activities in the Commercial & Industrial sector have focused on:

- 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 offlabel use of dimethoate, chlorpyrifos and diazinon in some regions
- Sampling component added to program

Inspections

Targeted Oversight	Compliance Verification
 Planned, program inspections 	 Unplanned, reactive inspections Referrals from the PMRA Info- Serv, provincial regulatory authorities, complaints from the public



- 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



□ 2016

- FI Protex Extermination 2010 Inc. was fined \$4,000 for using a pest control product in a way that is inconsistent with the label directions
- IND Apiary Products Ltd. was fined \$6,000 for not filing complete and accurate pesticide incident reports
- 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
- in a way that is inconsistent with the label directions
- Gray Agua 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
- 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
- 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



Pesticide Label Search website cont'd

Label Search Results

Number of records found = 77

Number of labels containing the word "cockroach"

Label search results

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

Click to view label PDF

Click to view registration details

PMRA Label Search App



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

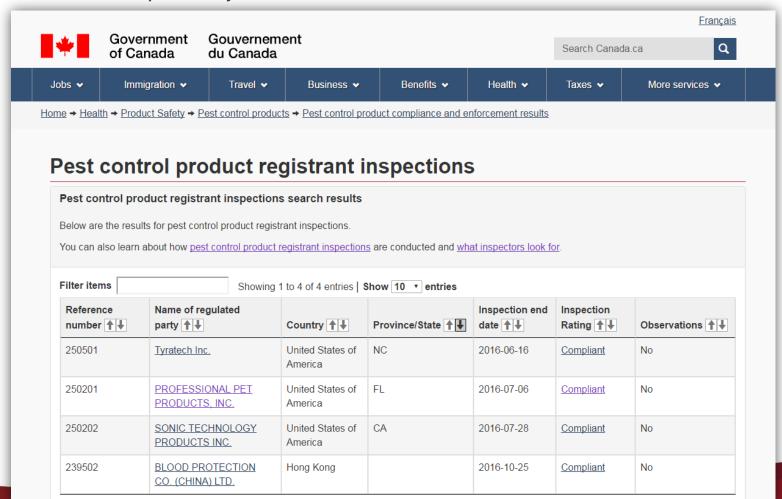
In 2015-2016, 83 PCOs were inspected across the country to verify compliance with the various labels of pest control products used by the PCOs. Key elements verified during the inspections included:

- 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







BC Region Update



British Columbia Compliance Office

Local Contacts

Kelly Walker (Manager)	604-666-0741	Burnaby, BC
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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
- eve 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