

April 12, 2019

Ariane Gagné-Frégeau  
Committee Clerk / Greffière de comité  
Standing Committee on Agriculture and Agri-Food  
House of Commons / Chambre des communes  
131 rue Queen Street, Room / Pièce 5-77  
Ottawa, Ontario K1A 0A6  
ariane.gagne-fregeau@parl.gc.ca / agri@parl.gc.ca  
Tel. / Tél. : 613 943-6574

Dear committee members,

**Re: Perception of and Public Trust in the Canadian Agricultural Sector**

We write to provide input on your consideration of an issue of national importance. The Canadian Environmental Law Association (CELA) recognizes that Canadian farmers are in many respects the original stewards of the land. As such, they continue to occupy key roles in producing food and other agricultural products for domestic and export markets, in the regulated use of chemical fertilizers and pesticides, and in protecting and conserving Canada's rural landscapes and biodiversity.

We provide the above as important preface to our comments about the Agriculture and Agri-Food (AGRI) Committee's review of "Perception of and Public Trust in the Canadian Agricultural Sector." Where we may have concerns about either perception of or public trust in this sector, such concerns arise from scientific and legal analyses of the impact of agriculture on the environment and/or human health. Moreover, our focus is primarily on relevant law and policy governing this sector.

Established nearly 50 years ago, CELA has a long history of addressing matters of environmental protection and human health including with respect to the regulation of pesticides.

Since the 1980s, we have seen entire classes of pesticides banned or their uses dramatically reduced because of constantly emerging evidence of harm to the environment and/or human health. Such changes in allowable pesticide use flowed from improvements in scientific understanding of harmful effects. However, they also occurred because of serious flaws and

shortcomings in the exercise of the risk assessment process that is embedded in the pesticide regulatory process.<sup>1</sup>

For over 30 years, the informed public and public interest organizations have watched classes of pesticides come and go. First it was the organochlorines, exceptionally toxic and persistent chemicals. Excessive controversy and debate raged during the 1980s and 1990s, aided, abetted, and needlessly prolonged by pesticide industry lobbying, until these chemicals were finally subject to restrictions and in many cases worldwide bans.<sup>2</sup>

A similar pattern occurred and is ongoing with many of the organochlorine replacements: the organophosphates and carbamates, with evidence emerging of unacceptable toxicity, often of greatest detriment to children and other highly vulnerable populations, only after widespread exposure and economic entrenchment in agricultural and other pesticide application practices.

The same problem occurred again and continues with the neonicotinoid pesticides. Their use was allowed under prevailing risk assessment approaches on the basis of incomplete evidence of chronic toxicity – the so-called “conditional registrations” that allowed these pesticides to be used and their registrations to continue in some cases for nearly 20 years before a complete dossier of information was gathered. As a result, the neonicotinoids have become the most widely used pesticides in the world in the face of an enormous body of evidence implicating them in widespread negative impacts on pollinator species.<sup>3,4</sup>

Moreover, and very chilling, is recently amassed evidence of a worldwide collapse of insect species, at such dramatic rates of decline that 40% of the world’s insect species may be extinct within the next few decades. Several drivers are implicated in this decline including widespread use of chemical pesticides.<sup>5</sup>

---

<sup>1</sup> See more detailed analysis in: McClenaghan, Theresa, Kathleen Cooper, L. Vanderlinden, P. Muldoon, Alan Abelsohn, Kapil Khatter, and Karyn Keenan. “Environmental Standard Setting and Children’s Health in Canada: Injecting Precaution into Risk Assessment.” *Journal of Environmental Law and Practice* 12, no. 2 (2003): 141–279.

<sup>2</sup> E.g., The first round of twelve chemicals and chemical groups included in the [Stockholm Convention on Persistent Organic Pollutants](#) was dominated by organochlorine pesticides such as DDT, chlordane, aldrin, endrin, dieldrin, heptachlor, mirex, etc.

<sup>3</sup> Simon-Delso, N., V. Amaral-Rogers, L. P. Belzunces, J. M. Bonmatin, M. Chagnon, C. Downs, L. Furlan, et al. “Systemic Insecticides (Neonicotinoids and Fipronil): Trends, Uses, Mode of Action and Metabolites.” *Environmental Science and Pollution Research* 22, no. 1 (January 2015): 5–34. <https://doi.org/10.1007/s11356-014-3470-y>.

<sup>4</sup> Furlan, Lorenzo, Alberto Pozzebon, Carlo Duso, Noa Simon-Delso, Francisco Sánchez-Bayo, Patrice A. Marchand, Filippo Codato, Maarten Bijleveld van Lexmond, and Jean-Marc Bonmatin. “An Update of the Worldwide Integrated Assessment (WIA) on Systemic Insecticides. Part 3: Alternatives to Systemic Insecticides.” *Environmental Science and Pollution Research*, February 25, 2018. <https://doi.org/10.1007/s11356-017-1052-5>.

<sup>5</sup> Sánchez-Bayo, Francisco, and Kris A.G. Wyckhuys. “Worldwide Decline of the Entomofauna: A Review of Its Drivers.” *Biological Conservation* 232 (April 2019): 8–27. <https://doi.org/10.1016/j.biocon.2019.01.020>.

The pesticide treadmill pattern of replacing bad chemistry with bad chemistry has created both the perception and the reality of a pesticide regulatory regime that is unworthy of public trust. Hence, in your committee's inquiry into perception of and public trust in the agricultural sector, we ask that you consider the corresponding and directly related matter of perception of and public trust in Canada's regulation of pesticides.

At CELA we have worked alongside the Canadian pesticide regulatory regime, at the international, federal, provincial, and municipal levels of government, on government advisory committees, in the courts, and conducting knowledge translation on these complex issues, for many years. We have advocated for both transparency and precaution in decision-making, including in making necessary improvements to the prevailing risk assessment paradigm.

In our work, we have always said that it is in nobody's best interest – the public, the pesticide industry, the agricultural sector or other sectors that use pesticides - for there to be a lack of public trust in the pesticide regulator. Nevertheless, that mistrust exists. To the extent that it translates into mistrust of the agricultural sector, your review should consider it carefully including whether and where mistrust of this sector exists or arises.

We believe important elements of any mistrust in the agricultural sector arise from the above-noted historical and to some extent ongoing flaws in the pesticide risk assessment approach. It also arises from inadequate resources to the Pest Management Regulatory Agency to fulfill the legislative mandate set out in the *Pest Control Products Act*. Corresponding deficits in necessary federal funding include a longstanding gap in adequately monitoring the impact of pesticides on water bodies in Canada.

This insufficiency of resources within the PMRA, (and in Environment and Climate Change Canada for water monitoring), has been repeatedly noted by the Pest Management Advisory Council, advisory to the federal Minister of Health, and others.<sup>6</sup> Both are a serious and growing problem that, left unaddressed, will add to public mistrust and worsen the trust situation faced by the Canadian agricultural sector.

Finally, while our work has focused in large measure on addressing the policy and regulatory arrangements for addressing pesticides, we have raised concerns about biodiversity protection on Canadian agricultural lands in our work within the Green Budget Coalition. Thoughtful analysis and recommendations concerning sustainable agriculture, including measures to protect biodiversity, are contained in the GBC Recommendations for Budget 2019.<sup>7</sup>

---

<sup>6</sup> Green Budget Coalition, Recommendations for Budget 2019, Chapter 1, Tackling Toxics and Pesticides. <https://greenbudget.ca/wp-content/uploads/2018/09/GBC-Toxics-Pesticides-2019.pdf>

<sup>7</sup> Green Budget Coalition, Recommendations for Budget 2019, Chapter 3, Delivering on Canada's Commitments to Sustainable Agriculture. <https://greenbudget.ca/wp-content/uploads/2018/09/GBC-Sustainable-Agriculture-2019.pdf>

All of which is respectfully submitted.

Yours truly,

**CANADIAN ENVIRONMENTAL LAW ASSOCIATION**

A handwritten signature in black ink, appearing to read 'Kathleen Cooper', with a stylized flourish extending to the right.

Kathleen Cooper  
Senior Researcher

***About CELA***

*The Canadian Environmental Law Association is a public interest organization founded in 1970 for the purposes of using and improving laws to protect public health and the environment. Funded as a legal aid clinic specializing in environmental law, CELA represents individuals and groups in the courts and before administrative tribunals on a wide variety of environmental and public health matters. In addition, CELA staff members are involved in various initiatives related to law reform, public education, and community organization.*