



February 20, 2019

Sent via email to hcmminister.ministresc@canada.ca

Hon. Ginette Petitpas Taylor
Minister of Health
House of Commons
Ottawa, ON K1A 0A6

Dear Ms. Petitpas Taylor

Re: Failure to address the cumulative effects of organophosphates under the *Pest Control Products Act*

This letter is being sent on behalf of the Canadian Association of Physicians for the Environment, Canadian Environmental Law Association, David Suzuki Foundation, Ecojustice, Environmental Defence, and Équiterre.

The purpose of this letter is to raise serious concerns about the conduct of the Pest Management Regulatory Agency (**PMRA**) with respect to consideration of cumulative effects, required under the *Pest Control Products Act* (the **Act**), and to request a meeting with you to discuss process improvements.

Sections 7, 11 and 19 of the Act require consideration of “cumulative effects of the pest control product and other pest control products that have a common mechanism of toxicity” in relation to evaluating health risks. This requirement applies to decisions with respect to applications for registration or amendment (section 7), maximum residue limits (section 11), special reviews and re-evaluations (section 19).

Subsection 19(2)(b)(i) of the Act requires that during the course of a re-evaluation or special review, in evaluating the health risks of a pest control product, the PMRA shall consider available information on the cumulative effects of pest control product and other pest control products that have a common mechanism of toxicity.

The PMRA acknowledges that organophosphates have a common mechanism of toxicity, but has declined to include a cumulative health effects assessment as it conducts special reviews and re-evaluations of these pest control products and as it renews registrations for these products.

The position of the PMRA is that it should wait until all updated assessments for individual products have been completed to initiate a cumulative effects analysis for organophosphates.

This approach is plainly non-compliant with the requirements of the Act and we are concerned that it delays assessment of cumulative health effects indefinitely. Deferring cumulative health risk assessments could have an important impact or influence on the results of the re-evaluations and special reviews of several organophosphates, which are currently underway. The finalization of the individual assessments of organophosphates has been delayed for many years.

The Commissioner of the Environment Sustainable Development raised concerns about PMRA's delays and non-compliance with the Act in 2015.¹ We have followed up on these concerns with the PMRA twice now, in April of 2017² and in March of 2018.

In April of 2018, twelve years after the legal requirement to assess cumulative effects was put in place, the PMRA finalized its cumulative effects framework. In response to our concerns, the PMRA indicated it would continue its approach to deferring cumulative effects assessments:

The PMRA acknowledges that cumulative health assessments for some pesticides in the re-evaluation program (for example, the N-methyl carbamates or organophosphates) were deferred. The reason for this deferral was to ensure that risks associated with individual pesticides within a group had been adequately characterized by way of a modern assessment and mitigated to acceptable levels. **The PMRA will review past assessments for pesticides belonging to already-known common mechanism groups and will develop a strategic plan to address those with outstanding cumulative health risk assessments.**³

We request an update on the development of the strategic plan, including importantly timelines for initiating the required cumulative effects assessment. Despite asking for clear timelines and commitments from the PMRA for several years, we have received no response that addresses how the Agency will engage in timely cumulative effects assessment of organophosphates or bring itself into compliance with the clear requirements of the Act. No strategic plan has been published on the PMRA web site regarding this matter.

There are several organophosphate re-evaluations and special reviews planned to be released this year or overdue from 2018. This includes Dichlorvos, Acephate, Phosmet and Chlorpyrifos. All of the proposed decisions for these include a statement that cumulative health effects assessment will not be included.

The approval and finalization of these processes without including cumulative effects assessment would be unlawful and would put the health of Canadians at risk by failing to ensure that the cumulative health risks of organophosphates are acceptable.

¹ *Fall 2015 Reports of the Commissioner of the Environment and Sustainable Development. Report 1 – Pesticide Safety.* Online: < http://www.oag-bvg.gc.ca/internet/English/parl_cesd_201601_01_e_41015.html>

² Comment Letter to PMRA re: Cumulative Risk Assessment Framework (April 14, 2017); Ecojustice Letter to PMRA re: Dichlorvos Special Review (March 5, 2018).

³ Science Policy Note SPN2018-02, Cumulative Health Risk Assessment Framework (April 17, 2018), see Online: <https://www.canada.ca/en/health-canada/services/consumer-product-safety/reports-publications/pesticides-pest-management/policies-guidelines/science-policy-notes/2018/cumulative-health-risk-assessment-framework-spn2018-02.html> see response to Comment No. 12: "Comment on backlog of pesticides without a cumulative health risk assessment."

Beyond organophosphates, we are also very concerned about the failure of the PMRA to commit to identifying other common mechanisms of toxicity and the apparent intent to limit future cumulative effects assessments to “already known common mechanism groups.”

Deferring completion of cumulative health effects assessment until final and full re-evaluations and special reviews for all individual organophosphates are completed is not a reasonable approach. The assessment of the cumulative effects of organophosphates should be possible to complete in a timely fashion, during the course of, and without delaying, the required re-evaluations of individual pesticides in this group.

Information on cumulative hazard and exposure is already available for all organophosphates and updated information can be made available in a timely fashion under the Act. The Act requires that assessments be done with the available information. The PMRA has also conceded it may rely on information provided to other regulators. Other regulators, such as the US-EPA have already assessed the cumulative effects of organophosphate products in 2002 and again in 2006 and the US-EPA “has developed a highly refined and complex cumulative risk assessment for organophosphates that represents the state of the science regarding existing hazard and exposure data, and the models and approaches used.” In other words the methods to complete the assessment and the information required for these assessments are known and there is no basis for further delay.

We wish to meet with you and your staff to discuss these concerns and process improvements that would ensure that the finalization of outstanding organophosphate special reviews and re-evaluations are compliant with the PMRA’s legal obligations without further delay.

Sincerely,



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cc: Simon Kennedy, simon.kennedy@canada.ca Deputy Minister of Health, Health Canada, Brooke Claxton Building, Tunney's Pasture, Postal Locator: 0906C, Ottawa, ON K1A 0K9