

July 13, 2021

Peter Brander
Executive Director
Pest Management Regulatory Agency
Health Canada

Via email: peter.brandner@canada.ca

Re: Out-of-date Tetramethrin Product Labels in PMRA Label Search

Dear Mr. Brander,

As you may recall, at the Canadian Environmental Law Association (CELA), we have spent considerable time in the last three years, and particularly during 2018, reviewing the proposed and final recommendations of re-evaluations of the pyrethrin and pyrethroid pesticides. We have done so because of longstanding concerns about the indoor use of these pesticides, particularly their use and overuse under low-income circumstances.

This concern is especially important given the multi-year findings of your enforcement staff of multiple problems in the PCO sector, alongside the sectoral survey findings in our RentSafe project. Those surveys ([available online](#)) found that pests and the related issue of indoor use of pesticides are among the most frequent problems encountered by tenants in sub-standard housing.

In 2018, we used the above research to respond to tenant concerns about use of pesticides to control bed bugs and created a fact sheet: "[Pesticides and Bed Bugs: Information for Tenants in Ontario](#)." It aims to provide tenants with basic information including about the lowest risk alternatives to address this common problem. The fact sheet has been updated twice due to ongoing production at the PMRA of final decisions from the pyrethroid re-evaluations.

From our current review of the fact sheet we have consulted the PMRA Label Search database and found that labels for registered tetramethrin products, specifically those used for bed bugs, are not updated in accordance with the requirements in Re-evaluation Decision RVD2018-01, Tetramethrin and Its Associated End Use Products.

The RVD states that labels must be updated within 24 months of the decision, pointing to a deadline of February 2020. As of mid-July 2021, fully 18 months after this deadline, multiple labels in the Label Search database are out of date.

We do not have the resources to investigate whether the products themselves have been updated. If they have not been updated, we must conclude that needless exposure and undue risk has occurred during this 40-month period and is perhaps ongoing.

Our search of the database used the following criteria: “bed bugs”, “tetramethrin” as the active ingredient, and “registered” in terms of registration status. As of mid-July, these criteria yielded 25 labels, all of which were for Domestic Class products. Among the 25 labels, we identified potential issues related to indoor use in at least 17. These included the following (and are detailed in the attached table):

- Certain labels note indoor perimeter under recommended uses. The RVD cancels this use.
- Some labels state “repeat as required.” The RVD disallows this language.
- When indicating allowable uses, certain labels do not differentiate between indoors and outdoors, grouping use instructions together even though the RVD highlights a key difference (perimeter applications are only permissible outdoors).
- Some labels do not include a “use only for” statement, allowing for unwarranted flexibility when it comes to different uses.
- Label instructions are unclear overall, e.g., baseboards are sometimes included under uses for spot treatment. However, indoor perimeter treatment is disallowed but could be understood to mean spraying baseboards.

Lastly, one of the labels is dated from 2017, prior to the RVD publication in 2018.

In 2018, in response to the PMRA consultation on labels for structural pesticide products, we [raised these and many other concerns](#) about lack of clarity on product labels for structural pesticide products. Most of our comments were ignored.

The existence of these labels on your website is a public source of information that is in violation of the *Pest Control Products Act*. Again, we are unaware of whether the products available for purchase have been updated. However, for any member of the public consulting your website for label instructions, they would be obtaining misleading and illegal information.

We recognize that the COVID-19 pandemic has put a strain on PMRA resources. While this lack of updating perhaps underscores the PMRA’s need for further resources to fulfill its legal obligations, this situation is unacceptable. It is also only one example. How many more are there?

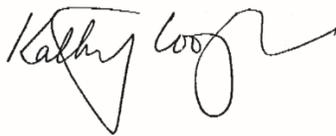
The PMRA’s proposed label improvement initiative is long overdue. This initiative has been described at PMAC meetings in recent years and, like so many other PMRA initiatives, has indicated an almost exclusive focus on agriculture products.

Indoor pesticide use is up close and personal and bed bugs are notoriously difficult to eradicate. Your enforcement staff have indicated multi-year problems with PCOs. We also know from both RentSafe and anecdotal findings that overuse of pesticides in response to bed bugs is very common due to misuse or overuse by PCOs or by those using Domestic products.

These labels need to be updated in the PMRA Label Search as soon as possible. We would welcome information as soon as possible confirming that this legal oversight has been corrected on the PMRA website as well as confirmation that it has not been an ongoing legal violation on the products themselves.

Sincerely,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION



Kathleen Cooper
Senior Researcher and Paralegal



Adam Clasky
Master of Public Health, Practicum Student

Attached:

Domestic Pesticide Products Containing Tetramethrin - Labels in Violation of PRV 2018-01

About CELA: *The Canadian Environmental Law Association (CELA) is a non-profit, public interest organization and legal aid clinic established in 1970 to use existing laws to protect the environment and to advocate environmental law reforms. CELA works toward protecting public health and the environment by seeking justice for those harmed by pollution or poor decision-making and by changing policies to prevent problems in the first place. As a specialty clinic funded by Legal Aid Ontario, our primary focus is on assisting low-income people and disadvantaged communities.*

Domestic Pesticide Products Containing Tetramethrin Labels in Violation of PRV 2018-01

Introduction

The table below addresses label instructions for eighteen Domestic Class pesticide products containing Tetramethrin posted to the PMRA Label Search online database (and consulted on July 13, 2021). These labels are in violation of *RVD 2018-01, Tetramethrin and Its Associated End Use Products*. In addition to the obvious violations of RVD 2018-01, multiple labels do not specifically mention the location for allowed use (i.e., indoor versus outdoor). This omission is important since there are different disallowed uses indoors versus outdoors, specifically, perimeter spraying is only allowed outdoors. The * in various items in column three denotes where label instructions mention application to baseboards. Indoor perimeter spraying would involve application to baseboards (since, by definition, baseboards go around the perimeter of a room). Since indoor perimeter is a disallowed use, this language will lead to confusion and likely over-application and over-exposure.

Required label changes for Domestic Class products Changes per RVD 2018-01:

- For End Use products:
 - Remove directions associated with outdoor and indoor broadcast, indoor perimeter treatments
 - Under use precautions:
 - Add “Keep out of reach of children and pets”
 - Remove “statements concerning re-entry” from domestic-class product labels
 - Add “Remove animals for a minimum of 1 hour when spraying room. Following treatment, ventilate all rooms, do not access for a minimum of 15 minutes and do not re-enter before ventilation is complete. Avoid contact with treated surfaces until dry” for indoor uses where applicable
 - Add “toxic to aquatic organisms” to all labels, “toxic to bees. Do not spray bees” for outdoor uses under environmental hazards
 - Under directions for use, remove “repeat” statements like “repeat as necessary” and “repeat at frequent intervals”
 - For appropriate domestic-class products:
 - Add “Do not use tetramethrin in food handling, storage or preparation areas while food is present” and “Use only for spot or crack and crevice applications” for indoor uses
 - Add “Use only for spot, perimeter or crack and crevice applications” for outdoor uses
 - Add “After 48 hours, wear gloves to remove the treated nest” and remove statements concerning nest removal for products registered for wasp/hornet nests
 - Add definitions for spot treatment, crack and crevice application, perimeter application and residential areas when appropriate

Product Name	Label-specified area of use	Labels statements in violation of RVD 2018-01	Date on Label
K-G HOUSE & GARDEN INSECT KILLER VI	Indoor/outdoor	- Includes “BED BUGS: Apply as spot treatment to mattress (particularly around folds, seams and tufts. Take beds apart, clean and air out, spray all joints). Spray until damp. OR Apply as a spot treatment to cracks and crevices on and around baseboards , floorboards, bed frames, closets (remove clothing and other articles before treatment), door and window frames, and window treatment hardware such as curtain rods.” <i>* Baseboard is equivalent to perimeter and indoor perimeter not allowed in RVD 2018-01</i>	January 2019
KNOCK DOWN BED BUG & FLEA KILLER I	Indoor	-Includes “ONLY perimeter/spot or crack and crevice is permitted.” <i>RVD 2018-01 says “Use only for spot or crack and crevice applications for indoor use products”</i>	February 2019
PROTEX BED BUG KILLER .20% D-PHENOTHRIN	Indoor	- Includes “ONLY perimeter/spot or crack and crevice is permitted.” <i>Indoor perimeter not allowed in RVD 2018-01.</i>	February 2019
KNOCKDOWN KILSOL ONE SOLUTION 22 IN 1! MULTI INSECT KILLER	Indoor	-Includes “Use only for spot, perimeter or crack and crevice applications” for indoor <i>Indoor perimeter not allowed in RVD 2018-01.</i>	January 2019
WILSON BED BUG OUT BED BUG KILLER	Indoor	<i>Label is missing “Use only for spot or crack and crevice applications”</i>	May 2021
POWER SHOT BED BUG KILLER	Indoor/outdoor	- Includes “BED BUGS: Apply as a spot treatment to cracks and crevices on and around baseboards , floorboards, bed frames, closets (remove clothing and other articles before treatment), door and window frames, and window treatment hardware such as curtain rods”. <i>* Baseboard is equivalent to perimeter and indoor perimeter not allowed in RVD 2018-01</i>	February 2019

Product Name	Label-specified area of use	Labels statements in violation of RVD 2018-01	Date on Label
INSECT STOP BEDBUG KILLER	Indoor	<ul style="list-style-type: none"> - Includes “BED BUGS: Apply as a spot treatment to cracks and crevices on and around baseboards, floorboards, bed frames, closets (remove clothing and other articles before treatment), door and window frames, and window treatment hardware such as curtain rods.” * <i>Baseboard is equivalent to perimeter and indoor perimeter not allowed in RVD 2018-01</i> 	February 2019
FIGHT BACK BED BUG KILLER	Indoor (label does not explicitly state that this product is for indoor use)	<ul style="list-style-type: none"> - Label is missing “keep out of reach of... pets” - Label includes “ONLY perimeter/spot or crack and crevice is permitted” but appears to be in reference to indoor use, meaning it is in violation of RVD 2018-01 - Label states “repeat as required” -Doesn’t specify whether only for indoor or outdoor use <i>Multiple violations of RVD 2018-01</i> 	September 2017
GREAT VALUE BED BUG KILLER	Indoor (label does not explicitly state that this product is for indoor use)	<ul style="list-style-type: none"> - Label contains no “use only for...” statement - Label includes “Apply as a spot treatment to cracks and crevices on and around baseboards, floorboards, bed frames, closets (remove clothing and other articles before treatment), door and window frames, and window treatment hardware such as curtain rods.” * <i>Baseboard is equivalent to perimeter and indoor perimeter not allowed in RVD 2018-01</i> 	August 2019
BLAZE PRO BED BUG KILLER KILLS ON CONTACT	Indoor (label does not explicitly state that this product is for indoor use)	<ul style="list-style-type: none"> -Includes “ONLY perimeter/spot or crack and crevice is permitted.” <i>Perimeter use not permitted indoors in RVD 2018-01</i> 	December 2018
BLAZE BED BUG KILLER KILLS ON CONTACT	Indoor (label does not explicitly state that this product is for indoor use)	<ul style="list-style-type: none"> -Includes “ONLY perimeter/spot or crack and crevice is permitted.” <i>Perimeter use not permitted indoors in RVD 2018-01</i> 	December 2018

Product Name	Label-specified area of use	Labels statements in violation of RVD 2018-01	Date on Label
KNOCK DOWN POT-IT PLANT & INDOOR GARDEN MULTI INSECT KILLER	Indoor	- Label contains no “use only for...” statement - Label mentions indoor perimeter use under “FLYING INSECTS” - Label includes “Repeat as required” under “BED BUGS” <i>Multiple violations of RVD 2018-01</i>	February 2019
DOKTOR DOOM TRAVEL PRO BED BUG KILLER	Indoor (label does not explicitly state that this product is for indoor use)	-Includes “ONLY spot or crack and crevice application is permitted A spot treatment is made to a localized surface area not greater than 0.2 m2. Spots are not to be adjoining and the total area of spots is not to exceed 10% of the surface area being treated (for example, floors, walls, ceilings). A crack and crevice application is made into narrow openings on the surfaces of the structure. Such openings commonly occur at expansion joints, utility entry points and between different elements of construction (for example, baseboards , moulding)” <i>* Baseboard is equivalent to perimeter and indoor perimeter not allowed in RVD 2018-01</i>	November 2018
GREEN EARTH HOMECARE BED BUG TRAVEL SPRAY	Indoor (label does not explicitly state that this product is for indoor use)	- Includes “Apply only as a crack and crevice or spot treatment on and around baseboards... ” * -Doesn’t mention that the product is not permitted for broadcasting in violation of RVD 2018-01 <i>* Baseboard is equivalent to perimeter and indoor perimeter not allowed in RVD 2018-01</i>	November 2018
BLAZE PRO ANT KILLER	Indoor/outdoor	- Label includes “ONLY perimeter/spot or crack and crevice is permitted. Perimeter/spot application is defined as an application in a wide band or strip around the perimeter of the room or over a small area (< 2 ft2/0.2 m2)” under CRAWLING INSECTS. -Does not explicitly differentiate between methods that can be used indoors and outdoors <i>Application to perimeter indoors is in violation of RVD 2018-01</i>	February 2019
KONK INSECT KILLER	Indoor/outdoor	-Includes “Repeat as required” under CRAWLING INSECTS, BED BUGS.	February 2019

Product Name	Label-specified area of use	Labels statements in violation of RVD 2018-01	Date on Label
		<i>In violation of RVD 2018-01</i>	
SUPER KILL BED BUG KILLER	Indoor/outdoor	<p>-Includes “BED BUGS: Apply as a spot treatment to cracks and crevices on and around baseboards, floorboards, bed frames, closets (remove clothing and other articles before treatment), door and window frames, and window treatment hardware such as curtain rods”</p> <p><i>* Baseboard is equivalent to perimeter and indoor perimeter not allowed in RVD 2018-01</i></p>	September 2019