



CANADIAN ENVIRONMENTAL LAW ASSOCIATION
L'Association canadienne du droit de l'environnement



Canadian Association of
Physicians for the Environment

September 12, 2007

FPT Secretariat
Att'n: Josée Beaudoin
Pest Management Regulatory Agency, Health Canada
Sir Charles Tupper Building
2720 Riverside Drive, A.L. 6606D1
Ottawa, ON
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To the Members of the Federal Provincial Territorial Committee on Pest Management and Pesticides,

RE: Response to “Classification Harmonization for Canada, A Proposal for Domestic Class Pesticides, 2007”

Please accept the following comments and recommendations with respect to the above-noted document.

About CELA

The Canadian Environmental Law Association (CELA) is a non-profit public interest organization, established in 1970, to use existing laws to protect the environment and to advocate for environmental law reform in the broad public interest. CELA is a legal aid clinic within Legal Aid Ontario and provides direct legal representation to citizens and citizen groups. CELA also conducts extensive research and public education on a wide range of public interest issues including seeking access to environmental justice, reduction in the use of toxic chemicals, sustainable water and energy policy as well as sound environmental assessment and land use planning.

About CAPE

CAPE is a group of physicians, allied health care practitioners and citizens committed to a healthy and sustainable environment. As an organization composed mostly of physicians, CAPE brings its health expertise to environmental issues and is an important voice for environmental health in Canada. CAPE addresses issues of environmental degradation by educating health care professionals and the public, through advocacy and in close cooperation with partner groups.

Both CELA and CAPE have worked extensively on the issue of pesticides, particularly with respect to concerns about human health and the greater vulnerability of the fetus and child. In responding to the above-noted consultation document, we do so by first noting that we have

been, and will continue to be, in the forefront of efforts to ban the non-essential use of pesticides. This work has been concerned with all classes of pesticides but with respect to non-essential or cosmetic use of pesticides, it concerns many of the pesticides included in the “domestic” class that are the subject of this consultation.

We have conducted our work in the courts, before municipalities, and alongside colleagues in environmental, public health and child care organizations. We can also point to multiple public opinion surveys conducted over at least the past eight years consistently noting overwhelming public support for banning non-essential use of pesticides.

We strongly believe that there is no justification for placing children and pregnant women at risk from the use of pesticides for purely cosmetic purposes. We also support colleagues in the animal welfare and environmental community who raise concerns about such pesticide use creating needless risks to domestic animals and wildlife.

Qualified by the above premise, we offer general support for the direction suggested with respect to a nationally harmonized classification approach for domestic pesticides. We do so because we see this proposal as one means of fostering greater pesticide restrictions at the provincial level. Some further concerns and recommendations are noted below.

Reiterate a clear goal of pesticide reduction – creating consistency across FPT initiatives

Two overall impressions arise from this document. First, it is entirely product-focused. Nowhere is there a statement about the value in achieving the goal of reducing the public’s reliance on chemical pesticides. This is the primary goal of the Healthy Lawns Strategy, a project that is jointly sponsored by the FPT Committee on Pest Management and Pesticides and the Pest Management Regulatory Agency. Surely, a document originating from the same FPT Committee, and addressing substantially the same pesticides as are the subject of this domestic harmonization proposal, should be aligned with the same overall goal.

The proposal is inconsistent with respect to messages about labeling and risk reduction

A second impression that arises at multiple points across the consultation document is that the pesticides in the proposed “Self Select” category do not warrant the same level of care at point of sale with respect to ensuring consumers are informed about the need to carefully read and follow label directions. Rather, the document repeatedly implies that such care with respect to possible risk and the need to follow label directions applies only to those pesticides in the proposed “Controlled Purchase” category and of course in the Restricted category. This document, as currently written, will leave the public and retailers with the mistaken impression that the pesticides included in the Self-Select category are risk-free.

Beginning with the definition of the Self-Select category, the document states that these products “can be purchased and used by homeowners without any particular instructions or advice at purchase...” **An important educational opportunity is lost here.** Health Canada and the FPT

are not taking advantage of the educational material that is already in place to ensure consumers read the labels on products containing potentially dangerous substances. Two examples of such educational materials include the fact sheets entitled “Aim for Safety – Target the Label” and “Do you know what these symbols mean?” Both are on-line at the following locations:

Aim for Safety – Target the Label On-line at:

http://www.hc-sc.gc.ca/cps-spc/pubs/cons/label-letiquette_e.html

Do you know what these symbols mean? On-line at:

http://www.hc-sc.gc.ca/cps-spc/pubs/cons/symbol_e.html

Both of these fact sheets include valuable information about safe storage as well.

We recommend that the Classification Harmonization Proposal be revised accordingly. It should explicitly note that **reading labels is equally necessary across all classification categories**. It should also direct that retailers should provide such educational materials to consumers purchasing pesticides in *both* of the proposed domestic class product categories. With the establishment of the Controlled Purchase category, and the related proposed vendor requirements noted in Section 3.1.1 of the document, it would be a simple matter for retailers to modify their sales arrangements for both categories accordingly.

By choosing to not integrate point of sale directions with educational materials already in place, we consider that this proposal is disconnected from the risk assessment exercise that is conducted on pesticides, a key outcome of which is the direction for use provided on the product label.

Package size limits as a criterion for Controlled Products

Concerning the issue of package size limits, we wish to express support the proposed size limit as a criterion for distinguishing Self-Select from Controlled Products. This distinction *may* help avoid unintended pesticide exposure to vulnerable individuals, particularly children.

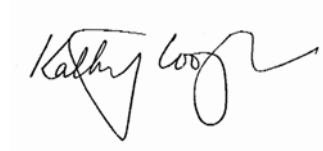
We take this size limit to mean that so-called “weed and feed” formulations that combine pesticides with fertilizer will be Controlled Products. It would be preferable if the document specifically stated that this is the case. However, we also consider this a half measure as we would prefer that such combination products not be allowed at all. With their different use regimens and, in some cases, a lack of public understanding that such products actually contain pesticides, these products should be restricted and phased out.

Implementation

Finally, with respect to implementation, the document notes the respective roles of the federal and provincial governments. Since implementation of the entire package will be a staged effort, an additional role for the FPT Committee should be to monitor progress towards full implementation. It would be in the public interest for the FPT Committee to provide annual reporting of such progress, including reporting on barriers or delays to implementation and discussion of how any problems are being addressed.

All of which is respectfully submitted.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kathleen Cooper". The signature is fluid and cursive, with a large loop at the end.

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CELA Publication #591

A handwritten signature in black ink, appearing to read "Gideon Forman". The signature is bold and stylized, with a long horizontal stroke extending to the right.

Gideon Forman
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