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Chair

Mr. Gerry Ritz

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● (1115)

[*English*]

The Chair (Mr. Gerry Ritz (Battlefords—Lloydminster, CPC)): I'll call this meeting to order. We're running a little bit late due to a concurrence motion in the House this morning. Thank you for your patience, Dr. Dodds and Mr. Aucoin.

We have five members at the table. That allows us to hear from witnesses. We will proceed. I'm sure other MPs will filter in as the day goes along.

So if you folks would care to lead off....

Dr. Dodds, I see you have a speech for us.

Dr. Karen Dodds (Executive Director, Pest Management Regulatory Agency): Sure. Thank you.

Good morning. I appreciate the opportunity to appear before you today to provide an update on our activities at Health Canada's Pest Management Regulatory Agency.

[*Translation*]

As requested by the Standing Committee, I have submitted a report that indicates the number of new and minor use pesticides approved, the number or older pesticides that have been re-evaluated, and the number of temporary and emergency registrations granted. The report also expands on a number of our initiatives, including our activities related to closing the technology gap. I or Richard Aucoin, the Chief Registrar, would be pleased to answer questions on this material after my presentation.

I would like to take this opportunity to highlight some of our work and achievements that we believe will be of benefit to Canadian growers.

[*English*]

As you know, shortly after my last appearance before this committee, the new Pest Control Products Act and the revised pest control products regulations came into force. I am pleased today to be able to announce that two new regulations under the new act, the pest control products incident reporting regulations and the pest control products sales information reporting regulations, have both been registered and were published in the *Canada Gazette*, part II, on Wednesday, November 15.

The incident reporting regulations require registrants to report incidents, including adverse health effects, related to the use of their pesticides. The information collected from pesticide companies will be combined with voluntary reports received by Health Canada in an incident reporting database.

[*Translation*]

The Sales Reporting Regulations require registrants and applicants of pesticides to report information related to the sales of their products. These Regulations also allow as to require sales date upon demand in response to a situation that endangers human health or the environment. The Incident and Sales reports will enable us to monitor adverse impacts and provide us with greater information to assess the health and environmental risks of pesticides when conducting our evaluations.

[*English*]

Over the course of the 2006 growing season, the own use import program was again used extensively by Canadian farmers. By the end of June, we had approved 2,301 permits to allow the importation of 4.64 million litres. In the fall, we approved an additional 1,035 permits, bringing the total volume imported to 6.4 million litres.

Because the product label prohibits the use of ClearOut 41 Plus for weed control following a killing frost, we set timelines for permit applications, which considered the time needed to review the applications and import the product and which forecasted the expected timing of a killing frost.

Consistent with our approach last year, we consulted with our provincial agricultural specialists to forecast approximate final dates of use of ClearOut 41 Plus on a province-by-province basis. The earliest date forecast was October 15, in the prairie provinces. Unfortunately, we had to stop issuing import permits for the prairie provinces on October 11, as a killing frost had occurred throughout the region by that day.

In our work with registrants, growers, other government departments, non-governmental organizations, and the general public, we know that effective communication is key to enhancing understanding, confidence, and input into our work. Stakeholder engagement, for us, is essential to understanding the needs of the agricultural sector.

We have been communicating with our stakeholders, making regional visits, and working with organizations such as the Canadian Horticultural Council on a number of initiatives that I have outlined more fully in my report. Included in this list of activities is, as you know, the own use import program and the own use import task force that we established in 2005.

The own use import task force reached a full consensus and submitted its reports and recommendations, which were publicly released in July. The task force's recommendations are aimed at providing greater access to competitively priced products for growers while protecting manufacturers' investments in the data used to support the registration of their pesticide products.

We agree with the task force report and have initiated new work, including the pilot of the grower requested own use program, or GROU program. The GROU program, as described in the report, would be driven by the priorities of agricultural producers and would result in the availability of a wider array of pesticides for the benefit of many different users.

We have assessed 13 candidates to determine if the U.S.-registered products are materially identical to the Canadian-registered product. This pilot project has principally served as a basis to develop and refine both the scientific and administrative approach to the review of future candidates.

● (1120)

[*Translation*]

Disposal of containers imported under the Own-Use Import Program was highlighted by the Task Force as a pivotal issue. PMRA has significant concerns with the progress made to date on OUI container disposal. The GROU Program recommendation also stressed this issue, in particular, the need to ensure that standards were equal to the current stewardship programs for registered pesticides in Canada.

[*English*]

Following up on another recommendation of the own use import task force, we've established and have published a proposed “protection of intellectual property” policy. This proposal is an update to the current requirements. It incorporates the principle of chemical or biological equivalency and specifies categories of protected data and the duration of data protection. The new proposal places the onus of determining data value and compensation on the companies involved. The proposal is intended to encourage the introduction of new generic pesticides while protecting the intellectual property of registrants. The proposal extends the period of protection for the addition of minor uses as well, to encourage the availability of modern, innovative, potentially lower-risk products to Canadian users.

We've initiated work on another price discipline mechanism under the North America Free Trade Agreement, or NAFTA. The NAFTA label project allows growers from both sides of the border to access pesticide products that carry a NAFTA label. The product would be registered in both Canada and the United States and could be purchased in either country. As the registered uses of the product may differ between Canada and the United States, the product would carry two sub-labels, specific to each country's accepted uses.

We will be evaluating progress and implementing the recommendations of the own use import task force beginning tomorrow, with participation from the Canadian Horticultural Council, Grain Growers of Canada, Pulse Canada, the Canadian Canola Growers Association, the Canadian Federation of Agriculture, Farmers of North America, Agriculture and Agri-Food Canada, representatives from provincial government, and the pesticide industry. The evaluation will include an examination of the potential benefits of the grow program, relative to the own use import program.

● (1125)

[*Translation*]

It will also include developments related to the current OUI program, such as container disposal concerns.

[*English*]

No final decision has been made yet on the own use import or grow programs other than a commitment by us that an own use import program, in some form, will be available to farmers in 2007.

A number of additional projects are under way to further address concerns raised by Canadian growers. Included in these are: revisions to our minor use products to include products in addition to just active ingredients; joint review and work share activities, which have resulted in 76 registrations as of early November this year; nine more joint reviews that are currently under way; work shares; and a project to harmonize maximum residue limit-setting methodology. We've implemented and have worked further on harmonizing subzones for residue data, and we have under way a project to look at active ingredients of strong minor use interest, relying substantially on the United States Environmental Protection Agency's data packages and reviews.

I'm also pleased to announce that we are making progress toward addressing the still significant technology gap between Canada and the United States. As it pertains to our work, we use the phrase “technology gap” to refer to the pesticide active ingredients in uses that are registered in the United States and are of substantial interest to growers, including minor crop growers in Canada, but have not yet been registered here. This is largely because the pesticide manufacturers have not sought registration in Canada due to the comparatively small market for their products here.

To address this gap, one of the initiatives currently under way involves the use of dedicated PMRA resources. This initiative looks at active ingredients of strong minor use interest before a registrant even makes his submission to register in Canada. We're piloting this project for three new active ingredients, selected based on input from growers such as the Canadian Horticultural Council. To meet the approximately four-month review timeline we established, the PMRA is making use of the U.S. EPA's data package and reviews for these same active ingredients. We expect a target date later in December.

[*Translation*]

The three active ingredients include two conventional chemicals and a reduced-risk biopesticide. If all three active ingredients are approved for use, growers will have access to new pest management tools that would provide up to 250 minor uses to Canadian growers.

[*English*]

These three active materials will include among them, if approved, about 250 minor uses for Canadian growers.

The success of this initiative relies largely on manufacturers submitting an application to register in Canada. As manufacturers have already begun taking a more global approach to submissions, we anticipate that the situation will improve greatly in the coming years.

I would like to be clear. We are addressing issues of risks to health and the environment while at the same time working to address the concerns of Canadian agriculture. The mandate for our work is clearly laid out in the new act. This stresses that in administering the act, the minister's primary objective is to prevent unacceptable risk to people and the environment from the use of pest control products. But at this time, it's to all of our advantage to get access to newer, reduced risk products, and to have them used in ways that are appropriate for the Canadian agricultural sector.

In conclusion, I hope the projects we have under way will help to ensure that our growers have access to the necessary tools to remain competitive in the increasingly global agricultural market.

Thank you for having me here today. I welcome your questions on any of the issues of interest.

The Chair: Mr. Aucoin, do you have anything to add at this point?

Mr. Richard Aucoin (Chief Registrar, Pest Management Regulatory Agency): No, thank you.

The Chair: All right. We'll open up our questioning round.

Dr. Bennett, you have seven minutes.

Hon. Carolyn Bennett (St. Paul's, Lib.): Thanks very much.

With the new act, if this were to come into force, what would be the competing calls upon resources? Do you need more money to do this properly? How are we going to make sure that what Canadians hope from us, in terms of measuring the health of Canadians and actually doing what your agency is supposed to do, actually comes in line with population health and the risks that Canadians are worried about?

● (1130)

Dr. Karen Dodds: We did get some resources for implementing the new act, which started in 2003. I don't know that there was, at that time, a real recognition of the technology gap and the kinds of pressures upon us to look not just at what the registrants bring, but to also look in a more proactive sense at minor usage. There were funds. That's where we got funds to work with Agriculture Canada's Pest Management Centre, to start addressing the minor use issue in a proactive way. But projects such as the one I described, in which we're proactively looking at three active materials, are a brand new approach to looking at what the best use of our resources is in order to get the most minor uses approved.

The transparency requirements of the new act have made a big impact. Under the new act, when we receive a submission, we have to make that information public. When we propose a decision, we have to make that information public. When we finalize a decision, we have to make that information public. We got some resources, but they were again based on the numbers that were expected in the early 2000s.

Hon. Carolyn Bennett: As you know, I've always been concerned about the science. Even in toxicity, the science is quite often based on rats, and rats spend their lives detoxifying themselves in toxic environments. That's what they do. The link between human health and a rodent is pretty good at what it does, but sometimes it hasn't actually made the leap for me.

If it were a drug, we would be interested in doing a better job on post-market surveillance. What capacity do you have or do you think we should have for following up, say, the concern in P.E.I. at the moment around what seems to be a cluster of disease around certain chemicals being used?

Dr. Karen Dodds: The new act does give us strengthened post-registration controls. Part of that is realized with the two sets of regulations I mentioned. One is the incident reporting, which includes adverse affects. Once that's implemented—I believe it's in force on January 1, 2007, so the beginning of the new year—it will be mandatory for registrants to report to us all incident reports received, including adverse affects. That includes transmitting to us information received in the U.S. as well.

The new act requires that we undertake a re-evaluation of all of the older pesticides every 15 years. We had already begun that, by policy, in advance of implementation of the new act.

It also gives us some new tools so that we can now demand of registrants information at the outset of a re-evaluation rather than waiting for them to decide that they want to submit information to us.

As well, as part of the management of chemicals action plan, there is some money for biomonitoring. Information collected, starting this fall, done by Statistics Canada and funded by the government, includes some biomonitoring of analytes, which can indicate exposure to pesticides.

So we are very interested in improving our understanding of what is happening in the environment after products have been registered. For the first time, we've had the position of an epidemiologist established within PMRA. We've already started the work of recruiting an epidemiologist to look at the human data we have as well as all the toxicological studies that the registrants have to submit.

Hon. Carolyn Bennett: In the setting up of the new cancer agency, at its inception will you have an ongoing relationship with them in terms of population health and in terms of the primary prevention that I think we all want? Because individual by individual, I guess, I've never been able to see that we can prove... you know, things that are not proven to be dangerous aren't necessarily safe. So this is a different standard.

From chimney sweeps and testicular cancer to the aniline dye industry and bladder cancer to asbestos and mesothelioma, what capacity do you have to make those links in terms of human health and the things you're approving?

● (1135)

Dr. Karen Dodds: We work in a few ways. With cancer statistics, we're obviously very interested in receiving information, but we're also interested in improving the collection of exposure to the risk factors that led to the development of the cancer statistics in the first place.

This fall we had in a group representing the Ontario College of Family Physicians, including the CEO and including the primary author of the report they published a number of years ago, in order to meet with them and go over in detail how it is we approach our evaluation of the health impact, to share with them, to hear their concerns, to hear about the survey they use with patients when they have concerns about exposure from the environment impacting on health. We want to have a dialogue about what are the best indicators. They also provide some comments on the forms we're using for the incident reporting.

So it's looking at working with both family physicians and others involved in the health care system, working to get the best information out to people who need to be concerned about how they're using pesticides, and then putting back into the system what are the impacts.

Hon. Carolyn Bennett: Is there a capacity to have a longitudinal survey of the health of farmers?

Dr. Karen Dodds: There is one in the United States. We watch that and monitor it very closely. I'm not sure how often they publish their report, but it is a very large, very comprehensive study of farmers and their families.

The Chair: Thank you, Dr. Bennett.

We'll move to Monsieur Roy for seven minutes, please.

[*Translation*]

Mr. Jean-Yves Roy (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ): Thank you, Mr. Chair.

When you drew a comparison between Canadian and U.S. agriculture, you said that Canada should make every effort to be at the same level as the Americans with regard to the use of new pesticides.

According to your assessment, are the Americans really ahead of us at the moment in terms of the registration of this type of products? And can we really rely on U.S. registration compared to ours? Basically, my question is as follows: is ours more stringent than the Americans'? Is the registration process quicker in the U.S. or in Canada?

[*English*]

Dr. Karen Dodds: We have statistics from the last few years that show roughly half of the new actives we've reviewed have been done jointly with the United States. That is better than the experience from ten years before. So joint reviews are improving access at the same time to both Canada and the United States. Indeed, there's a consensus that the number of joint reviews will increase.

In doing that, we're clear that we have the authority to make our decisions and the Americans have the authority to make their decisions. We are doing the scientific review work in partnership, so some of my staff in PMRA will do certain parts of the evaluation, the U.S. staff will do certain parts of the evaluation, and then notes will be compared. The experience has been that when we do that we make the same decision at the same time.

We also know that in the United States, the IR-4 program is responsible for the majority of submissions for minor uses in the United States compared to Canada. Agriculture Canada is working with IR-4 now, but we're working to try to bring as many of those submissions for minor uses to Canada that are appropriate to Canada.

On the nature of our scientific reviews, the easiest area to explain the difference is the environment. Our act says we have to consider other Canadian laws and policies. So we have to consider the impact of the Species At Risk Act, whereas our colleagues in the U.S. EPA need to consider the Endangered Species Act.

Quite clearly, there are situations in regions where you're going to have different elements of the ecosystem at risk in Canada versus the United States, and it may lead to differences in decisions. But it will likely be at a specific level rather than at a broad, enabling level.

[*Translation*]

Mr. Jean-Yves Roy: So this could lead to different decisions. As a matter of fact, products that are registered in the U.S. cannot enter our country because our Canadian Environmental Assessment Act, which is linked with the Endangered Species Act, prevents us from allowing these products in before conducting studies on species that could be at risk. This is more or less what you are telling me.

I have other questions. One of the main problems linked to the use of pesticides by farmers is their improper use. I would like to know how pesticide users are trained.

More often than not, the products' dosage is inadequate and only approximate. Is any training offered to this effect? Are provincial authorities providing training to farmers who use pesticides? How is this training monitored? The bottom line is that the user is as much at risk as the person who will end up consuming the product.

● (1140)

Dr. Karen Dodds: Yes. We have adopted various approaches to train the users.

[*English*]

We work with grower organizations. We work with the Ontario College of Family Physicians. The more farmers understand why they should be careful in using pesticides, the more they will take care in using them. The provinces also have a responsibility to ensure that users know how to use the products they are interested in.

Increasingly for us it is a sort of system-wide approach. That's one of the reasons I've spent a lot of time meeting directly with grower organizations. It's not just in the nature of us wanting to tell them what they need to do; it's also so they can tell us what their issues are. If we say to do this and it doesn't make sense to a farmer, they're not going to do it. It takes both parties to work to say, "Here's the issue, and here is a way of using the product that will address the issue and protect the farmer's health or the environment."

[*Translation*]

Mr. Jean-Yves Roy: Mr. Chair, do I have another minute?

[*English*]

The Chair: Yes.

[*Translation*]

Mr. Jean-Yves Roy: How would you currently assess this training? You are telling me that you are working with the associations and the provinces but you certainly get some feedback on the training being provided. How would you assess this training? Is it good, excellent or not so good? We know that there is always a risk involved.

Dr. Karen Dodds: Our real concern is finding out where we could make some improvements.

[*English*]

We have inspection and compliance people. In this kind of arena, I think what you're looking to do is to develop conditions that support compliance rather than have inspectors go out and enforce. Again, I think we need to talk more about how we work with our provinces, grower organizations, and farmers to make sure there is a good understanding of the appropriate ways of using products.

[*Translation*]

Mr. Jean-Yves Roy: So your conclusion is that, at the moment, training can be rated as average.

Dr. Karen Dodds: Yes, there is room for improvement.

Mr. Jean-Yves Roy: Thank you.

[*English*]

The Chair: Thank you, Monsieur Roy.

Mr. Bezan, you have seven minutes, please.

Mr. James Bezan (Selkirk—Interlake, CPC): Thank you, Mr. Chair.

Thanks to both of you for coming in today. You mentioned that in 2006, so far, there have been over 3,300 permits given under the own use import program, representing 6.4 million litres. How does that compare to previous years?

Dr. Karen Dodds: The number is over 3,000 import permits, and it was, I believe, slightly up from last year, which was the real first experience with use of the program.

Mr. James Bezan: So there is quite a bit of demand out there, and it's slightly growing.

Now, you've talked about this GROU program. How do you expect that's going to impact on the OUI, the own use imports?

Dr. Karen Dodds: The recommendation of the task force was to move to the grower requested own use—the GROU—program because of some of the issues raised related to the own use import program. Under the GROU program, 13 different chemicals—different pesticides—have been evaluated. Results were shared last week at the NAFTA meeting, and I believe that seven of 12 were deemed acceptable into the program, five of the 12 were not acceptable, and one is still pending further information. So the GROU program has the possibility of providing a greater variety of products to farmers than the own use import program.

Mr. James Bezan: What's included right now under own use imports, and what products are they looking at?

Dr. Karen Dodds: Right now there's just one, and it's ClearOut 41 Plus.

Mr. James Bezan: It is just the glyphosate.

Dr. Karen Dodds: Yes.

Mr. James Bezan: Under the GROU program you're talking about products having to be materially identical. Why can they not be product equivalent?

● (1145)

Dr. Karen Dodds: There were some issues related to product equivalence. The current product is a glyphosate product and one that's registered in the United States. When we have a product that is registered in the United States, we know it's coming from a regulatory system comparable to ours. We have that experience because of joint reviews and because of all the work we've done on harmonization. So we know that formulants are given the same level of review, and formulants that we have a concern about, the Americans have a concern about. We know that contaminants are addressed in the same way in the United States as in Canada.

If there were a product proposed that was not from North America, say from a developing country that we didn't have familiarity with, it would be much more difficult to figure out how you would deal with the issue of formulants of concern and how you would deal with the issue of contaminants of concern. That's the kind of issue that the current own use import and equivalency issue raises for us.

Under the GROU program, which relies on the registrants working with us, we actually get the chemical specification from the registrants. The task force recommended that they be from the United States. So again, a lot of the unknowns are dealt with in that scenario versus the own use import scenario in which there isn't any limitation on what product somebody can bring to us for consideration.

Mr. James Bezan: With the GROU program, you're not looking at it having products brought in from other jurisdictions like Europe, where their regulatory systems are similar to what we have here in Canada. We import food products from around the world that are treated with these products. Why wouldn't we also accept their science, then, in bringing forward products to help our farmers be more competitive?

Dr. Karen Dodds: When we look at allowing the use of a pesticide, our act is very clear. We have to look at human health, and we look at human health from a number of perspectives. So yes, we look at whether the residues in the foods consumed present a concern. That's dealt with in international trade through the establishment of maximum residue limits.

We also have to look at occupational health and safety issues and bystander health and safety issues. We also have to look at environmental issues. You can have, and have lived through, incidents where we've been concerned about the environmental risk of a product or the occupational health exposure of a product but were not concerned about the dietary exposure of a product, because the nature of the risk is different.

Mr. James Bezan: One of the statements you made was that starting tomorrow you are evaluating this whole grower requested own use program. But you don't have any idea of how long that's going to take.

You're making a claim that there will be some form of a program available for 2007. That doesn't give a lot of confidence to the agriculture industry.

Our farmers need to know that it is going to be there for them to use. Can you give something more reassuring than that statement? Farmers who are going to be reading the blues or listening in on the broadcast are not comforted by that statement.

Dr. Karen Dodds: The evaluation starts tomorrow. I don't know how far they'll get. Hopefully, by the end of the day, we will have a very good sense of where people are interested in going.

The task force recommendation was that if the progress and the potential of the grow program looks acceptable to people, as an alternative to own use import, move to it in time for the growing season in 2007.

We know timelines are tight. All the timelines in looking at the own use import have been tight. There will be a number of grower groups at the table tomorrow, and they'll have their opportunity to provide comment.

Mr. James Bezan: There have been a couple of problems associated with ClearOut 41 Plus through PMRA. I guess you guys are in the weather business now, trying to predict when there is going to be a killing frost and whether or not it can be brought in. I am wondering, why are you even bothering with that? Every region in Canada will differ as to when that kind of frost is. Shouldn't farmers be allowed to bring it in and use it according to the label?

The second thing is you're talking about the disposal of containers. Again, isn't that an environmental responsibility and predominantly under the jurisdiction of the provinces? So why would PMRA be overly concerned about that, when we already have regulations across the country on the disposal of containers?

Dr. Karen Dodds: There are a couple of different points.

When the own use import experience started with the 2005 growing season, and a number of different concerns were raised, one of the points we made was that it involves the regulator in a different way from a registered Canadian program.

The regulations are very clear about the role the regulator plays. They're clear that it is for import in use in one growing season, and that is a limiter, as compared to access to Canadian registered product.

As a regulator, I have to play by the rules too. With all of the issues raised by own use import from the get-go, we said we are going to try to make sure that everybody plays by the rules, as currently established, recognizing that all sorts of parties have different issues with own use imports.

So the idea is, yes, we continue with it. We recognize that some folks really like it; some folks really don't like it. There are different issues. So we will continue with the rules, as in place now, with a task force established that made recommendations. As I said, part of it is an evaluation starting tomorrow.

So, yes, if a farmer bought Canadian-registered glyphosate in a co-op down the road, the farmer gets to use it under the farmer's own judgment. With own use import, we're clearly having to play a role in approving an import permit. That's part of our job, and part of our job as a regulator cannot then be to make a farmer non-compliant with the label.

This is a difficult issue. I'm not saying we like it. It's part of the current rules. Whether that continues under the grow program, some of those details have not yet been established.

● (1150)

The Chair: Good. Thank you.

Following up on that as a point of clarification, ClearOut 41 Plus is registered for use in Canada. It is on the shelf of my local co-op, wheat pool, or whatever. Are the labels exactly the same?

Dr. Karen Dodds: Yes.

The Chair: So how does the store keep selling it? They are allowed to sell it even with that on the label, and yet under the OUI, I can't bring it in. So we've got a bit of a disparity there, and you're saying that this is your purview, because they agreed to that label requirement.

Dr. Karen Dodds: If you bought the Canadian-registered product from the co-op down the road...there is nothing that says a farmer has to buy and use a Canadian-registered product in one year.

Under the own use import program, the regulations are very clear, black and white: import and use in one growing year.

The Chair: It's a growing season, not a calendar year.

Dr. Karen Dodds: I would have to check for the precise wording.

The Chair: There is quite a difference, because a lot of fall and winter annuals need a killing frost to slow them down to the point that the ClearOut 41 Plus will work.

You made a statement a while ago, and I'll check the blues, but your quote was, “If we say to do this and it doesn't make sense to a farmer, they're not going to do it.” This whole idea of frost somehow prohibiting them from going out and doing their fall work and killing their winter annuals doesn't make any sense to me. Those are the phone calls I'm getting. Now I see you've consulted with provincial agricultural specialists. So it's not just me; it's Mark Wartman in Saskatchewan, it's Roseanne Wowchuk in Manitoba, and so on, who have to share some of this heat we're taking.

I find it quite hypocritical—that might be the best or kindest word I can use—in that I can buy it off the shelf and it says not to use it after a frost, and you're saying it's prohibited to use it after a frost. I don't think the label says that. It probably says it doesn't recommend you use it, but I've never read the label. I'm too busy mixing it and using it.

I find it at cross-purposes that we would regulate it differently—and it still comes in under your watch—to put it on the shelf of the co-op or in my truck as I come across the border. I find it at cross-purposes that those two things don't jive.

One other point I noticed in your presentation was the one thing you didn't mention.... Let's back up on ClearOut 41 Plus for a second. Was it one of the first 13 candidates, as you called them? It has been accepted under the GROU.

Dr. Karen Dodds: It hasn't been accepted. It's one that we haven't received information about from the U.S. registrant. It's the one that's pending.

The Chair: Okay. That leads me to the next point. Part of the prohibition or the unlikelihood of the GROU working any better or giving any farmer more access to more chemicals is the cost of registration in Canada. It runs anywhere from $1.5 million to $2 million per product. That's what we're being told. Do you say no, or do you say that's reasonable?

Dr. Karen Dodds: It depends on what you're registering and how you're registering it, and it depends on whether you are talking about additional cost to register just in Canada, where that would be very excessive. If you already have it registered in Canada, the total new costs to the company to register in Canada are not in that order.

The Chair: Somewhere along the way they paid to register it in Canada, whether they are renewing the registration or it's the first time. The costs run in that level, and you said yourself it was a very small market here, so why would I, as a manufacturer, want to spend $2 million to come in here for 2% of my market share? That's going to be the limiting factor.

Dr. Karen Dodds: As I said, at this time, because in general new products are better for human health and better for the environment, with good rationale I can put PMRA resources to addressing the technology gap, so farmers in Canada have access to better product, newer product, and we're getting rid of more of the older product that is more problematic.

The Chair: Okay, but the problem is—

● (1155)

Dr. Karen Dodds: The testing to register a product—and Dr. Bennett referred to the toxicological testing—is common around the world, so we don't add to the registrants' burden with the toxicological testing. That is consistent around the world. Our costs for bringing registration to us are not $1 million. You get into that ballpark when you're talking about the costs of all the studies, not the cost just for dealing with the Canadian regulatory system.

The Chair: The studies are part of the regulatory system.

Dr. Karen Dodds: They are harmonized with Europe, with the U. S., with Australia, with Japan. You're not going to get your product registered in any developed country unless you've done those basic tests.

The Chair: Therein lies the rub, in that the criteria you're talking about is people's health and environment. Then it all boils down to the cost of the product to the producer as well, and that's where Canadian farmers are struggling to stay afloat, and somehow we need to address that. If it's good for people and good for the environment, I have no problem with that. That's great. Then why are producers alone paying the price in the cost of product? It's all rolled into that bottom line and the cost of the ClearOut 41 Plus or the Roundup Ready or whatever you're going to use. Why are producers alone shouldering that burden?

Dr. Karen Dodds: The way I express it to registrants, to any user sector, to the health groups, and to the environmental groups is that we are trying to minimize the costs the Canadian regulatory system brings to bear on registrants. We are also trying to have incentives to get products registered, so the registrants get a shorter timeline for the joint reviews. We agreed last year at NAFTA to a 25% decrease in efficacy trials, which is a savings in the hundreds of thousands of dollars, as an incentive for them to come to both Canada and the United States at the same time, so our farmers have access to the same product at the same time.

As I said, our new proposal on protecting intellectual property is that for every three minor uses they put on the label they'll get a year. The proposal is added protection as an incentive for them adding more minor uses, and for the first time in PMRA, with this project we've dedicated our own resources to addressing the technology gap. We are working to address that.

The Chair: Thank you.

Mr. Steckle for five minutes, please.

Mr. Paul Steckle (Huron—Bruce, Lib.): My apologies for being late, but I knew this would happen this morning.

At the outset I'll say welcome. It's almost a breath of fresh air to see some progress being made at PMRA after so many years of what we felt was less than adequate performance. And that perhaps is an unfair judgment of PMRA, but I think we've moved beyond a certain point, which is the reason for our requiring you to come twice a year. So we want to thank you for coming this morning.

I missed out on some of the questions, so I hope my questions will not be repeats of what has been asked before.

Manufacturers, obviously, are looking for the greatest share of the market they can find, and obviously introducing a product into numerous countries at a particular time is important. My understanding is that PMRA has entered into new joint agreements, "review initiatives", if you want to use that term, with the United States, Australia, and one with Austria. Obviously, there are things that we would find as common between all of these countries. If we were to look at issues that can be deemed to be common.... Let's basically look at the United States, because they're our neighbours and we commonly talk about harmonization, and if there's harmonization with the Americans, we really don't care about what happens with Australia, particularly. But if we could harmonize with the United States, we would feel we've made some progress.

What would be some common areas where you would be able to check that one off and say that one is now behind us, it is not an area where we have to do further study or further science? What are those issues that we would consider as common points where we can agree we'd go forward on? If it works in Michigan, it works in Ontario. We know the geography, the land type, and the soil type and those kinds of things. What are the really common things that we can take off the table?

● (1200)

Dr. Karen Dodds: On the human safety side, our data requirements right now with the United States are harmonized. So in terms of what is the maximum information that the U.S. EPA would look at and what is the information we would look at, that's harmonized.

On the environmental side, as I said, there remain some specific issues, and it's easier to recognize that the environmental situation differs around the world. In terms of the agricultural uses, we have moved to improve the situation with respect to sub-zones. With the United States, there is further examination of where is it. And indeed in some situations now we don't require any efficacy data on Canadian soil because there is an American zone that's close enough and you can accept American data.

For residues, there's still work to be done there.

But I do want to comment on what you said, that we want to harmonize with the United States. One of the things we're also working on now with a number of colleagues is Japan. Japan, for the first time, is establishing specific maximum residue limits. As they do that, it's having an impact on trade to Japan. We know Canadian farmers want to be able to ship product to Japan. So again, we've put some of our resources to working with the Japanese government so they understand the scientific basis of our establishing MRLs and to hopefully have them accept what we've done for MRLs.

It is the case that Japan aligns most closely with Australia, has a lot of confidence in Australia as a regulator. So in a global review, if Australia is one of the groups looking at it, you're also increasing your likelihood that Japan might accept the results. I believe Japan is actually an observer in one of the global reviews that's either under way now or scheduled for the future.

Richard has more experience with registration information and can provide a few more details.

Mr. Richard Aucoin: Thank you.

If I could just add, sir, with respect to joint reviews, you mentioned the joint review opportunities that we now have with Australia, with Europe, Austria. We're currently doing those joint reviews for brand new chemicals. It's interesting that the manufacturers of those brand new chemicals are able to put together one single package of data and information, not only for Canada, the United States, and Europe, but sometimes for Australia.

In those situations they're adding some additional information to cover off specific regional environment needs that Europe may have or that Canada might have or that the United States might have, and that occurs for both environment and efficacy.

From a human toxicology standpoint, that is largely harmonized to the extent where most countries are asking for essentially all the same information.

We've done a substantial amount of work over the last five or ten years in harmonizing the kind of information we have. So in terms of your question of what we can focus on, through both our work at NAFTA and through the OECD, we have narrowed down to some of those key things that can still make a difference between whether chemicals can come to one country or another or whether they might serve as an impediment to a manufacturer coming to Canada.

The number of those differences is getting very small.

● (1205)

Mr. Paul Steckle: You would agree that we've made some substantial progress in the last two years?

Mr. Richard Aucoin: Yes, sir.

Mr. Paul Steckle: On the issue of new product being used, for instance, in the United States, where the old product has been taken off the market and the new product is not yet available in Canada, how are we dealing with that? I know that minor use permits are given from time to time for some of these things, but are we as responsive as we need to be?

Obviously, for some it will never be responsive enough, but have we moved forward on that side of the issue? There are times we find an old product being taken away before there's a replacement for it. That leaves our farmers in a very vulnerable situation, given that the product is time sensitive.

Dr. Karen Dodds: Yes. There are a few things we're doing about that.

One is that our re-evaluation program now holds regular teleconferences, and anybody who's interested can participate. A number of grower groups have people participating. That is to get a better sense early of whether, if you cannot have this product anymore, it presents you with concerns. So it's to get a better understanding of where a product is being used now, where it's a critical product, so that we can see what we can do to set up.

We are specifically looking at transition strategies. We are minimizing the number of times we're taking away one tool without having another tool available. That's one thing we're doing.

At last week's NAFTA meeting we pursued further and have agreed with the United States Environmental Protection Agency to work in close collaboration, if not work share, in our future work on re-evaluation and their future work on registration review. So again, it's to recognize that what's good for new products is also good for old products. As we've said, the scientific assessment is very consistent, and one of the ways of addressing workplace pressure is to work more collaboratively with fellow regulators.

That brings with it its own pressures. Richard and a couple of other colleagues were in Bonn, Germany, to work out the scheduling details of the joint review. I need to be able to say it's worthwhile for Richard to travel to Bonn, that it isn't a tourist trip, that he's actually doing good work there.

We're also working in collaboration with the United States in developing a future timeline for re-evaluation activities.

With our Pest Management Advisory Council, we've also talked about our ability within PMRA to prioritize work. Again, the system had been to respond primarily to what registrants were bringing to us, first in, first out. Registrants are most likely driven by their bottom line, which is profit, which I don't agree should be our bottom line. I am more interested in what's happening in the Canadian environment. We're public servants. I'm interested in, as I say, giving access to newer products to all users, not just the agriculture sector.

We have talked about prioritizing and saying that if a new product is going to be a critical replacement for an old product, it will move into an earlier position in the queue and we'll address it faster.

Again, an example that I give when I'm talking with stakeholders is if it's the tenth herbicide for corn, is it as important as if it's the first for wireworm in potatoes? I think most people would agree that the latter situation, the first product to work on wireworm in potatoes, is more important for us to work on than the tenth herbicide for corn.

Again, our Pest Management Advisory Council saw merit in that and supported us going forward with it.

The Chair: Thank you, Mr. Steckle.

Mr. Miller.

Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC): Thank you, Mr. Chairman. I may be splitting my time with the member from Wainwright.

I want to go back to what Mr. Bezan, Mr. Ritz, and some others have talked about in regard to the products and the timelines, like the frost in the fall that you talked about. My biggest problem with this, Dr. Dodds, is that it almost gives the appearance or implies that farmers aren't as smart as they should be and don't know how to use the product. It almost even implies that they're untrustworthy. Being a farmer and knowing a lot of farmers, I can tell you that both are far from the truth.

I know—at least I'm quite sure—that nobody at PMRA meant to imply that, so what are the reasons to justify that? Regardless of whether the product has a timeline as far as frost is concerned, no farmer has been known to deliberately put something in that's going to be bad for the environment. And cost always comes into it as well. A farmer is usually pretty conservative in the pocketbook because his margins are so fine. He's not going to buy something and use it if it's basically not going to give him some kind of financial benefit. Perhaps you could comment on that.

And I have another question. Last Friday, this government announced a new chemicals management plan. I think PMRA will be affected by that, so I'd just like to know how some of those changes are going to affect you. Maybe you could comment on that.

● (1210)

Dr. Karen Dodds: First, let me go back to this fall's experience with the own use import program and permits. Let me reassure you that as regulators we don't want to be seen to be arbitrary. We actually looked at whether we are being too strict and too tight with respect to applying the rules. My first question to the specialist was, "What is the impact of the killing frost on the effectiveness of the product?" I am a scientist, but I'm not a plant person at all. We had people sending us pictures of green plants, green weeds in their fields, saying the product will work. Well, it doesn't.

The information we have is that glyphosate is a systemic product. It has to go into the root system and be taken up by the plant. Even before a killing frost, the plant has stopped that kind of metabolism. You may see an effect, but it's likely an effect due to temperature and frost rather than an effect due to the herbicide itself. That's the information I got.

We checked with the provincial people, because we had folks saying there hadn't been a killing frost, and we checked with our regional people. They all said, "No, this has happened."

Mr. Larry Miller: Perhaps I'll interrupt you there and go back to a comment that Gerry made. I'm not trying to be smart or anything like that, but Gerry made a comment that sometimes it takes a killing frost to make this work. I haven't used that product myself, so I'm asking simply because I don't know. What is your comment to his, that sometimes you need that frost to make it work a little bit better?

Dr. Karen Dodds: Again, I don't know whether Richard has more details, but we did check with our people on whether this specific product would work after a killing frost and they said no.

Not all glyphosates are the same. They have different formulas, different adjuvants, and different safeners. The information we got was that this product does not work, which is why it's on the label like that. To use a product inconsistently with the label is not in compliance with the Pest Control Products Act and regulations.

The other thing I want to say is that at the NAFTA meeting last week, as an example, we did not have environmental groups represented. We did not have health NGOs represented. The discussion at the Pest Management Advisory Council is that right now those groups are fairly satisfied with where we are as a pesticide regulator and where we want to go. They aren't concerned about the own use import program.

Our provincial colleagues raised the container disposal problem with us. In terms of us taking it forward, we are trying to make sure we are keeping environmental groups and health groups as satisfied as critical user groups, which obviously include agriculture, when it comes to what we're doing as a pesticide regulator. That's not an easy job of balancing.

Right now we're at a point where, quite literally, we've had some of the environmental groups say, "We are satisfied and we may actually not continue on your Pest Management Advisory Council because we have other fish to fry, other issues that are now of a higher priority." With the own use import program, they've been very carefully watching what is happening and how Health Canada is enforcing, because they recognize that this is product that isn't registered in Canada but is brought in under other things.

In dealing with the own use import, we're also thinking of what the provinces are raising to us as concerns and what the health and the environmental groups are raising to us as concerns. They were invited to be part of the own use import task force, and both the health and the environmental groups elected to see all the documents and raise issues just in a paper review. Again, they've maintained enough satisfaction and confidence that they haven't been active participants. They've just been watching all of the written information, which we've been continuing to share with them, as with everybody, in regard to what's going on with that program.

● (1215)

Mr. Larry Miller: Maybe you could answer my other question a little later. I believe Leon has to leave, so I'd like him to get—

Mr. Leon Benoit (Vegreville—Wainwright, CPC): No, I don't. I'll get a round in later.

The Chair: You're actually over time already, Larry. Thank you.

Mr. Steckle or Dr. Bennett, do you have anything to add at this point?

Mr. Paul Steckle: I wasn't here for the earlier comments perhaps on the own use, but I see there is some concern that you have with the containers. Is this because the product has to be used within that particular crop year and you want those containers disposed of in that particular 365-day period, or is it that you can't hold this over for another year? What's the difference between that container and a container you would find used for other products that are not under the own use category?

Dr. Karen Dodds: Again, the regulations for the own use import program are clear, in that the permits are for products imported and used in one growing season, one year, or whatever it is. If the label allowed for "after a killing frost", we would allow it after a killing frost. Farmers are not to import quantity for two growing seasons.

We've recognized that nobody can be perfect in terms of estimating amounts, and some farmers may have imported excess. We won't raise any issues about a small amount of excess. Again, part of our role in permit approval—and I'm not saying it's a role we like—is to make sure the farmers are importing an amount of product that matches their use, so that they're not importing and then going to share with their neighbours or something like that. It's for own use. That's clearly part of the program.

The concern is with empty containers, not with containers that farmers have some excess product in and are keeping on their farm.

Mr. Paul Steckle: Why the greater concern for those containers than for the containers of other products? Or do you share equally the concern for others? Why is this an issue?

Dr. Karen Dodds: The information we have now on container stewardship in Canada is that the voluntary recycling program, which is funded partly by industry and partly by the provinces, has a 70% return rate. In the early fall, at the time of our FPT meeting, which was in early October, at that point the collection rate for own use was under 15%.

Mr. Paul Steckle: I see where you're going, but I think you have equally a concern for all containers being returned; there are just fewer of the own use ones. That may indicate there's more product left in those containers, and we're not able to return them because there's still product there. Is that the case?

What are the penalties if someone is actually found to be in violation of bringing in more product? There could be situations where, if frost had occurred earlier than was anticipated and someone were caught with product in their storage, there would be a reasonable explanation. Is there a penalty section here that would apply? How would you deal with someone who's in violation of the general principles?

Dr. Karen Dodds: As I've said, in our approving and import permit, we have done a review that says we have reason to believe the amount imported is actually what the farmer is going to use this growing season, that there is a match between volume and acreage to be treated. But even last year we recognized that nobody is perfect at estimating and that weather conditions can vary. Producers may, with all of the best intent, have imported product and had some left over. We have said we're not going to intervene there.

If there were farmers who did have intent, I don't know of it now; I haven't heard of anything like that, as shared with us. Our inspectors have done some field work; the provincial people have done some work. It's with empty containers. The stewardship program funded by industry isn't looking to accept products that have come in and that Canadian farmers haven't bought from Canadian industry.

● (1220)

Mr. Paul Steckle: I was just asked by my colleague whether you have an advisory board that would give you advice. Do you have people who actually go out into the field and do field inspections, just randomly?

Hon. Carolyn Bennett: Or what's your relationship with the stakeholders?

Mr. Paul Steckle: The relationship between—?

Hon. Carolyn Bennett: Stakeholders. Do you have an advisory board?

Dr. Karen Dodds: Yes. There is the Pest Management Advisory Council, which is multi-stakeholder. It includes registrants, it includes users, the Canadian Federation of Agriculture has a seat on it, the Canadian Horticulture Council has a seat on it, there are now three or four representatives of different health associations and three of environmental non-governmental organizations, and our provincial colleagues have a seat at the table. So do a number of academics.

They provide advice and input to us. The issue of the own use import and the disposal of containers has been raised by the task force. The task force has the registrant represented, it has CropLife, and it has a number of grower groups. We're on it and some provincial reps are on it. The health and the environmental people just kept a watching brief; they didn't play an active role.

The Vice-Chair (Mr. Paul Steckle): I have been taken away from my position of asking questions. My time has expired according to the clock.

Some hon. members: Oh, oh!

The Vice-Chair (Mr. Paul Steckle): So I can either ask for unanimous consent for me to continue or I can exercise my duties in my role as chairman.

Mr. Roy, do you have any further questions?

[*Translation*]

Mr. Jean-Yves Roy: I have only one question. You mentioned your advisory council. I would like to know if the Canadian Food Inspection Agency is part of it.

Dr. Karen Dodds: No, not at the moment.

Mr. Jean-Yves Roy: Is your agency linked to the Canadian Food Inspection Agency?

Dr. Karen Dodds: Absolutely.

Mr. Jean-Yves Roy: Let me give you a very concrete example, even though I know that it does not concern your role.

After the Chernobyl accident, we imported rather significant quantities of strawberry, raspberry and small-fruit jam from East Bloc countries. This made no sense whatsoever and was completely illogical.

At the time, the Canadian Food Inspection Agency replied that it was impossible for them to detect anything in what we imported, even chemical residue.

I would like to know what your relationship is with the Canadian Food Inspection Agency. Do you recommend it in this regard? I would like to know how the two agencies are linked.

Dr. Karen Dodds: We certainly have a strong link because we have to work together in several areas. As a result, every year, the agency provides us with information about its compliance program, and we provide them with residue-detection methods of analysis.

[*English*]

When they detect situations of concern, they come to us for an assessment of a problem. So we have fairly regular interaction on an annual basis about their residue-testing and compliance program.

Indeed, we have a number of memoranda of understanding with the CFIA, including one at the inspection level, because some of our compliance and inspection is actually delivered by their people, not PMRA people.

[*Translation*]

Mr. Jean-Yves Roy: Are these residue tests conducted only on products we produce or are they also applied to products we import?

Dr. Karen Dodds: Both.

Mr. Jean-Yves Roy: Tell us what proportion of products you have refused to import, products that contained residues. We know that at the moment, countries such as China, among others, are becoming more interested in growing high-end products. However, these products are grown under totally appalling conditions. If we grew such products, we would never market them here.

Have you ever refused to import products that contained residues? We are told that it is practically impossible to detect.

Dr. Karen Dodds: I don't have these figures at the moment.

[*English*]

We have year-to-year data from the CFIA. We provide input to them when they're establishing their compliance program, and they always report back to us. Indeed, a lot of that information is publicly available. They tell us of specific issues or more general, broad issues, and we work with them to follow up to address them.

We can provide that to you. It is not our responsibility to monitor products coming into Canada. We set the maximum residue limits, and it is CFIA's responsibility. They have a sampling program that looks at both domestic and imported products.

● (1225)

[*Translation*]

Mr. Jean-Yves Roy: Mr. Chair, I would like to have the documents.

[*English*]

The Vice-Chair (Mr. Paul Steckle): You have another minute.

[*Translation*]

Mr. Jean-Yves Roy: I would like to have the documents that have been referred to. Is this clear?

[*English*]

The Vice-Chair (Mr. Paul Steckle): So you have the documents, but you don't have them here. Do you want them tabled?

Dr. Karen Dodds: It's not our information. It's from the Canadian Food Inspection Agency, because it's their responsibility to monitor products. I know that it's publicly available.

[*Translation*]

Mr. Jean-Yves Roy: It doesn't matter because the documents are available.

[*English*]

The Vice-Chair (Mr. Paul Steckle): We can seek those documents for the committee.

Mr. Benoit wants in on this. It's a procedural thing. The paperwork hasn't been done for you to be at the table, but I want you to be able to ask questions. I need concurrence of this group.

Some hon. members: Agreed.

The Vice-Chair (Mr. Paul Steckle): Mr. Benoit

Mr. Leon Benoit: Good afternoon, Dr. Dodds and Mr. Aucoin. Thank you very much for being here.

Dr. Dodds, you said the goal of the PMRA is to minimize the number of times we take away one tool without another tool being available. That's exactly what the PMRA has done with the 2% liquid strychnine, which is the only effective control for Richardson's ground squirrels or gophers.

Furthermore, it's shocking to find out that there was no evaluation of the dollar value of losses to crops that farmers have suffered due to having this product taken away. I have heard estimates of $200 million a year. From what's been happening in the last couple of years, I believe that would be low. It's a huge issue for farmers. The number of letters I get, and no doubt the number of letters you get, from farmers and people from municipalities would back that up.

This product was removed some time ago. In 1998 I put a motion before the House for the production of papers. The motion read:

> That an Order of the House do issue for copies of all documents, reports, minutes of meetings, notes, memos and correspondence regarding all aspects of the government's ban of the 2% and 5% solutions of strychnine.

That motion passed. It was sent to the PMRA, and I received a roughly 200-page document that is supposed to include all of those papers. Going through those papers, it was shocking that there was no information in there that should have led to the 2% strychnine being taken from farmers and this great cost being imposed on farmers.

Furthermore, in 2005 the PMRA did a couple of reports on strychnine. One was on the re-evaluation of strychnine and its proposed acceptability for continuing registration. I went through those reports, and there was no good reason for this product to be taken away. I found it quite shocking.

Where is this issue now? Will the 2% liquid solution, which was so successfully used by farmers for such a long time, be returned to farmers in the near future, at least on a pilot project, so it can be returned fully as time goes on? If not, where is the appropriate replacement product?

Dr. Karen Dodds: Thank you for the question.

The registration of strychnine was cancelled in 1992 due to concerns about its high acute toxicity and the high potential for non-target poisoning.

I understand that farmers are interested in using it to control Richardson's ground squirrel, but a lot of other species were also exposed to strychnine, consumed it, and were killed unintentionally.

Obviously we have a responsibility—it is clear under our new act—to look at environmental impact and non-target species.

Mr. Leon Benoit: If that's the case, then why was the information that you base that statement on never provided for me on production of these papers?

The requirement of the motion was that the PMRA provide all of the information leading to this decision. And that was never provided.

I don't believe it's there. I've seen nothing, no indication from anything I've ever received, that backs up the statement you just made.

Dr. Karen Dodds: In our re-evaluation, which specifically looked at the ready-to-use bait, which is a diluted and formulated fashion of strychnine, there were still concerns about the effects of that level of strychnine both on human health and on non-target species. If a 0.4% ready-to-use bait presents challenges, I think it's pretty clear that a concentrated form of strychnine presents even higher levels of concern for human health and the environment.

There is discussion—and we've had discussion with the Saskatchewan Association of Rural Municipalities—about presenting an alternative aluminum phosphide known as Phostoxin as an alternative.

I know that there have been some concerns raised about the effectiveness of the strychnine ready-to-use bait, so we've been working with farmers and the provinces of Alberta and Saskatchewan on alternatives. This one, Phostoxin or aluminum phosphide, has been presented as an alternative, and I think there's interest in looking at it.

● (1230)

Mr. Leon Benoit: That's fine once that's been demonstrated to be effective. It has not. Until that time, the only effective control is to have the farmers themselves mix the 2% strychnine solution.

I've read both of the documents involved, which came from the study you did in 2005, or at least presented in 2005. The statements you made about that, again, are simply not backed up by what's in the report.

This product has been taken away from farmers, costing possibly $200 million, or possibly more, per year, and again there simply aren't any good reasons. This is something that's been done without proper consideration and without evidence that would indicate that it should have been done. It was a bad decision, costing farmers a lot of money when they clearly can't afford that.

Dr. Karen Dodds: I can say a couple of things.

Certainly most developed countries have also prohibited the use of concentrated strychnine as a pest control product now. So Canada wasn't alone.

In 1992, when the decision was made, it was the responsibility of Agriculture and Agri-Food Canada.

One of the tools the new act does give—and I certainly can't make a commitment to deal with things that are from 14 to 15 years ago—is going forward, and our new act gives us a tool. The new act has a new definition of value. In re-evaluations, this is one of the situations in which value has been used by our colleagues in the United States to look at the economic impact on a certain sector of the tool and to use it to refine the permitted uses going forward, if you need to restrict use, to make sure you're restricting use to where the product is of high value and that there aren't alternatives.

The Vice-Chair (Mr. Paul Steckle): Your time has expired, Mr. Benoit.

Dr. Bennett, do you have any further questions?

Hon. Carolyn Bennett: I'm just hoping you will take the opportunity presented by the new cancer control agency to endeavour to work together with them as they put their structure in place. I hope we will be able to track these things in a geographic way.

And I guess—Dr. Dodds and I have had this conversation before—you could look at the nuclear waste organization and its best practice in terms of citizen engagement. When this is as worrying as it seems to be to Canadians—and it is a big concern in terms of urban-rural differences—we should do whatever we can to find a citizen engagement tool that will not only help with the education but also communicate the science around these things. I really hope you'll move forward and bring the science and citizens together.

Dr. Karen Dodds: We've started those discussions, or at least I myself had some discussions on that. I was in B.C. in the spring, both right around Vancouver, in the southern mainland, but also in the Okanagan Valley, and you can see around Kelowna orchards and vineyards interspersed with suburbia. In P.E.I., again, you see that agriculture and urban and suburban folks are increasingly interrelated.

So both at our federal, provincial, and territorial meeting and at our Pest Management Advisory Council meeting, the current concern about use of pesticides in an urban situation obviously presents challenges for other users. Pesticides are critical tools for many sectors, agriculture clearly being one, forestry being another, and lumber being another, and you want to be able to have a discussion about what are the issues and what are the concerns that folks have and work to resolve those issues in advance.

● (1235)

The Vice-Chair (Mr. Paul Steckle): Anything else, Ms. Bennett?

Hon. Carolyn Bennett: No, thank you.

The Vice-Chair (Mr. Paul Steckle): Mr. Atamanenko, are you prepared for questions?

Mr. Alex Atamanenko (British Columbia Southern Interior, NDP): In all fairness, not having been here at the presentation, if somebody else would like to take my time, I'd be very happy to allow that.

The Vice-Chair (Mr. Paul Steckle): Okay. Anyone on the side of the government?

Mr. Anderson.

Mr. David Anderson (Cypress Hills—Grasslands, CPC): I'd like to follow up, actually, on Leon's statements. He's right. You made some statements here today that this has a high potential for this and concerns for that, but there's no scientific basis for it.

Our folks out there use the stronger solution. They've used it effectively. I would actually argue that the diluted bait is probably more of an environmental hazard than the stronger solution was, because you have to use so much more of it and it's spread all over the ground. Farmers were able to mix the other stuff, put it in small amounts down the gopher holes, and were able to do the job with that.

We were left without anything. It was a huge issue in my riding last fall. There were pictures in *The Western Producer*—I don't know if you saw them—of the gophers down the road. There were hundreds of them in the space of a quarter mile.

We had ranchers call about the fact that they were eating off entire quarter sections with the drought that's taking place in southwest Saskatchewan. So we need something. This has been taken away, and I'm even more concerned when I hear that there is no scientific rationale for taking it away. You can't provide it; it wasn't there in the first place and it can't be provided now. I think we need to take another look at this situation.

Mr. Richard Aucoin: I have a little bit of history around the strychnine issue. My understanding is that the reason it was taken away in 1992 was at least twofold. First, you had a very highly toxic liquid product that in itself posed some inherent hazards. Second, there was a significant amount of information during that period of time with respect to non-target poisoning incidents, a frequent series of information notes from western provinces with respect to dog poisonings, as an example, where the assessment was clearly that it was strychnine that had been used to poison dogs.

Those were the kinds of reports we were receiving. Some information from police forces in that region, for example, were recommending that we move away from that. It was an Agriculture Canada decision at the time. I'm quite confident from the information that I have that it was based on those two factors: a highly toxic liquid substance and these dog poisoning incidents.

With respect to other products available, even in those early 1990s there were ready-to-use products available, but they were not effective for a whole series of reasons. Later on, we tried to address that. The manufacturers worked with us to address that issue by producing a ready-to-use bait that could be manufactured quickly and delivered on time so that there were fresh products available to producers, certainly at a higher cost, I'm sure.

The re-evaluation of strychnine itself has concluded that even the existing ready-to-use products do have significant environmental issues with them that we need to address.

So there is significant information there that would have prompted those decisions.

Mr. David Anderson: First of all, no one is arguing that this isn't a toxic substance. That's why it's used for the purpose it's used for. So that can be dealt with. You can regulate the use of it. That's your job. But the reality is that there is no other alternative there, and the decision was apparently made without any specific scientific evidence to make it. They talk about dog poisonings. I have dog poisonings in my part of the world now, but unless you have some vast, documented evidence that this is happening on a grand scale, that's not a reason to ban this substance.

In terms of police forces, I don't know what their data was, but the ready-to-use products do not work. Even the diluted form of the brand is not working effectively. The only thing that works is long-rifle .22 shells, and people are getting sick of doing that.

Mr. Richard Aucoin: The information that we have always received from provincial specialists is that this newer version of the ready-to-use products is as effective as when the liquid product was mixed by the farmer with their own grain to make the product.

That's the information we have been basing.... That's the information we have had.

● (1240)

Mr. David Anderson: Well, I'd invite you to send some folks out to my riding. We'll try it this spring and we'll see about the effectiveness of it. We have a great pilot project there, with quarters and quarters of ground just polluted with these things. People cannot control them. We need a proper product.

Mr. Richard Aucoin: We recognize that it's a serious problem.

Mr. David Anderson: I would like to go back to the GROU program. Farmers—in Ontario just last week and I know in my part of the world as well—are really concerned that they have an effective own use import, or OUI, program in place. The farmers want it and they're calling for it. I think the new GROU program has some things in it that need to be addressed before it replaces OUI, and I'd like your comments on some of this.

On this proposal that things need to be materially identical, we're getting some concerns from producers and others that it does a number of things, including limit the scope of products registered to the same company on both sides of the border. I'd like you to comment on this, that the product needs to be registered on both sides of the border in order for it to be available.

There is a concern about the ease with which companies can alter the distribution within the U.S., to avoid sending the chemical here, by not making it available down there.

There is a concern about the fact that companies will be allowed to change the product in a minor way to avoid the program, so that it's not materially identical.

There is an issue about how easy it is for companies to change the labels so that the product does not meet requirements and then obviously can't be imported into Canada.

There is also a concern about companies manipulating to extend patent protection on products. That's something that happens fairly often now. They can use other processes or formulations of the product, extend the patent protection on it, and then it doesn't become a generic.

I guess the worry is that the pilot program is really just an attempt to eliminate the OUI program in the short term: we'll give you this dozen or twenty chemicals fairly quickly, but our real intent is to eliminate the OUI program.

Another comment is that if the generic is registered in Canada, Canadian producers can access it from the U.S., but if there is no generic register there, are we out of luck? For chemicals registered in both places, we can access it, but if it's not registered in the United States, what happens? Can we access it or not?

Another comment was that GROU succeeds where there is access, but it is not going to succeed in establishing access.

I'd like your comments.

Dr. Karen Dodds: The issues you list about GROU are all equally applicable to own use import. The U.S. registrant and the Canadian registrant can do all of those same things and take away access to an own use import product.

So between those issues you raise, all of them are applicable to own use import as well as to GROU.

Mr. David Anderson: If you limit it to North America, which OUI hasn't been—

Dr. Karen Dodds: No, no—anywhere. The own use import needs, as a prerequisite, a Canadian-registered product. If you do not have a Canadian-registered product, there is no possibility of own use import. If the Canadian registrant alters something, then the product coming in is no longer equivalent to and would be taken away from own use import.

Mr. David Anderson: What was the predecessor product for ClearOut?

Dr. Karen Dodds: I don't recall, but there was obviously a predecessor product.

Mr. David Anderson: Glyphosate generally?

Dr. Karen Dodds: No, a specific registered product. There are all sorts of different formulations and registered glyphosate products. There has to be specificity.

One of the issues from the get-go with own use import was how it was thought a non-registrant was going to show equivalency. Certainly farmers of North America had to undertake considerable work to demonstrate that ClearOut 41 Plus was equivalent to a Canadian-registered product.

So you still have the possibility of the Canadian registrant making some change, or the American registrant of the ClearOut 41 Plus making some change.

Mr. David Anderson: And if that happens?

Dr. Karen Dodds: Then it would no longer be equivalent, it would no longer have an equivalency certificate under own use import, and nobody would have access to it.

One of the advantages of GROU is that you do have the support and collaboration of the registrants. They are working in tandem. As I said, there have been 13 products nominated to GROU. All of the Canadian registrants provided us with specifications, and seven of the 12 have been found to meet the criteria to be considered materially identical under GROU. That's seven of 15.

For five of the products, there have been differences in formulations. Even if the product has exactly the same trade name north and south of the border, there have been found to be differences in either formulants or other issues that have said they're not the same.

● (1245)

Mr. David Anderson: So that's enough to disqualify them?

Dr. Karen Dodds: It has to make a difference. It can't just be that surfactant A and surfactant B are different. Materially, identically, we've said it has an impact. So it's not just an insignificant change. We've said it has to have some impact, but we have to know about it.

The issues you raised for GROU are just as true with own use imports.

I think, too, one of the things that was a very significant announcement last week at the NAFTA meeting is that we are very close to having a first NAFTA label.

Mr. David Anderson: I think we talked about this with some of the other MPs. Some of them have been working on it for 12 years, and we still don't see that. So I think when we see it, some of us will believe it.

Dr. Karen Dodds: Okay.

I think there was, and I think that's why in Canada there's been such interest in own use import. The United States has also been working on a U.S. own use import program. I think there was real frustration with any progress on NAFTA, cynicism about a NAFTA label ever coming into reality.

Indeed, we now have a registrant.

There was, under NAFTA, a task force put together. It included growers and registrants. It included EPA and PMRA. In essence, we have all said we want to make this work. There is, again, one small thing to address in terms of allergen labelling, and we have it. There are another five that are to come shortly.

With a NAFTA label, that is.... There is a product registered in Canada. There is a product registered in the States. It has the label on it with the U.S.-specific information and Canadian-specific information, and it can go north and south of the border. Neither Canada nor the U.S. will raise issues about it.

Mr. David Anderson: When that comes into being, I'm sure our farmers will say hallelujah.

The Vice-Chair (Mr. Paul Steckle): Are there any questions from the opposition side? No questions?

Mr. Benoit.

Mr. Leon Benoit: Thank you.

First of all, in regard to the own use import and the GROU, I think the only acceptable way to proceed from now is to leave the own use imports program in place, introduce the GROU, and let farmers evaluate the effectiveness of the programs. The way I see it, I would guess that two-thirds to three-quarters of the value would be lost under the GROU—the value to farmers, the benefit to farmers—and that's simply not acceptable. That's the way I would certainly like to see it proceed.

In terms of the 2% strychnine, there have been again more statements made that simply aren't verified and backed up by the studies done. In terms of environmental concerns, there are concerns expressed, but there's nothing in any study that would indicate that they're valid concerns.

That's part of the reason that farmers are so upset by losing this product. There is no acceptable replacement. None of the pre-mixes work effectively. Just talk to farmers. They've been widely used. None of them work effectively. The only effective control for Richardson's ground squirrels, gophers, is the 2% solution of strychnine, or a higher percentage, mixed with grain so it can be used fresh. It has to be used within a very few hours of the time it's mixed, certainly less than a day. It becomes stale and the gophers just don't want to eat it beyond that time.

In terms of police forces, if there was some concern expressed by the police, it was not given to me in these documents that I received upon order of the House of Commons. That is of great concern to me. The only RCMP issue that was expressed was a study that was done when the PMRA or some former body asked some RCMP officers to check into the stores to see if the storage in the area was acceptable. So they went to the merchants who were selling this.

Some talked of poisoning dogs. Well, guess what? Dogs are being poisoned now with ethylene glycol, common antifreeze used in cars. Are you going to take that away? Why isn't that gone? That should be taken away, clearly, under the same logic. It's against the law to poison a neighbour's dog, so deal with that problem.

Don't deny farmers a product that can save them millions and millions of dollars every year. Deal with the problem. That's the same logic that led to the gun registry and denied duck hunters and farmers appropriate access to firearms. It's not acceptable logic.

Again, I'd like an answer to my question as to where you're going from here. Where is the PMRA going from here in terms of the availability of strychnine for farmers?

● (1250)

Dr. Karen Dodds: I will go back and I will look at what we do have and check what information we provided, in terms of your papers. What was the date for that motion?

Mr. Leon Benoit: The motion was September 28, 1998.

I've also received and gone through a copy of the studies. I've sat down with people from the PMRA. The same kinds of comments you made were made by them. I demonstrated that it is not the case. They're simply not valid comments.

You're accepting information that you received from somebody, and that person hasn't been appropriately careful in their evaluation.

Dr. Karen Dodds: But, again, as I said, we have done a re-evaluation of strychnine, which has continued to raise concerns. We'll certainly be open to receiving information from farmers about the issue.

We have had discussions, as I said, with the Saskatchewan Association of Rural Municipalities and agreed to look at a very promising alternative, Phostoxin. It's a registered product in Canada. It's a fumigant. It's not a poison bait. It can be used all season long, both while the squirrels are active.... One application is usually sufficient. Because it's used in the burrows, there's very little chance of non-target poisoning.

Mr. Leon Benoit: Once you have that product available and if the cost is reasonable, and if it is effective, fine. Until that time, I don't want to hear about that. I want to know what farmers are going to do this spring to control Richardson's ground squirrels.

Dr. Karen Dodds: The product is available. It's registered in Canada.

Mr. Leon Benoit: But it isn't effective. It has not been proven to be effective. Farmers need an effective product. We know that the 2% strychnine, which was used safely for decades by farmers, is effective.

Buying the liquid saves farmers a lot of money. The pre-mix doesn't work, but in attempts to find something, farmers have used it, and it costs thousands of dollars to do. I've heard of people spending up to $12,000 to do the fields that they simply felt they had to do. That's a lot of money.

We need a practical solution. I think we're getting the bureaucratic runaround. I don't know whether it's you or why this has happened, but it is unacceptable to deny such an important tool to be made available to farmers.

The Chair: Thank you, Mr. Benoit.

Anyone else for a last question? All done? Great.

Before we adjourn the meeting, thank you so much, Dr. Dodds and Mr. Aucoin, for appearing with us today.

We do have a motion before us. Everyone has received a copy of it, I understand.

Now, at times, we need the 48 hours' notice before a motion of this type. Since it's arising out of the business of the meeting, we don't need that.

Alex.

Mr. Alex Atamanenko: I don't have a copy.

The Chair: Okay, we'll get you one.

James.

Mr. James Bezan: I'll move this motion. I'm just going to amend it slightly, in consideration of the testimony we heard today. There is a concern out there that we don't have any assurance to producers, in the long term, what's going to be there for them in importing products for their own use, so I'm going to propose the following motion. The motion is that the committee report the following recommendation to the House:

> That the Minister of Health responsible for the Pest Management Regulation Agency maintain the existing own use program for the next two crop years while working toward the implementation of a better and more producer-friendly own use system as requested by growers.

The Chair: Is there any debate on that, or any questions?

An hon. member: Call the question.

The Chair: Okay.

(Motion agreed to)

● (1255)

The Chair: It is unanimous.

It is translated. We'll make those changes. There are a couple of amendments to what you've got there. We'll put that onto the motion, and then I will present it in the House at the earliest opportunity.

One last point, folks. We have done away with Thursday. We talked about having a luncheon, but with the ambiguity as to whether we're here or not here or whatever, I decided to cancel it and we'll pick it up when we get back in the first part of February. We'll celebrate Ukrainian Christmas or something at the other end.

Is everybody good with that?

Mr. Alex Atamanenko: You're buying?

The Chair: Yes. Alex has made the point that I'm still buying. Maybe it'll be an Easter ham or something.

This meeting stands adjourned.

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