

December 10, 2013

Pest Management Regulatory Agency
Health Canada
2720 Riverside Drive
Ottawa, ON K1A 0K9
Via email: pmra.publications@hc-sc.gc.ca

RE: Consultation on “Notice of Intent - Action to Protect Bees from Exposure to Neonicotinoid Pesticides” (Notice of Intent NOI2013-01)

To Whom it May Concern,

We write in response to the above-noted consultation document and in light of a longstanding interest in the use and regulation of pesticides in Canada.

About CELA

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

CELA has a long history of addressing the regulation of toxic substances, including pesticides. For example, we have conducted extensive research, summarized the scientific literature, and have created a wide range of public outreach materials, about associations between toxic substances and impacts on fetal development and child health.¹ We have conducted extensive research and made detailed recommendations for the regulation of persistent toxic substances, including pesticides, contaminating the Great Lakes ecosystem.²

We also recently completed a comprehensive scoping review of the literature concerning early environmental exposures and associations with several chronic diseases.³ Pesticides, alongside

¹ See multiple resources contained on the website of the Canadian Partnership for Children’s Health and Environment www.healthyenvironmentforkids.ca

² See e.g., Canadian Environmental Law Association and Lowell Centre for Sustainable Production (2009) *The Challenge of Substances of Emerging Concern in the Great Lakes Basin: A review of chemicals policies and programs in Canada and the United States*. A report prepared for the International Joint Commission Multi-Board Work Group on Chemicals of Emerging Concern in the Great Lakes Basin. 174 pp. <http://www.cela.ca/publications/challenge-substances-emerging-concern-great-lakes-basin-full-report>

³ Cooper K, Marshall L, Vanderlinden L, and Ursitti F (2011) *Early Exposures to Hazardous Chemicals/Pollution and Associations with Chronic Disease: A Scoping Review*. A report from the Canadian Environmental Law Association

other chemicals/pollutants of concern figure prominently in the results of this research and thus remain within our top priorities for seeking regulatory action and law reform to encourage exposure reduction measures.

Most recently in September 2013, on behalf of our client, the Sierra Club Canada, and in conjunction with several additional clients represented by Ecojustice, we filed a Notice of Objection regarding the continued conditional registration contained in Registration Decision RD2013-14 – Clutch 50 WDG, Arena 50 WDG and Clothianidin Insecticides – July 23, 2013.⁴

The PMRA Notice of Intent Regarding Actions to Protect Bees from Exposure to Neonicotinoid Pesticides

We note that this document describes reports to the PMRA of significant levels of bee deaths across 2012 and into the Spring of 2013. Beekeepers across Canada report similarly high mortality levels during 2011 and during the summer and fall of this year.

Decisive action has been taken by the European Commission to restrict the use of three neonicotinoid pesticides for a period of two years while further assessment can occur. This precautionary decision is highly commendable. It is difficult to understand why the PMRA has not come to the same conclusion of the need for precautionary action when it has stated “we have concluded that current agricultural practices related to the use of neonicotinoid treated corn and soybean seed are not sustainable” (page 1, Notice of Intent).

Instead, the PMRA proposes measures to revise pesticide labels, for farmers to control dust, and updated information about the value of these pesticides.

We object to this approach for the same reasons outlined in the Notice of Objection filed in September. Therein we note that the Decision to continue the conditional registration of Clothianidin insecticides is contrary to the primary objective of the *Pest Control Product Act (PCPA)*. That objective is to prevent unacceptable risks to the environment while the Decision unreasonably renews until December 2015 the conditional registration of clothianidin and pest control products containing clothianidin that (1) have lacked for some considerable period of time key information about environmental effects on bees, and (2) produce unacceptable environmental effects on bees based upon currently available information.

The measures proposed in the Notice of Intent simply serve to continue a failing strategy of conditional registrations currently in place for neonicotinoid pesticides.

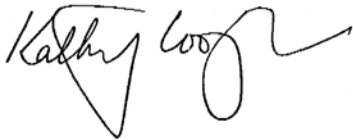
Association, the Ontario College of Family Physicians and the Environmental Health Institute of Canada. <http://www.cela.ca/publications/EE-and-CD-Scoping-Review>

⁴Notice of Objection to Registration Decision RD2013-14 – Clutch 50 WDG, Arena 50 WDG and Clothianidin Insecticides – July 23, 2013. Letter with appendices from Canadian Environmental Law Association and Ecojustice to Hon. Rona Ambrose, Minister of Health, September 24, 2013. Online at: <http://www.cela.ca/publications/notice-of-objection-clothianidin-pesticides>

Therefore, we respectfully submit that the PMRA follow the same approach as the European Commission and ban the use of these pesticides to address this serious threat to bees and other pollinators while studies are conducted on their environmental effects.

Yours very truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

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

Kathleen Cooper
Senior Researcher

CELA Publication # 964