November 13, 2018

Pest Management Regulatory Agency
Health Canada
2720 Riverside Drive
Ottawa, Ontario K1A 0K9
Address Locator: 6607D

SENT BY E-MAIL TO: hc.pmra.publications-arla.sc@canada.ca

Re: PRD2018-13 and PRD2018-14 (Thiamethoxam)

To Whom It May Concern:

Please accept these comments on behalf of the undersigned environmental and conservation organizations on the proposed registration decisions for Thiamethoxam products (PRD2018-13 and PRD2018-14).

A. The Proposed Registration Decisions do not apply the acceptable risk standard in the *Pest Control Products Act*

The PMRA has already concluded that nearly all uses of Thiamethoxam foliar and soil products pose unacceptable risks as documented in the proposed pollinator re-evaluation PVRD2017-24 and the aquatic invertebrates special review PSRD2018-02. The proposed registration decisions acknowledge these unacceptable risks and that they cannot be mitigated except through the use cancellations and restrictions proposed in the re-evaluation and special review.

However, inexplicably, the proposed registration decisions propose a three-year registration for all uses, subject to the finalization of the re-evaluation and special review. In one instance, the PRDs find that the uses are acceptable for the period of registration.

The acceptable risk standard must be applied under s.8 of the Pest Control Products Act at the time of the registration. A registration decision is dependent on the completion of risk assessments concluding that there is reasonable scientific certainty that no harm will occur. The PMRA has conducted risk assessments in the context of the re-evaluation and special review and concluded that the risks are unacceptable for most uses. The PMRA cannot lawfully propose to fully register those uses for three years pending the finalization of the re-evaluation and special review decisions. It must base its registration decision on the risk assessments that have been completed at the time of registration.

B. There is no jurisdiction for the PMRA to phase out rather than immediately de-register products in the context of a registration decision

There is no justification in the PRDs for the conclusion that risks are acceptable for three years, but not in general as found in the re-evaluation and special reviews. The Act requires that the PMRA determine acceptable risk *prior to* registering or amending the registration of these products. The acceptable risk determination, and related amendments to uses and conditions cannot be deferred until the finalization of the re-evaluation or special review. There is no jurisdiction in the Act merely to phase out products which do not have acceptable risks in a registration decision. The period of registration is not a condition of registration under the Act and is not a proper consideration in the determination of acceptable risk. It is unlawful for the PMRA to rely on the ongoing re-evaluation and special review to defer the completion of its risk assessment in the context of a registration decision.

C. Conclusion/Recommendation

Accordingly, the proposed registration decisions unlawfully defer the cancellation and restrictions on use for these products indefinitely: until the finalization and cancellations are

implemented under the special review and re-evaluation. The proposed restrictions on uses described in the special review and re-evaluation must be implemented immediately through the proposed registration decisions.

Sincerely,

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