

Delivered by email to: hccminister.ministresc@hc-sc.gc.ca

The Honorable Jean-Yves Duclos PC, MP
Minister of Health
Address Locator 1801B
Ottawa, Ontario
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Dear Minister Duclos,

Re: Request for an extension of the implementation of *re-evaluation Decision RVD2021-04, Lambda-cyhalothrin and Its Associated End-use Products*

We are writing on behalf of our respective associations to request that the Government of Canada extend, in accordance with the Pest Control Products Act under Article 21 (3), the implementation timeline of Health Canada's *Re-evaluation Decision RVD2021-04, Lambda-cyhalothrin and Its Associated End-use Products (the Decision)* which cancelled the use of this product for feed, while maintaining it for food. The implementation extension period should be sufficient to allow grains produced from crops treated with lambda-cyhalothrin in 2023 and previous years to be used as both food and feed and to be marketed in the years to come. A realistic and reasonable extension timeframe is necessary to provide certainty to growers and agri-business on what constitutes regulatory compliance in 2023 and beyond.

We are writing this letter today because we have tried to work through existing channels, but timelines are running short for the next growing season and decisions need to be made now.

We are asking for this extension based on the following reasons.

Absence of an Alternative Product at Scale Required - Lambda-cyhalothrin is a crop protection product used on many crops and provides an important tool to growers to control potentially devastating insect pests such as flea beetles and grasshoppers. Alternatives to this product are already limited in normal circumstances, but in today's world with global supply chain issues, alternatives are not available to Canadian farmers in sufficient quantities. This comes at a time when Prairie provinces are predicting that flea beetle problems and grasshopper infestations in 2023 could be at severe levels¹, with the potential for dramatic losses in the field, which could threaten Canada's food supply.

The Decision is Not Reflective of Farming and Agri-Business Realities - The Decision, made by the Pest Management Regulatory Agency (PMRA), is flawed because it forces farmers and agri-business to draw a distinction between food versus feed. This distinction does not occur in practice since every major crop type grown in Canada is used for both food and feed, as part of largely non-segregated handling system. For example, wheat is used for both food and feed, screenings from all crops are an important feed source for livestock in Canada, and canola and soybeans are processed to create vegetable oil for human consumption and protein meal for animal feed. Furthermore, Canada's bulk grain handling and transportation system does not segregate grains and oilseeds based on their possible use for feed or food.

¹ <https://www.saskatchewan.ca/business/agriculture-natural-resources-and-industry/agribusiness-farmers-and-ranchers/crops-and-irrigation/insects/grasshopper-map>

The PMRA Decision Does not Align with the Regulatory Agency of Our Largest Trading Partner and Threatens to Destabilize the North American Market - Unlike the PMRA, the U.S. Environmental Protection Agency (EPA) came to a completely different conclusion regarding lambda-cyhalothrin, with most feed uses being maintained. The PMRA has not demonstrated the scientific justification for this lack of alignment with our largest trading partner or considered a mitigation strategy for dealing with a decision that could be highly disruptive to trade in an integrated North American market for livestock and animal products. PMRA and EPA have a long history of regulatory cooperation and there are no other jurisdictions in the world that benefits from such a high degree of regulatory alignment. And yet, the two agencies have made completely different decisions. That alone deserves reconsideration.

It Threatens to Create Significant New Supply Chain Disruptions in Canada – This comes at a time when Canadians can least afford it. It also requires that Canada’s maximum residue levels (MRLs) be reduced for animal products. This is noteworthy because animals, the grain to feed them, and the packaged meat, all move seamlessly across the Canada-U.S. border to the benefit of both countries. The complexity of this should not be underestimated, as the above noted products (i.e., animals, grain and meat) can cross our border several times throughout the life cycle of these products. As a result, it is unclear whether and how existing trade flows can be maintained in light of these changes, leading to potentially devastating trade disruptions between Canada and the U.S.

Potential to Limit Feed Availability and Impact on Livestock Sector - the Canadian livestock sector consumes just under 30 million tonnes of feed annually (2020 data). Feed access has been difficult in the last few years due to drought and competition with export markets for domestic grains, all of which have increased feed prices and feed demands. Because of this, Canada’s corn imports from the U.S. have grown substantially to just under 5 million tonnes in 2022. This supply is critical to Canada’s livestock industry. If livestock cannot be fed with Canadian grain treated with lambda- cyhalothrin, and if access to US corn is likewise limited, this has the very real potential to negatively impact the availability of feed for Canadian livestock.

The sector has clearly communicated these challenges to senior officials at the PMRA following the release of the Decision in April 2021, asking the regulator to re-consider the mitigation measures due to the numerous factors that make them unpractical and unworkable. In addition, in September 2021, the registrant of the product, Syngenta Canada, submitted a Category B submission to reinstate livestock feed uses and requested that its re-instatement application be prioritized given the expected negative impacts of the Decision on the whole agricultural value-chain. While we cannot presume the outcomes of the feed re-instatement evaluation, it is paramount that PMRA meet its own timeline for these types of applications. For example, the re-instatement process exceeded the 462 days² timeline, despite the highest priority placed on this application by both the registrant and the sector.

The extension period we are requesting will also provide the PMRA with additional time to finalize the review of the livestock feed re-instatement application – a process that we request be given priority by the PMRA.

² PMRA Guidance Document, *Management of Submissions Policy*, 4 May 2021, Appendix 1, Category B submissions, Table 2, <https://www.canada.ca/content/dam/hc-sc/documents/services/consumer-product-safety/reports-publications/pesticides-pest-management/policies-guidelines/management-submissions-policy/guidance-management-submissions-policy-eng.pdf>

Our organizations represent Canada's grain, feed and livestock value chains, including tens of thousands of farmers, ranchers, industries and employees working to provide safe, abundant, healthy food to Canadians and our customers around the world while contributing billions to Canada's economy. We are fully aware of the intense global food security challenges we continue to face due to Russia's invasion of Ukraine, supply chain disruptions, input prices, inflation, and the health, security, and the commercial impacts of climate change. This Decision as it currently stands could unnecessarily exacerbate these challenges.

The Canadian agriculture sector relies on predictable and implementable regulatory decisions, rooted in sound science, to remain competitive and continue to deliver safe and high-quality food to Canadian and international markets. Extending the implementation timeline and addressing the implementation issues with the Decision will provide Canadian agriculture stakeholders, including farmers and ranchers, processors, exporters, importers and input providers, with the minimum degree of regulatory predictability we require to succeed.

Sincerely,



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Executive Vice President
Canada Grains Council



Dean Dias
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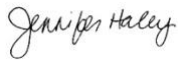


Wayne Thompson
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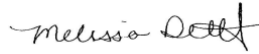


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Cc: Dr. Stephen Lucas, Deputy Minister, Health Canada
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