

January 23, 2023  
Sent via email

The Honourable Jean-Yves Duclos  
Minister of Health  
hcminister.ministresc@hc-sc.gc.ca

Dear Minister Duclos,

Re: **Concerns with PMRA Approach to MRLs**

We are civil society organisations writing to express concerns with the approach the Pest Management Regulatory Agency (**PMRA**) appears to be taking with respect to setting the maximum residue limits (**MRLs**) for pesticides.

### ***Background***

As you likely recall, PMRA published [Proposed Maximum Residue Limits PMRL 2021-10](#) in May, 2021 and therein proposed to increase the permitted glyphosate MRLs on certain foods, including beans, peas and lentils, by two to four fold. The intent of the increase was to permit food with higher glyphosate residue levels to be imported into Canada, but the increased levels would also “automatically” apply to the same types of foods grown in Canada.

There was public outcry, the proposal was "paused", and Health Canada embarked on the "Transformation Agenda" for PMRA. One reason for the outcry was Canadians learned the proposal was asked for by Monsanto, and the [Ministers](#) didn't even know about it. But the main reason was Canadians do not want glyphosate in their food. Plain and simple.

Such was the case in 2021, and it is still the case. More than 18,000 citizens and residents of Canada recently signed [Petition e-4127](#), calling for a national ban on glyphosate. The petition also calls for a comprehensive plan to reduce overall pesticide use in Canada.

Canada also recently agreed to the [COP 15 target for 2030](#) to reduce by half the overall risk posed by pesticides, as well as the risk posed by highly hazardous chemicals.

Any proposal to increase pesticide MRLs, particularly the MRL for glyphosate (Canada's most widely used and sold pesticide), is out of touch with Canadians and our international commitments.

### ***Concerns with Permitting Higher Levels***

PMRA indicates that higher MRLs "are not expected to" increase the health risks to Canadians, because the labels for spraying crops in Canada specify the number and timing of spray applications allowed and the rate of application, and that these will not change.

PMRA says it is against the law not to follow the label (directions for use), and that the law is enforced by its Regulatory Operations and Enforcement Branch.

Canadians take little comfort in these enforcement statements, because the enforcement measures do not assure compliance with labels, particularly when glyphosate is sprayed 1-2 weeks before harvest onto crops like cereals and legumes ("**pre-harvest application**").

The problem with pre-harvest application arises because glyphosate is a "systemic" pesticide, which means that regardless of where it is sprayed on a plant, it gets into the circulation system of the plant and preferentially moves (or "**translocates**") to the seed/grain while it is developing. The risk of glyphosate accumulating in immature seeds is amplified by the fact that glyphosate accumulation is inevitable in indeterminate cultivars such as some legumes (like chickpeas and lentils) because they continuously grow and develop seeds.

Compliance with labels because "labels are the law" is not happening. This is clear from the [annual reports](#) of the Regulatory Operations and Enforcement Branch. The report for the [2020-2021 year](#) indicated inspections were not on-site (because of COVID-19) but were online/virtual, and that even with just virtual inspections there was **non-compliance in 45% of cases**. "The most common contraventions included the **use of pest control products contrary to the approved labels** (PCPA 6(5)(b)) and the **use of pest control products inconsistent with the Regulations** (PCPA 6(5)(a))".

For the [2019-2020 report year](#), vegetation samples were collected on-site, and there was **non-compliance in 53% of the samples**. The "**most commonly observed contravention was pesticide use contrary to label directions**", including applying the product at the **incorrect rate** (p. 8). The verification activities included looking at label changes arising as a result of re-evaluation or special review decisions for three active ingredients, including glyphosate.

Given the weak enforcement of the labels and the fact that the compliance reports show a high degree of non-compliance with the labels, we submit that any proposal to increase glyphosate MRLs, if approved, will increase the risks posed by glyphosate.

### ***Industry Dominance***

You may not be aware that industry representatives on the steering committee for the Transformation Agenda asked that a technical working group (**TWG**) on MRLs be established, and PMRA established the committee. The participants in the MRL TWG are mostly representatives from industry or crop councils, who want to increase MRLs in an effort to "harmonize them" with other jurisdictions, and to increase trade in pesticides and contaminated crops.

The "What We Heard Report" resulting from the Targeted Review consultations states incorrectly at p.17 that there was general agreement in the MRL TWG that a single standard would be preferred for MRLs, rather than creating separate categories for MRLs for imported and for domestic crops. We would like to point out that civil society organisation members of the TWG did not agree with the "single standard" approach, and have made this clear to PMRA.

A separate category for “import MRLs” is preferable because it would obviate the rationale for “automatically” applying the higher import MRL to Canadian grown crops. PMRA has the ability to track import quantities, and even did so for purposes of its aggregate risk assessment of glyphosate as reported at p. 28 of the [PRVD 2015-01](#). A separate category would also improve the enforcement and “real-time” accuracy of labels - an on-site inspection would encompass the directions for use as well as the resulting residue limits to gauge consistency and correspondence between the two.

PMRA indicates that it intends to continue to consult with the MRL TWG on its process going forward with respect to MRLs, and reports that the TWG is currently working on the procedural aspects of a notification proposal for MRLs, including import MRLs. Such work on procedures does not address the underlying issue, which is that raising MRLs on domestic crops to accommodate a request for an imported crop, which "automatically raises" the MRL on the domestic crop, is not protective and does not reflect a scientifically based approach to risk assessment.

### ***Scientific Concerns***

PMRA appears to be of the view that transparency around this procedural process will appease concerns; this plus the fact that a health risk assessment will be conducted on import MRLs. However, in our view transparency around a process that is not protective of Canadians will not appease the concerns.

There are many problems with the health risk assessment for the glyphosate MRLs. This assessment is not a full health risk assessment but is merely a "re-run" of the dietary exposure model used by PMRA using the new proposed MRL levels for all crops for which the new MRL is proposed. As such, it fails to assess other aspects required for a valid health risk assessment, such as cancer risk and a review of current scientific literature.<sup>1</sup> [Current science](#) shows that glyphosate affects the microbiome, and has neurodegenerative, toxicological, reproductive and multi-generational effects. [Studies](#) published in just the last few days by reputable institutions show glyphosate is associated with biomarkers for cancer.

The problems with the dietary risk assessment itself include: it relies on consumption data of what Americans, not Canadians eat; it runs a deterministic rather than a probabilistic analysis (even though a probabilistic approach is needed for an informative aggregate risk assessment); and PMRA does not incorporate into its assessment the 10 fold safety factor for infants and children required by the Pest Control Products Act (**PCPA**).

The proposed glyphosate MRLs were those set by the [Joint Meeting on Pesticide Residues \(JMPR\)](#) held in Gatineau in May, 2019. One concern with the approach taken by the JMPR and the PMRA is that the OECD calculator sets MRLs at levels higher than the levels found in Canadian field trials, which are supposed to form the basis for setting Canadian MRLs.

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<sup>1</sup> PMRA's last full health risk assessment of glyphosate was published in 2015 under Preliminary Re-evaluation Decision PRVD2015-01. PMRA coordinated its review with that of the Environmental Protection Agency (EPA). The EPA has withdrawn its health assessment because of a decision of the [9th Circuit Court of Appeals](#) that the assessment was not scientifically sound.

In addition, the scientific assumptions behind the labels for pre-harvest spraying of glyphosate appear to be wrong. The MRLs for the labels are set based on data that measures the seed residue limits in field trials where glyphosate was sprayed 7 days before the expected date of harvest. The labels for spraying in Canada allow for spraying anywhere from 14 days before the expected harvest date to 7 days before harvest. PMRA assumes that glyphosate residues decline in the seed over time, such that using trials with only a 7 day pre-harvest interval (**PHI**) to set the MRL is the most protective approach, because it does not allow for any days in which the residues can decline. The problem is that the confidential test data reviewed by one organisation<sup>2</sup> for PMRL 2021-10 showed that the glyphosate residues in the field trials generally **increased** in the seed over time, rather than decreased. The confidential test data indicate the assumptions are not supportable.

This concerning point was made clear to PMRA by two organisations, Safe Food Matters Inc. and Prevent Cancer Now, in their [comments](#) on PMRL2021-10. PMRA has not shared the confidential test data, nor publicly shared these findings, despite the fact that another NGO, Vigilance OGM, requested information on the confidential test data through an information request, and was provided with [229 blank pages](#) after a year of waiting. We are concerned that communication and transparency are lacking.

### ***JMPR, Codex and Industry Roles in Setting MRLs***

As indicated, the proposed glyphosate MRLs were those set at the JMPR meeting held in Gatineau in May, 2019. The [JMPR](#) is an ad hoc body administered by the FAO and the WHO. Its purpose is to harmonize requirements for pesticide levels and risk assessments. It wants to decrease trade barriers in pesticides.

The JMPR recommendations are taken to the [Codex Committee on Pesticide Residues](#) (CCPR). At the July and August 2021 CCPR meeting for glyphosate, Canada's position was **"Canada has no objection to the JMPR recommended MRLs for the new uses"** (p. 4 of CX/PR 21/52/5-Add.1). The European Union, in contrast, did not agree with the MRLs.

Canada's attendance at the 2021 CCPR meeting was 7 representatives. CropLife International, which represents the pesticide industry, had 68 attendees. We are concerned that Canada is following the trade agenda of the pesticide industry when setting MRLs, rather than seeking to protect Canadians from the harms of pesticides.

### ***Impact on the Organic Sector***

We also point out that increasing MRLs for domestic crops to levels that should only apply, at best, to imported crops, will have direct consequences for the Canadian organic sector. The organic regulations and standards prohibit glyphosate in organic production, regardless of where the produce is grown as Canada's Organic Standards must be met even outside of Canada's border.

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<sup>2</sup> Safe Food Matters Inc., and reported on to Prevent Cancer Now

Organic commodities are already challenged by glyphosate contamination from drift, dust, possible contamination during shipping/handling and other consequences of ubiquitous environmental contamination from non-organic agriculture [[2014-COTA Glyphosate Residue report](#)].

The maximum residue level of organics is directly tied to the Canadian MRL levels. Unintentional contamination is becoming increasingly problematic. This is considered in the testing protocol for organic products which is based on 5% of the MRL. This means that **any increase to MRLs means that organic products will have an increased allowance of pesticides permitted in Canada, but not in other jurisdictions for trade**. This will have a direct effect on the organic sector and will only exacerbate loss of organic acres and markets.

SaskOrganics, in partnership with the Canada Organic Trade Association, conducted a survey to better understand the economic impact glyphosate contamination has on the organic sector in Saskatchewan. The results of this illustrate the extent and economic impact of glyphosate contamination in Saskatchewan from the perspective of organic producers, organic exporters, organic importers, and organic manufacturers. [[2019-SaskOrganics Economic Impact of Glyphosate Contamination in Organic Production in Saskatchewan](#)]

The scale of glyphosate use and associated off-target contamination results in organic commodities losing markets, particularly in the EU and Asia where the MRLs for organic foods are much lower or zero-tolerance.

### ***Recommendation***

Based on the above, we recommend that the Minister not approve increased glyphosate MRLs as proposed in PMRL 2021-10. Any risk of an increase in pesticides runs counter to the mandate under the Act and to Canada's commitments under the Convention on Biological Diversity during COP15. The proposal directly undermines the Canadian organic industry and does not align in any way with the emerging science on glyphosate or the concerns of Canadians.

Canadians entrust the Minister with the power to protect their health, and that of the environment, and ask that the Minister show he is committed to this task.

Sincerely,

The organisations listed below.

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