Court File No. T-169-23

FEDERAL COURT

BETWEEN:

FRIENDS OF THE EARTH CANADA, DAVID SUZUKI FOUNDATION, SAFE FOOD MATTERS INC., AND ENVIRONMENTAL DEFENCE CANADA INC.

APPLICANTS

- and -

ATTORNEY GENERAL, MINISTER OF HEALTH, AND LOVELAND PRODUCTS CANADA INC.

RESPONDENTS

RESPONDING APPLICATION RECORD OF THE ATTORNEY GENERAL OF CANADA AND MINISTER OF HEALTH
VOLUME 2 OF 2

April 26, 2024

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Court File No. T-169-23

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PART I - OVERVIEW AND STATEMENT OF FACTS

A. OVERVIEW

1. Glyphosate is an active ingredient present in well over one hundred registered pest control products ("PCPs") in Canada, including Mad Dog Plus. The health and environmental risks of all registered PCPs containing glyphosate were assessed by the Pest Management Regulatory Agency ("PMRA") in the context of a comprehensive re-evaluation, which concluded in 2017. PMRA determined that the risks were acceptable, meaning it was reasonably certain that no harm to human health or the environment would occur provided the PCPs were used in accordance with their respective conditions of registration.

2. In renewing the registration for Mad Dog Plus, PMRA reasonably relied on its prior, detailed, risk assessments and considered incident reports related to the use of glyphosate. PMRA also considered the information that the Applicants – who are not parties to the renewal decision – provided to PMRA in relation to the active ingredient glyphosate. That information did not alter PMRA's conclusion that the risks of renewing the registration of Mad Dog Plus were acceptable.

3. PMRA's decision to renew Mad Dog Plus is reasonable. PMRA regulates over 7000 registered PCPs in Canada. While the Applicants would prefer that PMRA issue reasons detailing PMRA's scientific determination prior to renewing any PCP, including detailing its analysis of any comments PMRA may receive by members of the public in relation to each product, this level of review prior to the renewal of each PCP is impracticable and does not accord with the statutory scheme. Renewal decisions, which by their very nature involve PMRA authorizing the continued use of a PCP in the precise manner that PMRA has previously determined is acceptable, are not the proper forum for wholesale new risk assessments. Such assessments are conducted through the formal registration and post registration review mechanisms in the Act, both of which attract a duty to give reasons and provide an express opportunity for public participation. This application should be dismissed.

B. STATEMENT OF FACTS

a. Overview of the Statutory Scheme

4. PMRA, acting on behalf of the Minister of Health ("Minister"), is responsible for the federal regulation of PCPs in Canada in accordance with the *Pest Control Products Act* ("Act") and regulations thereunder.[1] The Act and regulations provide a detailed and transparent framework governing the use of all PCPs within Canada.

5. The purposes of the Act are described in the preamble and statutory text. The primary objective is the prevention of unacceptable risks to individuals and the environment from the use of PCPs.[2] The Act is also intended to serve the national interest in accordance with the principles and objectives set out in the preamble and ancillary objectives listed in s 4(2) of the Act. These include meeting society's need for food production and promoting sustainable development and innovation.[3]

6. The Act prohibits the manufacture, possession, handling, storage, transport, import, distribution or use of a PCP unless the product is registered or otherwise authorized.[4] Contravention of any provision in the Act or regulations is a criminal offence punishable either on summary conviction or on indictment.[5]

i. Registration or Amendment of a PCP

7. PCPs include both end-use products and any active ingredient products used in manufacturing an end-use product, and each must be registered separately. Registered PCPs may be used in a specified manner, for specified uses (i.e. agricultural, industrial, residential), to address specified pests, at specified times, all of which is set out in the

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[1] *Pest Control Products Act*, SC 2002, c 28 ("Act"). In this factum, all references to PMRA will be references to PMRA acting on behalf of the Minister.

[2] Act, s 4(1)

[3] Act, preamble, s 4(2)

[4] Act, s 6(1)

[5] Act, s 6(9), s 69

detailed product label that PMRA must approve.[6] Any changes to the proposed use of a product may only be made on application to PMRA. A person seeking to register a new PCP or amend the existing registration of a PCP must submit an application in the form and manner directed by PMRA.[7] In assessing an application to register or amend a PCP, PMRA is directed to carry out any evaluations that it considers necessary.[8]

8. PMRA notes in its Guidance Document, *A Framework for Risk Assessment and Risk Management of Pest Control Products,* ("Risk Assessment Framework"):

> The PMRA applies a science-based approach to assessing pesticides that considers both the toxicity and the level of exposure to fully characterize risk. The extensive pre-market assessment of pesticides allows the PMRA to identify potential hazards and risks to human health and the environment prior to making the registration decision.[9]

9. PMRA also may require additional information it considers necessary related to health or environmental risks when a registrant seeks to amend the use of the product, including expansion of uses (e.g. additional use sites or additional pests).[10]

10. PMRA is required to register or amend the registration if (and only if) it considers that the health and environmental risks and the value of the product are "acceptable" after any required consultations and evaluations have been completed.[11]

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[6] *Pest Control Products Regulations*, SOR 2006-124, s 1 "approved label" ("Regulations"); see, for example: Mad Dog Plus Product Label, Ex D to the Affidavit of Beatrice Olivastri affirmed December 8, 2023 ("Olivastri Affidavit"), **AR, Tab 3D, pp 96-175**

[7] Act, s 7

[8] Act, s 7(3)(a)

[9] *A Framework for Risk Assessment and Risk Management of Pest Control Products* ("Risk Assessment Framework"), Ex X to Olivastri Affidavit, **AR, Tab 3X, p 1299**

[10] Act, s 7(4). For a summary of the broad categories of pre-market submissions, see: Stakeholder Information Deck, p 25, Ex B to the Cross-examination of Beatrice Olivastri on February 20, 2024 ("Olivastri Cross"), **Respondents' Record ("RR"), Tab 3, p 92**

[11] Act, s 8(1) and (4)

Subsection 2(2) of the Act provides that the risks of a PCP are "acceptable" if there is reasonable certainty that no harm to human health, future generations, or the environment will result from exposure to or use of the product, taking into account its conditions or proposed conditions of registration.[12]

11. Subsection 8(1) requires PMRA to specify the period for which the initial registration or amended registration is valid, which period may be either finite or indefinite.

ii. Renewal of a PCP

12. Pursuant to subparagraph 67(1)(f) of the Act, the *Pest Control Products Regulations* ("Regulations"), provide that PCP registrations are valid for up to five years.[13] Section 16 of the Regulations provide that a PCP registration may be renewed, on application by the registrant, for additional periods not exceeding five years. Subsection 16(2) sets out the information required to renew a registration. An application to renew a registration must include certain details such as the name, type and place of manufacture of the PCP, as outlined in section 6 of the Regulations, and any additional information that PMRA *may* require pursuant to section 8 of the Regulations. In practice, PMRA does not typically require additional information concerning the health or environmental risks of a PCP during the renewal process, provided there are no changes to the PCP.[14]

iii. Post-Registration Review of a PCP

13. In addition to the scientific review of a PCP that occurs, commensurate with the nature and degree of the risks PMRA identifies, when a PCP is registered or amended, the Act and regulations include other mechanisms that permit PMRA to

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[12] Act, s 2(2)

[13] Regulations, s 13

[14] *Renewing or Discontinuing Pest Control Products*, CTR Doc 3, **Applicants' Record ("AR"), Tab 8, pp 1905-1908**

monitor the risks of registered PCPs.[15]

14. Section 12 of the Act permits PMRA to require registrants to compile information, conduct tests or monitor experiences concerning the health or environmental risks of a registered PCP for the purpose of obtaining additional information concerning the potential risks. The *Pest Control Products Incident Reporting Regulations* ("Incident Reporting Regulations") require registrants to report to PMRA incidents that relate to human health or the environment.[16] The Incident Reporting Regulations permit PMRA to review incidents related to the use of a PCP to determine whether there are unanticipated risks associated with the PCP that would warrant the initiation of a special review.[17]

15. Complementing these information gathering powers, the Act mandates two comprehensive post-registration review mechanisms: re-evaluations and special reviews.

16. PMRA may initiate a "re-evaluation" at any time if it considers that there has been a change in the information required or the procedures used for evaluating health or environmental risks or value since the PCP was registered.[18] In addition to this discretionary post-registration review, PMRA must initiate a re-evaluation of a PCP's registration no later than 16 years after the last major registration decision made in respect of that PCP.[19]

17. Subject to certain limited circumstances[20], PMRA must initiate a special review: any time a member country of the Organization for Economic Cooperation and

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[15] See, generally: Risk Assessment Framework, Ex X to Olivastri Affidavit, **AR, Tab 3X, pp 1291-1314**

[16] *Pest Control Products Incident Reporting Regulations*, SOR/2006-260 ("Incident Reporting Regulations"), s 3; Act, s 13

[17] Memo prepared by IRP, CTR Doc 9, **AR, Tab 8-9, p 1930**; Act, s 14

[18] Act, s 16(1)(e)

[19] Act, s 16(2)

[20] Act, s 17.1

Development prohibits all uses of an active ingredient for health or environmental reasons;[21] and any time, the Minister has reasonable grounds to believe that the health and environmental risks of the PCP or its value are unacceptable.[22] This includes information that PMRA obtained pursuant to section 12 of the Act or the Incident Reporting Regulations.[23]

18. In addition, where PMRA receives information from a federal or provincial government or agency concerning the health or environmental risk of a PCP, PMRA must consider whether to initiate a special review.[24] Lastly, anyone may request a special review by submitting information to PMRA in the form and manner directed.[25] Where PMRA receives a request to initiate a special review, it must provide written reasons to the requestor for its decision.

19. A special review considers the aspect of concern of the PCP that prompted the special review.[26] Where the aspect of concern identified is being addressed, or has been addressed, in an existing re-evaluation or special review, PMRA may exercise its discretion not to initiate a second review.[27] Similarly, PMRA has discretion to expand an existing re-evaluation or special review to address a new area of concern.[28]

20. During a re-evaluation or special review, PMRA reviews the available scientific information and updates its risk assessment. In addition, PMRA may require registrants to provide any additional information that PMRA considers necessary to complete the evaluation.[29] If the registrant fails to provide the requested information, PMRA may

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[21] Act, s 17(2)

[22] Act, s 17(1)

[23] Act, s 14

[24] Act, s 17(3)

[25] Act, s 17(4)

[26] Act, s 17(6)

[27] Act, s 17.1

[28] Act, s 17(6)

[29] Act, s 19(1)

cancel the registration for the product on that basis.[30] In addition, if PMRA has reasonable grounds to believe there is a danger to human health or safety or the environment, it may amend or cancel the registration in the course of the re-evaluation or special review.[31]

21. At the conclusion of a re-evaluation or special review, PMRA must confirm the registration if (and only if) it determines that the health and environmental risks and the value of the pesticide are acceptable.[32] If PMRA does not consider the health or environmental risks, or the value, to be acceptable, it must either amend the registration, if the risks and value would be acceptable after the amendment, or cancel the registration.[33]

22. While the Applicants, at paragraph 42 of their factum, suggest that the standard of acceptability during a re-evaluation or special review is lower than the standard PMRA applies during the initial major registration phase, this is inaccurate. In both instances, PMRA conducts a fulsome risk assessment and must be reasonably certain that there is no risk to human health or the environment from the use of the PCP, taking into account the conditions or proposed conditions of registration.

iv. Transparency and Public Consultations

23. For certain enumerated registration decisions, PMRA must consult the public prior to issuing a final decision. These include the registration of a new active ingredient, the registration or amendment of a registration that PMRA considers may significantly increase the health or environmental risks, and re-evaluations and special reviews in respect of registered PCPs.[34] Where public consultation is required, PMRA

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[30] Act, s 20(1)(a) See, for example: *Safe Food Matters Inc v Canada (Attorney General)*, 2023 FC 1471 at para 31 ("*SFM*-Chlorpyrifos"). PMRA cancelled the registration of PCPs containing chlorpyrifos following the registrants failure to respond to a request for data.

[31] Act, s 20(1)(b)

[32] Act, s 21(1)

[33] Act s 21(2)

[34] Act, s 28(1)

must publish its proposed decision, along with reasons for the decision and a statement summarizing the reports it prepared or considered.[35] In its final decision, PMRA must include a summary of the comments it received along with PMRA's responses to those comments.[36]

24. Following the issuance of a final decision that was subject to public consultation, any person may file a notice of objection within 60 days of the final decision.[37] In response to a notice of objection, PMRA must either establish a panel to review the decision or explain in writing to the objector why it did not do so.[38] Neither the receipt of a Notice of Objection nor the appointment of a review panel suspends the registration decision. However, where a review panel is appointed, PMRA has discretion to suspend its registration decision pending the panel review.[39]

25. PMRA is not required to consult the public or provide any reasons in relation to renewal decisions. As noted above, the renewal scheme for PCPs is created pursuant to subparagraph 67(1)(f) of the Act and the renewals process is governed by section 16 of the Regulations.

26. For decisions, like renewals where PMRA is not required to provide reasons, or publicly consult, the registry provides the transparency contemplated by the Act. PMRA is required to maintain a registry that contains information about all registered PCPs. The registry includes the conditions of registration and validity period for each PCP as well as the registration status for each PCP.[40]

v. Cancellation of a PCP

27. PMRA must cancel a registration following a re-evaluation or special review if it cannot be reasonably certain that there are no risks to health or the environment

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[35] Act, s 28(2), (3)

[36] Act, s 28(4)

[37] Act, s 35(1)

[38] Act, s 35(3) and (5)

[39] Act, s 36

[40] Act, s 42; see also: Olivastri Affidavit, para 22, **AR, Tab 3, p 30**

taking into account the conditions and proposed conditions of registration. PMRA also must cancel a registration where the registrant delivers a notification of discontinuance.[41] PMRA may cancel a registration where: the registrant fails to provide information in the course of a re-evaluation or special review;[42] PMRA has reasonable grounds to believe cancellation is necessary to address a risk to health or the environment;[43] the registrant fails to pay a fee or fine in relation to the Act;[44] the registrant fails to comply with the conditions of registration;[45] or the registrant or an applicant is found to have committed a violation of the Act.[46]

28. When PMRA cancels the registration of a PCP, PMRA may allow for the continued possession, handling, storage, distribution, and use of stocks of the product in Canada at the time of cancellation, subject to any conditions that PMRA considers necessary for carrying out the purposes of the Act.[47] This facilitates an orderly transition and safe disposal. PMRA may also delay the effective date of a cancellation where no suitable alternative to the PCP exists and PMRA is satisfied that the risks are acceptable during the period that the effective date is delayed.[48]

b. The Registration of Glyphosate

i. Overview of the Registration of Glyphosate

29. Glyphosate is an active ingredient that has been registered for use in Canada since the 1970s.[49] PMRA completed a cyclical re-evaluation of glyphosate in 2017.

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[41] Act, s 22

[42] Act, s 20(1)(a)

[43] Act, s 20 (1)(b)

[44] Act, s 23

[45] Act, s 25

[46] Act, s 26

[47] Act, s 21(5)

[48] Act, s 21(3)

[49] *Friends of the Earth Canada v Canada (Attorney General)*, 2023 FC 1438 at para 2 ("Rule 317 Decision"), **AR, Tab 2, p 13**

During the course of this re-evaluation, PMRA published a proposed re-evaluation decision for public consultation on April 13, 2015 ("Proposed Re-evaluation Decision").[50] The list of References included in the Proposed Re-evaluation Decision illustrates the breadth and depth of this assessment.[51] In particular, PMRA considered hundreds of scientific documents, including information submitted by registrants, and material in the literature.[52]

30. Following its initial review and scientific assessment of the risks and value of glyphosate, PMRA concluded that products containing glyphosate do not present unacceptable risks to human health or the environment when used according to the proposed label directions.[53] PMRA therefore proposed to continue the PCP registrations. As a condition to the continued registration, new risk reduction measures were proposed for end-use products.[54]

31. After considering the comments received during the public consultation, PMRA published its final re-evaluation decision on April 8, 2017 ("Final Re-evaluation Decision").[55] The Final Re-evaluation Decision summarized the public comments received and provided PMRA's responses to those comments. The Final Re-evaluation Decision lists over 200 additional sources from published scientific literature that PMRA considered.[56] The Final Re-evaluation Decision concluded that products containing glyphosate do not present risks of concern to human health or the

[50] PRVD2015-01, Glyphosate 13 April 2015, CTR Doc 1, ("Proposed Re-evaluation Decision"), **RR, Tab 4**

[51] Proposed Re-evaluation Decision, References, CTR Doc 1, **RR, Tab 4**, **pp 434-507** The list of references spans over 70 pages.

[52] Proposed Re-evaluation Decision, References, CTR Doc 1, **RR, Tab 4, pp 434-507**

[53] Proposed Re-evaluation Decision, CTR Doc 1, **RR, Tab 4, p 185**

[54] Proposed Re-evaluation Decision, CTR Doc 1, **RR, Tab 4, p 185**

[55] RVD2017-01 Glyphosate 28 April 2017 ("Final Re-evaluation Decision"), CTR, Doc 2, **RR, Tab 5**

[56] Final Re-evaluation Decision, CTR Doc 2, **RR, Tab 5, p 593-615**

environment when used according to the label instructions.[57]

32. The Applicants note at paragraph 11 of their factum that PMRA reached a different conclusion than the World Health Organization's International Agency for Research on Cancer ("IARC") concerning the potential cancer risks from use of glyphosate. The Final Re-evaluation Decision indicates that PMRA reviewed the full product monograph of the IARC and, applying a weight of evidence approach, concluded that glyphosate did not pose a cancer risk.[58] The Final Re-evaluation Decision also notes the distinction between a hazard assessment, which does not take into account potential for exposure to a hazardous substance, and a health risk assessment, which does.[59] To the extent the Applicants disagree with PMRA's scientific assessment, such disagreement is beyond the scope of this Application challenging the renewal of Mad Dog Plus. The reasonableness of the Final Re-evaluation Decision is not before this Court.

33. The Applicants also suggest that the re-evaluation did not consider the risks of Mad Dog Plus, but only considered the risks of the active ingredient, glyphosate. This is incorrect. The Final Re-evaluation Decision notes that "[b]oth the active ingredient and formulated products were included in the re-evaluation."[60] This is also clear from Appendix I to the Proposed Re-evaluation Decision and Appendix II to the Final Re-evaluation Decision, which list each of the 169 registered PCPs in Canada containing glyphosate.[61] The Applicants excluded those Appendices from their record.

34. The Applicants similarly excluded Appendix IIa of the Proposed Re-evaluation Decision from their record. Appendix IIa outlines the commercial uses of glyphosate.

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[57] Final Re-evaluation Decision, CTR Doc 2, **RR, Tab 5, pp 513-514**

[58] Final Re-evaluation Decision, pp 18-24, CTR Doc 2, **RR, Tab 5, pp 530-536**

[59] Final Re-evaluation Decision, p 9, CTR Doc 2, **RR, Tab 5, p 520**

[60] Final Re-evaluation Decision, p 1, CTR Doc 2, **RR, Tab 5, p 513**

[61] Proposed Re-evaluation Decision, Appendix I, CTR, Doc 1, **RR, Tab 4, pp 241-254;** Final Re-evaluation Decision, Appendix II, CTR Doc 2, **RR, Tab 5, pp 573-582**; For the number of PCPs, see Proposed Re-evaluation Decision, p 10, CTR Doc 1, **RR, Tab 4, p 194**

Coupled with Appendix IIb, which outlines the domestic uses, these appendices demonstrate that PMRA considered all authorized uses of PCPs containing glyphosate, having regard to the various application methods, the timing of application, the pests targeted, and the authorized use sites.[62] The re-evaluation process was a complete and fulsome risk assessment in relation to all registered PCPs containing glyphosate.

35. The Applicants filed notices of objection in relation to the Final Re-evaluation Decision asking that PMRA appoint an expert review panel to provide advice to PMRA concerning the Final Re-evaluation Decision. PMRA declined to appoint a review panel, finding that the information submitted with the notices did not raise an issue of scientific doubt concerning PMRA's evaluations and the advice of an expert panel would not assist PMRA.[63] One of the Applicants in this proceeding (Safe Food Matters) challenged the reasonableness of that decision, and that application will be determined by this Court in that other proceeding.

ii. <u>The Applicants' Correspondence with PMRA</u>

36. On October 27, 2022, counsel for Ecojustice wrote to PMRA on behalf of the Applicants ("October 2022 Letter"). The October 2022 Letter noted "a large number of glyphosate technical active and end-use products are up for renewal at the end of 2022."[64] The October 2022 Letter requested that PMRA consider the information set out in that letter prior to renewing any PCPs containing glyphosate.

37. The October 2022 Letter was not sent pursuant to any particular participatory rights under the Act. The October 2022 Letter was sent as part of PMRA's ongoing

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[62] Proposed Re-evaluation Decision, Appendix IIa and IIb, CTR, Doc 1, **RR, Tab 4, pp 241-254;** See also: Proposed Re-evaluation Decision, p 11, CTR Doc 1, **RR, Tab 4, p 195**

[63] PMRA Response to Notice of Objection, Ex C to the Affidavit of Mary Lou McDonald affirmed December 15, 2023 ("McDonald Affidavit", **AR, Tab 4C, pp 1402-1434**; PMRA Response to Notice of Objection dated January 11, 2019, Ex L to Olivastri Affidavit, **AR, Tab 3L, pp 1204-1210**

[64] Letter from Ecojustice on behalf of the Applicants to PMRA ("October 2022 Letter), p 1, Ex E to Olivastri Affidavit (also included as CTR Doc 4), p 1, **AR, Tab 3E, p 177**

engagement with stakeholders, including the Applicants. PMRA responded to the stakeholder letter on February 23, 2023 ("PMRA's February 2023 Letter").[65] PMRA's February 2023 Letter confirms that it is aware of the information cited in the October 2022 Letter and indicates that PMRA did not identify any cause for concern.[66] PMRA confirms that its assessment of the health and environmental risks of glyphosate is consistent with other international regulators and supported by the Incident Reporting Program.[67] PMRA's February 2023 Letter was not included in the Certified Tribunal Record ("CTR") as it was not before the decision-maker when she renewed Mad Dog Plus. Nor does it purport to be reasons for the decision to renew Mad Dog Plus.

iii. The Renewal of Mad Dog Plus

38. Loveland Products Canada Inc ("Loveland") submitted an application to renew the registration of Mad Dog Plus on August 8, 2022.[68] In renewing the registration for Mad Dog Plus, the decision maker considered the Proposed and Final Re-evaluation Decisions. The decision maker also considered the October 2022 Letter accompanied by brief memos from scientists within the relevant branches of PMRA confirming their awareness of the literature cited in the October 2022 Letter and their assessment that the risks remained acceptable. In particular, the decision maker considered:

a. A Memorandum prepared by a Senior Scientific Evaluator from the Toxicology Section within the Health Evaluation Directorate ("HED");[69]

b. A Memorandum prepared by a Senior Evaluator within the

[65] PMRA Response to Ecojustice ("February 2023 Letter"), Ex P to Olivastri Affidavit, **AR, Tab 3P, pp 1246-1248**

[66] February 2023 Letter, Ex P to Olivastri Affidavit, **AR, Tab 3P, pp 1246-1248**

[67] February 2023 Letter, Ex P to Olivastri Affidavit, **AR, Tab 3P, pp 1246-1248**

[68] Application for Renewal, CTR Doc 4, **AR, Tab 8-4, pp 1909-1910**

[69] Memo prepared by HED, CTR Doc 7, **AR, Tab 8-7, pp 1925-1926**

Environmental Assessment Directorate ("EAD");[70]

c. A Memorandum prepared by the Acting Section Head of the Incident Reporting Program ("IRP");[71] and

d. A Memorandum prepared by the Section Head within the HED concerning Dietary and Occupational Exposure Review.[72]

c. Applicants' Application for Judicial Review

39. The Applicants initiated this Application challenging the renewal of Mad Dog Plus.[73] Mad Dog Plus is one of 23 end-use glyphosate products whose registrations were renewed in December 2023.[74] The Applicants chose not to challenge the remaining renewals, including those products registered by Bayer (formerly Monsanto),[75] despite indicating their interest in all of the renewals, and their stated ongoing concern about the use of glyphosate. [76]

40. PMRA transmitted the CTR in respect of the decision to renew Mad Dog Plus. The CTR included the Proposed and Final Re-evaluation Decisions, along with the memos from the relevant sectors within PMRA. The Applicants challenged the scope of the CTR and Justice Fothergill ordered PMRA to transmit "copies of all written materials prepared specifically in relation to Loveland's renewal submission 2022-3929 that address the scientific publications cited in the Ecojustice Letter."[77] If no such

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[70] Memo prepared by EAD, CTR Doc 8, **AR, Tab 8-8, pp 1927-1928**

[71] Memo prepared by IRP, CTR Doc 9, **AR, Tab 8-9, pp 1929-1931**

[72] Memo re Dietary and Occupational Exposure, CTR Doc 10, **AR, Tab 8-10, pp 1932-1933**

[73] Notice of Application, **AR, Tab 1**

[74] Memo prepared by HED, CTR Doc 7, **AR, Tab 4-7, p 1925**

[75] Olivastri Cross, q 88, **RR, Tab 1, p 22**

[76] October 2022 Letter, Ex E to Olivastri Affidavit, **AR, Tab 3E, p 177**

[77] Rule 317 Decision at para 21, **AR, Tab 2, p 19**

materials exist, PMRA was directed to advise the Court and the parties.[78]

41. Pursuant to that Order, PMRA confirmed that it had no additional documents specifically prepared in relation to the renewal of Mad Dog Plus that address the 61 publications cited by the Applicants in the October 2022 Letter.[79]

PART II - POINTS IN ISSUE

42. Whether the decision to renew Mad Dog Plus is reasonable?

43. In the event it is unreasonable, what is the appropriate remedy?

PART III - SUBMISSIONS

A. THE DECISION IS REASONABLE

44. There is no dispute that PMRA only renews PCPs where it determines that the risks of continuing the registration are acceptable. Indeed, the memos put before the decision maker expressly state that the information provided by Ecojustice in the October 2022 Letter "does not change the current assessment on file that risks are acceptable when label directions are followed."[80] The issue for this court is whether, in the context of the regulatory scheme, PMRA's conclusion that the continued use of Mad Dog Plus poses no unacceptable risk is reasonable. We say it is.

a. PMRA Has Recognized Expertise and Conducts In-depth Assessments of PCPs

45. This Court has recognized PMRA as an expert decision maker comprised of scientists whose job it is to assess scientific evidence regarding every PCP in Canada.[81]

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[78] Rule 317 Decision at para 21, **AR, Tab 2, p 20**

[79] Certificate of Lisa Duncan dated November 20, 2023, Ex V to Olivastri Affidavit, **AR, Tab 3V, p 1277**

[80] PMRA Memos, CTR Docs 7 (HED); Doc 8 (EAD); Doc 9 (IRP), Doc 10 (HED-Diet), **AR, Tab 8, pp 1925-1933**

[81] *SFM*-Chloryprifos, 2023 FC 1471 at paras 8, 111

PMRA regulates over 7500 registered PCPs in Canada.[82]

46. When a new active ingredient is registered or a re-evaluation or special review is initiated, PMRA undertakes an extensive risk assessment with a structured framework. PMRA's current approach to these comprehensive risk assessments is outlined in *A Framework for Risk Assessment and Risk Management of Pest Control Products.*[83] This includes: (1) a clear identification of the possible issues; (2) an assessment of the risk to the human health and the environment and the value of the product; (3) a methodology to mitigate and manage risk; and (4) ongoing monitoring and evaluation of the results.[84] As noted above, these decisions are subject to public consultation prior to any final decision, and PMRA must consider and address all comments it receives before making its final decision.

b. PMRA Reasonably Relies on Prior Acceptability Assessments in Processing Renewal Applications

i. The Statutory Scheme Permits Varying Depth of Review Commensurate With the Risks

47. The Act and accompanying regulations set out a comprehensive regime for the registration of PCPs in Canada. The Act requires PMRA to be reasonably certain that no risk to human health or the environment will result from the use of a PCP in accordance with the conditions (or proposed conditions) of registration.[85] In some, but not all, instances, PMRA's determination is subject to public consultation.[86] In some, but not all, instances, PMRA is required to provide reasons for its decisions.[87] In determining whether a PCP's risks are acceptable in a given circumstance, PMRA is granted broad discretion to carry out any assessments *it considers necessary* and/or to

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[82] 2020 PMRA Sales Report, p 5, Ex F to Olivastri Affidavit, **AR, Tab 3F, p 1145**

[83] Risk Assessment Framework Ex X to Olivastri Affidavit, **AR, Tab 3X, pp 1291-1315**

[84] Risk Assessment Framework, Ex X to Olivastri Affidavit, **AR, Tab 3X, p 1297**

[85] Act, s 2(2)

[86] Act, s 28

[87] Act, s 28(2); s 28(5); s 17(5); s 17.2; s 35(5)

require registrants to provide any information *it may* require.[88]

48. These deliberate choices by Parliament reflect the magnitude of PMRA's regulatory task, its significant scientific expertise, and the different levels of risk associated with different types of registration decisions. When PMRA is authorizing a new active ingredient, or when an active ingredient has been authorized for over 15 years without a comprehensive risk assessment, the Act requires PMRA to conduct one. The Act also requires a special review in certain circumstances.

49. Where, as here, PMRA is renewing the registration of a single previously authorized PCP, for use in the same manner as previously authorized, the Act is silent on what PMRA must do. The Act does not mandate expiry dates for PCP registrations nor any process for renewals. The Regulations govern renewals. The Regulations do not instruct PMRA concerning how to satisfy itself that the risks of renewing a PCP continue to be acceptable. They simply permit PMRA to request information it may require. Within this context, it is reasonable for PMRA to rely on its previously conducted risk assessments, supplemented by information obtained through incident reporting and ongoing monitoring.

50. The Applicants suggest that treating renewals as an administrative process is contrary to the purpose of the Act and Regulations. This is not the case. Section 8 of the Act contemplates that the validity period for a new or amended registration could be indefinite. This language is repeated in subparagraph 67(1)(f) of the Act, which permits the Governor in Council to promulgate regulations setting out the validity period for registrations, which period can be finite or indefinite.

51. The Act mandates a rigorous front-end review process prior to the registration of a new PCP, followed by continuous oversight through post market re-evaluations and special reviews. All of these processes are subject to public consultation and

[88] See: Act, s 7(1), 7(3), 7(4) (registrations and amendments); 16(3), 19(1) (re-evaluations and special reviews); 12(1) (monitoring of registered PCPs); Regulations, s 8 (registrations, amendments, renewals)

require extensive written reasons.

52. In contrast, the entire renewal scheme is set out in the Regulations. The Regulations provide that PCP registrations are valid for renewable five-year terms. The Regulations give PMRA the flexibility to require any additional information that it may need prior to renewing the registration of a PCP. The requirement to renew PCPs every five years may facilitate PMRA's monitoring of ongoing risks but does not require that PMRA conduct a *de novo* risk assessment. The contrary interpretation urged by the Applicants frustrates, rather than furthers, the statutory intent. Requiring PMRA to conduct a fresh risk assessment prior to renewing each PCP, and to provide reasons to members of the public in relation to those renewal decisions, would render the statutory re-evaluations and special reviews largely redundant.

ii. No Reasons are Required for Renewal Decisions

53. It is well established that reasons are not required for all administrative decisions.[89] Written reasons are typically required where the decision-making process gives the parties participatory rights, an adverse decision would have a significant impact on an individual or there is a right of appeal.[90] None of these factors are present in this case.

54. The conclusion that reasons are not required is reinforced having regard to the entire Act. The Act requires reasons in specific circumstances. For example, where public consultation is required, PMRA is required to publish both a proposed and a final decision document.[91] In addition, where PMRA receives a Notice of Objection and decides not to appoint a review panel, it must provide the requestor with reasons for this decision.[92] Similarly, where PMRA receives a request to initiate a special

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[89] *Canada (Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 77; ("*Vavilov*"); *Canada (Attorney General) v Mavi*, 2011 SCC 30 at para 45 ("*Mavi*")

[90] *Vavilov* at para 77

[91] Act, s 28

[92] Act, s 35(5)

review, it must provide the requestor with written reasons for its decision.[93] Lastly, where PMRA exercises its discretion to combine a special review within an existing re-evaluation or special review, it must publish its decision to do so, along with the reasons for that decision.[94] Within this context, where the Act is silent in respect of reasons, Parliament must be presumed to have deliberately chosen not to require them.[95]

55. The Applicants rely on *Mason* to suggest that reasons are the primary means by which the court ensures that the decision maker listened to the parties.[96] First, the Supreme Court's "reasons first" approach is to be used where reasons are required.[97] Neither the legislative scheme nor the duty of procedural fairness require reasons in this case. Moreover, unlike *Mason*, the Applicants are not *parties* to this decision. While the Act contains specific participatory rights in respect of certain decisions, there is no right of public participation in renewal decisions.

56. The other cases relied on by the Applicants are also distinguishable. In *Weir v Canada (Health),* this Court was considering whether PMRA was required to initiate a special review.[98] The Act requires PMRA to provide reasons for such a decision.[99] In this case, the Applicants could have requested a special review in respect of the articles it brought to PMRA's attention in its October 2022 Letter, but chose not to do so.

57. Similarly, in *Safe Food Matters v Canada (Attorney General)*, the Federal Court of Appeal was considering the sufficiency of PMRA's reasons not to appoint a

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[93] Act, s 17(5)

[94] Act, s 17.2

[95] *Lukacs v Canada (Transportation Agency),* 2014 FCA 76 at para 43

[96] Applicants' Factum, para 80; *Mason v Canada (Citizenship and Immigration),* 2023 SCC 21 ("*Mason*")

[97] *Mason* at paras 8, 59

[98] *Weir v Canada (Health),* 2011 FC 1322 ("*Weir*")

[99] Act, s 17(5)

review panel.[100] Once again, the Act required reasons for that decision.[101] The sufficiency of PMRA's response to that Notice of Objection is before this Court in another application.

58. In *Forbid Roads Over Green Spaces v Canada (Attorney General),* this Court was considering the reasonableness of the Minister of the Environment's decision not to designate a highway project for a federal impact assessment.[102] The *Impact Assessment Act* required the Minister to publish reasons for the decision on the internet.[103] Lastly, in *Western Canada Wilderness Committee v Minister of the Environment and Climate Change*, the court was considering the reasonableness of a Protection Statement, which the Minister of the Environment and Climate Change was required to make pursuant to section 58(5) of the *Species at Risk Act*.[104]

59. The Applicants suggest that the lack of reasons in respect of renewals leads to a lack of transparency. However, the record clearly demonstrates that the Applicants were aware of the product renewals.[105] The Act requires PMRA to maintain a registry of all registered PCPs, including their validity period.[106] In the context of a statutory regime that provides participatory rights in respect of some – but not all – regulatory decisions, PMRA's choice not to provide reasons in respect of the renewal of Mad Dog Plus is reasonable.

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[100] *Safe Food Matters Inc v Canada (Attorney General)*, 2022 FCA 19 ("*SFM*-Glyphosate Notice of Objection")

[101] Act, s 35(5)

[102] *Forbid Roads Over Green Spaces v Canada (Attorney General),* 2023 FC 580

[103] *Impact Assessment Act*, SC 2019, c 28, s 9(4)

[104] *Western Canada Wilderness Committee v Minister of the Environment and Climate Change*, 2024 FC 167

[105] October 2022 Letter, Ex E to Olivastri Affidavit, **AR, Tab 3E, p 177**; see also : Olivastri Affidavit, para 22, **AR, Tab 3, p 30**

[106] Act, s 42(2)(b)

c. PMRA Reasonably Turned its Mind to the Potential Risks of Renewing Mad Dog Plus

60. The Applicants suggest that this Court cannot determine the basis on which PMRA made its decision. This is incorrect. Justice Fothergill, in the context of a Rule 317 motion by the Applicants, did express doubt that the Attorney General of Canada ("AGC") could defend the reasonableness of the decision absent additional reasons. However, the reasonableness of PMRA's decision was not before him. The narrow issue before him did not require him to consider the entire statutory regime, or to review the extensive Proposed and Final Re-evaluation Decisions that were before the decision maker in addition to the October 2022 Letter and the memoranda from the relevant expert divisions within PMRA.

61. Moreover, as noted above, the Applicants in this case are not parties to the decision. In *Tsleil-Waututh Nation v Canada*, cited by Justice Fothergill and relied on by the Applicants[107], and in each of the cases referenced in that passage, the court was considering the sufficiency of reasons in the context of a party to the decision, not a member of the public.[108] The only party to the decision in this case is Loveland. Loveland understood the basis for PMRA's decision.

62. With respect to Mad Dog Plus, scientific evaluators from the relevant divisions of PMRA advised the decision maker that they were aware of articles cited in the letter sent to PMRA by the Applicants on October 27, 2022 as a result of their ongoing monitoring of the literature. They each indicated that the articles did not change their assessment of the risk of Mad Dog Plus (or the other PCPs containing glyphosate that were renewed along with Mad Dog Plus).[109]

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[107] Applicants' Factum, para 77

[108] *Tsleil-Waututh Nation v Canada*, 2017 FCA 128 at para 79 citing: *Leahy v Canada (Citizenship and Immigration)*, 2012 FCA 227; *Canada v Kabul Farms*, 2016 FCA 143; *Canadian Association of Broadcasters v Society of Composers, Authors and Music Publishers of Canada*, 2006 FCA 337; *Canada (Attorney General) v Boogard*, 2015 FCA 150

[109] PMRA Memos, CTR Docs 7, 8, 10, AR, Tab 8, pp 1925-1928, 1932-1933

63. The decision maker also considered a memo confirming that the incident reports that had been submitted since the re-evaluation decision did not change the assessment of risk.[110] The memo noted that, since 2017, PMRA had received 84 incidents reports involving glyphosate.[111] PMRA's IRP conducts an in-depth review of all serious incidents to determine if there were unanticipated effects from the use of registered pesticides. Following review of the incident reports, the evaluators concluded that no serious health concerns were identified.[112]

64. Given PMRA's recognized expertise, the significant review undertaken during the re-evaluation, the thousands of PCPs that PMRA regulates, and the nature of a renewal decision, PMRA's decision is reasonable. Requiring scientific evaluators to provide written analysis to the decision maker concerning every publication sent to PMRA by a member of the public prior to issuing a renewal decision is impractical. PMRA's process, which is entitled to deference by this Court,[113] is reasonable given the overarching statutory context.

d. Historical Delays in Completing Some Post Registration Reviews are Irrelevant to the Reasonablenss of PMRA's Decision to Renew one PCP

65. The Applicants suggest that they have taken "PMRA to court several times to trigger the use of the re-evaluation and special review provisions."[114] They go on to allege there have been delays in conducting such evaluations.

66. First, these issues are irrelevant to the reasonableness of PMRA's decision to renew Mad Dog Plus. Second, they are an oversimplification of a complex, multifaceted, scientific review process. As the Proposed and Final decision in respect of Glyphosate illustrates, re-evaluations and special reviews can involve the review of

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[110] Memo from IRP, CTR Doc 9, **AR, Tab 8-9, pp 1929-1931**

[111] Memo from IRP, CTR Doc 9, **AR, Tab 8-9, pp 1929-1931**

[112] Memo from IRP, CTR Doc 9, **AR, Tab 8-9, pp 1929-1931**

[113] *Prassad v Canada*, [1989] 1 SCR 560 at 568-569; *Ghafari v Canada (Attorney General)*, 2023 FCA 206 at para 21

[114] Applicants' Factum, para 45

hundreds of scientific studies. The reasons for decision span several hundred pages and provide detailed analyses of PMRA's risk assessments and conclusions. The proposed decision is subject to public consultation, and a further, final decision is issued analyzing all comments received. This process necessarily requires time to complete.

B. THE REMEDIES THE APPLICANTS SEEK ARE UNNECESSARY

67. To the extent the Applicants seek a declaration that only "acceptable" PCPs will be renewed, this is unnecessary. PMRA only renews registrations where it determines the risks are acceptable such that there is no "live controversy" in this respect.[115] To the extent the Applicants seek a declaration concerning what may constitute acceptable risk, including what information PMRA must consider in reaching this determination, this is for PMRA to determine. It is for PMRA to interpret and apply its home statute and regulations thereunder, such that a declaration concerning the correct legal interpretation of the Act and Regulations is not an appropriate remedy.[116]

68. Moreover, in the event this Court concludes that PMRA was required to provide additional reasons in relation to its renewal decision, sending the decision back to PMRA on this basis would be futile.[117] PMRA's February 2023 Letter provides a sufficient analysis of the basis for PMRA's determination that continuing the use of Mad Dog Plus is acceptable.[118] Consistent with the information provided to the decision maker at the time Mad Dog Plus was renewed, PMRA confirmed that it was aware of the scientific publications cited in the October 2022 Letter and stated the information contained in that literature did not identify any cause of concern.

69. PMRA also explained that its risk assessment in relation to glyphosate is

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[115] *Daniels v Canada (Indian Affairs and Northern Development)*, 2016 SCC 12 at para 11

[116] *Mason* at paras 62, 68

[117] *Maple Lodge Farms Ltd v Canada (Food Inspection Agency)*, 2017 FCA 45 at paras 51-53 ("*Maple Lodge Farms*")

[118] PMRA's February 2023 Letter, Ex P to Olivastri Affidavit, **AR, Tab 3P, pp 1246-1248**

consistent with the international consensus among regulators that the use of glyphosate in accordance with label directions does not pose risks of concern to human health and the environment.[119] PMRA outlined its ongoing monitoring efforts in relation to glyphosate and re-iterated that if information becomes available that does rise to a level of concern, PMRA will take appropriate action.[120]

70. The Applicants suggest that consideration of PMRA's February 2023 Letter is precluded as it amounts to "mid-litigation bootstrapping."[121] The AGC is not suggesting that PMRA's February 2023 Letter constitutes reasons for PMRA's renewal decision. PMRA's February 2023 Letter was not included in the CTR but was put before the Court by the Applicants. For the reasons outlined above, the AGC says no reasons were required for the decision to renew Mad Dog Plus. However, this Court can, and should, consider PMRA's February 2023 Letter in relation to the appropriate remedy.[122]

71. The Applicants also suggest that PMRA's February 2023 Letter is insufficient to justify the renewal of Mad Dog Plus as it did not provide an analysis of each of the 61 publications they cited. To the extent any additional rationale for the renewal decision ought to have been provided, the February 2023 Letter is sufficient. In the context of a regulatory decision that attracts no participatory rights nor any duty to give reasons, requiring PMRA, a regulator with significant scientific expertise, to address in writing every publication submitted by a member of the public prior to renewing a PCP is untenable.[123]

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[119] PMRA's February 2023 Letter, Ex P to Olivastri Affidavit, **AR, Tab 3P, pp 1246-1248**

[120] PMRA's February 2023 Letter, Ex P to Olivastri Affidavit, **AR, Tab 3P, pp 1246-1248**

[121] Applicants' Factum, para 49

[122] *Maple Lodge Farms* at paras 51-53

[123] See: *Mason* at para 61

PART IV - ORDER SOUGHT

72. Canada asks that the application be dismissed. Canada agrees with the Applicants that the parties bear their own costs.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

DATED at the City of Toronto, in the Province of Ontario this 26th day of April, 2024.

Per: Andrea Bourke/Renuka Koilpillai

PART V - LIST OF AUTHORITIES

1. *Friends of the Earth Canada v Canada (Attorney General)*, 2023 FC 1438
2. *Safe Food Matters Inc v Canada (Attorney General)*, 2023 FC 1471
3. *Canada (Citizenship and Immigration) v Vavilov*, 2019 SCC 65
4. *Canada (Attorney General) v Mavi*, 2011 SCC 30
5. *Lukacs v Canada (Transportation Agency)*, 2014 FCA 76
6. *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21
7. *Weir v Canada (Health)*, 2011 FC 1322
8. *Safe Food Matters Inc v Canada (Attorney General)*, 2022 FCA 19
9. *Forbid Roads Over Green Spaces v Canada (Attorney General)*, 2023 FC 58
10. *Western Canada Wilderness Committee v Minister of the Environment and Climate Change*, 2024 FC 167
11. *Tsleil-Waututh Nation v Canada*, 2017 FCA 128
12. *Leahy v Canada (Citizenship and Immigration)*, 2012 FCA 227
13. *Canada v Kabul Farms*, 2016 FCA 143;
14. *Canadian Association of Broadcasters v Society of Composers, Authors and Music Publishers of Canada*, 2006 FCA 337
15. *Canada (Attorney General) v Boogard*, 2015 FCA 150
16. *Prassad v Canada*, [1989] 1 SCR 560 at 568-569
17. *Ghafari v Canada (Attorney General)*, 2023 FCA 206
18. *Daniels v Canada (Indian Affairs and Northern Development)*, 2016 SCC 12
19. *Maple Lodge Farms Ltd v Canada (Food Inspection Agency)*, 2017 FCA 45

PART VI - STATUTES

Pest Control Products Act **S.C. 2002, c. 28**	**Loi sur les produits antiparasitaires** **(L.C. 2002, ch. 28)**
Acceptable risks **2 (2)** For the purposes of this Act, the health or environmental risks of a pest control product are acceptable if there is reasonable certainty that no harm to human health, future generations or the environment will result from exposure to or use of the product, taking into account its conditions or proposed conditions of registration.	**Risques acceptables** **(2)** Pour l'application de la présente loi, les risques sanitaires ou environnementaux d'un produit antiparasitaire sont acceptables s'il existe une certitude raisonnable qu'aucun dommage à la santé humaine, aux générations futures ou à l'environnement ne résultera de l'exposition au produit ou de l'utilisation de celui-ci, compte tenu des conditions d'homologation proposées ou fixées.
Primary objective **4 (1)** In the administration of this Act, the Minister's primary objective is to prevent unacceptable risks to individuals and the environment from the use of pest control products.	**Objectif premier** **4 (1)** Pour l'application de la présente loi, le ministre a comme objectif premier de prévenir les risques inacceptables pour les individus et l'environnement que présente l'utilisation des produits antiparas
Ancillary objectives **(2)** Consistent with, and in furtherance of, the primary objective, the Minister shall a) support sustainable development designed to enable the needs of the present to be met without compromising the ability of future generations to meet their own needs; b) seek to minimize health and environmental risks posed by pest control products and encourage the development and implementation of innovative, sustainable pest management	**Objectifs connexes** **(2)** À cet égard, le ministre doit : a) promouvoir le développement durable, soit un développement qui permet de répondre aux besoins du présent sans compromettre la possibilité pour les générations futures de satisfaire les leurs; b) tenter de réduire au minimum les risques sanitaires et environnementaux que présentent les produits antiparasitaires et d'encourager le développement et la mise en

strategies by facilitating access to pest control products that pose lower risks and by other appropriate measures; c) encourage public awareness in relation to pest control products by informing the public, facilitating public access to relevant information and public participation in the decision-making process; and d) ensure that only those pest control products that are determined to be of acceptable value are approved for use in Canada.	oeuvre de stratégies de lutte antiparasitaire durables et innovatrices — en facilitant l'accès à des produits antiparasitaires à risque réduit — et d'autres mesures indiquées; c) sensibiliser le public aux produits antiparasitaires en l'informant, en favorisant son accès aux renseignements pertinents et en encourageant sa participation au processus de prise de décision; d) d) veiller à ce que seuls les produits antiparasitaires dont la valeur a été déterminée comme acceptable soient approuvés pour utilisation au Canada.
Unregistered pest control products **6 (1)** No person shall manufacture, possess, handle, store, transport, import, distribute or use a pest control product that is not registered under this Act, except as otherwise authorized under subsection 21(5) or 41(1), section 48 or 51, any of sections 53 to 59 or the regulations.	**Produits antiparasitaires non homologués** **6 (1)** Sauf dans les cas autorisés par les paragraphes 21(5) et 41(1), les articles 48 et 51 et 53 à 59 et les règlements, il est interdit de fabriquer, de posséder, de manipuler, de stocker, de transporter, d'importer, de distribuer ou d'utiliser un produit antiparasitaire non homologué en vertu de la présente loi.
Offence and punishment **(9)** A person who contravenes any provision of this section is guilty of an offence and liable a) on summary conviction, to a fine of not more than $200,000 or to imprisonment for a term of not more than six months, or to both; or b) on conviction on indictment, to a fine of not more than $500,000	**Infraction et peine** **(9)** Quiconque contrevient à toute disposition du présent article commet une infraction et encourt, sur déclaration de culpabilité : a) par procédure sommaire, une amende maximale de 200 000 $ et un emprisonnement maximal de six mois, ou l'une de ces peines; b) par mise en accusation, une amende maximale de 500 000 $

or to imprisonment for a term of not more than three years, or to both.	et un emprisonnement maximal de trois ans, ou l'une de ces peines.
Application to Minister **7 (1)** An application to register a pest control product or to amend the product's registration must be made to the Minister in the form and manner directed by the Minister and must include any information or other thing that is required by the regulations to accompany the application.	**Demande au ministre** **7 (1)** Les demandes d'homologation ou de modification d'homologation d'un produit antiparasitaire sont présentées au ministre, selon les modalités qu'il précise, et doivent être accompagnées des renseignements et autres éléments prévus par règlement.
Use of information provided by registrants **(2)** If the Minister determines that the active ingredient of the applicant's pest control product is equivalent to the active ingredient of a registered pest control product, the Minister shall, subject to and in accordance with the regulations, permit the applicant to use or rely on any information referred to in subsection (1) that has been provided by any registrant if the Minister is satisfied that the information a) is relevant to the registered pest control product that contains the equivalent active ingredient; and b) is necessary to support the application.	**Utilisation des renseignements fournis par des titulaires** **(2)** S'il conclut que le principe actif du produit antiparasitaire du demandeur est équivalent au principe actif d'un produit antiparasitaire homologué, le ministre permet au demandeur, sous réserve des règlements et en conformité avec ceux-ci, d'utiliser tout renseignement visé au paragraphe (1) fourni par un titulaire, ou de se fier à un tel renseignement, s'il est convaincu que ce renseignement : a) d'une part, se rapporte au produit antiparasitaire homologué contenant le principe actif équivalent; b) d'autre part, est nécessaire à l'appui de la demande.
Foreign review or evaluation **(2.1)** For the purposes of subsection (1), the applicant may include information that is available from a review or evaluation of a pest control product conducted by the government of another member country of the Organisation for Economic Co-operation and Development if the proposed use of the pest control product in Canada would be under conditions similar to those under	**Examen ou évaluation d'un pays étranger** **(2.1)** Pour l'application du paragraphe (1), le demandeur peut inclure des renseignements obtenus de l'examen ou de l'évaluation d'un produit antiparasitaire effectué par le gouvernement d'un autre pays membre de l'Organisation de coopération et de développement économiques, si les

which the foreign review or evaluation was conducted.	conditions de l'utilisation proposée du produit antiparasitaire au Canada sont semblables aux conditions dans lesquelles l'examen ou l'évaluation a été effectué dans cet autre pays.
Evaluation of pest control product **(3)** If the Minister is satisfied that the application has been made in accordance with subsection (1), (2) or (2.1), the Minister shall (a) in accordance with the regulations, if any, conduct any evaluations that the Minister considers necessary with respect to the health or environmental risks or the value of the pest control product; (b) expedite evaluations with respect to a pest control product that may reasonably be expected to pose lower health or environmental risks; and (c) carry out any consultation required by section 28.	**Évaluation du produit** **(3)** Si le ministre est convaincu que la demande a été faite conformément aux paragraphes (1), (2) ou (2.1), il procède : (a) en conformité avec les éventuels règlements, aux évaluations qu'il juge nécessaires en ce qui concerne la valeur du produit ou les risques sanitaires ou environnementaux qu'il présente; (b) à l'exécution rapide des évaluations qui concernent un produit antiparasitaire dont il peut raisonnablement prévoir des risques sanitaires ou environnementaux réduits; (c) s'il y a lieu, aux consultations exigées par l'article 28.
Other information **(4)** The Minister may, by delivering a notice in writing, request an applicant to provide the Minister with other information in support of the application within the time and in the form specified in the notice.	**Renseignements supplémentaires** **(4)** Le ministre peut, dans un avis écrit, exiger du demandeur qu'il lui communique tout autre renseignement à l'appui de sa demande en la forme et dans le délai qu'il précise dans l'avis.
Denial of application **(5)** The Minister shall deny an application if the applicant does not comply with a notice under subsection (4).	**Refus de donner suite** **(5)** Le ministre rejette la demande si le demandeur ne se conforme pas à l'avis.

Burden of persuasion and consideration of information **(6)** During an evaluation, (a) the applicant has the burden of persuading the Minister that the health and environmental risks and the value of the pest control product are acceptable; and (b) the Minister shall consider the information provided by the applicant in support of the application and may consider additional information, but the Minister shall give the applicant a reasonable opportunity to make representations in respect of the additional information before completing the evaluation.	**Charge de la preuve et renseignements pris en compte** **(6)** Lors des évaluations : (a) il incombe au demandeur de convaincre le ministre que la valeur du produit et les risques sanitaires et environnementaux qu'il présente sont acceptables; (b) le ministre prend en compte tout renseignement fourni par le demandeur à l'appui de sa demande et peut prendre en compte tout autre renseignement à condition, dans ce cas, de donner au demandeur, avant la fin des évaluations, la possibilité de présenter ses observations.
Scientific approach **(7)** In evaluating the health and environmental risks of a pest control product and in determining whether those risks are acceptable, the Minister shall (a) apply a scientifically based approach; and (b) in relation to health risks, if a decision referred to in paragraph 28(1)(a) or (b) is being made or has been made in relation to a pest control product, (i) among other relevant factors, consider available information on aggregate exposure to the pest control product, namely dietary exposure and exposure from other non-occupational sources, including drinking water and use in and around homes and	**Approche scientifique** **(7)** Lorsqu'il évalue les risques sanitaires et environnementaux d'un produit antiparasitaire et détermine s'ils sont acceptables, le ministre : b) adopte une approche qui s'appuie sur une base scientifique; c) à l'égard des risques sanitaires, dans le cas où une décision visée aux alinéas 28(1)a) ou b) est sur le point d'être prise ou a été prise relativement au produit antiparasitaire : (i) prend notamment en considération les renseignements disponibles sur l'exposition globale au produit antiparasitaire, soit l'exposition alimentaire et l'exposition d'autres sources ne provenant pas

schools, and cumulative effects of the pest control product and other pest control products that have a common mechanism of toxicity,	du milieu de travail, notamment l'eau potable et l'utilisation du produit dans les maisons et les écoles et autour de celles-ci, ainsi que les effets cumulatifs du produit antiparasitaire et d'autres produits antiparasitaires ayant un mécanisme de toxicité commun,
(ii) apply appropriate margins of safety to take into account, among other relevant factors, the use of animal experimentation data and the different sensitivities to pest control products of major identifiable subgroups, including pregnant women, infants, children, women and seniors, and	(ii) applique des marges de sécurité appropriées pour prendre notamment en compte l'utilisation de données d'expérimentation sur les animaux et les différentes sensibilités aux produits antiparasitaires des principaux sous-groupes identifiables, notamment les femmes enceintes, les nourrissons, les enfants, les femmes et les personnes âgées,
(iii) in the case of a threshold effect, if the product is proposed for use in or around homes or schools, apply a margin of safety that is ten times greater than the margin of safety that would otherwise be applicable under subparagraph (ii) in respect of that threshold effect, to take into account potential pre- and post-natal toxicity and completeness of the data with respect to the exposure of, and toxicity to, infants and children unless, on the basis of reliable scientific data, the Minister has determined that a different margin of safety would be appropriate.	(iii) dans le cas d'un effet de seuil et si le produit est destiné à une utilisation dans les maisons ou les écoles ou autour de celles-ci, applique une marge de sécurité supérieure de dix fois à celle qui serait autrement applicable en vertu du sous-alinéa (ii) relativement à cet effet de seuil pour tenir compte de la toxicité prénatale et postnatale potentielle et du degré de

	complétude des données d'exposition et de toxicité relatives aux nourrissons et aux enfants, à moins que, sur la base de données scientifiques fiables, il ait jugé qu'une marge de sécurité différente conviendrait mieux.
Government policy to be given effect in evaluation **(8)** In evaluating the health and environmental risks and the value of a pest control product, the Minister shall give effect to government policy.	**Politique gouvernementale** **(8)** Lorsqu'il évalue la valeur du produit antiparasitaire et les risques sanitaires et environnementaux qu'il présente, le ministre donne effet à la politique gouvernementale.
Comparative risk and value assessment **(9)** In determining whether the health and environmental risks and the value of a pest control product are acceptable, the Minister may, in accordance with the regulations, if any, take into account information regarding the risks and value of other pest control products that are registered for the same use.	**Évaluation comparative des risques et de la valeur** **(9)** Lorsqu'il détermine si la valeur d'un produit antiparasitaire et les risques sanitaires et environnementaux qu'il présente sont acceptables, le ministre peut, en conformité avec les éventuels règlements, prendre en compte les renseignements sur la valeur et les risques d'autres produits homologués pour la même utilisation.
Representations **(10)** For the purposes of subsection (9), the Minister shall, before making the determination, give the applicant a reasonable opportunity to make representations in respect of the information referred to in that subsection.	**Observations** **(10)** Pour l'application du paragraphe (9) et avant de prendre une décision définitive, le ministre donne au demandeur la possibilité de présenter ses observations sur les renseignements visés à ce paragraphe.
Registration or amendment **8 (1)** If the Minister considers that the health and environmental risks and the	**Délivrance et modification de l'homologation**

value of the pest control product are acceptable after any required evaluations and consultations have been completed, the Minister shall register the product or amend its registration in accordance with the regulations, if any, by (a) specifying the conditions relating to its manufacture, handling, storage, transport, import, export, packaging, distribution, use or disposition, including conditions relating to its composition, and, subject to subsection (2), the conditions relating to its label; (b) assigning a registration number to the product in the case of a new registration and, where the Minister considers it appropriate, in the case of an amendment; and (c) specifying the period for which the registration or amended registration is valid, which period may be either finite or indefinite.	**8 (1)** Si, au terme des évaluations et des consultations requises, il conclut que la valeur du produit antiparasitaire ainsi que les risques sanitaires et environnementaux qu'il présente sont acceptables, le ministre homologue le produit ou apporte les modifications demandées, en conformité avec les éventuels règlements, et pour ce faire : a) il détermine les conditions relatives à la fabrication, à la manipulation, au stockage, au transport, à l'importation, à l'exportation, à l'emballage, à la distribution, à l'utilisation ou à la disposition du produit, notamment celles relatives à sa composition, et, sous réserve du paragraphe (2), les conditions relatives à son étiquette; b) il attribue au produit un numéro d'homologation, dans le cas d'une nouvelle homologation et, s'il le juge à propos, dans le cas d'une modification; c) il fixe la période de validité — déterminée ou non — de l'homologation ou de l'homologation modifiée.
Denial of application **(4)** The Minister shall deny an application referred to in subsection 7(1) if the Minister does not consider that the health or environmental risks of a pest control product are, or its value is, acceptable.	**Rejet de la demande** **(4)** Le ministre rejette la demande visée au paragraphe 7(1) s'il n'arrive pas aux conclusions visées au paragraphe (1).
Additional information **12 (1)** The Minister may, by delivering a notice in writing, require a registrant	**Renseignements supplémentaires** **12 (1)** Le ministre peut, par remise au titulaire d'un avis écrit, exiger de celui-ci :

(a) to compile information, conduct tests and monitor experience with the pest control product for the purpose of obtaining additional information with respect to its effects on human health and safety or the environment or with respect to its value; and (b) to report the additional information to the Minister within the time and in the form specified in the notice.	b) qu'il effectue des essais, accumule des renseignements et surveille l'expérimentation du produit antiparasitaire en vue d'obtenir des renseignements supplémentaires quant à la valeur du produit ou quant à ses effets sur la santé et la sécurité humaines ou sur l'environnement; c) qu'il lui communique les renseignements en la forme et dans le délai qu'il y précise.
Condition of registration **(2)** A requirement under subsection (1) is a condition of registration.	**Condition d'homologation** **(2)** L'exécution de l'obligation visée au paragraphe (1) constitue une condition d'homologation.
Mandatory reporting **13** An applicant for registration of a pest control product, a person who makes an application under subsection 10(2) or a registrant shall report any prescribed information that relates to the health or environmental risks or the value of the pest control product to the Minister within the prescribed time and in the form and manner directed by the Minister.	**Obligation de communiquer** **13** Le demandeur de l'homologation d'un produit antiparasitaire, le demandeur en vertu du paragraphe 10(2) et le titulaire sont tenus de communiquer au ministre, dans le délai réglementaire et selon les modalités que ce dernier prévoit, tout renseignement prévu par règlement qui touche à la valeur du produit antiparasitaire ou aux risques sanitaires ou environnementaux qu'il présente.
Determination by Minister **14** After considering any information reported under section 12 or 13, the Minister shall determine whether a special review of the registration of the pest control product should be initiated.	**Décision** **14** À la suite de l'étude des renseignements qui lui ont été communiqués en application des articles 12 et 13, le ministre décide s'il procède ou non à l'examen spécial de l'homologation du produit antiparasitaire.
Minister required to initiate re-evaluation **16 (2)** Without limiting the generality of subsection (1),	**Réévaluation exigée** **16 (2)** Sans que soit limitée la portée générale du paragraphe (1) :

(a) if a decision of a type referred to in paragraph 28(1)(a) or (b) was made in relation to a pest control product on or after April 1, 1995, the Minister shall initiate a re-evaluation of that product no later than one year after 15 years have elapsed since the most recent decision of that type; and (b) if the most recent decision of a type referred to in paragraph 28(1)(a) or (b) was made in relation to a pest control product before April 1, 1995, the Minister shall initiate a re-evaluation of that product no later than April 1, 2005 or the date that is one year after 15 years have elapsed since that decision, whichever date is later.	a) lorsqu'une décision sur l'homologation d'un produit antiparasitaire, du même type que celle visée aux alinéas 28(1)a) ou b), est prise le 1er avril 1995 ou après cette date, le ministre procède à une réévaluation du produit au plus tard un an après la période de quinze ans écoulée depuis la plus récente décision de ce type; b) lorsque la plus récente décision sur l'homologation d'un produit antiparasitaire, du même type que celle visée aux alinéas 28(1)a) ou b), a été prise avant le 1er avril 1995, le ministre procède à une réévaluation du produit au plus tard le 1er avril 2005 ou, si cette date est postérieure, la date qui suit d'un an la période de quinze ans écoulée depuis la décision.
Initiation of special review by Minister **17 (1)** The Minister shall initiate a special review of the registration of a pest control product if the Minister has reasonable grounds to believe that the health or environmental risks of the product are, or its value is, unacceptable.	**Examen spécial** **17 (1)** Le ministre procède à l'examen spécial de l'homologation du produit antiparasitaire lorsqu'il a des motifs raisonnables de croire que la valeur du produit ou les risques sanitaires ou environnementaux qu'il présente sont inacceptables.
Special review where OECD ban **(2)** Without limiting the generality of subsection (1), when a member country of the Organisation for Economic Co-operation and Development prohibits all uses of an active ingredient for health or environmental reasons, the Minister shall initiate a special review of registered pest control products containing that active ingredient.	**Examen spécial — interdiction de l'OCDE** **(2)** Sans que soit limitée la portée générale du paragraphe (1), lorsqu'un pays membre de l'Organisation de coopération et de développement économiques interdit l'utilisation d'un principe actif pour des raisons sanitaires ou environnementales, le ministre procède à l'examen spécial des produits

	antiparasitaires homologués contenant ce principe actif.
Special review where information from department or province **(3)** Without limiting the generality of subsection (1), the Minister shall initiate a special review of the registration of a pest control product if a federal or provincial government department or agency has provided information to the Minister that relates to the health or environmental risks or the value of the product and if, after considering the information provided, the Minister has reasonable grounds to believe that the health or environmental risks of the product are, or its value is, unacceptable.	**Examen spécial — renseignements des ministères ou provinces** **(3)** Sans que soit limitée la portée générale du paragraphe (1), le ministre procède à l'examen spécial de l'homologation du produit antiparasitaire lorsqu'un ministère ou organisme public fédéral ou provincial lui fournit les renseignements relatifs aux risques sanitaires ou environnementaux ou à la valeur du produit visé et, à la suite de l'étude de ces renseignements, le ministre a des motifs raisonnables de croire que la valeur du produit ou les risques sanitaires ou environnementaux qu'il présente sont inacceptables.
Request for special review **(4)** Any person may request a special review of the registration of a pest control product by making a request to the Minister in the form and manner directed by the Minister.	**Demande** **(4)** Toute personne peut faire une demande d'examen spécial au ministre, en la forme et de la façon qu'il précise.
Decision **(5)** Within a reasonable time after receiving a request, the Minister shall decide whether to initiate a special review and shall respond to the request with written reasons for the decision.	**Décision** **(5)** Dans un délai raisonnable suivant la réception de la demande, le ministre décide s'il procède ou non à l'examen et communique à son auteur sa décision en la motivant par écrit.
Scope of special review **(6)** For the purposes of this section, the Minister shall initiate a special review only in relation to the aspect of the pest control product that prompted the special review.	**Portée de l'examen spécial** **(6)** Pour l'application du présent article, le ministre procède à l'examen spécial uniquement relativement à l'aspect du produit antiparasitaire qui justifie l'examen spécial.

Addition of aspect **(7)** If the Minister has initiated a re-evaluation of, or a special review in relation to, a pest control product, the Minister may, at any time before the decision statement is made public under subsection 28(5), expand the scope of the re-evaluation or special review to include any aspect of the product that would otherwise prompt a new special review under subsection (1), (2) or (3).	**Ajout d'un aspect** **(7)** S'il a déjà procédé à une réévaluation d'un produit antiparasitaire ou à un examen spécial relatif à un tel produit, le ministre peut, à tout moment avant de rendre public l'énoncé de décision visé au paragraphe 28(5), étendre la portée de la réévaluation ou de l'examen spécial à l'aspect du produit qui aurait justifié un nouvel examen spécial au titre des paragraphes (1), (2) ou (3).
New or amended consultation statement **(8)** If the Minister expands the scope of a re-evaluation or special review under subsection (7) after the consultation statement relating to the re-evaluation or special review has been made public under subsection 28(2), the Minister shall make public a new or amended consultation statement under that subsection that takes into account the aspect referred to in subsection (7).	**Énoncé de consultation nouveau ou modifié** **(8)** S'il étend la portée d'une réévaluation ou d'un examen spécial au titre du paragraphe (7) après avoir rendu public l'énoncé de consultation relatif à la réévaluation ou à l'examen spécial au titre du paragraphe 28(2), le ministre rend public au titre de ce paragraphe un énoncé de consultation nouveau ou modifié qui tient compte de l'aspect visé au paragraphe (7).
Discretion of Minister — aspect already covered **17.1 (1)** Despite section 17, the Minister may decide not to initiate a special review in relation to a pest control product if a re-evaluation of, or a special review in relation to, the product has already been initiated that includes the aspect of the product that would otherwise prompt a special review.	**Discrétion du ministre — aspect déjà couvert** **17.1 (1)** Malgré l'article 17, le ministre peut décider de ne pas procéder à l'examen spécial relatif au produit antiparasitaire si l'aspect du produit qui aurait justifié l'examen spécial est déjà visé par une réévaluation du produit ou un examen spécial relatif au produit.
Discretion of Minister — previous decision statement **(2)** Despite subsection 17(2), the Minister may decide not to initiate a special review of a registered pest control product under that subsection if	**Discrétion du ministre — énoncé de décision** **(2)** Malgré le paragraphe 17(2), le ministre peut décider de ne pas procéder à l'examen spécial du produit antiparasitaire homologué au titre de ce paragraphe si :

(a) the Minister made public under subsection 28(5) a decision statement respecting a re-evaluation of, or a special review in relation to, that product; (b) the aspect of the product that would otherwise prompt a special review was addressed by the re-evaluation or special review referred to in paragraph (a); and (c) the Minister determines that there is no additional information in relation to the health or environmental risks of the product that provides the Minister with reasonable grounds to believe that those risks are unacceptable.	a) il a rendu public un énoncé de décision au titre du paragraphe 28(5) en ce qui a trait à la réévaluation du produit ou à l'examen spécial relatif au produit; b) l'aspect du produit qui aurait justifié l'examen spécial était visé par la réévaluation ou l'examen spécial visé à l'alinéa a); c) il conclut qu'il n'y a pas de renseignements supplémentaires au sujet de risques sanitaires ou environnementaux que présente le produit qui feraient en sorte qu'il aurait des motifs raisonnables de croire que ces risques sont inacceptables.
Duty to make decisions public **17.2** The Minister shall make public each of the following decisions and the reasons for it: (a) a decision made under subsection 17(7) to expand the scope of a re-evaluation or special review to include an aspect that would otherwise prompt a new special review under subsection 17(2); (b) a decision made under subsection 17.1(1) or (2) not to initiate a special review in relation to an aspect that would otherwise prompt such a review under subsection 17(2).	**Obligation de rendre publiques les décisions du ministre** **17.2** Le ministre rend publiques les décisions ci-après ainsi que les motifs de celles-ci : a) les décisions prises au titre du paragraphe 17(7) d'étendre la portée d'une réévaluation ou d'un examen spécial à l'aspect qui aurait justifié un nouvel examen spécial au titre du paragraphe 17(2); b) b) les décisions prises au titre des paragraphes 17.1(1) ou (2) de ne pas procéder à un examen spécial relatif à l'aspect qui aurait justifié un tel examen au titre du paragraphe 17(2).
Burden of persuasion and consideration of information **19 (1)** During an evaluation that is done in the course of a re-evaluation or special review,	**Charge de la preuve et renseignements pris en compte** **19 (1)** Lors de l'évaluation du produit antiparasitaire dans le cadre d'une réévaluation ou d'un examen spécial :

(a) the Minister may, by delivering a notice in writing, require the registrant to provide, in the form and within the period specified in the notice, additional information that the Minister considers necessary for the evaluation; (b) the registrant has the burden of persuading the Minister that the health and environmental risks and the value of the pest control product are acceptable; and (c) the Minister shall consider the information provided by the registrant in support of the product and may consider any additional information, but the Minister shall give the registrant a reasonable opportunity to make representations in respect of the additional information before completing the evaluation.	a) le ministre peut, par avis écrit, exiger du titulaire qu'il lui fournisse, en la forme et dans le délai qui y sont prévus, les renseignements supplémentaires qu'il juge nécessaires pour l'évaluation; b) il incombe au titulaire de convaincre le ministre que la valeur du produit et les risques sanitaires et environnementaux qu'il présente sont acceptables; c) le ministre prend en compte tout renseignement fourni par le titulaire à l'égard du produit et peut prendre en compte tout autre renseignement à condition, dans ce cas, de donner au titulaire, avant de terminer ses évaluations, la possibilité de présenter ses observations.
Cancellation or amendment **20 (1)** The Minister may cancel or amend the registration of a pest control product if (a) the registrant fails to satisfy a requirement under subsection 16(3) or 18(1) or paragraph 19(1)(a); or (b) in the course of a re-evaluation or special review, the Minister has reasonable grounds to believe that the cancellation or amendment is necessary to deal with a situation that endangers human health or safety or the environment, taking into account the precautionary principle set out in subsection (2).	**Révocation ou modification** **20 (1)** Le ministre peut révoquer l'homologation ou la modifier dans les cas suivants : a) le titulaire ne satisfait pas à une des exigences posées par les paragraphes 16(3) ou 18(1) ou l'alinéa 19(1)a); b) le ministre a des motifs raisonnables de croire que ces mesures sont nécessaires, dans le cadre du processus de réévaluation ou d'examen spécial, pour régler une situation qui présente un danger pour la santé ou la sécurité humaines ou pour l'environnement, en prenant en compte le principe de prudence

Confirmation **21 (1)** If the Minister considers that the health and environmental risks and the value of a pest control product are acceptable after any required evaluations and consultations have been completed, the Minister shall confirm the registration.	**Confirmation** **21 (1)** Si, au terme des évaluations et des consultations requises, il conclut que la valeur du produit antiparasitaire et les risques sanitaires et environnementaux qu'il présente sont acceptables, le ministre confirme l'homologation.
Amendment or cancellation **(2)** If the Minister does not consider that the health or environmental risks or value of a pest control product are acceptable, the Minister shall (c) amend the registration if the Minister considers that the health and environmental risks and value of the product would be acceptable after the amendment; or (d) cancel the registration.	**Modification ou révocation** **(2)** Dans le cas où il n'arrive pas à cette conclusion, le ministre modifie l'homologation s'il estime qu'à la suite de la modification la valeur du produit et les risques sanitaires et environnementaux qu'il présente seraient acceptables, ou il la révoque.
Delay of effective date **(3)** The Minister may delay the effective date of the amendment or cancellation if a) no suitable alternative to the use of the pest control product is available; and b) the Minister considers that the health and environmental risks and value of the product are acceptable until the effective date of the amendment or cancellation.	**Report de la modification ou de la révocation** **(3)** Le ministre peut différer la modification ou la révocation de l'homologation lorsqu'il n'existe aucune solution de rechange satisfaisante à l'utilisation du produit antiparasitaire et qu'il juge que la valeur du produit et les risques sanitaires et environnementaux qu'il présente sont, jusqu'à la date de modification ou de révocation, acceptables.
Continued possession, etc., of existing stocks **(5)** When cancelling the registration of a pest control product under this section or any other provision of this Act, the Minister may	**Produits existant à la date de révocation** **(5)** Lorsqu'il révoque l'homologation, en application du présent article ou de toute autre disposition de la présente loi, le ministre peut :

(a) allow the continued possession, handling, storage, distribution and use of stocks of the product in Canada at the time of cancellation, subject to any conditions, including disposal procedures, that the Minister considers necessary for carrying out the purposes of this Act; (b) require the registrant to recall and dispose of the product in a manner specified by the Minister; or (c) seize and dispose of the product.	a) soit, aux conditions qu'il estime nécessaires pour l'application de la présente loi — notamment quant à la façon d'éliminer le produit — autoriser que se poursuivent la possession, la manipulation, le stockage, la distribution ou l'utilisation des stocks du produit se trouvant au Canada à la date de la révocation; b) soit obliger le titulaire à faire le rappel du produit et à procéder à sa disposition de la manière qu'il précise; c) soit confisquer le produit et procéder à sa disposition.
Discontinuation of sale of product **22 (1)** A registrant who intends to discontinue the sale of a pest control product for one or more uses for which it is registered shall notify the Minister of that intention in the form and manner directed by the Minister.	**Cessation de la vente d'un produit antiparasitaire** **22 (1)** Le titulaire qui a l'intention de cesser la vente d'un produit antiparasitaire, pour une ou plusieurs de ses utilisations homologuées, en avise le ministre en la forme et de la façon qu'il précise.
Reasons for discontinuation **(2)** The Minister may deliver a notice in writing to the registrant requiring the registrant to explain the reasons for the discontinuation.	**Motifs de la cessation** **(2)** Le ministre peut, par remise d'un avis écrit au titulaire, obliger celui-ci à motiver la cessation de la vente.
Cancellation or amendment of registration **(3)** On receipt of notification under subsection (1), the Minister shall cancel or amend the registration, as the case may be, as of a date to be determined by the Minister and, pending that date, may impose any conditions that the Minister considers necessary for carrying out the purposes of this Act.	**Révocation de l'homologation** **(3)** Sur réception de l'avis prévu au paragraphe (1), le ministre révoque ou modifie, selon le cas, l'homologation du produit, précise la date de prise d'effet de la révocation ou de la modification et, avant celle-ci, peut imposer les conditions qu'il estime nécessaires pour l'application de la présente loi.

Non-payment of fees, fines, etc. **23 (1)** If a registrant fails to pay a fee, fine, penalty, charge or cost that the registrant is liable to pay under or in relation to this Act, the Minister may (a) cancel or amend any registration in the registrant's name; and (b) refuse to consider any application made by the registrant under this Act. **Representations** **(2)** Before taking any action under subsection (1) in relation to charges or costs, the Minister shall give the registrant a reasonable opportunity to make representations. **Notice** **(3)** The Minister shall immediately give written notice to the registrant of any action taken under subsection (1) and of the reasons for the action. **Breach of conditions** **25** The Minister may cancel or amend the registration of a pest control product if the registrant does not comply with the conditions of registration. **Violation or offence** **26** If a person is found to have committed a violation or is convicted of an offence under this Act, the Minister may, having regard to the nature of the violation or offence and the circumstances surrounding its commission, (a) cancel or amend the registration of the pest control product that was involved in the violation or offence where the person who committed the violation or offence is the registrant;	**Défaut de paiement des frais** **23 (1)** S'il y a défaut de paiement des amendes, pénalités, droits ou autres frais exigibles au titre de la présente loi ou en rapport avec celle-ci, le ministre peut révoquer ou modifier toute homologation du titulaire en cause et refuser d'examiner toute nouvelle demande faite par lui sous le régime de la présente loi. **Observations** **(2)** Avant de prendre une mesure relative aux droits et aux frais en vertu du paragraphe (1), le ministre donne au titulaire la possibilité de présenter ses observations. **Avis** **(3)** Si le ministre prend une mesure en vertu du paragraphe (1), il en avise sans délai le titulaire par écrit, motifs à l'appui. **Non-respect des conditions** **25** Le ministre peut révoquer ou modifier l'homologation si le titulaire n'en respecte pas les conditions. **Violation ou infraction** **26** En cas de détermination de responsabilité pour violation de la présente loi ou de déclaration de culpabilité pour infraction à celle-ci, le ministre peut, compte tenu de la nature de la violation ou de l'infraction et des circonstances de sa commission : a) révoquer ou modifier, si le contrevenant en est titulaire, l'homologation du produit antiparasitaire qui y a servi ou donné lieu;

(b) cancel or amend the registration of any other pest control product in respect of which the person is the registrant; or (c) refuse to consider any application made under this Act by the person during any period that the Minister considers appropriate.	b) révoquer ou modifier toute autre homologation dont le contrevenant est titulaire; c) refuser d'examiner toute demande faite sous le régime de la présente loi par le contrevenant pendant la période qu'il juge indiquée.
Minister to consult **28 (1)** The Minister shall consult the public and federal and provincial government departments and agencies whose interests and concerns are affected by the federal regulatory system before making a decision (a) to grant or deny an application (i) to register a pest control product that is or contains an unregistered active ingredient, or (ii) to register, or amend the registration of, a pest control product if the Minister considers that registration or amendment of the registration may result in significantly increased health or environmental risks; (b) about the registration of a pest control product on completion of a re-evaluation or special review; or (c) about any other matter if the Minister considers it in the public interest to do so.	**Consultation publique** **28 (1)** Le ministre consulte le public et les ministères et organismes publics fédéraux et provinciaux dont les intérêts et préoccupations sont en jeu avant de prendre une décision concernant : (a) l'acceptation ou le rejet : (i) d'une demande d'homologation d'un produit antiparasitaire qui est ou contient un principe actif non homologué, (ii) d'une demande d'homologation ou de modification de l'homologation d'un produit antiparasitaire, s'il est d'avis que l'homologation ou sa modification risque d'augmenter sensiblement les risques sanitaires ou environnementaux; b) l'homologation d'un produit après une réévaluation ou un examen spécial; c) toute autre question, s'il juge qu'il est dans l'intérêt public de tenir une telle consultation.

Public notice **(2)** To initiate a consultation under subsection (1), the Minister shall make public a consultation statement and shall invite any person to send written comments on the proposed decision within the period specified in the statement.	**Avis public** **(2)** Pour déclencher une consultation en vertu du paragraphe (1), le ministre rend public un énoncé de consultation et invite les intéressés à faire part de leurs observations au sujet du projet de décision dans le délai précisé dans l'énoncé.
Consultation statement **(3)** The consultation statement shall include (a) a summary of any reports of the evaluation of the health and environmental risks and the value of the pest control product prepared or considered by the Minister; (b) the proposed decision and the reasons for it; and (c) any other information that the Minister considers necessary in the public interest.	**Énoncé de consultation** **(3)** L'énoncé de consultation doit contenir les éléments suivants : a) le sommaire des rapports d'évaluation de la valeur et des risques du produit antiparasitaire, établis ou pris en compte par le ministre; b) le projet de décision motivé; c) tout autre renseignement que le ministre estime nécessaire dans l'intérêt public.
Consideration of comments **(4)** The Minister shall consider any comments received pursuant to subsection (2) before making a decision.	**Examen des observations** **(4)** Avant de prendre une décision, le ministre examine toute observation reçue conformément au paragraphe (2).
Decision statement **(5)** After making a decision, the Minister shall make public a decision statement that shall include the decision, the reasons for it and a summary of any comments that the Minister received on the proposed decision.	**Énoncé de décision** **(5)** Après avoir pris une décision, le ministre rend public un énoncé de décision qui doit contenir la décision, les motifs de celle-ci et un sommaire des observations reçues, le cas échéant.
Confidential test data **(6)** A consultation statement referred to in subsection (2) and a decision statement referred to in subsection (5) shall contain any confidential test data	**Données d'essai confidentielles** **(6)** L'énoncé de consultation et l'énoncé de décision doivent contenir les données d'essai confidentielles que le ministre estime être d'intérêt public.

that the Minister considers to be in the public interest.	
Notice of objection to registration decisions **35 (1)** Any person may file with the Minister, in the form and manner directed by the Minister, a notice of objection to a decision referred to in paragraph 28(1)(a) or (b) within 60 days after the decision statement referred to in subsection 28(5) is made public.	**Avis d'opposition — homologation** **35 (1)** Dans les soixante jours suivant celui où l'énoncé de décision visé au paragraphe 28(5) est rendu public, toute personne peut déposer auprès du ministre, selon les modalités que celui-ci fixe, un avis d'opposition à la décision visée aux alinéas 28(1)a) ou b).
Establishment of review panel **(3)** After receiving a notice of objection, the Minister may, in accordance with the regulations, if any, establish a panel of one or more individuals to review the decision and to recommend whether the decision should be confirmed, reversed or varied.	**Constitution d'une commission d'examen** **(3)** Le ministre peut, après réception de l'avis d'opposition, constituer, en conformité avec les éventuels règlements, une commission d'examen, composée d'un ou de plusieurs individus, chargée d'examiner la décision prise et de recommander soit sa confirmation, soit son annulation, soit encore sa modification.
Reasons to be provided if panel not established **(5)** If the Minister does not establish a panel, the Minister shall provide written reasons without delay to the person who filed the notice of objection.	**Non-constitution motivée** **(5)** Si le ministre décide de ne pas constituer de commission d'examen, il communique sans délai ses motifs écrits à la personne qui a déposé l'avis.
No automatic suspension of decisions **36** The filing of a notice of objection or the establishment of a review panel does not suspend the decision under review, but the Minister may suspend the decision until a final decision is made on completion of the review or until the review panel is dissolved.	**Suspension non automatique** **36** L'application de la décision n'est pas suspendue du seul fait qu'un avis d'opposition a été déposé ou qu'une commission d'examen a été constituée; le ministre peut cependant la suspendre jusqu'à ce qu'une décision définitive soit prise au terme de l'examen ou jusqu'à ce que la commission soit dissoute.

Register **42 (1)** The Minister shall establish and maintain a Register of Pest Control Products in accordance with the regulations, if any, that contains information about pest control products, including information about applications, registrations, re-evaluations and special reviews.	**Registre** **42 (1)** Le ministre établit et tient à jour, en conformité avec les éventuels règlements, un Registre des produits antiparasitaires, contenant des renseignements sur les produits antiparasitaires, notamment en ce qui touche les demandes, l'homologation, les réévaluations et les examens spéciaux.
Contents of Register **(2)** The Register shall contain the following information: (a) for each application to register or amend the registration of a pest control product, (i) the active ingredient of the product, proposed new uses for it or any uses proposed to be withdrawn, and (ii) how the application was disposed of or whether it was withdrawn; (b) the conditions of registration, registration number and registration validity period for each registered pest control product; (c) information, in respect of each registered pest control product, that is provided by applicants and registrants (i) in support of an application for registration or for the amendment of a registration, or (ii) for the purposes of a re-evaluation or special review; (d) information provided by applicants and registrants that is	**Contenu du Registre** **(2)** Figurent dans le Registre : a) pour chaque demande d'homologation d'un produit antiparasitaire ou de modification d'une telle homologation : (i) le principe actif du produit, les utilisations nouvelles proposées et celles dont le retrait est proposé, (ii) a décision finale prise quant à la demande ou le fait que celle-ci a été retirée; b) les conditions, le numéro et la durée de chaque homologation; c) les renseignements relatifs à chaque produit homologué fournis par le demandeur ou le titulaire à l'appui d'une demande d'homologation ou de modification de l'homologation ou lors d'une réévaluation ou d'un examen spécial; d) les renseignements fournis par le demandeur ou le titulaire et utilisés pour fixer les limites maximales de résidus; e) les renseignements relatifs à chaque produit homologué et

used to specify maximum residue limits; (e) information, in respect of each registered pest control product, that is considered by the Minister under paragraphs 7(6)(b) and 19(1)(c); (f) any reports of the evaluation of the health and environmental risks and the value of registered pest control products prepared by the Minister; (g) any advice from a person or body referred to in paragraph 44(1)(f), unless disclosure of the advice may be refused under section 23 or 23.1 of the Access to Information Act; (h) the status, including cancelled status, of all registrations to which this Act applies; (i) information provided to the Minister pursuant to subsection 8(5); (j) notices delivered under subsections 12(1), 16(3) and 18(1) and paragraph 19(1)(a); (k) conclusions of the Minister that were made public under section 15; (l) consultation statements and decision statements made public under subsections 28(2) and (5), respectively; (m) notices of objection filed under subsections 35(1) and (2), public notices given under subsection 35(4) and the Minister's decisions and reasons under subsections 35(5) and 39(2); (n) authorizations under sections 33 and 41 and amendments and cancellations under sections 34 and 41; and	examinés par le ministre en application des alinéas 7(6)b) et 19(1)c); f) les rapports d'évaluation établis par le ministre quant à la valeur d'un produit antiparasitaire homologué et aux risques sanitaires et environnementaux qu'il présente; g) tout avis donné par une personne ou un organisme visé à l'alinéa 44(1)f), sauf si sa communication peut être refusée en vertu des articles 23 ou 23.1 de la Loi sur l'accès à l'information; h) l'état des homologations, notamment leur révocation, auxquelles la présente loi s'applique; i) les renseignements fournis au ministre au titre du paragraphe 8(5); j) les avis remis en vertu des paragraphes 12(1), 16(3) et 18(1) et de l'alinéa 19(1)a); k) les conclusions du ministre rendues publiques aux termes de l'article 15; l) les énoncés de consultation et les énoncés de décision rendus publics aux termes des paragraphes 28(2) ou (5) respectivement; m) les avis d'opposition déposés en vertu des paragraphes 35(1) et (2), les avis publiés en vertu du paragraphe 35(4), les décisions du ministre et les motifs de celui-ci communiqués ou rendus publics en vertu des paragraphes 35(5) et 39(2);

(o) any other information required by this Act or the regulations to be included in the Register.	n) les autorisations accordées en vertu des articles 33 et 41 et celles modifiées ou révoquées en vertu des articles 34 ou 41; o) tout autre renseignement à verser au Registre en application d'une disposition de la présente loi ou des règlements.
Evaluation reports **(3)** An evaluation report referred to in paragraph (2)(f) shall contain a summary of the information considered and shall contain any confidential test data and confidential business information that the Minister considers appropriate.	**Rapports d'évaluation du ministre** **(3)** Les rapports d'évaluation visés à l'alinéa (2)f) comportent un résumé des renseignements pris en compte; ils comportent aussi les données d'essai confidentielles et les renseignements commerciaux confidentiels que le ministre estime indiqués.
Public access to information in the Register **(4)** The Minister shall allow the public to have access to, and copies of, any information in the Register that a) is not confidential test data or confidential business information; or b) is confidential test data that has been made subject to public disclosure in accordance with the regulations made under paragraph 67(1)(m).	**Accès aux renseignements du Registre** **(4)** Le ministre permet au public d'avoir accès aux renseignements contenus dans le Registre et d'en obtenir copie si ceux-ci répondent à l'un des critères suivants : a) il ne s'agit pas de données d'essai confidentielles ni de renseignements commerciaux confidentiels; b) il s'agit de données d'essai confidentielles qui font l'objet d'une divulgation en conformité avec les règlements pris en vertu de l'alinéa 67(1)m).
Access to evaluation reports **(5)** The Minister shall allow the public to obtain a copy of any evaluation report in the Register, except for any confidential business information that it contains.	**Accès aux rapports d'évaluation** **(5)** Le ministre permet toutefois au public d'obtenir copie des rapports d'évaluation qui figurent dans le Registre, à l'exclusion des renseignements commerciaux confidentiels qui font partie de ces rapports.

Means of access to information in Register **(6)** Information in the Register that the public may obtain a copy of under this Act or the regulations shall be made available to the public in as convenient a manner as practicable.	**Moyens de communiquer les renseignements du Registre** **(6)** Les renseignements contenus dans le Registre et dont le public peut obtenir copie en vertu de la présente loi ou des règlements sont mis à la disposition du public de la manière la plus convenable possible.
Electronic public registry **(7)** The Minister shall establish an electronic public registry, which shall include (a) the information referred to in subsection (6), as soon as reasonably practicable; (b) memoranda of understanding among federal government departments relating to the regulation of pest control products; (c) reports of international harmonization activities relating to the regulation of pest control products; (d) regulations and proposed regulations under this Act when published in the Canada Gazette; and (e) policies, guidelines and codes of practice relating to the regulation of pest control products when proposed for public consultation, and their final texts when adopted.	**Registre public sous forme électronique — contenu** **(7)** Le ministre établit un registre public sous forme électronique qui inclut : a) les renseignements visés au paragraphe (6), dès qu'il est possible en pratique de le faire; b) les protocoles d'entente entre ministères fédéraux visant la réglementation des produits antiparasitaires; c) les rapports des activités d'harmonisation internationale visant la réglementation des produits antiparasitaires; d) les règlements et projets de règlement émanant de la présente loi et publiés dans la Gazette du Canada; e) les politiques, lignes directrices et codes de pratique visant la réglementation des produits antiparasitaires, lorsqu'ils sont proposés pour consultation publique, et leur texte définitif une fois adoptés.
Regulations — Governor in Council **67 (1)** The Governor in Council may make regulations	**Règlements** **67 (1)** Le gouverneur en conseil peut prendre des règlements :
(a) prescribing policies of the Government of Canada that are consistent with the objectives of this Act for the purposes of the	a) prévoyant des politiques gouvernementales qui soient conformes aux objectifs de la présente loi, pour l'application de la

definition *government policy* in section 2;	définition de *politique gouvernementale* à l'article 2;
(b) prescribing the nomenclature of pests and pest control products for the purposes of this Act;	b) établissant, pour l'application de la présente loi, la nomenclature des parasites et des produits antiparasitaires;
(c) respecting the information and other things that must accompany an application made under section 7 or 10;	c) concernant les renseignements et les éléments qui doivent accompagner les demandes visées aux articles 7 ou 10;
(d) respecting standards of laboratory practice to be used in conducting tests to obtain information about pest control products, certification of compliance with those standards, inspection and audit of compliance and the consequences of a failure to comply;	d) concernant les normes de pratiques en laboratoire à respecter lorsque des essais sont effectués pour l'obtention de renseignements relatifs à un produit antiparasitaire, la certification de l'observation de ces normes, les inspections et vérifications afférentes ainsi que les conséquences de leur transgression;
(e) respecting the evaluation of the health or environmental risks or the value of pest control products;	e) concernant l'évaluation des risques sanitaires ou environnementaux des produits antiparasitaires et de leur valeur;
(f) respecting the registration of pest control products, including the types of registration for classes of products, and, for each type, (i) the criteria and characteristics, and (ii) the period or maximum period for which the registration is valid, which periods may be either finite or indefinite;	f) concernant l'homologation des produits antiparasitaires, notamment les types d'homologation pour des catégories de produits et, pour chaque type : (i) les critères et les caractéristiques, (ii) la période de validité ou la période de validité maximale de l'homologation, laquelle peut être d'une durée indéterminée;
(f.1) respecting minor uses of a pest control product and defining *minor use* for the purposes of this Act and the regulations;	f.1) concernant les usages limités et définissant *usage limité* pour l'application de la présente loi et de ses règlements;
(g) stating which requirements of the regulations are conditions of registration;	g) énonçant les obligations prévues par règlements qui sont des conditions d'homologation;
(h) respecting the circumstances and conditions under which information provided to the Minister by registrants may be used or relied upon in relation to applications or registrations of other persons, including distinctions among the	h) concernant les circonstances et les conditions selon lesquelles les renseignements fournis au ministre par les titulaires

rights of registrants based on the purposes for which the information was provided to the Minister; (i) respecting the Pest Control Products Export Control List, authorizations to export pest control products and the amendment, suspension and cancellation of authorizations; (j) respecting review panels, including their establishment, the selection and remuneration of panel members and the travel and living expenses to which they are entitled; (k) respecting authorizations to use unregistered pest control products for specific purposes and the amendment, suspension and cancellation of authorizations; (l) respecting the Register, including information that is to be included in the Register and public access to the information; (m) respecting the public disclosure of confidential test data; (n) prescribing information that is to be excluded in whole or in part from the application of subsection 43(5); (o) respecting the manufacture, possession, handling, storage, transport, import, export, distribution, use or disposition of pest control products; (p) prescribing standards for pest control products, including standards relating to their form and composition; (q) respecting the measures to be taken to facilitate the recognition of pest control products by a change in colouration or other means; (r) respecting the packaging, labelling and advertising of pest control products; (s) respecting pest control product safety information, including information related to product safety data sheets;	peuvent être utilisés relativement à des demandes ou des homologations d'autres personnes, ou peuvent y servir d'appui, y compris les distinctions à faire entre les droits des titulaires au regard des fins auxquelles les renseignements ont été fournis au ministre; i) concernant la liste des produits antiparasitaires d'exportation contrôlée et les autorisations d'exportation d'un produit antiparasitaire et leur modification, leur suspension et leur révocation; j) concernant les commissions d'examen, notamment leur constitution, le processus de sélection et la rémunération de leurs membres ainsi que les frais de déplacement et de séjour auxquels ils ont droit; k) concernant les autorisations d'utilisation d'un produit antiparasitaire non homologué à des fins déterminées et leur modification, leur suspension et leur révocation; l) concernant le Registre, notamment en ce qui a trait aux renseignements à y inscrire et à son accès au public; m) concernant la divulgation de données d'essai confidentielles; n) précisant les renseignements à exclure, totalement ou partiellement, de l'application du paragraphe 43(5); o) concernant la fabrication, la possession, la manipulation, le stockage, le transport, l'importation, l'exportation, la distribution, l'utilisation et la

(t) respecting the keeping of records by registrants, manufacturers, importers, exporters, distributors and users of pest control products in relation to the products that they manufacture, store, import, export, distribute, use or dispose of and the requirements for making those records available to the Minister;	disposition des produits antiparasitaires;
(u) respecting the recording by registrants of information on sales of pest control products, the retention and reporting to the Minister of such information by registrants and former registrants and the use of such information by the Minister;	p) établissant des normes relatives aux produits antiparasitaires, notamment quant à leur forme et leur composition;
(v) respecting the taking of samples and the conduct of analyses for the purposes of this Act;	q) concernant les mesures à prendre en vue de faciliter l'identification des produits antiparasitaires, notamment par le changement de coloration;
(w) respecting the inspection and operation of establishments in which registered pest control products are manufactured;	r) concernant l'emballage, l'étiquetage et la publicité des produits antiparasitaires;
(x) respecting the preservation, detention and forfeiture of pest control products and any other things seized by an inspector;	s) concernant les renseignements sur la sécurité des produits antiparasitaires, notamment ceux relatifs aux fiches de données de sécurité;
(y) respecting the destruction or disposition of pest control products or any other thing forfeited or authorized to be disposed of under this Act;	t) concernant la tenue, par les titulaires, fabricants, importateurs, exportateurs, distributeurs et utilisateurs de produits antiparasitaires, de dossiers relatifs aux produits qu'ils fabriquent, stockent, importent, exportent, distribuent ou utilisent, ou dont ils disposent, et prévoyant leur mise à la disposition du ministre;
(z) respecting reviews under section 60;	u) concernant la tenue de registres, par les titulaires, des renseignements sur les ventes de produits antiparasitaires, la conservation et la transmission de ces renseignements au ministre par les titulaires et anciens titulaires ainsi que l'utilisation de ces renseignements par celui-ci;
(z.01) respecting the entering into of agreements and the determination of compensation payable through negotiations and binding arbitration, under section 66;	v) concernant le prélèvement d'échantillons et les analyses à effectuer pour l'application de la présente loi;
(z.1) respecting the delivery or transmission of documents under this Act, including the transmission of documents in electronic form;	

(z.2) respecting fees and charges in relation to the administration of this Act or the regulations; (z.21) establishing classes of pest control products and any categories and subcategories of those classes; (z.3) respecting the implementation, in relation to pest control products, of international agreements that affect those products; (z.4) exempting persons, activities or pest control products, including products that are imported solely for the purpose of export, from the application of all or any of the provisions of this Act or the regulations, and prescribing the conditions under which they are exempt; and (z.5) prescribing anything that by this Act is to be prescribed and generally for carrying out the purposes and provisions of this Act.	w) concernant l'exploitation et l'inspection des établissements où sont fabriqués des produits antiparasitaires homologués; x) concernant la conservation, la rétention et la confiscation des objets saisis par un inspecteur; y) concernant les modalités de disposition — notamment par destruction — des objets confisqués ou dont la présente loi permet la disposition; z) concernant les révisions visées à l'article 60; z.01) concernant la conclusion des ententes visées à l'article 66 et l'établissement, visé à cet article, des droits à payer au moyen de la négociation et de l'arbitrage obligatoire; z.1) concernant la remise ou la transmission de documents au titre de la présente loi, notamment la transmission sous forme électronique; z.2) concernant les droits et autres frais relatifs à l'application de la présente loi et des règlements; z.21) déterminant des catégories de produits antiparasitaires et des divisions et subdivisions de ces catégories; z.3) concernant la mise en oeuvre, en ce qui concerne les produits antiparasitaires, des accords internationaux touchant ceux-ci; z.4) soustrayant à l'application de tout ou partie des dispositions de la présente loi ou des règlements des personnes, des activités ou des produits antiparasitaires, notamment les produits antiparasitaires qui sont importés

	uniquement en vue de leur exportation, et fixant les conditions dans lesquelles ils y sont soustraits; z.5) prenant toute mesure d'ordre réglementaire prévue par la présente loi ainsi que toute autre mesure d'application de celle-ci.
Incorporation by reference **(2)** For greater certainty, regulations made under paragraph (1)(d) or (p) that incorporate a standard by reference may incorporate the standard as amended to a certain date or from time to time.	**Incorporation de normes** **(2**) Il est entendu que les règlements pris en vertu des alinéas (1)d) ou p) qui incorporent des normes par renvoi peuvent prévoir qu'elles sont incorporées soit avec leurs modifications successives jusqu'à une date donnée, soit avec toutes leurs modifications successives.
Jointly produced documents **(2.1)** A regulation made under this Act may incorporate by reference documents that the Minister produces jointly with another government for the purpose of harmonizing the regulation with other laws.	**Documents produits conjointement** **(2.1)** Peut être incorporé par renvoi dans un règlement tout document produit conjointement par le ministre et toute autre administration en vue d'harmoniser le règlement avec d'autres règles de droit.
Internally produced standards **(2.2)** A regulation made under this Act may incorporate by reference technical or explanatory documents that the Minister produces, including **(a)** specifications, classifications, illustrations, graphs or other information of a technical nature; and **(b)** test methods, procedures, operational standards, safety standards or performance standards of a technical nature.	**Normes techniques dans des documents internes** **(2.2)** Peut être incorporé par renvoi dans un règlement tout document technique ou explicatif produit par le ministre, notamment : a) des spécifications, classifications, illustrations ou graphiques ou tout autre renseignement de nature technique; b) des méthodes d'essai, procédures ou normes d'exploitation, de rendement ou de sécurité, de nature technique.

Scope of incorporation **(2.3)** Documents may be incorporated by reference as they exist on a particular date or as they are amended from time to time.	**Portée de l'incorporation** **(2.3)** L'incorporation par renvoi peut viser le document à une date donnée ou avec ses modifications successives.
Regulations re WTO Agreement **(3)** Without limiting the authority conferred by subsection (1), the Governor in Council may make any regulations that the Governor in Council considers necessary for the purpose of implementing, in relation to pest control products, Article 39(3) of the Agreement on Trade-related Aspects of Intellectual Property Rights set out in Annex 1C to the WTO Agreement.	**Règlements relatifs à l'Accord sur l'OMC** **(3)** Sans que soit limité le pouvoir conféré par le paragraphe (1), le gouverneur en conseil peut prendre les règlements qu'il estime nécessaires pour la mise en oeuvre, en ce qui concerne les produits antiparasitaires, du paragraphe 3 de l'article 39 de l'Accord sur les aspects des droits de propriété intellectuelle qui touchent au commerce figurant à l'annexe 1C de l'Accord sur l'OMC.
Definition of *WTO Agreement* **(4)** In subsection (3), ***WTO Agreement*** has the meaning assigned by the definition *Agreement* in subsection 2(1) of the *World Trade Organization Agreement Implementation Act*.	**Définition de *Accord sur l'OMC*** **(4)** Pour l'application du paragraphe (3), *Accord sur l'OMC* s'entend de l'*Accord* au sens du paragraphe 2(1) de la *Loi de mise en oeuvre de l'Accord sur l'Organisation mondiale du commerce*.
Contravention of regulations **69** Every person who contravenes a provision of the regulations is guilty of an offence and liable (a) on summary conviction, to a fine of not more than $200,000 or to imprisonment for a term of not more than six months, or to both; and (b) on conviction on indictment, to a fine of not more than $500,000 or to imprisonment for a term of not more than three years, or to both.	**Non-respect des règlements** **69** Toute contravention aux dispositions des règlements constitue une infraction passible, sur déclaration de culpabilité : a) par procédure sommaire, d'une amende maximale de 200 000 $ et d'un emprisonnement maximal de six mois, ou de l'une de ces peines; b) par mise en accusation, d'une amende maximale de 500 000 $ et d'un emprisonnement maximal de trois ans, ou de l'une de ces peines.

Pest Control Products Regulations (SOR/2006-124)	Règlement sur les produits antiparasitaires (DORS/2006-124)
Definitions **1 (1)** The following definitions apply in these Regulations. Act means the *Pest Control Products Act*. (Loi) *antimicrobial agent* means a non-agricultural pest control product that is manufactured, represented, distributed or used as a means to directly or indirectly control or destroy the following on or in inanimate objects, industrial processes and systems, surfaces, water and air: a) micro-organisms; and b) organisms that are not vascular plants and that cause fouling. (*agent antimicrobien*) *antimicrobial preservative* means a chemical substance, or a mixture of chemical substances, that is intentionally incorporated into, or applied to, an article for the purpose of preserving it from deterioration or degradation by preventing the growth of micro-organisms. (*agent de conservation antimicrobien*) *approved label* means a label that meets the conditions of registration relating to the label as specified by the Minister and that is placed in the Register. (*étiquette approuvée*) *CAS registry number* means the identification number that is assigned to a chemical substance by the Chemical Abstracts Service Division of the American Chemical Society. (*numéro d'enregistrement CAS*) *certificate of equivalency* means a certificate that is issued under subsection	**Définitions** **1 (1)** Les définitions qui suivent s'appliquent au présent règlement. *agent antimicrobien* Produit antiparasitaire non agricole qui est fabriqué, présenté, distribué ou utilisé comme moyen de lutte direct ou indirect contre les organismes ci-après, notamment par destruction, lorsqu'ils infestent des objets inanimés, des composants de procédés et de circuits industriels, des surfaces, l'eau et l'air : (A) les micro-organismes; (B) les organismes qui ne sont pas des plantes vasculaires et qui causent l'encrassement. (*antimicrobial agent*) *agent de conservation antimicrobien* Substance chimique, ou un mélange de telles substances, qui empêche la croissance de micro-organismes et qui est incorporée de façon intentionnelle à un article ou qui y est volontairement appliquée afin de le conserver et d'en prévenir la détérioration ou la dégradation. (*antimicrobial preservative*) *agent microbien* Produit antiparasitaire dont le principe actif est un micro-organisme et qui contient toutes toxines et tous métabolites produits par celui-ci. (*microbial agent*) *aire d'affichage* Partie de l'étiquette fixée sur le récipient, l'empaquetage ou tout autre conditionnement contenant tout ou partie d'un produit antiparasitaire. La présente définition exclut toute brochure ou tout dépliant

39(1) with respect to a foreign product. (*certificat d'équivalence*)

common chemical name, with respect to an active ingredient of a pest control product, means the name set out in International Standard ISO 1750:1981 (E/F), entitled *Pesticides and other agrochemicals — Common names*, published by the International Organization for Standardization, as amended from time to time. (*nom chimique commun*)

conditional registration[Repealed, SOR/2017-91, s. 1]

cooperator means an individual, a corporation or an unincorporated entity, or part of one, that agrees to use or allows the use of a pest control product for research purposes on a site owned or operated by it. (*collaborateur*)

device means an instrument, gadget, apparatus, appliance or other similar object. (*dispositif*)

display panel means the part of the label that is affixed to the container, wrapping, covering or holder in which a pest control product is wholly or partly contained, placed or packed. It does not include any brochure or leaflet that accompanies the product. (*aire d'affichage*)

domestic animal means an animal that is under the control of humans and dependent on them for its survival. (*animal domestique*)

equivalency certificate[Repealed, SOR/2014-24, s. 1]

experimental label means a label that is for use during research. (*certificat d'équivalence*)

accompagnant le produit. (*display panel*)

aire d'affichage principale Partie de l'aire d'affichage qui est visible dans les conditions normales de présentation du produit pour la vente. (*principal display panel*)

aire d'affichage secondaire Partie de l'aire d'affichage autre que l'aire d'affichage principale. (*secondary display panel*)

animal domestique Animal dont l'existence est contrôlée par les humains et qui dépend d'eux pour sa survie. (*domestic animal*)

approvisionnement personnel[Abrogée, DORS/2014-24, art. 1]

article traité Produit inanimé ou substance inanimée qui remplit les conditions ci-après, à l'exclusion du produit ou de la substance qui est un *aliment* au sens de l'article 2 de la *Loi sur les aliments et drogues* :

a) pendant sa fabrication, un produit antiparasitaire y est incorporé de façon intentionnelle ou y est volontairement appliqué;
b) sa principale fonction, avant l'incorporation ou l'application du produit antiparasitaire, ne vise pas la lutte directe ou indirecte contre les parasites par destruction, attraction ou répulsion, ou encore par atténuation ou prévention de leurs effets nuisibles, nocifs ou gênants. (*treated article*)

certificat d'autorisation de recherche Certificat délivré aux termes du paragraphe 50(2) portant que le produit antiparasitaire qui y est mentionné peut

foreign product means a pest control product that is registered in a country other than Canada. (*produit étranger*) *foreign product use certificate* means a certificate that is issued under subsection 41(3) with respect to an imported foreign product. (*certificat d'utilisation d'un produit étranger*) *marketplace label* means a label that matches the approved label and that has added to it any other written, printed or graphic matter that relates to the pest control product. (*étiquette de marché*) metric unit means a unit of measurement set out in Schedule I to the *Weights and Measures Act*. (*unité métrique*) *microbial agent* means a pest control product whose active ingredient is a micro-organism. It includes any metabolites and toxins produced by the micro-organism. (*agent microbien*) *own use*[Repealed, SOR/2014-24, s. 1] *own-use import certificate*[Repealed, SOR/2014-24, s. 1] *ozone-generating device* means a device that is manufactured, represented, distributed or used to control, destroy or inactivate viruses, bacteria or other micro-organisms that are human pathogens or to reduce their population levels — other than in swimming pools, spas or wastewater or drinking-water treatment systems — by means of the generation of ozone. (*dispositif générateur d'ozone*) *pheromone* means a semiochemical that is produced by an individual of a species and that affects the behaviour of other	être utilisé à des fins de recherche. (*research authorization certificate*) *certificat d'avis de recherche* Certificat délivré aux termes de l'article 54 confirmant que la recherche proposée est conforme aux critères énoncés à l'article 53. (*research notification certificate*) *certificat d'équivalence* Certificat établi en application du paragraphe 39(1) à l'égard d'un produit étranger. (*certificate of equivalency*) *certificat d'homologation* Certificat délivré aux termes de l'article 12 portant que le produit antiparasitaire qui y est mentionné est homologué sous le régime de la Loi. (*registration certificate*) *certificat d'importation pour approvisionnement personnel*[Abrogée, DORS/2014-24, art. 1] *certificat d'utilisation d'un produit étranger* Certificat délivré en application du paragraphe 41(3) à l'égard d'un produit étranger importé. (*foreign product use certificate*) *chercheur* Personne qui est employée par un établissement de recherche ou dont les services sont retenus par celui-ci et qui est chargée d'utiliser un produit antiparasitaire ou d'en superviser l'utilisation à des fins de recherche. (*researcher*) *collaborateur* Particulier, personne morale ou entité non dotée de la personnalité morale, ou partie d'une personne morale ou d'une telle entité, qui accepte d'utiliser un produit antiparasitaire ou qui en autorise l'utilisation à des fins de recherche en un lieu qui lui appartient ou qu'il exploite. (*cooperator*)

individuals of the same species. (*phéromone*) *principal display panel* means the part of the display panel that is visible under normal conditions of display for sale. (*aire d'affichage principale*) *product certification body* means a body that is accredited by the Standards Council of Canada to give third-party written assurance that a product meets the specified requirements for the product, including initial certification and maintenance of that certification. (*organisme de certification de produits*) *registration certificate* means a certificate issued under section 12 that states that the pest control product named in it is registered under the Act. (*certificat d'homologation*) *research* means tests that are carried out to generate test data in support of an application for registration of a pest control product or an application to amend a registration, using a pest control product that contains an unregistered active ingredient, using an unregistered pest control product that contains a registered active ingredient or using a registered pest control product in a manner or for a use that is not specified in the conditions of registration. (*recherche*) *research authorization certificate* means a certificate issued under subsection 50(2) that states that the pest control product named in it may be used in conducting research. (*certificat d'autorisation de recherche*) *researcher* means an individual who is employed by or who provides service to a research establishment and who is	*Convention de Stockholm* Convention de Stockholm sur les polluants organiques persistants, signée à Stockholm le 22 mai 2001, avec ses modifications successives. (*Stockholm Convention*) *dispositif* Instrument, gadget, appareil, mécanisme ou autre objet similaire. (*device*) *dispositif à rayonnement ultraviolet* Dispositif fabriqué, présenté, distribué ou utilisé comme moyen pour lutter contre les virus, les bactéries ou d'autres micro-organismes qui sont des pathogènes humains en les détruisant, en réduisant leurs populations ou en les rendant inactifs — sauf dans les piscines, les spas ou les systèmes de traitement des eaux usées ou de l'eau potable — par rayonnement ultraviolet. (*ultraviolet radiation-emitting device*) *dispositif générateur d'ozone* Dispositif fabriqué, présenté, distribué ou utilisé comme moyen pour lutter contre les virus, les bactéries ou d'autres micro-organismes qui sont des pathogènes humains en les détruisant, en réduisant leurs populations ou en les rendant inactifs — sauf dans les piscines, les spas ou les systèmes de traitement des eaux usées ou de l'eau potable — par ozonisation. (*ozone-generating device*) *écomone* Substance chimique porteuse d'une information produite par une plante ou par un animal ou encore analogue synthétique de cette substance, qui suscite une réponse comportementale chez des individus de même espèce ou d'autres espèces. (*semiochemical*) *établissement de recherche* Personne morale qui effectue des recherches sur les produits antiparasitaires. Y sont

responsible for using or supervising the use of a pest control product for research purposes. (*chercheur*) *research establishment* means a person who is engaged in research that pertains to a pest control product. (*établissement de recherche*) *research notification certificate* means a certificate issued under section 54 that confirms that proposed research meets the criteria set out in section 53. (*certificat d'avis de recherche*) *research site* means an area that is treated or to be treated with a pest control product for the purpose of conducting research. (*site de recherche*) *secondary display panel* means the part of the display panel other than the principal display panel. (*aire d'affichage secondaire*) *seed* means a generative part of a plant that is used for propagation purposes. It includes seed-like fruits, bulbs, tubers and corms but does not include whole plants or cuttings. (*semence*) *semiochemical* means a message-bearing chemical that is produced by a plant or an animal, or a synthetic analogue of such a chemical, that evokes a behavioural response in individuals of the same or another species. (*écomone*) *Stockholm Convention* means the Stockholm Convention on Persistent Organic Pollutants, signed at Stockholm on May 22, 2001, as amended from time to time. (*Convention de Stockholm*) *treated article* means an inanimate product or substance, but does not include a *food* as defined in section 2 of the *Food and Drugs Act*,	assimilées les personnes physiques qui effectuent de telles recherches. (*research establishment*) *étiquette approuvée* Étiquette qui satisfait aux conditions d'homologation établies par le ministre à son égard et qui figure au Registre. (*approved label*) *étiquette de marché* Étiquette qui concorde avec l'étiquette approuvée et à laquelle ont été ajoutés tout autre texte écrit ou imprimé ou représentation graphique liés au produit antiparasitaire. (*marketplace label*) *étiquette de stade expérimental* Étiquette destinée à être utilisée à l'étape de la recherche. (*experimental label*) *homologation conditionnelle*[Abrogée, DORS/2017-91, art. 1] *Loi* La *Loi sur les produits antiparasitaires*. (*Act*) *nom chimique commun* S'agissant du principe actif d'un produit antiparasitaire, le nom qui figure dans la norme internationale ISO 1750:1981 (E/F) de l'Organisation internationale de normalisation intitulée *Produits phytosanitaires et assimilés — Noms communs*, avec ses modifications successives. (*common chemical name*) *numéro d'enregistrement CAS* Numéro d'identification attribué à une substance chimique par la Chemical Abstracts Service Division de l'American Chemical Society. (*CAS registry number*) *organisme de certification de produits* Organisme accrédité par le Conseil canadien des normes pour offrir en tant que tierce partie l'assurance écrite qu'un

(a) that, during the manufacturing process, is treated with a pest control product either by intentionally: (i) incorporating the product into the article; or (ii) applying it to the article, and (b) whose primary purpose, prior to that treatment, is not, directly or indirectly, to control, destroy, attract or repel a pest or to mitigate or prevent the injurious, noxious or troublesome effects of a pest. (*article traité*)	produit est conforme à des exigences particulières, y compris la première certification du produit et le maintien de la certification. (*product certification body*)
treated seed means seed into which a pest control product is intentionally incorporated or to which the product is applied. (*semence traitée*)	*période de validité* Période fixée aux termes de l'alinéa 8(1)c) de la Loi. (*validity period*)
ultraviolet radiation-emitting device means a device that is manufactured, represented, distributed or used to control, destroy or inactivate viruses, bacteria or other micro-organisms that are human pathogens or to reduce their population levels — other than in swimming pools, spas or wastewater or drinking-water treatment systems — by means of ultraviolet radiation. (*dispositif à rayonnement ultraviolet*)	*phéromone* Écomone qui est produite par un individu d'une espèce et qui influe sur le comportement d'autres individus de même espèce. (*pheromone*)
validity period means the period specified under paragraph 8(1)(c) of the Act. (*période de validité*)	*produit étranger* Produit antiparasitaire homologué à l'étranger. (*foreign product*)
	recherche Ensemble d'essais faisant intervenir des produits antiparasitaires dont le principe actif n'est pas homologué, des produits antiparasitaires non homologués dont le principe actif est homologué ou des produits antiparasitaires homologués mais utilisés d'une manière ou pour un usage non visé par les conditions d'homologation, dans le but de produire des données d'essai à l'appui d'une demande d'homologation ou de modification d'homologation. (*research*)
	semence Toute partie génératrice d'une plante utilisée pour sa propagation, y compris les fruits jouant le rôle de semences, les bulbes, les tubercules et les cormus. Sont exclues les plantes entières et les boutures. (*seed*)
	semence traitée Semence à laquelle un produit antiparasitaire est incorporé de façon intentionnelle ou sur laquelle il est volontairement appliqué. (*treated seed*)
	site de recherche Zone traitée ou à traiter au moyen d'un produit

	antiparasitaire à des fins de recherche. (*research site*) *unité métrique* Unité de mesure figurant à l'annexe I de la *Loi sur les poids et mesures*. (*metric unit*)
Definition of *common chemical name* **(2)** For the purpose of the application of the definition *common chemical name* in subsection (1), the common chemical name "carboxin" is to be read as "carbathiin" wherever it appears in the Standard referred to in that definition.	**Définition de *nom chimique commun*** **(2)** Pour l'application de la définition de *nom chimique commun* au paragraphe (1), le nom chimique commun « carboxine » vaut mention de « carbathiine » chaque fois qu'il figure dans la norme citée à cette définition.
Contents **6 (1)** An application to register or amend the registration of a pest control product must include all of the following information: (a) the applicant's name, address and signature or, if the application is made by a representative of the applicant, both the representative's and applicant's name and address and the representative's signature; (b) the name and address of (i) each place of manufacture of the pest control product, if it is or contains a microbial agent, and (ii) each place of production and formulation of the pest control product, in any other case; (c) the product name referred to in paragraph 26(1)(a); (d) the product type referred to in paragraph 26(1)(b); (e) the product's physical form referred to in paragraph 26(1)(c); (f) the registration number referred to in paragraph 26(1)(i), if there is one; (g) in the case of i. a chemical pest control product that is an active ingredient, its	**Contenu de la demande** **6 (1)** La demande d'homologation ou de modification d'homologation doit comporter les éléments suivants : a) les nom et adresse du demandeur et sa signature ou, lorsque la demande est faite par un représentant du demandeur, outre les nom et adresse du demandeur, les nom et adresse du représentant et sa signature; b) le nom et l'adresse : i. soit des établissements de fabrication du produit antiparasitaire, s'il s'agit d'un agent microbien ou si le produit antiparasitaire en contient un, ii. soit des établissements de production et de formulation du produit antiparasitaire dans tout autre cas; c) le nom du produit visé à l'alinéa 26(1)a); d) le type de produit visé à l'alinéa 26(1)b); e) la forme physique du produit visée à l'alinéa 26(1)c); f) le numéro d'homologation du produit visé à l'alinéa 26(1)i), s'il existe;

chemical name, common chemical name and CAS registry number, its percentage of the total weight of the product in which it is contained, the name of each contaminant and other impurity that it contains, and the percentage of total weight of each contaminant and impurity, ii. a chemical pest control product other than an active ingredient, the chemical name, common chemical name and CAS registry number of each active ingredient in the product, each active ingredient's percentage of the total weight of the product, and the registration number of each active ingredient or other pest control product used to manufacture the product, and iii. any other pest control product, any characteristics that are relevant to its health or environmental risks or value; h) in the case of a pest control product that contains one or more formulants, the name of each formulant, its CAS registry number if any, its percentage of the total weight of the product and its purpose in the product; i) the size, type and specifications of the package in which the pest control product is to be distributed; and (j) the statement described in paragraph 26(1)(h).	g) dans le cas : i. du produit antiparasitaire chimique qui est un principe actif, son nom chimique, son nom chimique commun et son numéro d'enregistrement CAS, son pourcentage par rapport au poids total du produit qui le contient, le nom de chaque contaminant et autre impureté qu'il contient et le pourcentage de chaque contaminant et impureté par rapport au poids total du produit, ii. du produit antiparasitaire chimique autre qu'un principe actif, le nom chimique, le nom chimique commun et le numéro d'enregistrement CAS de chaque principe actif qu'il contient, le pourcentage de chaque principe actif par rapport au poids total du produit, ainsi que le numéro d'homologation de chaque principe actif ou autre produit antiparasitaire utilisé pour le fabriquer, iii. de tout autre produit antiparasitaire, les caractéristiques relatives aux risques sanitaires ou environnementaux ou à la valeur du produit; h) dans le cas du produit antiparasitaire qui contient un ou plusieurs formulants, quant à chaque formulant : son nom et, le cas échéant son numéro d'enregistrement CAS, son pourcentage par rapport au poids total du produit, et son rôle dans le produit; i) les dimensions, le type et les spécifications de l'emballage dans

	lequel le produit antiparasitaire doit être distribué; j) l'énoncé visé à l'alinéa 26(1)h).
Electronic copy of label **(2)** The applicant must include an electronic copy of the proposed label with every application to register a pest control product and with any application to amend the registration of a pest control product that would result in a change to the label.	**Copie électronique de l'étiquette** **(2)** Le demandeur joint à la demande d'homologation une copie électronique de l'étiquette proposée pour le produit antiparasitaire. Il fait de même pour la demande de modification d'homologation, si celle-ci entraîne une modification de l'étiquette.
Certification **(3)** The applicant must include with every application to register or amend the registration of a pest control product a statement signed by the applicant certifying that the information in the application is accurate and complete.	**Demande exacte et complète** **(3)** Pour chaque demande d'homologation ou de modification d'homologation, le demandeur joint à la demande une attestation signée par lui portant que les renseignements qui figurent dans la demande sont exacts et complets.
SOR/2014-24, s. 4SOR/2016-61, s. 1(F)SOR/2017-91, s. 2SOR/2022-241, s. 6 Previous Version	DORS/2014-24, art. 4 DORS/2016-61, art. 1(F) DORS/2017-91, art. 2 DORS/2022-241, art. 6 Version précédente
Records **7 (1)** An applicant referred to in subsection 6(1) or a registrant referred to in subsection 16(1) must keep records of (a) in the case of a pest control product other than one that is or contains a microbial agent, the address of each place of manufacture of a pest control product, other than a place of production or formulation; and (b) in the case of a pest control product that contains one or more formulants, the name and address of the supplier of each formulant.	**Dossiers** **7 (1)** Le demandeur visé au paragraphe 6(1) ou le titulaire visé au paragraphe 16(1) tient un dossier contenant les renseignements suivants : a) l'adresse de chaque établissement où un produit antiparasitaire autre qu'un produit antiparasitaire qui est un agent microbien ou qui en contient un est fabriqué, à l'exclusion d'un établissement de production ou de formulation; b) les nom et adresse du fournisseur de chacun des formulants, dans le cas du produit antiparasitaire qui contient un ou plusieurs formulants.

Retention **(2)** The applicant or the registrant must keep the records for five years after, as the case may be, the date of registration, its amendment or its renewal.	**Période de conservation** **(2)** Le demandeur ou le titulaire conserve les dossiers pendant une période de cinq ans suivant la date de l'homologation, sa modification ou son renouvellement, selon le cas.
Change of information **(3)** If the information contained in the records changes, the applicant or registrant must update it but the previous records must be kept for five years after the day on which the update occurs.	**Modification des renseignements** **(3)** En cas de modification des renseignements contenus dans le dossier, le demandeur ou le titulaire met à jour les renseignements. Toutefois, si les renseignements requièrent une mise à jour, la version antérieure doit être conservée pendant une période de cinq ans suivant la mise à jour.
Production of records **(4)** On request by the Minister, an inspector or an analyst, the applicant or registrant must provide any records to the Minister, the inspector or the analyst within the period specified in the request.	**Fourniture des dossiers** **(4)** Le demandeur ou le titulaire fournit au ministre, à un inspecteur ou à un analyste, à leur demande et dans le délai qu'ils précisent, tout dossier conservé.
Five-year periods **16 (1)** The registration of a pest control product may be renewed, on application by the registrant to the Minister, for additional periods of not more than five years each.	**Périodes de cinq ans** **16 (1)** Le titulaire peut demander au ministre de renouveler l'homologation d'un produit antiparasitaire pour des périodes maximales de cinq ans chacune.
Renewal applications **(2)** An application to renew the registration of a pest control product must be accompanied by the following: (a) the information required by subsection 6(1); (b) the statement required by subsection 6(3); (c) the information required by section 8; (d) if sections 17.05 to 17.11 apply, whichever of the following documents is applicable:	**Demande de renouvellement** **(2)** La demande de renouvellement contient les renseignements et documents suivants : a) les renseignements prévus au paragraphe 6(1); b) l'attestation visée au paragraphe 6(3); c) les renseignements prévus à l'article 8; d) celui des documents ci-après qui s'applique, si les articles 17.05 à 17.11 s'appliquent :

i) a document that establishes that, as of the date the application is made, a negotiated settlement between the registrant and the data holder has been reached or an arbitral award has been made in respect of the test data and the data holder has not provided a letter of access referred to in section 17.1 to the registrant, or	i) un document établissant que, à la date de la présentation de la demande, le titulaire et le détenteur de données ont conclu un règlement négocié ou une décision arbitrale a été rendue à l'égard des données d'essai et le détenteur de données n'a pas fourni au titulaire la lettre d'accès visée à l'article 17.1
ii) a copy of the letter of access referred to in section 17.1; and	ii) une copie de la lettre d'accès visée à l'article 17.1;
(e) if sections 17.12 to 17.17 apply, whichever of the following documents is applicable:	e) celui des documents ci-après qui s'applique, si les articles 17.12 à 17.17 s'appliquent :
(i) a document that establishes that, as of the date the application is made,	(i) un document établissant que, à la date de la présentation de la demande, selon le cas :
(A) the registrant and data holder are negotiating the compensation payable in respect of the test data,	(A) le titulaire et le détenteur de données d'essai négocient les droits à payer pour celles-ci,
(B) the determination of the compensation payable in respect of the test data has been submitted to binding arbitration and an arbitral award has not been made, or	(B) l'établissement des droits à payer pour les données d'essai a été soumis à l'arbitrage obligatoire et la décision arbitrale n'a pas été rendue,
(C) a negotiated settlement between the registrant and the data holder has been reached or an arbitral award has been made in respect of the test data and the data holder has not provided a letter of access referred to in section 17.17 to the registrant, or	(C) le titulaire et le détenteur de données d'essai ont conclu un règlement négocié ou une décision arbitrale a été rendue à l'égard des données d'essai et le détenteur de données n'a pas fourni au titulaire la lettre d'accès visée à l'article 17.17,
(ii) a copy of the letter of access referred to in section 17.17.	(ii) une copie de la lettre d'accès visée à l'article 17.17.

Interpretation — data holder and test data **(2.1)** In subsection (2), *data holder* and *test data* have the same meanings as in section 17.01.	**Interprétation — détenteur de données et données d'essai** **(2.1)** Au paragraphe (2), *détenteur de données* et *données d'essai* s'entendent au sens de l'article 17.01.
Request — labels **(3)** The registrant must, if requested by the Minister, provide the Minister with an electronic copy of the approved label and two hard copies of the marketplace label.	**Demande — étiquette** **(3)** Le titulaire fournit au ministre, sur demande de celui-ci, une copie électronique de l'étiquette approuvée et deux copies papier de l'étiquette de marché.
Maximum validity period **13** The validity period of a registration of a pest control product must end no later than December 31 in the fifth year after the year in which the product is registered.	**Période maximale** **13** La période de validité de l'homologation d'un produit antiparasitaire se termine au plus tard le 31 décembre de la cinquième année qui suit l'année d'homologation.

Pest Control Products Incident Reporting Regulations (SOR/2006-260)	Règlement sur les rapports d'incident relatif aux produits antiparasitaires (DORS/2006-260)
Section 13 of the Act **3 (1)** The following information that is received by a registrant or an applicant about an incident that is associated with their pest control product or with any pest control product that has the same active ingredient, and that is required by sections 7, 8 and 16, is prescribed information for the purpose of section 13 of the Act: i. contact information for the registrant or applicant; ii. the date on which the incident occurred; iii. the date on which the registrant or applicant received the information about the incident; iv. the city, province or state, and country where the incident occurred; v. the identification of the pest control product; vi. information about the application of the pest control product, including the site, method and date of its application; vii. the category of the incident, determined in accordance with section 2; viii. information about the circumstances of the exposure to the pest control product, including the site, date, route of exposure, weather conditions, duration and subject information,	**Article 13 de la Loi** **3 (1)** Sont prévus, pour l'application de l'article 13 de la Loi, les renseignements ci-après — reçus par le titulaire ou le demandeur d'homologation et exigés aux termes des articles 7, 8 et 16 — portant sur les incidents associés à leur produit antiparasitaire ou à tout produit antiparasitaire dont le principe actif est le même que le leur : a) les coordonnées du titulaire ou du demandeur; b) la date à laquelle l'incident survient; c) la date à laquelle le titulaire ou le demandeur reçoit les renseignements concernant l'incident; d) la ville, la province ou l'état et le pays où l'incident survient; e) l'identification du produit antiparasitaire; f) les renseignements sur l'épandage du produit antiparasitaire, y compris le lieu, la méthode et la date d'épandage; g) la catégorie à laquelle appartient l'incident selon l'article 2; h) les circonstances entourant l'exposition au produit antiparasitaire, y compris le lieu, la date, la voie d'exposition, la durée, les conditions météorologiques et le sujet ou l'objet en cause, les renseignements visant le sujet humain étant restreints à l'âge,

which, in the case of a human subject, is restricted to age, gender and whether the subject is pregnant; ix. information about the incident and its effects, including the symptoms, duration and outcome; and x. scientific test information, including information about the sample, the method of analysis and the results.	au sexe et à la présence d'une grossesse; i) les renseignements sur l'incident et ses effets, y compris les symptômes, la durée et le résultat de l'effet; j) les renseignements sur les essais scientifiques, y compris l'échantillonnage, la méthode d'analyse et les résultats.
Section 13 of the Act **(2)** The following information about an incident that is associated with the registrant's or applicant's pest control product or with any pest control product that has the same active ingredient, and that is required by section 9, is prescribed information for the purpose of section 13 of the Act: (c) contact information for the registrant or applicant; (d) the title and date of the study and the name of the author; (e) the identification of the pest control product; (f) the category of the incident, determined in accordance with section 2; (g) the scientific study and the test data generated during the study; and (h) the type of scientific study, an indication of which of subparagraphs 2(f)(i) to (iii) is the reason for submitting it, and	**Article 13 de la Loi** **(2)** Sont prévus, pour l'application de l'article 13 de la Loi, les renseignements ci-après — exigés aux termes de l'article 9 — portant sur les incidents associés au produit antiparasitaire du titulaire ou du demandeur d'homologation ou à tout produit antiparasitaire dont le principe actif est le même que le leur : a) les coordonnées du titulaire ou du demandeur; b) le nom de l'auteur, le titre et la date de l'étude; c) l'identification du produit antiparasitaire; d) la catégorie à laquelle appartient l'incident selon l'article 2; e) l'étude scientifique et les données d'essais qui en découlent; f) le type d'étude scientifique, une indication du constat, parmi ceux prévus aux sous-alinéas 2f)(i) à (iii), qui est à l'origine de la communication, les renseignements afférents à l'incident et ses effets.

the information the study reveals about the incident and its effects.	