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|              |               | February 27, 2026 | É |
|              |               | 27 février 2026   |   |
|              |               | Jessica Lorch     |   |
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File No.: \_\_\_\_\_

**FEDERAL COURT**

B E T W E E N:

**FRIENDS OF THE EARTH CANADA, PREVENT CANCER NOW, AND  
SAFE FOOD MATTERS INC.**

**Applicants**

**- and -**

**ATTORNEY GENERAL OF CANADA, MINISTER OF HEALTH, and  
SYNGENTA CANADA INC.**

**Respondents**

**APPLICATION UNDER s. 18.1 of the *Federal Courts Act*, R.S.C. 1985, c. F-7.**

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**NOTICE OF APPLICATION FOR JUDICIAL REVIEW**

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**TO THE RESPONDENTS:**

A PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the applicants. The relief claimed by the applicants appears below.

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the applicant. The applicants request that this application be heard at Ottawa, Ontario.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must file a notice of appearance in Form 305 prescribed by the *Federal Courts Rules* and serve it on the applicant's solicitor or, if the applicant is self-represented, on the applicant, WITHIN 10 DAYS after being served with this notice of application.

Copies of the *Federal Courts Rules*, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

Issued on: February 27, 2026

Issued by: Jessica Lorch (Registry Officer)

Address of Local Office: 90 Sparks Street/rue Sparks Ottawa, Ontario K1P 5R5

Date \_\_\_\_\_ Issued by \_\_\_\_\_  
(Registry Officer)

Address of  
local office: **FEDERAL COURT REGISTRY**  
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**RESPONDENT**

AND TO: **SYNGENTA CANADA INC.**  
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**RESPONDENT**

## APPLICATION

1. This is an application for judicial review in respect of a decision of the Pest Management Regulatory Agency (the “**PMRA**”) of Health Canada made on January 28, 2026 regarding the registration decision RD2026-03 (“**Registration Decision**”). The Registration Decision approved for registration the active ingredient Isocycloseram, as well as certain products containing Isocycloseram, which are used for pest control and seed treatment (“**Isocycloseram**”). The Registration Decision followed the publication of a proposed registration decision (“**Proposed Decision**”), which invited public comments, per the PMRA’s statutory requirement, in which the Applicant Safe Food Matters Inc. (“**SFM**”) participated.

## APPLICATION

2. The Applicants make application for:
  - a. An order quashing the PMRA’s Registration Decision (RD2026-03);
  - b. In the alternative, an order setting aside the Registration Decision and remitting the matter back to the PMRA with instructions consistent with the Court’s reasons in this Application;
  - c. An order that each party shall bear their own costs;
  - d. In the alternative, an order for costs in favour of the Applicants;
  - e. Such further and other relief as counsel may advise and the Court may permit.

## THE GROUNDS FOR THE APPLICATION ARE:

### The Parties

3. The Applicant, SFM, is a non-profit organization dedicated to promoting the public health of Canadians by working to uphold the administration of laws that are protective concerning foods, including those that regulate pesticides.

4. The Applicant, Friends of the Earth Canada (“**FOE**”), is a non-governmental organization that works to protect the health of the environment by contributing to the development of government policies that limit the use of pest control products and food production technologies that are harmful. FOE has investigated the linkages between Per-and Polyfluoroalkyl Substances (“**PFAS**”) and pesticides through its Petition to the Auditor General in 2025 calling on the Minister of Environment and Climate Change Canada and the Minister of Health to provide information on a wide range of PFAS.
5. The Applicant, Prevent Cancer Now (“**PCN**”) is a non-profit organization whose mission is to eliminate preventable contributors to cancer through research, awareness, education and advocacy. PCN publicly advocates for restrictions on the production and use of harmful pesticides, and has sought information from the PMRA regarding PFAS. PCN was also a party to the above mentioned Petition to the Auditor General in 2025.
6. The Respondent Minister of Health (“**Minister**”) is responsible for administering the *Pest Control Products Act*, SC 2002, c 28. (the “**PCPA**”). PMRA is a branch of Health Canada.
7. The Respondent Syngenta Canada Inc. (“**Syngenta**”) is the registrant of Isocycloseram.

### **The Statutory Scheme**

8. In Canada, pest control products are highly regulated pursuant to the PCPA, which grants authority to the Minister to register pest control products for use in Canada, as well as establish any conditions determined to be necessary for the use, packaging and labelling of pest control products.
9. The PCPA is meant to protect human health and safety and the environment by regulating products used for the control of pests. The primary objective, as stated in s. 4(1) of the statute, is to prevent unacceptable risks to individuals and the environment from the use of pest control products. “Pest control products” include

the active ingredients that causes intended effects to a pest, as well as products that contain an active ingredient. The PCPA defines “acceptable risk” as reasonable certainty that exposure to, or use of, a pest control product will not cause harm to human health, future generations or the environment, taking into account the conditions of use of the pest control product.

10. Ancillary objectives of the PCPA, described in s. 4(2), include: (i) encouraging public awareness of pest control products; (ii) facilitating public access to relevant information and public participation in the decision-making process; and (iii) safeguarding the needs of future generations.
11. The PCPA sets out the process for registration of pest control products, including the processes and considerations relevant for applications, evaluations, public consultations and ultimate decisions on product registration. The PCPA also empowers the Minister to re-evaluate, amend, cancel or conduct a special review in respect of an existing pest control registration.
12. Under subsection 8(4), the Minister must deny an application for registration of a pest control product if the Minister does not consider the health or environmental risks of a pest control product to be acceptable.
13. Further, the PCPA provides that a pest control product can only be registered if its value is acceptable. “Value” is defined in s. 2(1) as the product’s actual or potential contribution to pest management, and includes the product’s (a) efficacy, (b) effect on host organisms in connection with which it is intended to be used, and (c) health, safety and environmental benefits and social and economic impact.
14. Section 7(6) of the PCPA provides that the applicant has the burden of persuading the Minister that the health risks, environmental risks and value of the product are acceptable.
15. Before making a registration decision, the PCPA requires the Minister to consult the public as well as federal and provincial government departments and agencies whose interests and concerns are affected.

16. The public consultation is initiated via the Minister publishing a consultation statement and inviting written submissions from the public. The consultation statement must include the proposed registration decision (including reasons for it), a summary of any reports prepared or considered by the Minister that evaluate health and environmental risks, including confidential test data, and any other information the Minister deems relevant.
17. The public may also request additional information not included in the consultation statement, including information submitted by the applicants seeking to have the product registered, other information considered by the Minister, reports prepared by the Minister evaluating health and environmental risks, and advice received from a person or body.
18. Section 7(7) of the PCPA requires that the Minister apply a scientifically based approach in decision making. The PCPA further requires the consideration of certain factors in relation to health risks associated with pest control products. This includes considering information addressing aggregate exposure to the product, including dietary and non-occupational exposure, drinking water, use in and around homes and schools, and the cumulative effects of the product and any other products that have a common mechanism of toxicity.
19. The PCPA also requires that the Minister give effect to government policy in evaluating the health and environmental risk of pest control products. The PCPA defines government policy as the Toxic Substances Management Policy (“TSMP”) and any other policies the Government of Canada has prescribed by regulation. The TSMP is issued under the *Canadian Environmental Assessment Act* and incorporates concepts from the statute’s *Review Panel Regulations*.
20. The PCPA requires the Minister, when making a registration decision, to, if necessary, specify the maximum residue limit of registered products. The maximum residue limit refers to the maximum amount of registered components, or derivatives, that may remain on food being sold. Foods sold that exceed the maximum residue limit contravene the *Food and Drugs Act*, RSC 1985, c F-27.

21. The PCPA requires the Minister to make a public decision statement following the public consultation. The decision statement must include the final decision, the reasons for the decision, and a summary of any comments that the Minister received from the public on the proposed decision.
22. Under s. 42 of the PMRA, the Minister shall provide access to information, including under s. 42(2)(f) any reports of the evaluation of the health and environmental risks and the value of registered pest control products prepared by the Minister. Under s. 42(5) and (6), the reports are to be made available in as convenient a manner as practicable.
23. The Minister assigns the pest control registration and assessment process outlined in the PCPA to the PMRA, a branch under Health Canada.
24. The PCPA mandates that there be cooperation among federal departments in the development of policies to pursue the attainment of the Act's objectives of taking into account advice from diverse sources throughout the country.

### **The Isocycloseram Registration Decision**

25. On October 9, 2025 the PMRA published a consultation statement, including the Proposed Registration Decision (the "**Proposed Registration**") for isocycloseram, and related products that use isocycloseram as an active ingredient. These products include Vanecto (a cockroach gel bait) and Equento (a seed treatment product for the control of pests on wheat, oat, barley, rye and triticale) (collectively, the "**Iso Products**").
26. The Proposed Registration indicated a public consultation period would be open for 30 days, with an opportunity for commenters to apply for an extension of an additional 15 days if required.
27. Also on October 9, 2025, the PMRA published the Proposed Maximum Residue Limits for the Iso Products (the "**Proposed Limits**"). Public consultation on the Proposed Limits was open for 75 days.

28. On October 17, 2025, SFM submitted requests to the PMRA for additional information underlying the Proposed Registration and Proposed Limits.
29. On October 21, 2025, PMRA responded that it would not provide information on the Proposed Registration, and that an Access to Information request may be submitted. PMRA further stated that the Proposed Limits were being proposed in two separate phases and requested documentation related to dietary exposure would not be available until phase two was completed.
30. After receiving an extension to submit comments on the Proposed Registration from the PMRA, SFM submitted comments on November 23, 2025.
31. SFM's comments raised multiple issues and concerns with respect to the evaluations of risk and value, and information set out in the Proposed Decision to register the Iso Products, including:
  - a. Highlighting that the active ingredient is part of a class of chemicals known as Per- and Polyfluoroalkyl Substances ("PFAS"), "forever chemicals" with elevated risk concerns, that have impacts contrary to the PCPA's stated purpose of sustainability for future generations.
  - b. SFM expressed concerns about the limited data made available to the public in relation to Iso Products.
  - c. Highlighting that proposed mitigation factors for occupational harms, such as wearing Personal Protective Equipment and using closed cab tractors during distribution, are not realistic to address potential occupational risks.
  - d. There were environmental harms, particularly risks of water run-off and toxicity to mammals, birds, bees, aquatic life and soil organisms, that exceeded acceptable risk thresholds. Reliance on label directions as mitigation measures was insufficient to meet the requirement of reasonable certainty of no harm.

- e. Proposed risk reduction measures for seed treatment products, such as a recommendation to incorporate spilled seeds into soil, are unrealistic and problematic.
32. SFM indicated in its comments that it had requested, and was still awaiting, additional information from the PMRA and an Access to Information related to the Proposed Decision, and as such SFM may have additional comments to make following receipt of that information.
  33. On November 24, 2025, the PMRA communicated that the deadline to submit comments for maximum residue limit consultations for various other pest control products would be extended to facilitate access to underlying confidential test data. However, PMRA indicated that because there was no such data available for the Iso Products, no extension of the December 23, 2025 deadline would be authorized.
  34. On December 23, 2025, Safe Foods Matter submitted their comments on the Proposed Limits. These submissions elaborated on the comments made on November 23, 2025 and made further submissions specific to the Proposed Limits. SFM indicated it was awaiting additional information and reserved the right to provide further comment once received.
  35. On January 28, 2026 the PMRA released its Registration Decision respecting the Iso Products, approving all the proposed products for registration in line with the Proposed Registration.
  36. The Registration Decision and related actions by the PMRA must be assessed in the context of Government of Canada policy pronouncements concerning PFAS compounds, notably, the March 2025, the Government of Canada's State of Per- and Polyfluoroalkyl Substances (PFAS) Report ("**PFAS Report**").

**The Registration Decision is unreasonable and procedurally unfair**

37. The PMRA's Registration Decision is unreasonable for the following reasons:

- a. The PMRA failed to meet the requisite standard of justification, transparency and intelligibility, notably, in the PMRA's treatment of key issues, concerns and studies raised by SFM in its comments.
  - b. The PMRA's Registration Decision is inconsistent with the text, context and purposes of the PCPA, including requirements concerning public participation in decision-making on pest control products and undertaking decision-making guided by scientific principles, notably, in the evaluation of health and environmental risks.
  - c. The Registration Decision cannot be reconciled with contemporaneous Government of Canada policy pronouncements concerning PFAS, notably the PFAS Report.
38. The PMRA's Registration Decision is procedurally unfair and inconsistent with the public engagement requirements in the PCPA, notably, in respect of the following:
- a. Safe Food Matters was not afforded an adequate opportunity to meaningfully comment on the Proposed Registration given the complexity and volume of information that had to be reviewed in the time provided and the failure of the PMRA to provide key information before the PMRA imposed deadline for comments.
  - b. The compartmentalized process for accessing relevant information relating to the Proposed Decision was confusing, unduly onerous and deprived SFM of a meaningful opportunity to participate and provide comments.
39. Such further and other grounds as counsel may advise and this Honourable Court may permit.

**THIS APPLICATION WILL BE SUPPORTED BY THE FOLLOWING MATERIAL:**

- a. Affidavit evidence to be filed in support of the within Application and the exhibits thereto;
- b. Material requested pursuant to Rule 317 and produced pursuant to Rule 318 of the *Federal Court Rules*; and
- c. Such further and other material as counsel may advise and this Honourable Court may permit.

**RULE 317 REQUEST**

39. The Applicants request, pursuant to Rule 317 of the *Federal Courts Rules*, that the PMRA send a certified copy of the following material, that is not in the possession of the applicants but is in the possession of the Minister, or the PMRA as the Minister's delegate, to the applicants and to the Registry:
- a. All documents in the possession of the Minister, or the PMRA as the Minister's delegate, related to the Registration Decision, including but not limited to:
    - (i) All briefing notes, memos, monographs and draft briefing notes prepared by the PMRA scientific staff relating to the decision, the Proposed Registration Decision, the Proposed Maximum Residue Limits, and to the registrant's applications/submissions for the Proposed Registration Decision and the Proposed Maximum Residue Limits;
    - (ii) All agendas, briefing notes and minutes prepared for PMRA decision-makers in relation to the Registration Decision, the Proposed Registration Decision, the Proposed Maximum Residue Limits and to the registrant's applications/submission numbers for the Proposed Registration Decision and the Proposed Maximum Residue Limits;
    - (iii) All communications between PMRA and the United States Environmental Protection Agency relating to their registration of Isocycloseram;

- (iv) All communications between PMRA and the registrant relating to the pest control products;
- (v) All PMRA policies, guidance or practices relied on in the Registration Decision; and

40. The Applicants request that the PMRA send a certified copy of such further and other material as may be requested.



February 27, 2026

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Solicitors for the Applicants

I hereby certify that the above document is a true copy of the original issued out of/filed in the Court on **February 27, 2026**.

**Certified on:** February 27, 2026

**Certified by:** Jessica Lorch