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FEDERAL COURT
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June 22, 2026
22 juin 2026
Jessica Lorch
OTT 1

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.

NOTICE OF APPLICATION FOR JUDICIAL REVIEW

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: June 22, 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

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RESPONDENT

APPLICATION

1. This is an application for judicial review in respect of a decision of the Pesticides Regulatory Directorate (the "**PMRA**") of Health Canada made on May 21, 2026 regarding the registration decision RD2026-13 ("**Second Isocycloseram Registration Decision**"). The Second Isocycloseram 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 Products**"). 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 ("**SFM**") participated and/or attempted to participate.

APPLICATION

2. The Applicants make application for:

   a. An order quashing the PMRA's Registration Decision (RD2026-13);

   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.

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 the Isocycloseram Products.

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 cause no 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 s. 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 on the aforementioned reasonable certainty of "no harm" standard.

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. Subsection 7(6) of the PMRA 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. Subsections 7(7) and 8(4) of the PCPA require 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.

20. In March 2025, the Government of Canada, and in particular Environment and Climate Change Canada and Health Canada, issued the "State of Per-and Polyfluoroalkyl Substances (PFAS) Report" ("**PFAS Report**"). The PMRA participated in the preparation of the PFAS Report and/or at all material times was aware of the PFAS Report.

21. 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*, R.S.C. 1985, c. F-27.

22. 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.

23. 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), this information is to be made available in as convenient a manner as practicable.

24. The Minister assigns the pest control registration and assessment process outlined in the PCPA to the PMRA, a branch of Health Canada.

25. The PCPA's recitals recognize that the national interest is served by 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 First Isocycloseram Registration Decision

26. On January 28, 2026, the PMRA issued a Registration Decision relating to the active ingredient isocycloseram and three products containing isocycloseram: VANECTO COCKROACH GEL BAIT (a pesticide for the control of cockroaches), A23128 ST, and EQUENTO (seed treatments for use on wheat, oat, barley, rye, and triticale) (the "**First Isocycloseram Registration Decision**").

27. On February 27, 2026, SFM, FOE, and PCN commenced a separate application for judicial review of the First Isocycloseram Registration Decision (Court File No. T-980-26).

The Second Isocycloseram Registration Decision

28. On January 29, 2026 the PMRA published a consultation statement, including the Proposed Registration Decision, numbered PRD2026-02 (the "**Proposed Registration**") for isocycloseram, and related products that use isocycloseram as an active ingredient. These related products include A21377 CP and A21708 CP (each an insect and mite pesticide), A22466 CP (a rootworm and wireworm pesticide), EQUENTO RFC (a seed treatment product for the control of wireworms on dry lentils), and A23294 TO (a pesticide for greenhouse ornamentals and turf applications) (collectively, the "**Iso Products**").

29. The Proposed Registration stated that 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.

30. On the same day, January 29, 2026, the PMRA published the Proposed Maximum Residue Limits for the Iso Products, numbered PMRL2026-03 (the "**Proposed Limits**"). Public consultation on the Proposed Limits was open for 75 days. The PMRA granted SFM an extension to comment on the Proposed Limits, with an extended deadline of May 7, 2026.

31. On or about around March 19, 2026, SFM, FOE, and PCN requested that the PMRA provide PMRA authored documents and assessments relating to the Proposed Limits.

32. On or about April 2, 2026, the PMRA provided SFM, FOE, and PCN with a list of available documents responsive to their March 2026 request. The PMRA advised that some documents could be viewed through the PMRA's Reading Room process, through which members of the public can view confidential test data, and others may be requested through Health Canada's ATIP (Access to Information and Privacy) process. In particular, the PMRA advised that two documents it had authored — its Dietary Exposure Assessment (Phase 1) and Dietary Exposure Assessment (Phase 2) — were to be requested through Health Canada's ATIP process.

33. On or about April 7, 2026, SFM submitted to Health Canada an ATIP request for, *inter alia*, PMRA-authored documents, including any health and environmental risk assessments relevant to the Proposed Limits, certain PMRA numbered documents, and certain communications between PMRA and Syngenta, and documentation showing PMRA's last review of the current science regarding Isocycloseram. On or about April 13, 2026, Health Canada requested clarification of this ATIP request, which SFM provided on or about April 16, 2026.

34. On or about May 5, 2026, Health Canada notified SFM that it applied a 120-day extension to complete the processing of SFM's April 7, 2026 ATIP request. SFM has not received any documentation in response to the April 7, 2026 ATIP request.

35. On or around April 9, 2026, SFM completed its request for Confidential Test Data from the PMRA Reading Room relating to the Proposed Limits. The Applicants did not request Confidential Test Data relating to the Proposed Registration because the PMRA had previously communicated that it does not provide Confidential Test Data relating to Proposed Registration Decisions until after the Registration Decision has been issued.

36. SFM previously submitted comments to the PMRA in response to the PMRA's consultation statement on the Proposed Registration Decision preceding the First Isocycloseram Registration Decision, concerning isocycloseram and products containing Isocycloseram (the "**First Isocycloseram Comments**").

37. SFM's First Isocycloseram Comments raised multiple issues and concerns with respect to the evaluations of risk and value of isocycloseram, including:

    a. Highlighting that the active ingredient is part of a class of chemicals known as PFAS, a "forever chemical" with elevated risk concerns, that had impacts that run afoul of the PCPA's stated purpose of sustainability for future generations.

    b. Expressing concerns about the limited data made available to the public.

    c. Raising concerns about 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.

    d. Highlighting that proposed risk reduction measures for seed treatment products, such as a recommendation to incorporate spilled seeds into soil, are unrealistic and problematic.

38. SFM submitted comments relating to the Proposed Registration and Proposed Limits on May 8, 2026 (the "**Second Isocycloseram Comments**"). The Second Isocycloseram Comments raised further issues and concerns with the evaluations of risk and value of isocycloseram, including raising concerns about:

    a. The PMRA's sequential decision-making with respect to the First Isocycloseram Registration Decision and the Second Isocycloseram Registration Decision;

    b. The limited data made available to the public;

c. Trifluoroacetic acid as a transformation product of isocycloseram;

d. The PMRA's dietary risk assessment methodology and in particular, its noncompliance with the PMRA's obligations under the PCPA; and

e. The PMRA's environmental risk assessment methodology.

39. SFM indicated in its comments that it had requested, and was still awaiting, additional information from the PMRA and Access to Information request related to the Proposed Decision, and as such it may have additional comments to make following receipt of that information.

40. On May 21, 2026, the PMRA released its Registration Decision respecting the Iso Products, approving all the proposed products for registration in line with the Proposed Registration (the "**Second Isocycloseram Registration Decision**").

The Registration Decision is unreasonable and procedurally unfair.

41. The Registration Decision is unreasonable for the following reasons:

a. The PMRA failed to meet the requisite standard of justification, transparency and intelligibility, including in the PMRA's treatment of key issues, concerns and studies raised by SFM in its First Isocycloseram Comments, which were before the PMRA when it made the Registration Decision and which raised issues relevant to the Registration Decision.

b. The PMRA failed to meet the requisite standard of justification, transparency and intelligibility, including in the PMRA's treatment of key issues, concerns and studies raised by SFM in its Second Isocycloseram Comments.

c. The PMRA failed to justify the Registration Decision in light of key legal constraints, including the text, context and purpose of the PCPA, requirements concerning public participation in decision-making on pest control products, and the requirement to undertake decision-making guided

by scientific principles, notably, in the evaluation of health and environmental risks.

d. The PMRA failed to consider or failed to adequately consider risks arising from all approved uses of Isocycloseram in aggregate, contrary to the requirements of the PCPA and in particular, its obligation to evaluate the health and environmental risks of a pest control product and determine whether those risks are acceptable.

e. The PMRA issued the Registration Decision without concluding or without properly concluding that there was reasonable certainty that no harm to human health, future generations or the environment would result from exposure to the product, taking into account its conditions or proposed conditions of registration.

f. The PMRA did not justify the Registration Decision in light of the factual constraints bearing on the decision.

g. The Registration Decision cannot be reconciled with contemporaneous Government of Canada pronouncements concerning PFAS substances, including the PFAS Report.

42. The PMRA's Second Isocycloseram Registration Decision is procedurally unfair and inconsistent with the public engagement requirements in the PCPA, notably:

a. SFM 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.

b. The compartmentalized process for accessing relevant information and documents relating to the Proposed Decision was confusing, unduly onerous and deprived SFM of a meaningful opportunity to participate, know the case it had to meet, and to provide comments.

43. 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 EPA relating to their concurrent reviews of the pest control products;

(iv) All communications between PMRA and the registrant relating to the pest control products; and

(v) All PMRA policies, guidance or practices relied on in the Registration Decision.

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

June 22, 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 **June 22, 2026**.

Certified on: June 22, 2026

Certified by: Jessica Lorch