



Technical Working
Group on Pesticides

Grupo de trabajo técnico
sobre plaguicidas

Groupe de travail
technique sur les pesticides

2020 Trilateral
Stakeholder
Workshop on
Pesticides



STAKEHOLDER-GOVERNMENT MEETING SUMMARY

2020 Trilateral Stakeholder Workshop
and Conference on Pesticides

Virtual/Abridged Meetings
as hosted by Canada

06-07 October 2020



Health
Canada

Santé
Canada

Canada



The 2020 NORTH AMERICAN TRIPARTITE TECHNICAL WORKING GROUP (NAT TWG) ON PESTICIDES¹ (United States of America, Canada and Mexico) met virtually from October 05 to 08 in an abridged format, with October 6-7 being the *2020 Trilateral Stakeholder Workshop on Pesticides*, and October 05 and 08 being the government-only meetings. The meeting was hosted by Peter Brander (Executive Director, Health Canada's Pest Management Regulatory Agency (PMRA)), with the other country leads being Edward Messina (Acting Director of the Office of Pesticide Programs (OPP), United States Environmental Protection Agency (US EPA)), and Amada Vélez Méndez (Mexico's Servicio Nacional de Sanidad, Inocuidad y Calidad Agroalimentaria (SENASICA)). The meeting was attended by other government officials from Health Canada's PMRA, the US EPA, Mexico's SENASICA, as well as from Agriculture and Agri-Food Canada, the Office of the U.S. Trade Representative, the United States Department of Agriculture/Foreign Agriculture Service, Mexico's SEMARNAT (Secretaría del Medio Ambiente y Recursos Naturales), COFEPRIS (Comisión Federal para la Protección contra Riesgos Sanitarios), Mexico's Ministry of Agriculture and Rural Development, as well as growers, registrants, and other stakeholders from all three countries.

¹NOTE: This may be the last update under the current banner of the NAT TWG on Pesticides as countries are currently discussing how to build upon previous work by the NAFTA TWG work and transitioning to the new framework under the USMCA/CUSMA/T-MEC trade agreement. [i.e., *United States–Mexico–Canada Agreement (USMCA)*; *Canada–United States–Mexico Agreement (CUSMA)*; *Tratado entre México, Estados Unidos y Canadá (T-MEC)*]



Day-1: Stakeholder-Government Session (Oct. 6) – Regulatory Science (Health/Environment) day

Agenda Item 1: Welcome and Opening Remarks

➤ **1.a. Executive Board - Canada:**

Peter Brander (Executive Director, Health Canada's Pest Management Regulatory Agency (PMRA)), as the lead of the host country for this year's meeting, welcomed meeting participants. Peter highlighted:

- New meeting structure (agenda split over 2 days), with the first day of the Stakeholder-Government meeting being devoted to the more traditional area of Regulatory Science as led by pesticide regulators, with the second day having an Agriculture and Trade focus as led by other government colleagues and Industry.
- Virtual/abridged format this year due to the pandemic - although not ideal, does still provide us with an opportunity to explore, under these exceptional circumstances, of the role that this technology has in helping us reach our goals as we move forward.
- Challenges presented by pandemic – has changed the way we do business, the way we spend money, the way we eat – impacts on agricultural industry and growers will be felt for a long time. Still able to work towards common goals of aligning North American registration system for pesticides, and products treated with pesticides, making work sharing a way of doing business and contributing to the free trade of pesticides and food.
- On July 1, 2020, the new Canada-United States-Mexico Agreement free trade agreement, the successor to the North American Free Trade Agreement (NAFTA), entered into force. As was the case with NAFTA, most matters related to pesticides are expected to be addressed under the chapter on Sanitary and Phytosanitary Measures, which includes provisions that allow for the continuation of technical working groups established under NAFTA, and the creation of any new groups that may be required.
 - Issues that come up under this chapter will be referred to the SPS Committee, which may establish and, as appropriate, determine the scope and mandate of technical working groups.
 - The SPS Committee is required to hold its first meeting within the first year of the new agreement. Each Party is currently having its own internal discussions about how this committee will work, and the kinds of issues it will address.



- Until then, working groups like ours probably won't receive much formal guidance on scope and mandates, so if updates to items like Terms of Reference are required, it would be preferable to put those on hold until after that meeting is held.
- In the meantime, continue to focus on the priorities outlined in the NAFTA TWG Five-Year Strategy (2016 to 2021).

Peter continued by providing an overview of PMRA's Priority Areas, and of how they may present opportunities for collaboration. These included Program Renewal, Aligning Pesticide Residue Chemistry, Joint Review Process Improvements, Pesticide Re-evaluation and Post-Market Joint Reviews, Collaboration on Environmental Protection Initiatives, Emerging Technologies, New Approach Methodologies, and Emerging Pesticide Issues.

➤ **1.b. Executive Board - United States:**

Ed Messina (Acting Office Director for the Office of Pesticide Programs, EPA) thanked everyone for participating in these meetings, and Canada for hosting, during these challenging times. Ed provided some background on the TWG's accomplishments since 1996, i.e., facilitating cost-effective pesticide regulation through harmonization and work sharing, while recognizing the environmental, ecological and human health objectives of NAFTA. Ed also mentioned that, moving forward, the TWG continues to explore opportunities for exchanging technical information and successes with other countries, including those in the Americas, so they can be aware of the value of multi-lateral collaboration. Ed went on to provide highlights of EPA's work in the past year. Topics covered included Biotechnology, New Approach Methodologies (NAMS) to Reduce Animal Testing including External Peer Review Work regarding NAMS, Endangered Species Activities, Drinking Water Improvement Methodologies, Pollinator Protection, and Collaborative Minor Use Registrations with Canada.

➤ **1.c. Executive Board - Mexico:**

Carlos Llorens (COFEPRIS, Commission for Evidence and Risk Management) thanked Canada and the US for their hospitality. Carlos went on to highlight that a key area of focus for Mexico at this time was the Regulatory Review of the Mexican Pesticide Management – and that Mexico was working hard to identify gaps in regulatory standards which may lead to different visions when it comes to regulating. It was recognized that the subject of human rights was a pillar in the drafting of the new regulations, as mandated by the Human Rights Commission (e.g., duty to prevent exposure and to address considerations specific to Mexico with its distinct set of socio-economic conditions, as well as specific ecological and environmental considerations (tropical/subtropical). It was emphasized that considerations included equality, dignity, health and safety, health and sustainability, and the right to know. It was also recognized that agriculture in Mexico may lead to issues not fully diagnosed – as cannot remain trapped in an agricultural model which has a lot of risks. IN the national interest, ensuring the well-being of the Mexican population is crucial to development. We would need to ensure that our



regulations help us reach better conditions, as leaving the door open to highly dangerous products would mean a high cost for human beings while allowing others to benefit. With that in mind, as we discuss regulatory science today, we are very close to having specific regulations for marijuana which will be shared soon. In addition, focusing on precision agriculture is another important element, e.g., drones, thus we will be able to find areas for collaboration under the new free trade agreement.

➤ **1.d. Industry Working Group (IWG)**

Anna Shulkin of Syngenta (Canadian Head of Delegation for the Industry Working Group (IWG)) welcomed participants to the meeting on behalf of Industry from all 3 countries, and thanked Canada for hosting the meetings. Anna acknowledged the “new NAFTA” trade agreement that came into force in 2020, and expressed her hopes that the Technical Working Group on Pesticides would also continue to operate and flourish under this new agreement, as it has since its creation in 1996. In addition to the accomplishments already touched upon by the ExB, Anna also highlighted harmonization of drinking water models, data requirements e.g., NAFTA residue zones, collaboration on risk assessments/compliance methods, carrying out joint reviews, and the important aspect of the NAFTA MRL calculator which was developed as the prototype for the OECD MRL calculator to ensure predictable MRL calculations— as pioneered by US EPA and PMRA. Another key aspect highlighted was the strong collaboration not only among regulators, but also between Industry and growers. Anna concluded by summarizing the importance of several items on the agenda.

➤ **1.e. Grower Representative**

Corey Loessin of Pulse Canada (Canadian Head of Delegation for Growers, on behalf of all three countries), thanked everyone on behalf of growers for the chance to participate in this dialogue with regulators and Industry stakeholders – stating that it was a great opportunity to learn, share current practices, and help shape the future. Corey highlighted the importance of newly signed free trade agreement to all regions – which would allow the three countries to further cooperate and capitalize on regional strengths while making up for regional weaknesses. Corey also emphasized the importance of new crop protection products in terms of managing pests on farms. Soil conservation becoming a primary goal of nearly all growers. New technology and crop protection products have allowed growers to maintain and soil quality over time as they have allowed for maintaining and building soil quality over time (e.g., have gone from catastrophic soil erosion to nearly zero), as they have allowed for maintaining and building soil quality over time. Challenges mentioned included identifying “misaligned” MRLs for products used on exported crops, and also the removal of those barriers that result in unequal access to product. Having a range of products on the market is the best situation so that farmers can choose most appropriate products for the situation and to help manage resistance. Another



challenge is hearing/balancing consumer demands for safe food (in the news) with sound production practices and solid science-based decision-making to maintain consumer confidence and addressing sustainability goals at the production level. Corey concluded by saying that growers were looking forward to continuing cooperation among countries, and that this workshop was a great opportunity to be a model for regulatory cooperation.

Agenda Item 2: Joint review process improvement (for new pesticides/uses) – IWG session moderator John Abbott

➤ **2.a. Regulator Perspective: Lessons Learned from Joint Reviews – Government (Canada/US)**

Refer to presentation.

Summary: The PMRA (Minoli Silva) and EPA (Catherine Aubee) jointly presented on efforts to streamline the current joint review process by replacing the formal secondary review step with a more informal one. The purpose of the presentation was to share the outcomes of the two pilot projects, broflanilide and inpyrfluxam, both of which suggest that a formal secondary review may not be required if there is good information sharing between evaluators during the secondary review phase. PMRA and EPA have committed to identifying further pilots to determine if the informal secondary review should become standard practice for joint reviews.

➤ **2.b. Registrant Perspective: Active Ingredient Joint Reviews**

-Refer to presentation.

-Summary: Christi Keating of BASF provided the registrant perspective on the outcomes of two joint reviews following the current process (afidopyropen and mefentrifluconazole) as well the pilot, broflanilide, which followed a streamlined process that did not involve a formal secondary review. The presentation highlighted the value of the pre-submission dialogues with the regulators and the good alignment of MRLs resulting from joint reviews. The presentation also pointed out that, joint reviews may not result in alignment on toxicological data requirements or end points. With respect to the pilot project, Mitsui Chemicals Agro Inc. and BASF had no concerns regarding the streamlined process for broflanilide.

➤ **Q&A Session**

- *Question (John Abbot, Syngenta):* Question about the lack of harmonization on toxicological end-points.

Response (Minoli Silva, PMRA and Catherine Aubee, EPA): Toxicological end-points cannot always be harmonized as regulators may apply different methodologies and policies in interpreting the toxicology data. Therefore, this has been an area that regulators make efforts to harmonize but do, at times, have to agree to disagree.



- *Question (Ángel Saavedra, Corteva):* What does government think about whether there is an opportunity for Mexico in the new joint review process.

Response (Minoli Silva, PMRA and Catherine Aube, EPA): Mexico has already participated in a number of joint reviews in the past, taking an active role as a primary or secondary reviewer, and more recently as an observer which has allowed us to share knowledge and expertise with each other. There is still an opportunity for Mexico to participate either actively or as an observer and EPA and PMRA would welcome their participation.

- *Question (“Chat”) (Carmen Tiu, Corteva):* How much time can be saved if the secondary reviews do not happen?

Response (Minoli Silva, PMRA and Catherine Aube, EPA): The secondary review phase is still required to allow the regulators who haven’t done the primary review to audit the reviews against the submitted data and format the reviews to meet their agency’s standards. However, the evaluator is not required to provide any changes made to the document to the primary reviewer and can resolve minor clarifications with a phone call to the primary reviewer. Significant differences/ issues may be resolved via team meetings. The savings in the workload could impact the timelines as well.

Agenda Item 3 - Prioritization of scheduling for post-market reviews – opportunities for collaboration – IWG session moderator Ángel Saavedra

- **3.a. Canada: Overview & Status Update on New Integrated Approach – Government (Canada)**
 - Refer to presentation.
 - Summary: Frédéric Bissonnette (Acting DG, Value Assessment and Re-evaluation Management Directorate, PMRA) and Jason Proceviat (Director, Program Renewal, PMRA) provided an overview of the status of re-evaluations in Canada, the challenges presented by the current and projected work load, and how a *New Integrated Approach* for program renewal will result in a new risk-based process that will better serve Canada’s present and future needs.
- **3.b. United States: Update on EPA’s Registration Review Activities – Government (USA)**
 - Refer to presentation.
 - Summary: Elissa Reaves (Acting Director, Pesticide Re-evaluation Division, OPP/USEPA) provided a status update on their registration review, as well as the many challenges encountered by the program.
- **3.c. Mexico: Prioritization of scheduling for post-market reviews – Opportunities for collaboration – Government (Mexico)**
 - Refer to presentation.



-Summary: Carlos Llorens (Commissioner for Evidence and Risk management, COFEPRIS) presented on Mexico's current pesticide lifecycle approach and provided high level considerations for strengthening their approach to pesticide regulation including:

- 1) Pesticide elimination and replacement
- 2) Training / education
- 3) Monitoring and surveillance
- 4) Research and capacity building.

➤ Q&A Session:

- *Question (Ángel Saavedra):* Growers understand that there have been a lot of changes in COFEPRIS, but still have expectations re: access to new technologies. What are anticipated timelines for renewals, new registrations, etc. that growers are expecting?

Response (Carlos Llorens, COFEPRIS): We are undergoing an important process to simplify paperwork (reducing number of forms). Also a question of transparency and efficiency. Digitization may help COFEPRIS to become more efficient, but need to continue to be rigorous with risk assessments, respecting both the health of the environment and people. It is hoped that by mid-2021, we will have our first proposals re: digitization, streamlined requirements, reducing paperwork, etc. without compromising the science and risk assessments supporting the authorizations.

- *Question (Caleigh Hallink-Irwin, Canadian Horticultural Council):* Asked if there were any proactive steps being taken to align North America's re-evaluation schedules and increase collaborations?

Response (Frédéric Bissonnette, PMRA and Elissa Reaves USEPA): There are no joint EPA-PMRA joint reevaluations currently underway as it is challenging to align re-evaluation schedules at this time. However, both Agencies are continuing to collaborate and would look for potential candidates in the next round of EPA re-evaluation. EPA added that there were areas where countries have collaborated on groupings (e.g., neonics).

- *Question (Caleigh Hallink-Irwin, Canadian Horticultural Council):* Caleigh asked PMRA whether the proposed program renewal required any legislative amendment.

Response (Jason Proceviat, PMRA): PCPA amendments are unlikely to be required to implement changes being considered under the program renewal.

- *Question (Alan Schlater, CropLife Canada):* Clarification requested in reference to COFEPRIS eliminating the use of highly hazardous pesticides – what definition was being



referred to? Is reference being made to internationally accepted definitions or is this being done on an *ad hoc* basis?

Response (Carlos Llorens, COFEPRIS): Carlos responded that a standard categorization was being used, under an official Mexican standard.

- *Question (Cristian Garcia de Paz, Proteccion de Cultivos Ciencia y Tecnologia):* Asked for clarification on Mexican approach for strengthening/revising their pesticide regulation system in terms of timelines, whether Mexico has considered harmonizing with trade partners (Canada and US), and if they are considering working jointly with producers and Industry in this regard.

Response (Carlos Llorens, COFEPRIS): It was explained that Mexican regulators were trying to reduce red tape burden and will be working with trade partners. Also will certainly consider creating Industry working groups, because do believe in the importance of seeing consensus. Also noted that the pandemic has made this collaboration more difficult, but it was still hoped that this activity would be completed by mid-2021.

Agenda Item 4 - New Approach Methodologies – IWG session moderator Anna Shulkin

(e.g., Risk 21, Tox, 21, reducing animal testing, exemption approaches)

- **4.a. TWG Presentations: United States: EPA’s 2019 Directive to Eliminate Mammalian Testing – Government (US)**
 - Refer to presentation
 - Summary: Anna Lowit (Senior Science Advisor, Immediate Office, OPP/USEPA) began her presentation with the milestones prescribed by the Administrator for reducing funding requests of mammal studies (by 2025) and eventually eliminating all mammal study requests and funding (by 2035). Links to the first and second state of the Science and Development and Use of New Approach Methods (NAMs) annual conferences were then provided followed by focusing on the underlying objectives, developed metrics to measure progress, and the importance of scientific confidence when developing NAMs to address regulatory gaps. The presentation also emphasized the importance of stakeholder engagement, which is extensive, and then concluded by providing examples of several ongoing projects and initiatives.
- **4.b. TWG Presentations: Canada: PMRA’s Approach to Non-Animal Testing – Government (Canada)**
 - Refer to presentation.



-Summary: The presentation by Yad Bhuller (A/Director General, Health Evaluation Directorate, PMRA) had two main objectives: 1) to provide insight on the Canadian approach to non-animal testing and 2) to clarify areas that were not the same as the USEPA. Specifically, it was noted that for all the program areas within Health Canada, which includes the Pest Management Regulatory Agency (PMRA), unlike the US where there are specific dates to reduce or eliminate request for mammal studies, there are no such dates in Canada. Having said that and like the USEPA and other pesticide regulatory authorities, such as the Australian authority, the Department and the PMRA are fully committed to the 3Rs: reduce, refine and replace animals studies, when possible. The presentation then focused on how the existing, Canadian legislative framework for pest control products has sufficient flexibility for the PMRA to accept scientifically sound, alternative and/or NAMs and then emphasized how these studies are to be as protective, if not more, in comparison to the standard/conventional animal studies. The concluding remarks relied upon an infographic as a tool to show work that has been completed and other activities that are ongoing at the national and international levels.

➤ Q&A Session:

- *Question (Greg Watson, Bayer):* Industry is interested in international efforts – seems that as EPA and PMRA move forward, there is the possibility of OECD countries falling behind. Industry would like to know where OECD countries stand, and what Industry can do to support. Also interested in hearing any thoughts about OECD and CODEX.

Response (Yad Bhuller, PMRA / Anna Lowit, US EPA): Yad began by noting that there are several, ongoing and parallel initiatives at the national and international levels, and they can be linked. In addition, the multi-stakeholder approach being used by the PMRA and EPA relies upon all possible opportunities as a means to push the non-animal testing agenda forward. For example, the dialogue related to the use of kinetic data was at the international-OECD level; however, work is currently ongoing at the US-Canada level to address some of the underlying science that will then loop back into the OECD discussion. The same approach was also used for MRL-related activities whereby Science-Policy work through platforms such as NAFTA and the Regulatory Cooperation Council were then brought to the Codex-level to allow for the development of international guidelines or approaches. An excellent example of this is the work on crop grouping. The significance and importance of international work, such as the OECD, is that it also allows for broader implementation across member and non-member countries. As the data owner and provider, Industry plays a key role in ensuring that the same information is provided to all Regulatory Authorities. In addition and when possible, the establishment of the same GAP could also lead to further alignment of MRLs. Parallel initiatives also allow for the cross-pollination of the underlying Science from national work to international initiatives thereby building scientific confidence. Having said that, this approach requires strong collaboration and extensive engagement



through multi-stakeholder initiatives, which were noted in both presentations. Moreover, Anna also added that having parallel projects also takes into account that the work-plan and deliverables for international initiatives often require more time in comparison to national initiatives and/or joint projects (e.g., between the USEPA and Canada). For example, an OECD process can be slower than bilateral or trilateral work, but it is still a vital process, as it can be difficult to make meaningful change without the OECD. Getting close to having OECD guidelines for *in vitro* studies is a success, and in particular the approach being taken for the work on skin sensitization should open other opportunities for non-animal approaches to testing.

- *Question (“Chat”) (John Abbott, Syngenta):* Last year EPA announced it would stop conducting or funding studies on mammals by 2035. There was discussion about avian dietary and fish acute efforts. What is EPA’s plan with respect to other species testing?

Response (Anna Lowit, EPA): EPA discussed this issue with Syngenta CropProtection as part of a meeting held on December 9, 2020. Additional on-going ecotoxicology activities being conducted by EPA or stakeholders include a retrospective analysis of avian reproduction studies, developing fish acute to chronic ratios and a NAM review paper being written by ICCVAM.

Agenda Item 5. Effectiveness of vegetative strips – IWG session moderator - Cristian Garcia, PROCCYT

- **5.a. TWG presentations: Update on Activities Related to Filter Strips – Joint Government Presentation (Canada and US)**
 - Refer to presentation.
 - Summary: Mélanie Whiteside (Section Head, Environmental Exposure Modelling, PMRA) and Amy Blankinship (Branch Chief, Environmental Fate and Effects Division, OPP/USEPA) highlighted that there has been much collaborative work over the past few years on implementing and modelling Vegetative Filter Strips to reduce the amount of pesticide entering water bodies through run off. After two successful workshops in 2018 and 2020, both regulatory agencies are working with other experts from academia, industry and grower groups to understand the technical aspects of vegetative filter strips and how to best protect waterways which may include using the VFSMOD model.
- **5.b. Industry Working Group Presentation: Canola production and Pesticide Stewardship - Emphasis on wetlands**
 - Refer to Presentation
 - Summary: Dr. Curtis Rempel, (Vice President, Crop Production and Innovation, Canola Council of Canada) provided an overview on the project run by the Canola Council of Canada that looked at a holistic approach that incorporate stewardship initiatives in canola-growing regions. The



Council has identified issues such as soil disturbances in the spring prior to planting, the composition of VFS and agricultural practices such as conservation tillage that are important variables in the effectiveness of VFS. The Council is also working to communicate Best Management Practices to growers. Included was a study on nesting water fowl (that breed in wetlands on the Prairies and feed on aquatic invertebrates in the wetlands).

➤ Q&A Session:

- *Question (Émilie Bergeron, Director Public Affairs, Canola Council of Canada):* What are the next steps for regulators?

Response (Mélanie Whiteside, PMRA and Amy Blankinship, EPA):

-PMRA continues to develop an approach to incorporate VFS modelling into its risk assessments. The modelling itself provides insights into the effectiveness of VFS of a given width. The consideration of best management practices other than VFS (e.g., ditches instead of VFS, use of no-till) to mitigate runoff will likely be addressed separately (i.e., a possible online calculator).

-The US EPA want to better under the current state of the VFSSMOD model. The EPA requires an internal discussion of how to use and validate, as per other models and approaches. The US EPA is looking forward to expanding collaborations (especially with USDA and their tools, such as look at effectiveness, geographic impacts).

- *Question (Gabriele Ludwig, Almond Board of California):* Very good to see the thinking going beyond VFS and if other things have a role to play. Regarding specialty crops, how will you deal with things (VFS) that work well for one crop that may not be good for another crop? (e.g., vegetative areas attract pest animals, provide refugia for pests you may or may not want) This does not diminish the value of the VFS. The Almond Board of California funded research 10-15 years ago, but some caveats need to be addressed by the regulatory agencies.

Response (Mélanie Whiteside, PMRA and Amy Blankinship, US EPA):

-PMRA is aware of grower concerns with VFS and considering the impact of VFS.

-USEPA is in tune with these concerns as well.

- *Question (cont'd) (Gabriele Ludwig, Almond Board of California):* How are the diversity of climate and weather patterns considered in the modelling? How does the model take into account seasonality of when the vegetation in a VFS can grow?

Response (Mélanie Whiteside, PMRA and Amy Blankinship, US EPA):



-From a PMRA perspective, VFSMOD connects with water model (PWC). This is where those aspects are taken into account. VFSMOD gives information on how runoff is in the field, while PWC takes into account climate and soil.

-The USEPA is also aware of these issues, therefore, they want to be really aware of how the model works under different climatic conditions.

- *Question (Caleigh Hallink-Irwin, Canadian Horticultural Council):* Does the VFS modelling include tile drainage?

Response (Mélanie Whiteside, PMRA): Tile drainage is not considered in modelling.

- *Question (Marcos Alvarez, Pest Management Centre, AAFC):* AAFC is very interested in the Canola Council comment that indicates that a narrower vegetated strip is better at phosphorous retention (i.e., a narrower strip means less phosphorous in waterbodies than a wider vegetated strip). What might be the reason for this? What is the optimal composition of VFS?

Response (Dr. Curtis Rempel, Vice President, Crop Production and Innovation, Canola Council of Canada): There was a study conducted by the University of Manitoba on phosphorous entering into the Red River (Manitoba, Canada) that found that the levels of phosphorous in the waterway are related to the breakdown of vegetative material in VFS. This is tied to nutrient dynamics. There was also a Ducks Unlimited study on the composition of vegetated strips which found that a VFS should have a strong monocot component (grasses and sedges). Additionally, the height of the vegetation and width of the VFS are important.

- *Question (Heather Simmons, PMRA):* Question is for Dr. Rempel - we all recognize the importance of protecting wetlands and other aquatic habitats. Could you suggest any challenges or barriers that may exist for the implementation of VFS in canola-growing areas? What concerns you the most about adopting VFS in these regions of Canada?

Response (Dr. Curtis Rempel, Vice President, Crop Production and Innovation, Canola Council of Canada): We want to know if conservation tillage or VFS is best. Acknowledged that a better understanding of the roles of other Best Management Practices (BMPs) are necessary. Also stated that there weren't a lot of challenges anticipated with adoption of VFS by growers. Many already have VFS in their fields. The challenge is around the size of the VFS and that they might need to protect some temporal areas that serve as storage of rainfall from severe rainfall events, but are not permanent water bodies. Future consideration of the use of precision agriculture tools may be warranted. Looking at ROI (return on investment) in some areas. Putting a VFS may be beneficial in terms of economics. The size of 10 m vs. 3 m takes a lot of land out of production. There is a risk vs. reward equation.

Agenda Item 6. Session Wrap-up and Next Steps



- **IWG: Highlights of discussions and recommended next steps (Anna Shulkin, Canada, on behalf of all 3 countries)**
 - Anna thanked all the presenters for the very educational and important session.
 - Joint Reviews– key messages – agencies continue to work together – clear message to registrants that collaboration consistency, and efficiency will be part of future JRs. Reassuring that pilot projects did not stop the dialogue – there was a concern that this would remove the opportunity for secondary reviews and dialogue opportunities. RE: endpoints/safety factors – registrants may wish to do a retrospective analysis to try to figure out why these aspects differ when data packages are the same. It was well received that the PMRA and the US EPA continue to work with Mexico.
 - Re-evaluation –the message came across that re-evaluations took a tremendous amount of time and that there was a tremendous workload. The fact that agencies look for opportunities for dialogue/collaboration internationally is encouraging.
 - Animal testing – clear that the US EPA and Canada’ PMRA are leading this initiative. It was clear that these Agencies are also working closely with other regulators, e.g, Australia, European Union, OECD. Would be helpful to create an OECD working group on reducing animal testing as it would be important to be aligned with OECD countries.
 - Vegetative Filter Strips (VFS) – recognized efforts to develop a process to validate – will need to maintain flexibility in how VFS directions get interpreted on the product labels.
 - Anna summarized by saying that it was a fantastic day, and gave thanks to the PMRA for organizing today’s meeting.

- **TWG: Highlights of discussions and recommended next steps (Peter Brander, Canada, on behalf of all 3 countries)**
 - Peter thanked Anna for moderating on behalf of the IWG, and also thanked the IWG for “leading the charge” in developing the agenda for this morning’s session.
 - He also thanked the moderators and presenters and noted that at the peak of this meeting, that there were 181 participants.
 - Peter summarized by saying that he noted many of the same points as per Anna’s summary, and that government would be meeting on Oct. 8 to discuss issues raised and the development of the TWG’s work plan moving forward.



Day-2: Stakeholder-Government Session (Oct. 7) – Agriculture/Trade Day

The meeting was facilitated by Aaron Fowler, Chief Agriculture Negotiator and Director General, Trade Agreements and Negotiations, AAFC.

Introduction to Day 2: Agriculture/Trade Day

Frédéric Seppey, Assistant Deputy Minister of the Market and Industry Service Branch at Agriculture and Agri-Food Canada provided introductory remarks to open the Agriculture/Trade Day. M. Seppey highlighted the importance of the new Canada-United States-Mexico Agreement, and opportunity it provides to re-energize our continental trading partnership and to maintain highly integrated supply chains. The Technical Working Group on Pesticides is an area where close collaboration among our three countries has yielded important results. Plant protection products are an important tool to maintain and increase productivity, support competitiveness, and increase their exports. However, the lack of alignment among countries on pesticide regulatory frameworks and differing and missing maximum residue limits (MRLs) have potentially serious trade implications for the agriculture sector. Consumer perception and public trust, and a certain level of discomfort in the general population on the question of pesticides and food is a key issue to address - both government officials and industry representatives have a role to play in maintaining public trust and making sure claims are fact-based and do not mislead consumers. Also, the Government officials and industry representatives need to take every opportunity to advocate for, and defend, regulatory systems based on science, and which are transparent and predictable. M. Seppey concluded his remarks by noting that we have a common interest in addressing and minimizing the market access risks we face in other jurisdictions and we can advance these interests most effectively by working together.

Agenda Item 7 - Growers' Pesticide-related Trade Priorities:

7. a. Canada - Grower's Pesticide-Related Trade Priorities: Canada: Greg Bartley (Pulse Canada)

NAFTA/CUSMA and trade liberalization has been beneficial to growers, but there are challenges with SPS non-tariff trade barriers. The presentation highlighted key trade risks including: missing and misaligned MRLs; the precautionary principle and hazard-based approach; and, consumer perception towards pesticides and their residues. Missing and misaligned MRLs create uncertainty for growers, limits the access to pesticide products that are registered for use, which reduces the competitiveness and increase the risk of pesticide resistance if farmers don't have alternatives. The presentation noted that regulatory cooperation provides the potential to address consumer perception, and equal access to crop protection products is vital for growers



to remain competitive in the global marketplace. Continued collaboration through the minor use program, regulatory alignment, joint reviews and continued support and sufficient resources at Codex are key to address missing MRLs and maintain access to crop protection products.

7.b. Mexico: Bosco de la Vega, Consejo Nacional Agropecuario

Bosco de la Vega indicated that his industry association represents a significant percentage of Mexican exports. The presentation highlighted that with climate change, there is a need to develop new crop protection products to ensure growers can address plant pests. Glyphosate is the most commonly used product in Mexico with no current alternative. Growers in Mexico require the same access to crop protection products as in Canada and the U.S., and emphasized the potentially negative effects derived from regulatory restrictions imposed by the Mexican Government regarding the import of glyphosate.

7.c. United States: Gabriele Ludwig, Almond Board of California

80% of the world's almonds are grown in California and the nut sector relies on international trade; thus, the harmonization of food standards is important as it reduces the level of trade friction. The presenter noted that the Technical Working Group (TWG) could lead to further harmonization internationally, and pointed to the OECD calculator as one example originating from NAFTA collaboration. Ms. Ludwig proposed more work could be dedicated to pollinator and new technologies streams.

Agenda Item 8 - International Advocacy on Missing MRLs

8.a. Canada: MRL Updates – Brent Wilson, Deputy Director, Technical Trade Policy Division

Brent Wilson provided an overview on international activities including: the United States International Trade Commission's report on Missing MRLs; the FAO report on MRL Harmonization; Western Hemisphere Group (Ag5) activities on pesticides; and actions within the WTO. The presentation also highlighted other key developments to monitor in the coming year(s): the EU Green Deal/Farm to Fork (reduction of pesticide use by 50% by 2030); the renewal (or not) of glyphosate in the EU in 2022 as well as a number of countries that are already looking to restrict or to phase out its use; and, how the Covid-19 pandemic will impact the agriculture production and trade in the long term.

8.b. United States: US EPA's Crop Group Rulemaking – Nancy Fitz, Team Leader, Registration Division, OPP/USEPA

Nancy Fitz provided an overview of the key activities of the EPA related to crop groupings and provided a status of the import tolerance pilot project. Crop grouping allows regulators to establish tolerances for multiple commodities based on data from representative commodities and reduce the need to develop individual pesticide residue data for every food or feed crop. Crop grouping benefits the growers, regulators and registrants as it is the most cost efficient (both regulators and registrants) to facilitate the establishment of MRLs for multiple



commodities. The import tolerance pilot project, which has been in operation since 2016 enables the EPA to utilize data provided by a foreign National Authority or JMPR. This increases the review's pace while reducing resources.

8.c. Mexico: – International advocacy for missing MRLs, the Mexican case – David Soriano Garcia Director, Biosafety for GMO's, SENASICA

David Soriano Garcia provided an overview/update of the legal framework to establish MRLs in Mexico and highlights the new technical guidelines and authorization and review procedure (Appendix B of NOM-082-SAG-FITO/SSA1-2017 entered into force in 2018), which allow the use of information and data from international sources/foreign countries, where an authorized MRL already exists (US, Canada, the EU, OECD, others). With certain criteria, an MRL from an international source or foreign country can be accepted.

Ricardo Aranda Girard, Department of the Economy of Mexico (Secretaria de Economia Mexico) provided an overview of the international legal framework for pesticides. The presentation summarized the key rights and obligations of the WTO SPS Agreement and highlighted some of the updated provisions in the new SPS Chapter of the Canada-United States-Mexico Agreement (CUSMA).

8.d. International Advocacy on Missing MRLs, Janelle Whitley, Coalition for an Enhanced Codex (International Agri-Food Network) and Gord Kurbis, International Grain Trade Coalition (IGTC)

Janelle Whitley introduced the International Agri-Food Network (IAFN) which has an overarching objective to achieve a market and regulatory environment supportive of trade that avoids disruptions in the trade of grain, oilseeds, pulses and derived products. The IAFN supports enhancing the use of Codex MRLs and advocates for sustainable funding to Codex to reduce delays and increase the capacity of the Joint Meeting on Pesticide Residues (JMPR). As a result of the cancellation of the 2020 Codex Committee on Pesticide Residue (CCPR) due to the Covid-19 pandemic, IGTC is advocating for a virtual meeting to enable the establishment of new MRLs and avoid further delays.

Gord Kurbis provided an overview of the challenges of missing and misaligned pesticide MRLs to grain, oilseed, and pulse exporters. The presentation highlighted the growth of agricultural trade as well as the increase in the number of trade agreements. However, the increase in non-tariff SPS measures, and the rise of missing and misaligned pesticide MRLs are dampening the positive effects of increased trade opportunities. To address this issue, the presenter advocated for greater regulatory harmonization and trade facilitative measures, such as the use and/or the deferral to Codex for MRLs.

Q&A



Q1: Matthew Lantz, Bryant Christie Inc: How can growers be better engaged with governments?

A: Gord Kurbis, Canada Grains Council: The industry associations need to work in partnership internationally.

A: Janelle Whitley, Canadian Canola Growers Association: Having the ability to participate in such a forum as we have right now.

A: Bosco de la Vega, Consejo Nacional Agropecuario: Maintaining the communication with legislators and the media to advocate for the needs of growers.

Q2: Sesh Iyengar, Bayer Crop Sciences: Why are the growers groups interested in this forum?

A: Gord Kurbis, Canada Grains Council: This type of regulatory cooperation is a huge benefit to North-America, and also a model which I hope is spreading towards the rest of the world.

A: Janelle Whitley, Canadian Canola Growers Association: It also reduces the time to have the technology available for growers.

Q3: Alan Schlachter, CropLife Canada: Are there plans to go beyond the FAO rice project with work that is more related to North America?

A: Brent Wilson, Agriculture and Agri-Food Canada: Not at the moment. The report has been released recently, the comments will inform whether we will continue with these types of studies.

Q4 (from the Zoom chat): Carmen Tiu, USA/Corteva: Are there follow-up actions planned at FAO for missing MRLs?

A: Agriculture and Agri-Food Canada: The FAO through its various departments is engaged in promoting the reduction of pesticide use and the scientific assessment of pesticides. The Plant Production and Protection Division (AGP) considers reduced reliance on pesticides as a principle element of its focus on Sustainable Production Intensification and Pesticide Risk Reduction. Integrated Pest Management (IPM) programmes have demonstrated that pesticide use can often be reduced considerably without affecting yields or farmer profits.

The "Joint Meeting on Pesticide Residues" (JMPR) is an expert ad hoc body administered jointly by FAO and WHO in the purpose of harmonizing the requirement and the risk assessment on the pesticide residues. The FAO Panel is responsible for reviewing pesticide data residue and for estimating maximum residue levels, supervised trials median residue values (STMRs) and highest residues (HRs) in food and feed. The maximum residue levels are recommended to the Codex Committee on Pesticide Residues (CCPR) for consideration to be adopted by the Codex Alimentarius Commission (CAC) as CXLs.

There are no known initiatives at the FAO pertaining to missing MRLs.



Agenda Item 9 - Using Free Trade Agreements (FTAs) to address trade impacts of missing MRLs

9.a The Mercosur Approach on Missing MRL in the intra-block trade – Resolution CMG N° 15/16 – Maria Marta Rebizo, Manager, Economic and Commercial Affairs (Argentina) Chamber of the Argentine Vegetable Oil Industry, Center of Grain Exporters

Maria Marta Rebizo provided an overview of the Mercosur Regulation 15/2016 which establishes a mechanism to recognize MRL between the Mercosur countries to facilitate the import and export of agriculture products in the intra-block trade. With certain human safety and regulatory criteria and requirements, Mercosur countries can defer to the Codex MRL or the exporting country MRL (Mercosur countries) when there is a missing MRL with the importing country. The presentation also provided a case study for wheat between Argentina and Brazil that highlighted the benefits of the Regulation 15/2016 which gave certainty to the commercial operators which facilitated bilateral trade.

Q/As

Q1: Wayne Thompson, Saskatchewan Flax Development Commission: How is this approach impacting investment by growers, are there changes in the activities for certain crops?

A: Maria Marta Rebizo, Chamber of the Argentine Vegetable Oil Industry, Center of Grain Exporters: For the time being, we have not seen changes in the production condition and no price variation.

Q2: Alan Schlachter, CropLife Canada: How has this FTA process impacted business decisions? What is your prospect of this similar approach being taken elsewhere? Example, in Canada?

A: Maria Marta Rebizo, Chamber of the Argentine Vegetable Oil Industry, Center of Grain Exporters: Regarding the impact, at the beginning it was worrisome, but it has been really positive for trade. This sort of regulation allows us to jump over obstacles. Regarding your second question, the possibility of establishing a single MRL is a wish from industry, but from the regulatory perspective, it is not likely because of the risk-management. It is difficult to implement a single criterion. We need to see where we can harmonize further.

Q3 (From the Zoom chat): Alma Tovar, SENASICA: Do you always perform a risk-analysis?

A: Maria Marta Rebizo, Chamber of the Argentine Vegetable Oil Industry, Center of Grain Exporters: Yes, Argentina proceeds with its own risk-analysis when establishing an MRL. , We don't rely on Codex, but develop our own MRLs.

Q4: Alan Schlachter, CropLife Canada: In the context of the Canada-Mercosur FTA negotiation, would you anticipate that the same approach could be agreed? Would you see that as possible?

A: Maria Marta Rebizo, Chamber of the Argentine Vegetable Oil Industry, Center of Grain Exporters: I would let the authority in charge of negotiations know. I would propose from the private sector.



Q5: Gord Kurbis, Canada Grains Council: It is beneficial to see that there is a practical example. To our knowledge, this is the only FTA that has this type of provision. The Mercosur example is exactly what we are advocating for North America. Can you imagine that a similar approach may be taken from importers of Argentina?

A: Maria Marta Rebizo, Chamber of the Argentine Vegetable Oil Industry, Center of Grain Exporters: My feeling is that it would be possible to advance with countries that have a similar point of view as Argentina, but would be difficult with the EU. But, perhaps more possible with others like Canada.

Q6: Carmen Tiu, Corteva (U.S.): How can we further implement the procedures of the APEC guidelines? Considering that APEC is not mandatory, what would it take to make it official in other countries?

A: Brent Wilson, Agriculture and Agri-Food Canada: It depends on the willingness of the different governments involved. Making a parallel with Codex, these are recommendations that countries take into account. They are not mandatory.

A: Aaron Fowler, Agriculture and Agri-Food Canada: It comes down to the national government choice. It needs to take into account export and regulatory considerations. It seems straightforward from an export angle, but harder to consider in the regulatory regime and less straightforward.

A: Gord Kurbis, Canada Grains Council: I wish we could come up with a middle ground solution. The regulators are saying that they need to do the risk assessment and not copy paste Codex. APEC forum should evaluate middle ground for mutual recognition, for countries that want to.

Agenda Item 10 - FTA MRL related challenges and proposed solutions

Emilie Bergeron (Canola Council of Canada) introduced the session by highlighting the importance of discussions on the relationship between regulation and trade in order to help North American growers to remain competitive. However, according to industry, governments can do more, especially by using Free Trade Agreements (FTAs). While SPS obligations exist, FTAs could potentially deliver more results and be more targeted. For example: within CUSMA there are numerous sectoral annexes, including on products of biotechnology; the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) also has an annex on biotechnology.

10.a IWG – Gretchen Flanley, President, Sherpa 360 LLC

Gretchen Flanley outline the role of her company as a Sherpa between the US growers and the government, and postulated that the Free Trade Agreement is a mechanism to formalize, and hopefully, improve trade. The Mercosur approach could potentially be adapted for the North American context. The right for each country to regulate is recognized, but an FTA provides a way to look beyond the border for creative or innovative approaches. The insertion of language on cooperation as an incentive for governments to work together was proposed as a good start



and would help build consumer trust. The Technical Working Group is a good example which could be used to find criteria for mutual recognition mechanisms, and then with this collaboration, the western hemisphere could be a driver to influence internationally.

Q/As:

Q1: Charles Steven, Ontario Fruit and Vegetable Growers' Association (OFVGA): With the dialogue on new MRL processes and refresh on NAFTA, what are the plan with the default MRL in Mexico?

A: Amada Velez, Director General, Agri-Food, Aquaculture and Fisheries Safety, SENASICA: Practically speaking, we are harmonized with the U.S. for many years now. They are ongoing regulatory changes, we will probably adopt the U.S. EPA, and if not established, we will need to review.

Q2: Emilie Bergeron, Canola Council of Canada: Where do we start? How do we start?

A: Gretchen Flanley, Sherpa 360: You need to define common end points; identify some specific topics for which we share goals, for example: the joint reviews or see how the Mercosur came with their approach. Also, better coordinate the advocacy in Codex is important.

Q3: Gord Kurbis, Canada Grains Council: What potential do you see for a compromise? Right to regulate vs. adopting an MRL we don't establish ourselves?

A: Gretchen Flanley, Sherpa 360: Codex guidance towards an abbreviated assessment could be an option.

A: Carmen Tiu, Corteva (U.S.): When Codex is setting an MRL, they verify the dietary requirements throughout the world. So we need to find a way that countries don't have to repeat this analysis.

Agenda Item 11 - Minor Use Updates

The presentation, delivered jointly by Marcos Alvarez from AAFC's Pest Management Centre (PMC), and Daniel Kunkel from the IR-4 Project, provided an overview of the benefits of collaboration on pesticide/crop research on minor-use crops. Through a memorandum of understanding, the two organizations work together to facilitate simultaneous pesticide registration for minor crops (e.g. fruits, vegetables, specialty crops, etc.). Of note, since 2003, there have been 140 joint submission from PMC and IR4 joint projects, which culminating in 110 regulatory decisions. This collaboration leads to significant resource savings, such as reduced field trials and lab analysis, and shorter timeframes to establish pesticide registration. It also leads to harmonized MRLs, which reduce barriers to trade between the two countries.

Q/As:

Q1: Carmen Tiu, Corteva: Have you ever tried to work with Mexico for tropical crops?

A: Daniel Kunkel, IR-4 Project: We cooperated on avocado with Mexico and we made a submission to the U.S. EPA, but having an establish partner in Mexico would be welcomed.



A: Marcos Alvarez, AAFC's Pest Management Centre (PMC): We could cooperate with other countries in South America on some of the steps.

Q2 (from the Zoom chat): Angel Saavedra, Corteva (Mexico): Any idea how Mexico will address the situation of minor crops?

A: Marcos Alvarez, AAFC's Pest Management Centre (PMC): We do not have a formal agreement with Mexico, we would need to set up something.

A: Daniel Kunkel, IR-4 Project: Our arms are open and we are willing to work with Mexico.

Q3 (from the Zoom chat): Hugo Ramos Ramos, NORMEX: Is there any current project with Mexico on minor use and MRL harmonization?

A: Marcos Alvarez, AAFC's Pest Management Centre (PMC): Currently there is no project with Mexico. Both the Pest Management Centre and the U.S. IR-4 are open to work with Mexico on a joint project and we welcome further discussions.

Agenda Item 12: Is my food safe?

12.a, Attitudes on Food System/Food Safety – John Jamieson, President &CEO, The Canadian Centre for Food Integrity:

The presentation provided an overview of Canadian views on food safety. A few key trends identified included greater consumer confidence on food safety when regulations are increased, and less confidence when confronted with the use of pesticides and GM foods. The presentation highlights a few key areas to mitigate these concerns which include; industry and government working together on food safety messaging, improving food safety policy transparency, and being proactive in defending national food systems.

12.b. Is my food safe? Agriculture and Food, Third Party Standards Certifiers Body Perspective - James (Jim) Cook, Global Food Inspection Technical Manager, Food Scientific and Regulatory Affairs Manager, SGS North America, Inc.:

The presentation covered the difference between food safety versus compliance, the role of third party certifiers, and the challenge of increasing testing demand and productivity. One solution presented was to utilize one single residue screen using one set of MRLs, which would be easier for laboratories as currently conduct numerous targeted residue testing are needed. Another solution was the use of artificial intelligence programming which is quicker and more accurate; thus resulting in safer food.

12.c. Is my Food Safe? (Mexico consumer views) -Georgius Ricardo Gotsis Fontes, Director General, Eleven Rivers Growers, Confederación de asociaciones agrícolas del Estado de Sinaloa (CAAES):

Georgius Ricardo Gotsis Fontes provided an overview of the Eleven Rivers Growers Community, a certification organization. The organization works with 30 Sinaloa companies covering 7,325



hectares and 40,000 workers. Since 2009 the community enforces and validates a strict food safety and social responsibility compliance system for every member. The Eleven Rivers Compliance Team performs weekly validation visits to every member's facilities in order to ensure that they meet the requirements, including the newly defined USMCA labour obligations. The three main pesticides food safety certification schemes being applied are: the Global GAP (Good Agriculture Practice), Primus GFS (Global Food Safety) and SQF (Safe Quality Food Institute).

Q/As

Q1: Chris van den Heuvel, Nova Scotia Federation of Agriculture: Are there lessons to learn that we can apply so consumers are more comfortable with technologies?

A: John Jamieson, President & CEO, The Canadian Centre for Food Integrity: The fact that the industry is being more transparent and that regulators promote their work.

Q2: Greg Bartley, Pulse Canada: What are the regulators proactively doing to defend our system?

A: Peter Brander, PMRA: With impartiality, we will explain our regulatory decision and the scientific justification; not the promotion of individual products.

Agenda Item 13: Agriculture/Trade (Day 2) Session Wrap-up and Next Steps

IWG: Highlights of discussions and recommended next steps – Anna Shulkin (Canada on behalf of all 3 countries)

Anna Shulkin noted the large number of participants that attended the sessions, which reached 180 participants at its peak. She provided some highlights: while the regulatory regimes are complex and rarely aligned, there is a strong desire for the use of pesticides by growers; the level of the government engagement is tremendous and represents a level not seen before; the FTA session and the presentation of the Mercosur model also generated some good exchanges and question on how to align further; there has been some good discussion on how we can promote Codex; and, the growers reiterated the need to rely on Codex as much as possible.

TWG - Highlights of discussions and recommended next steps - Aaron Fowler (Canada on behalf of all 3 countries):

Aaron Fowler noted the importance of deepening our collaboration, both at the industry and governmental level. There are certainly challenges, but we are fortunate to have the Technical Working Group to discuss and identify mutually beneficial outcomes. For the governments, there is commonalities we could build on and the trade and regulatory communities have the opportunity to discuss, not limited to FTA, but also more broadly about our multilateral engagement. We all share the same goal of improving the ability for producers to get healthy, high quality and safe food to consumers.



Conclusion remarks from Corey Loessin, Pulse Canada:

Corey Loessin encouraged to continue this cooperation in the context of CUSMA and indicated that the example of the level of cooperation in the minor uses could be transposed elsewhere.

Conclusion remarks from Peter Brander, PMRA:

We want to keep the momentum of the Technical Working Group. We are the first Technical Working Group of CUSMA that is going ahead. We will be preparing a summary and see how it fits in the work plan, and have a meeting in early December. Noted the need for regulators to maintain impartiality and to make science and evidence based decisions. Will not be advocates for or promote individual products, but will explain the how and the why of decisions.