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**RE: INDUSTRY COMMENTS RE: REGISTRATION OF DUAL PROPERTY PRODUCTS (DPP)**

On August 4, 2021, the Government of Canada made a significant funding announcement<sup>1</sup> related to the transformation of the Pest Management Regulatory Agency (PMRA), that included supporting work to accelerate the research, development, and adoption of alternative pest management solutions. At the same time, the PMRA is currently undergoing its first comprehensive review of the Pest Control Products Regulations (PCPR) since it was established in 2006. The comprehensive review aims to ensure the Regulations are current, continue to meet PMRA program objectives while attempting to minimize regulatory burden on regulated parties, and provide recommendations on policy, program and/or regulatory action required to address identified issues.

During this time when the Government of Canada has a clear mandate to accelerate work on alternative pest management solutions and has an ongoing project related to regulatory modernization, stakeholders would like to bring to PMRA's attention the lack of regulations for a growing class of products that are being called dual property products (DPP). We would like to request that PMRA consider specific regulations pertaining to DPP while the current review of the PCPR is underway.

**Footnote:**

<sup>1</sup><https://www.canada.ca/en/health-canada/news/2021/08/government-of-canada-pauses-decision-on-glyphosate-as-it-strengthens-the-capacity-and-transparency-of-review-process-for-pesticides.html>

## **Background**

Dual Property Products are the result of a growing interest in green agriculture, which resulted in the discovery and development of biological products such as microbials, naturally occurring biochemicals and bioactive compounds for use in agriculture. Certain biological products have both a crop protection property (pesticide) and an effect on plant growth and development (supplement).

Products with pesticidal properties are regulated by PMRA under the PCPA, and products with supplement properties are regulated by the Canadian Food Inspection Agency (CFIA) under the Fertilizers Act (FzA). Products with both characteristics are often called dual property products.

Currently, fertilizer-pesticide products are considered to be unregistered pest control products, enabled by PCPR Schedule 2, section 2. While this provision provides administrative burden reduction for those who develop and manufacture fertilizer-pesticide products, a similar process does not exist to jointly regulate supplement-pesticide dual property products. As a result, it is up to the developer to decide under which regulatory framework to register such products, as:

- Registration under PCPA allows only pest control claims on the label;
- Registration under FzA allows only supplement claims on the label.

On some occasions, registrants may choose both registrations under both Agencies. This results in products containing the same active ingredient on the market with two different labels, one from PCPA and one from FzA and could lead to confusion of end users, hence increasing the risk of over-use of the active ingredient.

## **Progress to date**

In January 2019, the Fertilizer and Supplement Advisory Committee (FSAC) established a multi-stakeholder working group with PMRA and CFIA representation to address this issue. The main objective of Dual Property Products working group (DPP-WG) was to develop a joint regulatory framework for supplement-pesticide products to enable the issuance of a single label with dual claims, reviewed and approved by both PMRA and CFIA.

In response, PMRA and CFIA established a pilot project with the narrow scope to discuss feasibility of registering and labelling dual property microbial products. Several issues and challenges were encountered to combine and comply with labelling requirements from both Acts on a single label, which did not allow for reaching the anticipated goal. For example, challenges with rectifying different terminology used in regulation, such as PMRA-PCPR label requirements to state “active ingredient” and CFIA-FzA label requirement to state “guaranteed minimum analysis”.

In addition, industry stakeholders are interested in expanding the scope to DPPs other than microbial products, such as:

- Co-formulated or co-packed products with multiple active ingredients including single and/or dual property chemicals and biologicals;
- Conventional or non-conventional biological and chemical single active ingredient with dual properties;
- Active ingredient with single property releasing metabolites or degradation by-products with another property.

## **Recommendation**

As PMRA has been engaging with partners and various stakeholder organizations in the context of its comprehensive review of the PCPR, we would like to take this opportunity and suggest to PMRA to consider including an exemption for supplement-pesticide dual property products in the regulations. This will allow registration of such products under a single label with dual property claims. We appreciate PMRA's attention to this important matter and would welcome the opportunity to discuss this further and provide suggestions and solutions to resolve some of the earlier labelling hurdles to make dual property products compliant with both the PCPA and FzA.

## **Fertilizer and Supplement Advisory committee (FSAC)**

**Crop Life Canada (CLC)**

**Biological Products Industry Alliance (BPIA)**

**Fertilizer Canada**

**Canadian Association of Agri-Retailers (CAAR)**

