équiterre

Ontario Pollinator Health
Ministry of Agriculture, Food and Rural Affairs
Policy Division
Food Safety and Environmental Policy Branch
1 Stone Road West, Floor 2
Guelph, ON N1G 4Y2

Re: EBR Registry Number 012-3068

Equiterre is thankful for the opportunity to comment on Ontario's Proposed Regulatory Framework to Reduce the Use of Neonicotinoïd Pesticides.

Equiterre is very concerned about the effects of neonicotinoïds pesticides on bees and more broadly on ecosystems. The conclusions of the Task Force on Systemic Pesticides meta-analysis of neonicotinoïds released last June "confirm that they are causing significant damage to a wide range of beneficial invertebrate species and are a key factor in the decline of bees."[1] The Task Force found that there is clear evidence of harm sufficient to trigger regulatory action. The analysis also finds that neonicotinoïds pose a serious risk of harm to other pollinators, to a wide range of other invertebrates, and to vertebrates such as birds. They also pose a risk to ecosystem functioning and services. Therefore, Equiterre believes that a precautionary approach to reducing, and eliminating, the use of neonicotinoïds is pertinent. The threat posed by neonicotinoïds calls for urgent action; the proposed timeline for implementing the new restrictions is appropriate.

Here are Equiterre remarks on the proposed regulatory framework, and recommendations to improve it:

- Equiterre seconds the proposal to extend Ontario's jurisdiction to seeds treated with neonicotinoïds under the Pesticides Act and Ontario Regulation 63/09, and to incorporate restrictions on neonicotinoïds in the Regulation. This will allow the government to control this use of pesticides in Ontario.

- The proposed regulatory restrictions applies to seeds treated with neonicotinoïds before they are purchased by a farmer. An amendment should be made to prohibit on-farm application of neonicotinoïds as seed treatment.

- The proposed regulatory restrictions aims to reduce in three neonicotinoïds used to treat corn and soybean seed. Equiterre believes in the importance that the Ontario government considers a more comprehensive approach. Although soybean seeds and varieties of corn grown as grain corn represent the province's two largest crops in terms of planted acreage, seed treatments are available

[1] Task Force on Systemic Pesticides, June 24th 2014. "New four-year scientific analysis: systemic pesticides pose global threat to biodiversity and ecosystem services". Press release available at: http://www.tfsp.info/wp-content/uploads/2014/06/WIA-PR-REL.pdf

and used on a wide range of seed crops (canola, potatoes…). Also, restrictions should apply to all corn crops, including sweet corn and popping corn. The threat to pollinators from neonicotinoïd-treated seeds is presumably similar or identical for other corn crops. Sweet corn and popping corn are also human food. The European Food Safety Authority concluded that acetamiprid and imidacloprid may affect the developing human nervous system[2]. Also, the consumption of conventionally grown fruit and vegetables contributes to neonicotinoïd exposure[3]. Thus, reducing the use of neonicotinoïds on corn destined to human consumption may also contribute to protect human health. Similarly, the restrictions targets only three of the five neonicotinoïds active ingredients registered for use in Canada: imidacloprid, clothianidin, and thiamethoxam. While the other two ingredients, acetamiprid and thiacloprid, are not currently used as seed treatments on grain corn or soybean seeds, such products may be registered in future and may pose similar risks. If these three seed treatments are simply replaced by other neonicotinoïds products (e.g., foliar sprays) or alternative neonicotinoïd seed treatments, the goal of a reduction in neonicotinoïds will have be missed. Equiterre therefore recommend that Class 12 be broadly framed to capture all seeds and all neonicotinoïds products that are either currently available or that may be introduced in future as a seed treatment.

- Equiterre also recommends structuring Ontario's regulatory restrictions taking into account the possibility that alternative systemic pesticide products may be introduced in the future as a result of these restrictions. There is a possibility that some alternatives may pose equal, if not greater risks to pollinators and the environment. For example, the Pest Management Regulatory Agency is proposing to register flupyradifurone, a new systemic pesticide recommended as a seed treatment for soybeans, with the same mode of action as neonicotinoïds and a similar ecological risk profile.

- As a next step, Equiterre encourages the government to extend restrictions on the use of neonicotinoids to all Ontario crops and horticulture. A complete phase-out of neonicotinoids would better protect Ontario's ecosystems from the wide-ranging effects of these chemicals on non-targeted organisms.

- At this stage, the key purpose of the proposed regulatory framework is to ensure that seeds treated with neonicotinoïd pesticide products are planted only where necessary to resolve a pest problem. To address the over-use of treated seeds and reduce the percentage of acreage planted with them to approximately 20% by 2017, a credible risk assessment is proposed as a critical tool. The assessment must be completed by any person wishing to purchase and use treated seeds. It is proposed that this assessment will represent the sole means through which farmers will demonstrate their need to use treated seeds. Once completed, the assessment would need to be verified by a third party. There are several gaps in the proposed regulatory framework with respect to the credible risk assessment and third-party verification that may undermine the effectiveness of these tools. The only point at which farmers must demonstrate that they have completed the credible risk assessment and have had it properly verified is when they are attempting to purchase the treated seeds. In Equiterre's opinion, the assessment of whether conditions have been met should not be delegated to seed vendors, who have an obvious conflict of interest and may lack necessary capacity in terms of time and training. Also, the proposed framework provides that any person wanting to purchase or use treated seeds will be required to keep a record of their integrated pest management activities. However, there does not appear to be any requirement imposed on them to demonstrate that they

[2] European Food Safety Authority, 17 December 2013. "EFSA assesses potential link between two neonicotinoids and developmental neurotoxicity". Press Release available at: http://www.efsa.europa.eu/en/press/news/131217.htm
[3] Kumiko Taira, "Human neonicotinoid s exposure in Japan," Jpn J Clin Ecology (Vol. 23, No.1), 2014.

have attempted to implement or have even considered alternatives. While the risk assessment may indicate a pest problem that could be mitigated by planting treated seeds, there may also be a sustainable method of pest control that could address the same risk. The proposed requirement for a risk assessment should include an evaluation of alternative methods for tackling pest threats and the reasons they were not used. There should be a training requirement for third-party verifiers in order to ensure they have the most recent information about alternative pest control methods that could be used in lieu of neonicotinoïd-treated seeds. If neonicotinoïd-treated seeds are to be made available under certain conditions, a government-issued permit or government-prescribed form, signed by the 3rd party verifier and presented at the point of sale, should be required by regulation to purchase and plant treated seeds. To obtain it, farmers should submit an application for evaluation to the Ontario Ministry of Agriculture and Food and Rural Affairs (OMAFRA), including the risk assessment. In order to ensure that risk assessments reflect current conditions and to encourage year-over-year reductions in the use of neonicotinoïd-treated seeds, the permission to use neonicotinoïd-treated seeds should be valid for one year only. This type of requirement would allow the province to directly monitor the use of neonicotinoïd-treated seeds.

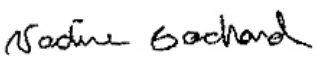
- The proposed training program specific to corn and soybean production will have to be designed to ensure that farmers knowledge and training regarding integrated pest management practices, alternative pest control methods, and environmental and health impacts of the use of treated seeds are current. The training program should also include the current impacts on bees and pollinators.

- An enforcement plan, which is absent from the discussion paper, will be crucial for the success and credibility of the new system. Equiterre recommends an enforcement plan that includes inspections or audits, both at the point of sale and on-farm.

- The goal of reducing the use of neonicotinoïd-treated corn and soybean seeds by 80 per cent commands accountability. In order to measure progress towards the target, seed vendors should be required to report annually on sales of neonicotinoïd-treated seeds. The total reported sales and an assessment of whether the target has been met should be published on OMAFRA web site every year. If the target is not met by 2017, the government should commit to a review and contemplate additional controls and intensified compliance and enforcement activities.

- As a metric of the effectiveness of the new regulatory restrictions, a program to monitor the presence of neonicotinoïds in the environment should be established.

Thank you for considering these comments on the proposal to restrict neonicotinoïds.



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