

June 30, 2022

Pest Management Regulatory Agency Publications Section
Pest Management Regulatory Agency (PMRA)
Health Canada
2720 Riverside Drive
Ottawa, Ontario, K1A 0K9

Via Email

To Whom it May Concern:

Re: Public Consultation on the *Pest Control Products Act*

On behalf of Animal Justice, Animal Alliance of Canada, Humane Society International/Canada (“**HSI/Canada**”), the International Fund for Animal Welfare (“**IFAW**”), and Wolf Awareness Inc. we are writing to you in response to the Pest Management Regulatory Agency’s (“**PMRA**”) request for feedback regarding its review of the *Pest Control Products Act*, S.C. 2002, c. 28, (the “**Act**”).¹ Many of the undersigned groups have a long history of using tools under the Act in an effort to protect target and non-target animals from harm and suffering caused by pest control products. This includes an objection to the PMRA’s 2018 decision to provide a three-year timeframe for phasing out the use of strychnine to kill Richardson’s ground squirrels²; three requests for special review filed in 2020 regarding the registration of products containing strychnine, Compound 1080, and sodium cyanide used to kill animals such as wolves, coyotes, black bears and skunks³; and various requests to include humaneness considerations in the review of pesticides.⁴

We write to you today to urge you to amend the Act to protect target and non-target animals from risks posed by pest control products. More specifically, we recommend that the PMRA take action to require the consideration of animal distress in decision-making regarding the registration and review of pest control products which target animals capable of experiencing pain and suffering; permit the use of registered pest control products that cause distress to animals only as a last resort; modernize the definition of “pest” in the Act; and increase resources allocated to overseeing proper pest control product use and record keeping in accordance with the Act.

¹ See: <https://www.canada.ca/en/health-canada/services/consumer-product-safety/pesticides-pest-management/public/consultations/discussion-documents/targeted-review-pest-control-products-act.html>

² See: <https://animaljustice.ca/blog/poisoning-ground-squirrels-with-strychnine-should-be-outlawed-immediately>

³ See: <https://animaljustice.ca/blog/groups-call-on-canada-to-stop-the-cruel-irresponsible-poisoning-of-wolves-coyotes-black-bears>

⁴ See: <https://www.hsi.org/news-media/call-on-canada-ban-strychnine-092718/>

It falls firmly within the PMRA's mandate to implement these animal welfare considerations in the Act. On December 16, 2021, the Minister of Health's mandate letter from the Prime Minister included the following commitment:

To ensure Canadians are protected from risks associated with the use of pesticides and to better protect human health, **wildlife** and the environment, modernize and strengthen the *Pest Control Products Act*...⁵

In the Discussion Document for this consultation, the PMRA stated that it will endeavour to “strengthen its linkages with partners, such as ECCC to broaden the availability of scientific information, such as impacts on wildlife, to inform its oversight and decision-making in relation to pesticide use in Canada”.⁶

1. The Act permits the use of products which cause extreme suffering in animals

Animals, including both target and non-target animals who are capable of experiencing immense pain and suffering, are harmed by the use of several pest control products which are currently permitted under the Act. It is clear that more needs to be done by the PMRA to account for the interests of these animals in the registration, review, and regulation of these products.

Two prominent examples of products that have been registered for use in Canada despite the known harm and suffering that they cause to target and non-target animals are strychnine and Compound 1080 (sodium monofluoroacetate). Veterinary bodies (notably including the Canadian Veterinary Medical Association and the American Veterinary Medical Association), animal welfare organizations (including the Canadian Council on Animal Care), scientists, and researchers agree that strychnine and Compound 1080 are inhumane as they cause, among other things, severe pain, distress, suffering, and anxiety in affected animals.⁷ Strychnine poisoning causes excruciating muscular convulsions that can last hours or days, often leading poisoned animals to die a slow and painful death from eventual exhaustion or suffocation. Victims of

⁵ See: <https://pm.gc.ca/en/mandate-letters/2021/12/16/minister-health-mandate-letter>

⁶ See: <https://www.canada.ca/en/health-canada/services/consumer-product-safety/pesticides-pest-management/public/consultations/discussion-documents/targeted-review-pest-control-products-act/document.html>

⁷ See e.g.: Proulx, G., R. K. Brook, M. Cattet, M., C. Darimony, and P.C. Paquet. 2016. Poisoning wolves with strychnine is unacceptable in experimental studies and conservation programs. *Environmental Conversation* 43: 1-2, available online:

https://www.researchgate.net/publication/280029193_Poisoning_wolves_with_strychnine_is_unacceptable_in_experimental_studies_and_conservation_programmes ; Parr, S., and Barron, H. 2021. Indiscriminate, Inhumane and Irresponsible: Compound 1080 is no longer an acceptable form of wildlife management. *Canadian Wildlife Biology & Management* 10 no. 1, available online:

https://www.researchgate.net/publication/351392023_Indiscriminate_Inhumane_and_Irresponsible_Compound_1080_Is_No_Longer_an_Acceptable_Form_of_Wildlife_Management ; CCAC guidelines on the care and use of farm animals in research, teaching and testing, at p.36, available online: https://ccac.ca/Documents/Standards/Guidelines/Farm_Animals.pdf

Compound 1080 “experience both physical and psychological terror caused by the recurrence and repetition of violent convulsions and seizures”.⁸ Researchers have found that “clinical signs of severe pain and distress are evident in animals poisoned with Compound 1080; these include retching and vomiting, trembling, fecal and urinary incontinence, severe and prolonged convulsions, unusual...screaming... and respiratory distress” with eventual death resulting from “cardiac failure, central nervous system failure, or respiratory arrest”.⁹

Both strychnine and Compound 1080 continue to be registered for use under the Act despite overwhelming evidence about the serious harm that they cause and an increasing number of jurisdictions around that world that have moved to ban or severely restrict their use.¹⁰ There have been calls from both experts¹¹ and the general public in Canada¹² to ban these products, and tragedies resulting from their continued use - including the highly-publicized deaths of many companion dogs.¹³

In 2020, 69% of Canadians said that the risks posed by strychnine, Compound 1080, and sodium cyanide used in Canadian wildlife management programs are unacceptable.¹⁴ On the provincial scale, a 2019 study conducted by IFAW in Alberta indicated that only 4% of Albertans accepted the use of strychnine poison as a method to kill wolves in the province.¹⁵

Further compounding the problematic nature of these poisons, there is little to no evidence to show that they, or other lethal measures, are even effective at deterring the “pests” that they often target (i.e., wildlife that are killing livestock or other wildlife species). In contrast, an increasing number of studies demonstrate that lethal control of predators (including lethal control via indiscriminate poisoning campaigns) may even lead to increased activity of predators.¹⁶ The

⁸ *Ibid*, Parr and Barron

⁹ *Ibid*

¹⁰ It is worth noting that Health Canada is currently reviewing the registration of strychnine and Compound 1080. However, it will not be considering “humaneness” as a part of the pesticide risk assessment framework (see: <https://www.theglobeandmail.com/canada/article-health-canada-says-it-wont-consider-cruelty-to-animals-in-strychnine/>)

¹¹ See: https://docs.wixstatic.com/ugd/4bd11b_3e153cee4f654cf4b65d47f7e7faf707.pdf;

¹² See: <https://petitions.ourcommons.ca/en/Petition/Details?Petition=e-3047> ; <https://action.ifaw.org/page/75096/action/1?locale=en-CA>

¹³ See e.g.: <https://www.cbc.ca/news/canada/saskatchewan/health-canada-considers-strychnine-ban-gophers-1.4771402> ; <https://www.cbc.ca/news/canada/calgary/dog-death-alberta-strychnine-pest-control-ban-poison-farms-1.4773270>

¹⁴ According to a national Environics poll commissioned by Wolf Awareness Inc. and Animal Justice.

¹⁵ See: <https://www.ifaw.org/ca-en/journal/alberta-wolf-poisoning-public-opposition>

¹⁶ See e.g.: Allen et al. 2014. The short-term effects of a routine poisoning campaign on the movements and detectability of a social top-predator. *Environmental Science and Pollution Research* 21(3), 2178–2190, available online: https://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=2387&context=icwdm_usdanwrc ; Eklund, A., J. V. López-Bao, M. Tourani, G. Chapron, and J. Frank. 2017. Limited evidence on the effectiveness of interventions to reduce livestock predation by large carnivores. *Scientific Reports* 7: 1–9, available online: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5437004/>

value of these products is unacceptably low in light of their dangerousness and relative ineffectiveness. Ensuring that the risks of animal distress posed by a given product are considered in decision-making regarding registration and reviews under the Act would ensure that such risks are weighed against the other factors considered under the Act in appropriate instances.

During its recent “Review Panel Report Following Notices of Objection for RVD2020-06: Strychnine and its Associated End-use Products (Richardson’s Ground Squirrels)”, the PMRA acknowledged that the use of this poison would result in “accidental mortalities” in several bird species including chestnut-collared longspurs (a species of bird that is listed as ‘Threatened’ under the *Species at Risk Act*). Despite this finding, the PMRA decided that because this risk was not widespread enough to lead to irreversible damage in longspur populations and other bird populations, the planned three-year phase out of strychnine should remain in place. No consideration was apparently given to the hundreds of birds that would find themselves in excruciating pain and distress as a result of this decision.

Other products which have been deemed inhumane (and otherwise dangerous) by numerous international authorities, including glue traps¹⁷ and second-generation anticoagulant rodenticides (the use of which are currently being reviewed by British Columbia),¹⁸ also remain registered for use in Canada in accordance with the Act. This represents just a snapshot of a larger problem: pest control products are registered for use in Canada with no regard for the extent of the suffering that they cause to target and non-target animals alike.

2. The PMRA should take action to protect the welfare of animals

We request that the PMRA amend the Act to require consideration of risks of animal distress during the pest control product registration and review processes when the products in question are intended to target animals capable of experiencing pain and suffering. As a part of these amendments, the PMRA should require that each registration and review submission include a scientific review of the animal welfare impacts on both target and non-target animals; adopt a definition of animal “distress” that is scientifically sound and reflects evolving public understandings of animal physiology and psychology; and assess each pest control product with these considerations in mind on a case-by-case basis. If products which are demonstrated to cause suffering are registered by the PMRA to control populations of animals capable of experiencing pain and distress, they should only be permitted to be used as a last resort - particularly when more humane alternatives are available (e.g. the use of non-lethal OvoControl

¹⁷ See: <http://www.caht.ca/evaluation-of-the-humaneness-of-rodent-capture-using-glue-traps/> ; <https://www.thestar.com/opinion/star-columnists/2019/06/17/the-case-against-rat-glue-traps.html> ; https://www.cdc.gov/rodents/prevent_infestations/trap_up.html

¹⁸ See: https://www2.gov.bc.ca/assets/gov/environment/pesticides-and-pest-management/legislation-consultation-new/ipmr_rodenticide_intentions_paper.pdf

as opposed to lethal Avitrol in managing pigeon populations).¹⁹ There is a growing international consensus surrounding the ethics of animal control, with a range of experts recognizing the need to cause the “least animal welfare harms to the least number of animals” while controlling wildlife.²⁰

Considerations surrounding the humaneness of pest control products are already in place in many jurisdictions around the world. By way of example, in the European Union, the EU Biocides Regulation No. 528/2012 (the “**Regulation**”) acknowledges that certain biocidal products (inclusive of pesticides) may give rise to animal health and welfare concerns. These concerns are to be directly considered during the decision-making process for permitting the use of pest control products in the EU. The Regulation specifically provides that the impact of biocidal products on both target and non-target flora and fauna should be considered when registering products. It also states that “biocidal products that are intended to harm, kill or destroy animals that are capable of experiencing pain and distress should be used only as a last resort.”²¹

In addition, we request that the PMRA consider amending its definition of “pest” in the Act to narrow the scope of what types of animals may be considered as appropriate targets of pesticides. Right now, the Act defines a pest as follows:

Pest means an animal, a plant or other organism that is injurious, noxious or troublesome, whether directly or indirectly, and an injurious, noxious or troublesome condition or organic function of an animal, a plant or other organism.

In effect, any animal considered to be “troublesome” can be deemed a pest under the Act, representing an incredibly broad approach. By way of contrast, under the United States’ *Federal Insecticide, Fungicide, and Rodenticide Act* (“**FIFRA**”) a definition with more procedural safeguards has been implemented:

The term “pest” means (1) any insect, rodent, nematode, fungus, weed, or (2) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other microorganism (except viruses, bacteria, or other microorganisms on or in living man or other living animals) which the Administrator declares to be a pest under section 25(c)(1).²²

¹⁹ See e.g.: Xenakis, Nadia. 2021. Humane pigeon population management using avian contraceptive OvoControl ® P at Translink Skytrain stations in the Lower Mainland of British Columbia, Canada. *University of British Columbia Thesis*. Available online: <https://open.library.ubc.ca/media/stream/pdf/24/1.0398509/4>

²⁰ See: Dubois et al. 2017. International consensus principles for ethical wildlife control. *Conservation Biology* 31(4). 753-760, available online: <https://conbio.onlinelibrary.wiley.com/doi/10.1111/cobi.12896>

²¹ *EU Biocides Regulation No 528/2012*, available online: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32012R0528>

²² *Federal Insecticide, Fungicide, and Rodenticide Act*, at s.2, available online: <https://www.agriculture.senate.gov/imo/media/doc/FIFRA.pdf>

We recommend that the PMRA consider amending the Act's definition to more closely reflect the FIFRA definition. Rather than a broad definition like the one currently included in the Act which could capture any number of animals as "pests" and potentially subject them to exposure to harmful and cruel pest control products, the FIFRA definition puts more control in the hands of government to carefully tailor a list of animals that the Act could apply to.

We would further recommend including that the government, in deciding whether a species of animal is to be considered a "pest" for the purposes of the Act, be obliged to consider the animal's role in their ecosystem, the status of the species (i.e. whether it is threatened or endangered), the input of the public on whether the animal should be considered a pest, the animal's capacity for experiencing pain and distress, and the nature and extent of the alleged nuisance of the animal, among other factors. Narrowing the scope of the Act in this fashion could prevent the proliferation of pest control products being registered for use against animals such as wolves and bears that Canadians would not consider to be pests and who suffer significantly when targeted by pest control products.

3. The PMRA should increase resources dedicated to oversight & enforcement of pest control product use

The undersigned organizations have a significant amount of knowledge and expertise regarding not only the impacts of pest control products on animal welfare, but also the manner in which these products are presently used in Canada.

Persistent issues including the lack of adequate record keeping and apparent non-compliance with label requirements when using pest control products (particularly strychnine and Compound 1080) continue to pose significant risks to animals in Canada. In addition to considering risks to animals in product registration and review, we further recommend that stronger tools be implemented under the Act to ensure record keeping and label requirements are met. More specifically, we recommend that more resources be dedicated to the oversight of pest control product use and enforcement of the Act in the event of misuse.

4. Conclusion

The PMRA should protect animals from suffering and distress through the above amendments to the Act. We would be pleased to provide further information or to assist you in any way as you consider these issues. Please do not hesitate to contact us with any questions you may have.

Sincerely,

Scott Tinney
Staff Lawyer, Animal Justice
stinney@animaljustice.ca



Liz White
Director, Animal Alliance of Canada
liz@animalalliance.ca



Kelly Butler
Wildlife Campaign Manager, HSI/Canada
kbutler@hsi.org



Sheryl Fink
Director, Canadian Wildlife Campaigns, IFAW
sfink@ifaw.org



Hannah Barron
Conservation Director, Wolf Awareness Inc.
hannah@wolfawareness.org

