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**RE: 2019 Trilateral Stakeholder Workshop and Conference on Pesticides and NAFTA
TWG Meeting held September 3-4, 2019**

Protección de Cultivos, Ciencia y Tecnología (PROCCYT), CropLife Canada, CropLife America, and the many grower and grower-association participants wish to express their appreciation to the Office of Pesticide Programs (OPP) for hosting this event at the U.S. Environmental Protection Agency Headquarters and for working closely with us to construct the agenda. A face-to-face meeting was long overdue as the last time we met was in November 2017 in Mexico. We acknowledge receipt of the meeting summary and draft 2019-2020 work plan and look forward to continued engagement as we prepare for the next meeting of this forum in Canada.

Since its inception in 1996 under the North American Free Trade Agreement (NAFTA) provisions on sanitary and phytosanitary measures, this forum has been a focal point for addressing pesticide issues arising in the context of liberalized trade in North America. As outlined in the stock-taking sessions of the 2019 workshop and conference, over the past 23 years, pesticide regulators in Canada, Mexico and the United States have achieved significant

levels of cooperation and science and policy alignment. This has resulted in improved pesticide regulation that helps facilitate grower competitiveness, trade and innovation.

As referenced in the meeting summary, at the conclusion of the trilateral event, Rick Keigwin outlined three themes that he observed and expressed as follow-up questions that also serve to categorize the Industry Working Group's (IWG) observations.

How to more formally engage with trade?

The increased participation of growers and trade officials underlines the increased importance of this forum and of its work to continue to facilitate trade as well as the urgency to act. We wholeheartedly agree with a key aspect of EPA's future direction outlined at the beginning of the meetings, namely, to continue to bolster industry certainty by rethinking and strengthening international engagement in order to assure that crop products produced with registered pesticides are accepted internationally.

MRLs were designed to facilitate trade. Carmen Tiu's "One MRL" presentation slide documenting the achievement of over 80 % MRL alignment between Canada and the United States was regarded by all as remarkable but so was the U.S. growers' pointed reaction that we cannot expect to have another 20-plus years to align the remaining 20% of MRLs. The small number of Codex MRLs also stood out.

Jason Hafemeister asked the perhaps not-so-rhetorical question during the trade panel, "Will Free Trade Agreements continue and, if so, what will they look like?" This underlines not only the current political reality but the recognized future need for even greater value-chain and regulatory cooperation and 'nimbleness' to respond to trade challenges.

We also whole-heartedly agree with Peter Brander's closing observation that the structure of this forum's traditional focus on science and policy needs to be expanded to more directly include engagement on trade. The pending implementation of the modernized NAFTA¹ is a future trade milestone but one that need not impede re-energizing the composition, inter-relationship and functioning of the current government-led Technical Working Group (TWG) and the IWG.

How to avoid taking divergent paths?

Amada Vélez' presentation outlined Mexico's initiative to promulgate a new domestic pesticide law, using the Organization for Economic Co-operation and Development (OECD) in an advisory capacity. We are pleased that OPP and the PMRA have offered to participate as peer reviewers in this process as this represents an opportunity to continue to coordinate pesticide policy in North America and to pre-empt divergence.

¹ Known variously as the Canada, United States, and Mexico Agreement (CUSMA); Accord Canada-États-Unis-Mexique (ACEUM); United States, Mexico, and Canada Agreement (USMCA) ; and Tratado entre México, Estados Unidos, y Canadá (T-MEC).

Similarly, we understand that OPP is running a pilot project based on the 2016 Asia-Pacific Economic Cooperation (APEC) publication entitled, “[Import MRL Guidelines for Pesticides](https://www.apec.org/Publications/2016/08/Import-MRL-Guideline-for-Pesticides)”.² It is hoped that the APEC initiative and this pilot will result in a greater degree of clarity and alignment on the application of assessment methodologies for the establishment of import MRLs, not only within North America but with other trading partners from the perspective of consumer protection. This has the potential to increase consumer confidence in the MRLs and to achieve greater regulatory convergence on MRLs, while reducing the regulatory burden to facilitate trade. We commend OPP for leading on this initiative and anticipate the lessons learned will help to successfully apply this approach trilaterally and beyond.

To inform the dialogue on “what’s next?” that was initiated at the conclusion of the 2019 tri-lateral event in Arlington, in addition to the status updates provided on November 27, 2019, we request that you flag areas, if any, where IWG assistance could help to enhance the outcomes and perhaps even accelerate the completion dates outlined.

It was noted in regulators’ closing remarks that the NAFTA TWG and our respective bilateral Regulatory Cooperation Council workplans should be one and the same. We agree and commit to help make this happen through our engagement with our respective governments.

A long list of new science coordination work was presented by the IWG at the 2019 workshop and conference with a view to continuing to position North American crop value chains to remain competitive, both on this continent and internationally. We reviewed the draft 2019-2020 work plan and ask that consideration also be given to adding the following items to the workplan.

Regulator-Industry-Grower collaborations

1. Re-evaluation: Many North American joint reviews are approaching legislated cyclical re-evaluation. In our view, this represents low hanging fruit in that the original analysis that led to their registrations benefited from the close science and policy coordination involved in the joint review process. OPP will initiate its next 15-year regulatory review process in 2022. Ongoing discussion and cooperation with respect to work sharing identified in the 2019/2020 workplan in our view is very positive. To identify opportunities for continued alignment, the IWG and grower stakeholders are positioned to engage with regulators on this topic, perhaps in a dedicated workshop identifying global re-evaluation best practices from its perspective.
2. Improve the science-review process for joint reviews to build upon the US EPA/PMRA pilot that was co-initiated in 2018 by including registrants’ experiences in the 2020 reporting out and dialogue on collaboration.
3. To further the “One MRL” concept, develop an import trade facilitation pilot to explore resource-saving impacts of accepting Codex MRLs: This could include a table-top exercise where an assessment of import violations is undertaken to document the impact of deferral to Codex MRLs where no national MRL exists.

² <https://www.apec.org/Publications/2016/08/Import-MRL-Guideline-for-Pesticides>

4. Tailgating policy coordination: An industry-regulator working group to inform development of North American criteria and acceptable time frames for the submission of additional crop uses (wave 2) that can be added to the initial registration application package for a new active ingredient prior to the registration decision (i.e., wave 1), without jeopardizing the original wave 1 timelines.
5. Scientific harmonization and collaboration: We support the addition of new approach methodologies (e.g., Integrated Approaches to Testing and Assessment - IATA), cumulative risk assessment, pest control biotechnology and work on emerging technologies and ask that the following specific areas also be added under Objective 3 in the draft workplan.

Environmental/Ecological Focus

- a. Data generation and interpretation of the effectiveness of vegetative strips and other risk mitigation tools.
- b. Environmental exposure modeling such as water and spray drift.
- c. Use of water monitoring data for ecological risk assessments.
- d. Testing, including oral/dietary testing in birds, non-target arthropods, harmonized pollinator decisions and bioconcentration factor testing as examples.

Health Effects/Toxicology Focus

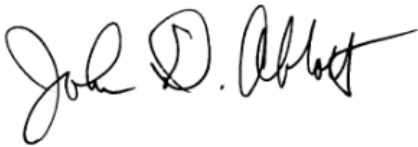
- a. In-vitro dermal absorption science coordination.
- b. Use of toxicokinetic data (TK) for dose selection.
- c. Expand development, adoption and use of new/alternative approach methods for toxicity testing.

Where to make investments in the regulatory environment to keep up with the pace of innovation?

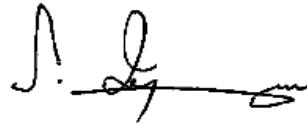
In our view, this is where the greatest opportunity lies for increased cooperation among regulators and industry. In posing the question, regulators acknowledged the challenges facing industry that are generated by a lack of certainty of regulatory process with respect to if and how new innovations will be regulated. The pace of innovation is now much faster than it was in 1996 when this forum began and it is accelerating. In concert, the question, “Is my food safe?” is growing ever louder, amplified by the absence of reason in ever more social media channels. The regulatory *status quo* is not a viable option. A dedicated dialogue between industry and regulators on this topic is in order.

We very much look forward to continuing to work with you to address and explore this and the other topics presented in this letter in the next face-to-face meeting which we propose take place in Canada in the spring of 2020 at the latest. We will be in touch directly with Wanda Hall to begin planning for this event as a key agenda element of our February 6, 2020, call.

Respectively,



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