

Plan for the implementation of NAPPO standards

1. Name of Standard

RSPM No. 27 *Guidelines for Importation and Confined Field Release of Transgenic Arthropods in NAPPO Member Countries.*

2. Country Reporting

Canada

3. Relevant Authority

3.1 Current Authority

3.1.1 *Plant Protection Act*

Under the authority of the *Plant Protection Act*, the Canadian Food Inspection Agency (CFIA) has the mandate to regulate "any thing that is injurious or potentially injurious, whether directly or indirectly, to plants or to products or by products of plants, and includes any plant prescribed as a pest". Among other things, this applies to the importation of any insect into Canada, for which the CFIA has the authority to issue an import permit with specified conditions for containment.

CFIA Plant Health Division Policy directive D-96-14, *Import Requirements for Invertebrates and Microorganisms*, outlines import requirements for invertebrates or microorganisms derived through biotechnology.

3.1.2 *Pest Control Products Act*

As defined in the *Pest Control Products Act (PCPA)*:

"Pest control product" means "a product, an organism or a substance, including a product, an organism or a substance derived through biotechnology. That is manufactured, represented, distributed or used as a means for directly or indirectly controlling, destroying, attracting or repelling a pest or for mitigating or preventing its injurious, noxious or troublesome effects".

Generally, a transgenic arthropod intended to be used as a pest control product requires an application for registration as outlined in Section 6 of the *Pest Control Products Regulations*. The Pest Management Regulatory Agency is responsible for administering the Act and Regulations on behalf of the Minister of Health and, consequently, regulates transgenic arthropod products used for the control of pests.

3.1.3 *Canadian Environmental Protection Act 1999*

Under the *Canadian Environmental Protection Act 1999*, Environment Canada has authority over the importation, or manufacture (i.e., production), of "animate products of biotechnology" and the mandate to assess whether such products may be "toxic or capable of becoming toxic", (where 'toxic' is described in CEPA section 64), unless such a product is also regulated under one of the acts listed in CEPA 1999 Schedule 4: *Pest*

Control Products Act and Regulations, Seeds Act and Regulations, Fertilizers Act and Regulations, Feeds Act and Regulations, 1983, Health of Animals Act and Regulations.

Therefore, the importation or production of a transgenic arthropod, for use other than a pest control product, and not regulated under a CEPA Schedule 4 Act, is regulated under the authority of the *Canadian Environmental Protection Act 1999* and its New Substances Notification Regulations (Organisms). Currently, the information requirements for import or production of higher organisms (including insects) that are derived through biotechnology and intended for release are specified in Schedule 5 of these regulations. Unlike RSPM No. 27, which does not distinguish between different *purposes* of an import to a contained facility (e.g., whether it is for R&D or not), under the above named regulations, importation into a contained facility for R&D is exempt from notification provided the facility fully contains the organism. Importation or production for non-R&D purposes, or R&D in a facility which does not fully contain the organism, requires notification. When notification requirements are triggered, information is required that generally follows that specified in RSPM No. 27 (however, it should be noted that there may not be complete consistency between the requirements of these regulations and the information requirements of RSPM No. 27).

3.2 Revisions to authority

No revisions to relevant *Acts* or *Regulations* (*Plant Protection Act, Pest Control Products Act, and Canadian Environmental Protection Act 1999*) are thought to be required. However, legal review may be required to confirm this.

4. Obtaining Authority to Adopt the Standard

Changes to Legal Authority:

No changes to *Acts* or *Regulations* are expected to be required. Legal review may be required to confirm this.

Policy directive D-96-14, *Import Requirements for Invertebrates and Microorganisms*, requires revision to include further details relevant to transgenic arthropods and to ensure consistency with RSPM No. 27.

5. Implementation of Standard

Canada's implementation of RSPM No. 27 is dependent on the activities listed below. Therefore, January 1, 2009 is the anticipated earliest feasible implementation date for RSPM 27. In addition, a harmonized implementation date is necessary for regional implementation and this date will allow all three NAPPO member countries to make necessary regulatory and/or policy changes.

Activity

Revision to CFIA Policy directive D-96-14, *Import Requirements for Invertebrates and Microorganisms*: January 2009.