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Regulatory Proposal

PRO2009-01

Reassessment of Note to the Canadian Association of Pest Control Officials C94-05: *Proposed Scheduling of 65 Percent Formic Acid for the Detection and Control of Honey Bee Mites*

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Health Canada's Pest Management Regulatory Agency (PMRA) has conducted a reassessment of its Note to Canadian Association of Pest Control Officials (CAPCO) C94-05: *Proposed Scheduling of 65 Percent Formic Acid for the Detection and Control of Honey Bee Mites*. The PMRA will accept written comments on the reassessment of Note to CAPCO C94-05 up to 45 days from the date of this Regulatory Proposal. Please forward all comments to PMRA Publications (please see contact information on the cover page of this document).

Background

Note to CAPCO C94-05 was published on March 30, 1994, at the request of the Canadian Association of Professional Apiculturists (CAPA), the Canadian Honey Council (CHC), and the beekeeping industry, by Agriculture and Agri-Food Canada in consultation with Health Canada and Environment Canada. The purpose of this document was to allow the interim use of 65% liquid formic acid for detection and control of varroa mite and control of tracheal mite in honey bees while the process to amend the Pest Control Products Regulations to accommodate formic acid in Schedule II was conducted.

Reassessment of Note to the Canadian Association of Pest Control Officials C94-05

As of April 2009, the Pest Control Products Regulations have not been amended to include the scheduling of formic acid. Since the publication of Note to CAPCO C94-05, two formic acid end-use products for treatment of honey bee colonies infested with varroa or tracheal mites have been registered (NOD Formic Acid Pad, Registration Number 27835 and Mite-Away II Formic Acid Pad, Registration Number 27836). In addition, the PMRA has been informed by various honey bee stakeholders that the information and use directions contained in Note to CAPCO C94-05 are not consistent with current scientific knowledge on the best use practices for 65% liquid formic acid for treatment of honey bees infested with varroa or tracheal mites.

In keeping with the PMRA policy of periodic re-evaluation of regulatory decisions, the PMRA has conducted a reassessment of the regulatory decision published in Note to CAPCO C94-05. As a result of this process, it has been determined that Note to CAPCO C94-05 will be phased out, and that registration of 65% liquid formic acid for detection and control of varroa and tracheal mite in honey bees is required, pursuant to the *Pest Control Products Act* and Regulations. Registration of 65% liquid formic acid is consistent with the regulatory process being pursued for the similar mite control product, oxalic acid. Additionally, formic acid is currently registered for the above mentioned end-use products.

Regulatory Proposal for the Phase-out of Note to the Canadian Association of Pest Control Officials C94-05

A timeline of December 10, 2010 for the phase-out of Note to CAPCO C94-05 and submitting applications for registration of 65% liquid formic acid is proposed in order to allow adequate time for a presubmission consultation with the PMRA, produce any new data required for registration (efficacy data, for example) and prepare data and submission packages.

- Submissions must be submitted for the registration of 65% liquid formic acid by December 31, 2010.
- Any use of 65% liquid formic acid not listed on the label(s) proposed for registration (for example, use directions in C94-05; use of slow release applicators such as Mite Wipes or MiteGone; flash treatments, etcetera) will not be permitted after December 31, 2010.
- As an interim measure, if submissions for registration of 65% liquid formic acid are received by December 31, 2010, use of 65% liquid formic acid according to the proposed label(s) will be permitted until the completion of the full review of these submissions.
- Should no application for the registration of 65% liquid formic acid be submitted to the PMRA by December 31, 2010, Note to CAPCO C94-05 will be cancelled and all unregistered uses of formic acid will not be permitted as of that date.

It is highly recommended that prior to submitting an application for registration, applicants request a presubmission consultation with the PMRA.

The PMRA will accept written comments on this regulatory proposal up to 45 days from the date of publication. Please forward all comments to PMRA Publications (please see contact information on the cover page of this document).