

September 15, 2023

Judith Webster  
Director for Environment and Natural Resources  
Office of the United States Trade Representative  
600 17<sup>th</sup> St., NW  
Washington, DC 20006

Subject: Request for Comments and Notice of the Third United States-Mexico-Canada  
Agreement Environment Committee Meeting

Dear Ms. Webster,

The Household & Commercial Products Association<sup>1</sup> (HCPA) appreciates the opportunity to provide the following comments for the Office of the United States Trade Representative's (USTR) consideration of topics for discussion during the third meeting of the United States-Mexico-Canada Agreement (USMCA) Environment Committee. Strengthening cooperation and enforcement of environmental laws and regulations is a critical component of trade between the three countries.

HCPA is a voluntary, non-profit U.S. trade association representing companies engaged in the manufacture, formulation, distribution, and sale of products for household, institutional, commercial, and industrial use. HCPA member companies' wide range of products includes home, lawn and garden pesticides, antimicrobial products, air care products, automotive specialty products, detergents, and cleaning products, polishes and floor maintenance products, and various types of aerosol products. Through its scientific and business-to-business endeavors, HCPA provides its members a platform to effectively address issues regarding the health, safety, and sustainability of their products.

HCPA believes that all three parties to the USMCA could benefit substantially through environmental cooperation with respect to the registration of pesticides, and we would appreciate discussion on the "Use of Foreign Decision" (UFD) pathway introduced by Health Canada's consultation<sup>2</sup> on a new *Biocides Regulation*. Canada's proposed UFD pathway is based on allowing the use of decisions made by foreign regulators with regulatory frameworks and standards deemed similar to Health Canada's, such as the U.S. Environmental Protection Agency (EPA), to reduce regulatory burden and costs while maintaining equivalent protection to human health and the environment. HCPA believes that Mexico should adopt this approach as well.

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<sup>1</sup> The Household & Commercial Products Association (HCPA) is the premier trade association representing companies that manufacture and sell \$180 billion annually of trusted and familiar products used for cleaning, protecting, maintaining, and disinfecting homes and commercial environments. HCPA member companies employ 200,000 people in the U.S. whose work helps consumers and workers to create cleaner, healthier, and more productive lives.

<sup>2</sup> *Canada Gazette Part I, Vol. 156, No. 19* (May 7, 2022) at pp 2081 - 2180.

In Canada, Mexico, and the U.S., before a pesticide product can be sold within a country, companies need to register that product with the appropriate government agency. Often, the same formulation is registered in all three countries under similar labels that conform to each country's requirements. Health Canada's proposed *Biocides Regulations* and UFD pathway would allow regulators to utilize established technologies and existing data from products that have already undergone rigorous science reviews within long-standing regulatory frameworks. When used as an additional option in the proposed registration process, this pathway will help industry bring innovative products to market faster into the Canadian market, benefitting those that use them and preventing any product availability gaps during implementation and phase-in. This expedited process can be especially beneficial for getting products into all three countries quickly in the event of a novel virus or invasive alien species.

Developing new pesticide products requires significant resources from companies in terms of finances and human capital, and often, companies will first go through the EPA for the registration process as the U.S. is the largest market for their products. As each country has a slightly different regulatory pathway, often needing similar but not the exact same data, registering the same formulation in all three countries can be complex and costly, and there are times when companies may be discouraged from doing so as the return on their investment may not justify completing registrations in all three countries. Thus, HCPA views this UFD pathway as a great first step for biocidal products in Canada and would like to see discussions about expanding it to other pesticide products in Canada, as well as it being used by Mexico's Federal Commission for the Protection against Sanitary Risk (COFEPRIS). HCPA believes that cooperation using the UFD pathway can serve to benefit the citizens of all three countries, as well as reduce the regulatory and financial burden of registering pesticide products for government and industry.

HCPA appreciates the opportunity to provide these comments to USTR ahead of the third USMCA Environment Committee meeting. HCPA believes that by having the United States, Mexico, and Canada working together to implement harmonized regulations and provisions across North America, significant environmental benefits can be realized without disrupting vitally important domestic and international commerce.

HCPA is committed to working cooperatively with USTR and other interested stakeholders to support trade and environmental policies and practices to maintain public health and ecosystem integrity. If you have any questions about our comments, please do not hesitate to contact me at [ngeorges@thehcpa.org](mailto:ngeorges@thehcpa.org).

Respectfully submitted,



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Senior Vice President, Scientific and International Affairs