

(1) by substituting “\$41.72”, “\$34.88” and “\$25.92” for “\$36.40, “\$30.43” and “\$22.61”, respectively, in the first paragraph; and

(2) by substituting “1 January 1998” for “1 January 1993” in the second paragraph.

2. Section 372 is amended

(1) by substituting “\$715.50” and “\$863.70” for “\$645.90” and “\$779.70”, respectively, in the second paragraph;

(2) by substituting “\$715.50” and “\$863.70” for “\$645.90” and “\$779.70”, respectively, in the third paragraph; and

(3) by substituting “1 January 1998” for “1 January 1993” in the third paragraph.

3. This Regulation comes into force on 1 August 1996.

9731

Draft Regulation

Pesticides Act
(R.S.Q., c. P-9.3)

Permits and certificates for the sale and use of pesticides

Environment Quality Act
(R.S.Q., c. Q-2)

Regulation — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act (R.S.Q., c. Q-2), that the Regulation respecting permits and certificates for the sale and use of pesticides and the Regulation to amend the Regulation respecting the application of the Environment Quality Act, the texts of which appear below, may be made by the Government upon the expiry of 45 days following this publication.

The Pesticides Act and the regulations thereunder are in force since July 1988 and implement a permit and certificate system designed to control the qualifications of pesticide sellers and users.

The Pesticides Act was amended in December 1993 so as to make it simpler and to rationalize its application, as well as to eliminate some irritants that have become obvious since its coming into force. In order to give effect to those legislative amendments and to allow

their coming into force, amendments are proposed to the existing regulations, that is, the Regulation respecting pesticides, made by Order in Council 874-88 dated 8 June 1988, the Regulation respecting the application of pesticides on farms, made by Order in Council 875-88 dated 8 June 1988, and the Regulation respecting the application of pesticides in forests, made by Order in Council 876-88 dated 8 June 1988.

The amendments made to the Act eliminate the obligation to make separate regulations for farms and forests, with a view to making the Pesticides Act and the regulations thereunder easier to interpret and administer. They also extend the period of validity of permits and certificates to reduce the number of administrative formalities for the persons concerned and the Government. To replace the obligation to forward a statement of transactions each year to the Minister of the Environment and Wildlife, they give the Minister more flexible power in requiring that data concerning the sale and use of pesticides be forwarded to him.

Thus, the new draft Regulation is the result of the amalgamation of the 3 existing regulations and it indexes and adjusts the tariff of fees for permits and certificates to take into account the extension of their period of validity. Most provisions concerning statements of transactions are eliminated.

In addition, private users of molluscicides against the zebra mussel or of slimicides are exempted from the permit and certificate system. The draft Regulation defines classes and subclasses of activities and introduces some new ones for the purposes of harmonization with the federal-provincial guidelines concerning the certification of pesticide users. In the area of classification, minor adjustments have been made to include in specific classes certain mixtures of fertilizers and pesticides and certain active ingredients.

Since the Regulation respecting the application of the Environment Quality Act, made by Order in Council 1529-93 dated 3 November 1993, requires that authorization be obtained before using pesticides in Class 1 established by the Regulation respecting pesticides, concordance amendments are made thereto to make reference to the classification established in the new Regulation respecting permits and certificates.

As far as businesses are concerned, the proposed amendments will considerably reduce the number of administrative requirements related, in particular, to the applications for and the renewal of permits and certificates and to the drawing up of statements of sale and use. Greenhouse producers will have to comply with new qualification requirements as soon as the appropri-

ate training programs become available. Finally, the amendments made to the classification of pesticides will have no impact on current industry practices.

Further information on the draft Regulation respecting permits and certificates for the sale and use of pesticides and on the concordance amendment to the Regulation respecting the application of the Environment Quality Act may be obtained from Mr. Pierre-Paul Dansereau, Direction de la coordination réglementaire, ministère de l'Environnement et de la Faune, 3900, rue de Marly, 5^e étage, Sainte-Foy (Québec), G1X 4E4, tel. (418) 646-8274.

Any interested person having comments to make on the draft Regulation respecting permits and certificates for the sale and use of pesticides and on its concordance amendment is asked to send them in writing, before the expiry of the 60-day period, to the Minister of the Environment and Wildlife, 150, boulevard René-Lévesque Est, 17^e étage, Québec (Québec), G1R 4Y1.

JACQUES BRASSARD,
Minister of the
Environment and Wildlife

Regulation respecting permits and certificates for the sale and use of pesticides

Pesticides Act
(R.S.Q., c. P-9.3, ss. 32, 101, 104
and 109, pars. 1 to 11, 12 and 13)

DIVISION I SCOPE

1. This Regulation applies to pesticides included in the classes of pesticides established by sections 2 to 10.

It also applies to immovables comprised in a reserved area or agricultural zone established under the Act to preserve agricultural land (R.S.Q., c. P-41.1).

DIVISION II CLASSES OF PESTICIDES

2. Classes of pesticides 1 to 5 are hereby established.

Pesticides belong to the class of pesticides in which they are respectively included by sections 3 to 7.

A pesticide used in a form different from the form in which it is marketed continues to belong to the class in which it is included.

3. The following pesticides are included in Class 1:

(1) any pesticide the registration of which is not required by the Pest Control Products Act (R.S.C., 1985, c. P-9), except for a mixture of pesticide and fertilizer; and

(2) any pesticide composed of a mixture containing one or more of the following active ingredients:

(a) aldicarb;

(b) aldrin;

(c) chlordane;

(d) dieldrin;

(e) endrin;

(f) heptachlor.

4. A pesticide that is not specifically included in Class 1 or Class 3 is included in Class 2, where the container bears the word "RESTRICTED" on a label or inscription or where that word appears in a document accompanying it.

5. The following pesticides are included in Class 3:

(1) any pesticide that is not specifically included in another class, where the container bears the word "COMMERCIAL", "AGRICULTURAL" or "INDUSTRIAL" on a label or inscription or where that word appears in a document accompanying it;

(2) any pesticide composed of *Bacillus thuringiensis Berliner var Kurstaki* intended for use in forests or on wooded land; and

(3) any pesticide prepared by the user by mixing a fertilizer with a Class 3 pesticide.

6. The following pesticides are included in Class 4:

(1) any pesticide that is not specifically included in one of the other classes, where the container bears the word "DOMESTIC" on a label or inscription or where that word appears in a document accompanying it;

(2) any fertilizer-pesticide mixture for the lawn, except a mixture included in Class 3.

7. A pesticide whose container bears the word "DOMESTIC" on an inscription or label is included in Class 5 where

(1) it is marketed in a form requiring no preparation or dilution and in a volume or weight equal to or less than one litre or one kilogram, respectively, and it is intended for one or more of the following uses exclusively:

(a) fabric protection, if the product is composed of paradichlorobenzene or naphthalene;

(b) as ant bait, if the container protects users against contact with the product;

(c) as animal repellent, if the product is not polymerized butene-based or thiram-based;

(d) flea-repellant collars or tags for dogs and cats;

(e) insect repellent to be applied on human beings;

(f) herbicide for local treatment;

(2) it is marketed in a form requiring no preparation or dilution and in a volume or weight equal to or less than one litre or one kilogram, respectively, and it is composed of a mixture that contains one or more of the following active ingredients exclusively:

(a) allethrin;

(b) D-Trans allethrin;

(c) cypermethrin;

(d) tetramethrin;

(e) resmethrin;

(f) pyrethrin;

(g) piperonyl butoxide;

(h) bis (butylene-2) tetrahydro-2, 3, 4, 5 furfural-2;

(i) n-octyl bicycloheptene dicarboximide;

(j) di-n-propyl isocinchomeronate;

(k) n-octyl hydroxyethyl-2 sulphide;

(l) D-cis, trans allethrin;

(m) permethrin;

(n) deltamethrin;

(o) soap;

(p) diatomaceous earth; or

(3) it is composed of a mixture containing one or more of the following active ingredients exclusively:

(a) *Bacillus thuringiensis Berliner var Kurstaki*;

(b) diatomaceous earth;

(c) soap.

8. A word appearing on a label or inscription or in an accompanying document and referred to in sections 4 to 7 means the word appearing on the principal display panel prescribed by the Pest Control Products Regulations for the designation of the class of a pest control product.

9. Ingredients that are used or prepared for use as the following are not included in the classes of pesticides established in sections 2 to 7.

(1) an algicide or bactericide for swimming pools or aquariums or for the treatment of drinking water;

(2) an air cleanser;

(3) a disinfectant; or

(4) a detergent additive.

10. Class 4 and Class 5 pesticides and the pesticides mentioned in section 9 are hereby designated for domestic use for the purposes of the second paragraph of section 34 of the Pesticides Act (R.S.Q., c. P-9.3).

DIVISION III PERMITS

11. The following classes of permits relating to pesticides are hereby established:

(1) Class A: Wholesale Permit;

(2) Class B: Retail Permit;

(3) Class C: Remunerated Work Permit; and

(4) Class D: Non-Remunerated Work Permit.

§1. Sale of pesticides

12. Class A: “Wholesale Permit” covers the following sales activities for resale purposes:

(1) the sale or offer for sale of a Class 1 to Class 5 pesticide to a person holding a wholesale permit or a Subclass B1 retail permit;

(2) the sale or offer for sale of a Class 4 or Class 5 pesticide to a person holding a Subclass B2 retail permit; and

(3) the sale or offer for sale of a Class 5 pesticide or of a pesticide that is a topical medication for external use on animals to a person who retails those pesticides.

13. Class B: “**Retail Permit**” covers sales activities involving, for the purposes of use, Class 1 to Class 4 pesticides included in the following subclasses:

(1) Subclass B1: “**Retail Sale of Class 1 to Class 4 Pesticides**” covers the sale or offer for sale, for the purpose of use, of

(a) a Class 1 pesticide, to a person holding a certificate of authorization issued by the Minister of the Environment and Wildlife under section 22 of the Environment Quality Act (R.S.Q., c. Q-2);

(b) a pesticide composed in whole or in part of aluminum phosphide to a person holding

i. a Subclass C6 or D6 permit;

ii. a Subclass E4 or E5 certificate;

(c) a pesticide composed, in whole or in part, of methyl bromide, carbon dioxide and ethylene oxide to a person holding

i. a Subclass C6 or D6 permit;

ii. a Subclass E5 certificate;

(d) a Class 2 or Class 3 pesticide, other than those listed in subparagraphs *b* and *c*, to a person who

i. holds a permit authorizing that person to cause work involving the use of that pesticide to be performed; or

ii. is exempt from such permit, but holds an application certificate for Class E or Class F pesticides established by section 36 or 37 and authorizing that person to apply that pesticide or, if the person does not hold such a certificate, has a holder of such a certificate in his service;

(e) a Class 3 pesticide, other than a pesticide mentioned in subparagraph *c*, to the following persons or a person authorized to act on their behalf:

i. a farmer whose agricultural operation is registered under the Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations, made by Order in Council 1692-91 dated 11 December 1991; and

ii. a forest manager holding a management permit issued under the Forests Act (R.S.Q., c. F-4.1) for the cultivation and operation of a sugar bush for acericultural purposes or for the supply of a wood processing plant, or recognized as a forest producer under Chapter II of Title II of that Act and holding a certificate issued under those legislative provisions; or

(f) a Class 4 pesticide to a legal person or a person at least 16 years of age;

(2) Subclass B2: “**Retail Sale of Class 4 Pesticides**” covers the sale or offer for sale, for the purpose of use, of a Class 4 pesticide to a legal person or a person at least 16 years of age.

§2. *Pesticide application*

14. Class C: “**Remunerated Work Permit**” covers activities involving the use of a Class 1 to Class 4 pesticide, carried on for remuneration and included in the following subclasses:

(1) Subclass C1: “**Aerial Application**” covers the application of a Class 1 to Class 4 pesticide by means of an aircraft, for any purpose and over any space to which an aircraft has legal access;

(2) Subclass C2: “**Aquatic Application**” covers the application above water of a Class 1 to Class 4 pesticide on a boat’s hull and the application, using an application method other than an aircraft, of such pesticide in the sea, a gulf, a river, a watercourse, a lake, a pond, a swamp, a marsh, an ornamental lake or pond or a facility immersed therein, in order to destroy or control vegetation or an aquatic organism developing therein, except stinging insect larvae;

(3) Subclass C3: “**Application on Raw Land**” covers the application of a Class 1 to Class 4 pesticide, using an application method other than an aircraft, in road, rail and energy transportation corridors, related service areas or accessory spaces, parking areas or outdoor storing areas, as well as on raw land, in order to destroy or control the vegetation growing thereon;

(4) Subclass C4: “**Ornamental Horticulture Application**” covers the application of a Class 1 to Class 4 pesticide, using an application method other than an aircraft; fumigation of a gas mentioned in Subclass C6 is not covered by this Subclass:

(a) in every location where decorative or ornamental plants are cultivated, except in a building, in order to destroy or control plants and animals harmful to those plants, to control the growth of those plants or to protect them from parasitic diseases;

(b) in pedestrian areas, or parking or sports areas, in order to eliminate plants growing therein; or

(c) in ornamental lakes and ponds without a surface outlet flowing towards a drainage basin, in order to control or eliminate plants growing therein.

(5) Subclass C5: “**Application for Extermination**” covers the application of a Class 1 to Class 4 pesticide, using an application method other than an aircraft, in order to destroy or control harmful vertebrate animals where they are, to destroy or control invertebrate animals that attack harvested plants or parts thereof or to prevent and fight the parasitic diseases of those plants, and to destroy or control harmful invertebrate animals in vehicles, containers, buildings and the areas around buildings, except for invertebrates harmful to plants; fumigation of a gas mentioned in Subclass C6 and pesticide application to control or destroy undesirable fish in an aquatic environment are not covered by this Subclass;

(6) Subclass C6: “**Application by Fumigation**” covers the application of the following gases, for any purpose, by means of fumigation in a closed or confined space: methyl bromide, carbon dioxide, ethylene oxide and phosphine;

(7) Subclass C7: “**Application in Forest Areas**” covers the application of a Class 1 to Class 4 pesticide, using an application method other than an aircraft, in order to destroy or control animals, parasitic vegetation or diseases in forest areas, farm woodlots and other wooded spaces or spaces reserved for reforestation or the field production of plants intended for reforestation, and to eliminate or control plants on forest roads;

(8) Subclass C8: “**Application on Cultivated Land**” covers the application of a Class 1 to Class 4 pesticide, using an application method other than an aircraft, on cultivated land, in order to destroy or control invertebrates harmful to crops growing thereon, except for decorative or ornamental plants, and to prevent or fight the parasitic diseases of those crops, to control their growth or to destroy plants harmful to them; fumigation of a gas mentioned in Subclass C6 is not covered by this Subclass;

(9) Subclass C9: “**Application for Control of Stinging Insects**” covers the application of a Class 1 to Class 4 pesticide, using an application method other than an

aircraft, in an aquatic environment, in order to destroy stinging insect larvae, or in the atmosphere, in order to control adult stinging insects;

(10) Subclass C10: “**Application in Buildings for Horticultural Purposes**” covers the application, in a building, of a Class 1 to Class 4 pesticide that is not mentioned in Subclass C6

(a) on the plants cultivated in a building in order to destroy or control plants and animals harmful to them, to control the growth of those plants or to protect them from parasitic diseases;

(b) in any ornamental lake or pond located in a building in order to control or eliminate the plants growing therein; or

(c) on a strip not exceeding 1 metre in width around a greenhouse, in order to control or eliminate the harmful vegetation or animals in that strip;

(11) Subclass C11: “**Other Applications**” covers the application of a Class C pesticide that is not included in Subclasses C1 to C10 and for which the application method, purpose and application place are specified in the permit.

15. Class D: “**Non-Remunerated Work Permit**” covers activities involving the use of a Class 1 to Class 3 pesticide, carried on without remuneration and included in the following subclasses:

(1) Subclass D1: “**Aerial Application**” covers the application of a Class 1 to Class 3 pesticide by means of an aircraft, for any purpose and over any space to which an aircraft has legal access;

(2) Subclass D2: “**Aquatic Application**” covers the application above water of a Class 1 to Class 3 pesticide on a boat’s hull and the application, using an application method other than an aircraft, of such pesticide in the sea, a gulf, a river, a watercourse, a lake, a pond, a swamp, a marsh, an ornamental lake or pond or a facility immersed therein, in order to destroy or control vegetation or an aquatic organism developing therein, except stinging insect larvae;

(3) Subclass D3: “**Application on Raw Land**” covers the application of a Class 1 to Class 3 pesticide, using an application method other than an aircraft, in road, rail and energy transportation corridors, related service areas or accessory spaces, parking areas or outdoor storing areas, as well as on raw land, in order to destroy or control the vegetation growing thereon;

(4) Subclass D4: “**Ornamental Horticulture Application**” covers the application of a Class 1 to Class 3 pesticide, using an application method other than an aircraft; fumigation of a gas mentioned in Subclass D6 is not covered by this Subclass:

(a) in every location where decorative or ornamental plants not intended for sale are cultivated, except in a building, in order to destroy or control plants and animals harmful to those plants, to control the growth of those plants or to protect them from parasitic diseases;

(b) in pedestrian areas, or parking or sports areas, in order to eliminate plants growing therein; or

(c) in ornamental lakes and ponds without a surface outlet flowing towards a drainage basin, in order to control or eliminate plants growing therein.

Fumigation of a pesticide mentioned in Subclass D6 is not covered by this Subclass;

(5) Subclass D5: “**Application for Extermination**” covers the application of a Class 1 to Class 3 pesticide, using an application method other than an aircraft, in order to destroy or control harmful vertebrate animals where they are, to destroy or control invertebrate animals that attack harvested plants or parts thereof or to prevent and fight the parasitic diseases of those plants, and to destroy or control harmful invertebrate animals in vehicles, containers, buildings and the areas around buildings, except for invertebrates harmful to plants; fumigation of a gas mentioned in Subclass D6 and pesticide application to control or destroy undesirable fish in an aquatic environment are not covered by this Subclass;

(6) Subclass D6: “**Application by Fumigation**” covers the application of the following gases, for any purpose, by means of fumigation in a closed or confined space: methyl bromide, carbon dioxide, ethylene oxide and aluminium phosphine;

(7) Subclass D7: “**Application in Forest Areas**” covers the application of a Class 1 to Class 3 pesticide, using an application method other than an aircraft, in order to destroy or control animals, parasitic vegetation or diseases in forest areas, farm woodlots and other wooded spaces or spaces reserved for reforestation or the field production of plants intended for reforestation, and to eliminate or control plants on forest roads;

(8) Subclass D8: “**Application for Control of Stinging Insects**” covers the application of a Class 1 to Class 3 pesticide, using an application method other than an aircraft, in an aquatic environment, in order to destroy stinging insect larvae, or in the atmosphere, in order to control adult stinging insects;

(9) Subclass D9: “**Application in Buildings for Ornamental Horticultural Purposes**” covers the application, in a building, of a Class 1 to Class 3 pesticide, except fumigation of the gases referred to in Subclass D6,

(a) on ornamental or decorative plants not intended for sale and cultivated in a building, in order to destroy or control plants and animals harmful to them, to control the growth of those plants or to protect them from parasitic diseases;

(b) in any ornamental lake or pond located in a building, in order to control or eliminate the plants growing therein; or

(c) on a strip not exceeding 1 metre in width around a greenhouse, in order to control or eliminate the harmful vegetation or animals in that strip;

(10) Subclass D10: “**Other Applications**” covers the application of a Class D pesticide that is not included in Subclasses D1 to D9 and for which the application method, purpose and application place are specified in the permit.

§3. *Exemption from permit*

16. A pesticide is exempted from the application of the second paragraph of section 34 of the Pesticides Act where it is used

(1) to prepare water or fluid used in the operation of evaporation, washing, extraction, cooling, pasteurization or heating equipment or in the manufacture of a product other than a pesticide; or

(2) in a pesticide injection system in a drinking water catchment facility or in an industrial water intake, in order to prevent the proliferation of zebra mussels in such facilities and in the pipes they supply.

§4. *Application for a permit or for a modification of a permit*

17. Every application for a permit or for a modification of a permit shall be made on the form provided by the Minister.

Such application shall include

(1) the applicant’s name, domicile and postal address;

(2) if the applicant is a legal person, its name, head office, the names, domiciles and postal addresses of its officers, and the quality of the person signing the application;

(3) if the applicant is a partnership within the meaning of the Civil Code of Québec, the names, domiciles and postal addresses of the partners;

(4) a statement identifying the class and, where applicable, the subclasses of the permits covered by the application;

(5) a statement identifying the classes of pesticides the applicant intends to sell or use in carrying on his activities; and

(6) the name and address of the place of business or establishment for which the permit is applied for or, for a Class A, B or C permit, the name and address of each establishment located in Québec that is covered by the application and will be used in the carrying on of the activities for which the permit is applied for.

18. In addition to the information prescribed by section 17, the application for a permit or a modification of a permit shall be accompanied by,

(1) in the case of a legal person, its charter, a certified copy of the resolution authorizing the signing of the application for a permit and the designating number assigned by the Inspector General of Financial Institutions;

(2) in the case of a partnership within the meaning of the Civil Code of Québec, a copy of the contract of partnership or of the declaration of partnership required under that Code; and

(3) where a name different from its proper name is used, a copy of the notice to the Inspector General of Financial Institutions.

19. Where a modification of a permit is applied for, the applicant is exempt from the obligation to provide a document already provided to the Minister with a prior application, where the information in the document already provided is still up to date.

20. An applicant for a permit or a modification of a permit shall pay, with his application, the fees exigible in cash or by means of a postal money order or certified cheque to the order of the Minister of Finance.

21. The fees exigible for the issue of a permit are

- (1) for a Class A permit: \$450;
- (2) for a Subclass B1 permit: \$450;
- (3) for a Subclass B2 permit: \$150;

(4) for a Class C permit: \$450;

(5) for a Class D permit: \$75.

22. The fees exigible for the issue of a temporary permit are

(1) for a Class C permit: \$200;

(2) for a Class D permit: \$75.

23. The fees exigible for the issue of a permit shall be indexed on 1 January of each year on the basis of the rate of increase in the general Consumer Price Index for Canada for the 12-month period ending on 30 September of the preceding year, as determined by Statistics Canada.

The fees indexed in the prescribed manner shall be reduced to the nearest dollar where they contain a fraction of a dollar less than \$0.50; they shall be increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than \$0.50.

The Minister of the Environment and Wildlife shall inform the public, through Part One of the *Gazette officielle du Québec* and by such other means as he considers appropriate, of the indexing calculated under this section.

24. Every person who applies for a Class A, B or C permit and who carries on his activities in several establishments in Québec shall pay the fees exigible under section 21 for each establishment that he uses to carry on his activities.

25. A holder of a Class A, B or C permit who wishes to carry on an activity in a new establishment in Québec for the carrying on of activities already authorized by his permit shall first apply for modification of his permit; with his application for modification, he shall pay the fees exigible under section 21 for each establishment covered by the application. Notwithstanding the foregoing, if the application is made during the last 18 months of validity of the permit, the fees are fixed at half the fees prescribed in section 21.

26. The fees prescribed in sections 21 and 22 apply to an application for modification of a permit where the holder applies for a change in permit class or for a change from Subclass B2 to Subclass B1.

27. The charge exigible for the issue of a duplicate of a permit is \$5.

28. An application for renewal of a permit shall be made at least 30 days before it expires, on the form provided by the Minister.

The application shall include the information prescribed in section 17, the permit number and the date of expiry.

Where the application is made by a legal person, it shall also include the documents prescribed in paragraph 1 of section 18, except for the charter, unless the charter has been amended since the sending of a copy thereof at the time the permit was applied for; in such case, the application shall include a copy of the amendment to the charter.

The applicant shall pay, with his application, the fees exigible for the issue of a permit by means of a postal money order or certified cheque to the order of the Minister of Finance.

29. The issuance or renewal of a temporary Class C permit is conditional on the furnishing by the applicant or a third party on the applicant's behalf of a guarantee intended to repay the Minister any costs he may have to incur for measures taken pursuant to section 24, 26 or 27 of the Pesticides Act.

The minimum amount of such guarantee is \$50 000.

30. The guarantee shall be furnished as

(1) cash, a bank money order or a certified cheque to the order of the Minister of Finance;

(2) bearer bonds issued or guaranteed by Québec, Canada or a Canadian province or territory, the United States of America or one of its member states, the International Bank for Reconstruction and Development, a municipality or a school board in Canada or a fabrique in Québec;

(3) security or a guarantee policy, with a stipulation that it is joint and several and with a waiver of the benefits of discussion and division, taken out with a legal person authorized to stand surety under the Bank Act (S.C., 1991, c. 46), the Savings and Credit Unions Act (R.S.Q., c. C-4.1), the Act respecting trust companies and savings companies (R.S.Q., c. S-29.01) or the Act respecting insurance (R.S.Q., c. A-32); or

(4) an irrevocable letter of credit issued by a bank or a savings and credit union.

31. The cash, cheques or securities furnished as guarantee shall be deposited with the Minister of Finance for

the duration of the permit and until the expiry of the 6-month period following the date of expiry or revocation of the permit, whichever occurs first.

32. A guarantee furnished as security, a guarantee policy or a letter of credit shall be of a duration equal to the duration of the permit.

The guarantee shall contain a clause stipulating that any claim based on the permit holder's failure to discharge his obligations must be made at least 6 months after the guarantee expires or, as the case may be, after its revocation, resiliation or cancellation.

Any revocation, resiliation or cancellation clause in a guarantee may take effect only after advance notice of at least 15 days is sent to the Minister by registered mail.

DIVISION IV CERTIFICATES

33. The following classes of certificates relating to the sale and application of pesticides are hereby established:

- | | |
|--|-----------|
| (1) Certificate for the Sale of Pesticides: | Class AB; |
| (2) Certificate for the Application of Pesticides: | Class CD; |
| (3) Farmer's Certificate for the application of Pesticides: | Class E; |
| (4) Forest Manager's Certificate for the Application of Pesticides | Class F. |

§1. Sale of pesticides

34. A Class AB: "Certificate for the Sale of Pesticides" authorizes a natural person holding the certificate to perform the sales activities described in Class A: "Wholesale Permit", in respect of Class 1 to Class 5 pesticides, or the sales activities described in Class B: "Retail Permit", Subclass B1, in respect of Class 1 to Class 4 pesticides, or Subclass B2, in respect of Class 4 pesticides, or to supervise those activities on the premises where they are performed.

§2. Pesticide application

35. A Class CD: "Certificate for the Application of Pesticides" covers activities involving the use of Class 1 to Class 4 pesticides, carried on by a person who is not covered by Class E or Class F and included in the following subclasses:

(1) a Subclass CD1: “**Aerial Application Certificate**” authorizes the natural person holding it to carry on the activities described in permit Subclass C1, in respect of a Class 1 to Class 4 pesticide, and the activities described in permit Subclass D1, in respect of a Class 1 to Class 3 pesticide, or to supervise those activities on the premises where they are performed;

(2) a Subclass CD2: “**Aquatic Application Certificate**” authorizes the natural person holding it to carry on the activities described in permit Subclass C2, in respect of a Class 1 to Class 4 pesticide, and the activities described in permit Subclass D2, in respect of a Class 1 to Class 3 pesticide, or to supervise those activities on the premises where they are performed;

(3) a Subclass CD3: “**Raw Land Application Certificate**” authorizes the natural person holding it to carry on the activities described in permit Subclass C3, in respect of a Class 1 to Class 4 pesticide, and the activities described in permit Subclass D3, in respect of a Class 1 to Class 3 pesticide, or to supervise those activities on the premises where they are performed;

(4) a Subclass CD4: “**Ornamental Horticulture Application Certificate**” authorizes the natural person holding it to carry on the activities described in permit Subclass C4, in respect of a Class 1 to Class 4 pesticide, and the activities described in permit Subclass D4, in respect of a Class 1 to Class 3 pesticide, or to supervise those activities on the premises where they are performed;

(5) a Subclass CD5: “**Extermination Certificate**” authorizes the natural person holding it to carry on the activities described in permit Subclass C5, in respect of a Class 1 to Class 4 pesticide, and the activities described in permit Subclass D5, in respect of a Class 1 to Class 3 pesticide, or to supervise those activities on the premises where they are performed;

(6) a Subclass CD6: “**Fumigation Certificate**” authorizes the natural person holding it to carry on the activities described in permit Subclass C6 or Subclass D6, in respect of the gases mentioned in those subclasses, or to supervise those activities on the premises where they are performed;

(7) a Subclass CD7: “**Forest Area Application Certificate**” authorizes the natural person holding it to carry on the activities described in permit Subclass C7, in respect of a Class 1 to Class 4 pesticide, and the activities described in permit Subclass D7, in respect of a Class 1 to Class 3 pesticide, or to supervise those activities on the premises where they are performed;

(8) a Subclass CD8: “**Cultivated Land Application Certificate**” authorizes the natural person holding it to carry on the activities described in permit Subclass C8, in respect of a Class 1 to Class 4 pesticide, or to supervise those activities on the premises where they are performed;

(9) a Subclass CD9: “**Certificate for Application Against Stinging Insects**” authorizes the natural person holding it to carry on the activities described in permit Subclass C9, in respect of a Class 1 to Class 4 pesticide, and the activities described in permit Subclass D8, in respect of a Class 1 to Class 3 pesticide, or to supervise those activities on the premises where they are performed;

(10) a Subclass CD10: “**Certificate for Application in Buildings for Horticultural Purposes**” authorizes the natural person holding it to carry on the activities described in permit Subclass C10, in respect of a Class 1 to Class 4 pesticide, and the activities described in permit Subclass D9, in respect of a Class 1 to Class 3 pesticide, or to supervise those activities on the premises where they are performed;

(11) a Subclass CD11: “**Certificate for Other Applications**” authorizes the natural person holding it to carry on the activities described in permit Subclass C11, in respect of a Class 1 to Class 4 pesticide, and the activities described in permit Subclass D10, in respect of a Class 1 to Class 3 pesticide, or to supervise those activities on the premises where they are performed.

36. A Class E: “**Farmer’s Certificate for the Application of Pesticides**” covers the activities involving the use of a Class 1 to Class 3 pesticide that are included in Subclasses E1 to E5 described below and are carried on by a natural person who is a farmer, a person authorized to act on behalf of a farmer, or a farmer’s employee, or who is acting under the supervision of a Class E certificate holder:

(1) a Subclass E1: “**Farm Producer’s Certificate**” authorizes the holder

(a) to perform, using an application method other than an aircraft, work involving the use of a Class 1 or Class 2 pesticide, except work described in Subclasses E3, E4 and E5, on an agricultural operation, including a woodlot forming a part thereof, registered under the Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations, made by Order in Council 1692-91 dated 11 December 1991, as it reads at the time it is applied, in order to destroy or control harmful animals and plants, to control the growth of plants, to protect

those plants against parasitic diseases, or to destroy or control aquatic plants in a pond without an outlet entirely contained within the limits of the agricultural operation; and

(b) to supervise those activities on the premises where they are performed;

(2) a Subclass E2: “**Farmer’s Certificate**” authorizes the holder

(a) to perform, using an application method other than an aircraft, work involving the use of a Class 1 to Class 3 pesticide, except the work described in Subclasses E3, E4 and E5, in order to destroy or control harmful animals and plants on an agricultural operation and the woodlot forming a part thereof, to control the growth of plants and to protect them from parasitic diseases, to destroy or control aquatic plants in a pond without an outlet entirely contained within the limits of an agricultural operation; and

(b) to supervise those activities on the premises where they are performed;

(3) a Subclass E3: “**Farmer’s Certificate for Application in Buildings for Horticultural Purposes**” authorizes the holder

(a) to apply, in a building, Class 1 to Class 3 pesticides

i. on plants cultivated therein and intended for sale in whole or in part, in order to destroy or control plants and animals harmful to them, to control the growth of those plants or to protect them from parasitic diseases;

ii. in ornamental lakes and ponds located in the building, in order to control or to eliminate the plants growing therein;

(b) to apply a pesticide referred to in subparagraph *a* on a strip not exceeding 1 metre in width around a greenhouse, in order to control or to eliminate the harmful vegetation or animals within that strip;

(c) to supervise the activities provided for in subparagraphs *a* and *b* on the site where they are performed;

(4) a Subclass E4: “**Certificate for the Fumigation of Phosphine**” authorizes the holder to fumigate phosphine on an agricultural operation or to supervise that activity on the site where it is performed;

(5) a Subclass E5: “**Certificate for the Fumigation of Certain Gases**” authorizes the holder to fumigate methyl bromide, carbon dioxide, ethylene oxide or phos-

phine or to supervise that activity on the site where it is performed.

37. A Class F: “**Forest Manager’s Certificate for the Application of Pesticides**” covers activities involving the use of a Class 1 to Class 3 pesticide, included in Subclass F1 and Subclass F2 described below and carried on by a natural person who is a forest manager exempt from the obligation to hold a permit under paragraph 2 of section 35 of the Act, a person authorized to act on behalf of such forest manager or a person employed by such forest manager or acting under the supervision of a Class F certificate holder:

(1) a Subclass F1: “**Certificate of a Forest Producer or of a Holder of a Forest Management Permit**” authorizes the holder

(a) to apply, using an application method other than an aircraft, a Class 1 or Class 2 pesticide, in order to destroy or control harmful animals, parasitic vegetation or diseases in forest areas, farm woodlots and other wooded spaces or spaces reserved for reforestation or for the field production of plants intended for reforestation in a forest operation managed by a forest producer recognized under Chapter II of the Forests Act and holding a certificate issued under those provisions or operated under a management permit issued under that Act for the cultivation and operation of a sugar bush for acericultural purposes or for the supply of a wood processing plant;

(b) to supervise those activities on the sites where they are performed;

(2) a Subclass F2: “**Forest Manager’s Certificate**” authorizes the holder to perform, using an application method other than an aircraft, work involving the use of a Class 1 to Class 3 pesticide in order to destroy or control harmful animals, parasitic vegetation or diseases in forest areas, farm woodlots and other wooded spaces or spaces reserved for reforestation or for the field production of plants intended for reforestation and to supervise those activities on the sites where they are performed.

§3. Application for a certificate or for modification of a certificate

38. Any application for a certificate or for a modification of a certificate shall be made on the form provided by the Minister.

Such application shall include

(1) the applicant’s name, address and telephone number;

(2) a statement identifying the certificate class and, where applicable, the subclasses covered by the application; and

(3) a statement identifying the classes of pesticides the applicant intends to sell or use in the carrying on of his activities.

The application for a certificate shall be accompanied by an attestation that the applicant has passed the examination prescribed or recognized by the Minister or by the documents required by the Minister pursuant to subparagraph 1 of the first paragraph of section 54 of the Act.

Where a Subclass E1 or F1 certificate is applied for, the application shall be accompanied, as the case may be, by a copy of the farm producer card, of the forest producer certificate or of the forest management permit.

An application for modification of a certificate shall also be accompanied by the attestation or documents referred to in the third paragraph where the holder applies for a change of certificate class or subclass or for the addition of a subclass.

39. The fees exigible for the issue of a certificate are \$125. They shall be paid with the application for a certificate, in cash or by means of a postal money order or certified cheque to the order of the Minister of Finance.

Those fees shall be indexed on 1 January of each year in accordance with the provisions of section 23.

40. The charge exigible for the issue of a duplicate of a certificate is \$5.

41. An application for renewal of a certificate shall be made at least 30 days before it expires, on the form provided by the Minister of the Environment and Wildlife.

The application shall include the information prescribed in the second paragraph of section 38, the certificate number, its date of expiry and the documents mentioned in the fourth paragraph of section 38.

42. An application for renewal shall be accompanied by the fees exigible under section 39 in the form of a postal money order or certified cheque to the order of the Minister of Finance.

DIVISION V TERMS AND CONDITIONS APPLICABLE TO PERMITS AND CERTIFICATES

43. A holder of a permit or certificate for the sale of pesticides may not sell or cause to be sold a pesticide that is specifically mentioned in section 13 or a pesticide belonging to a class of pesticides mentioned in his class of permit or certificate, to a person who is not identified in that class of permit or certificate as a person authorized to acquire that pesticide.

44. A holder of a remunerated work permit may neither offer to perform for remuneration, nor cause to be performed nor perform for remuneration work involving the application of a pesticide other than a Class 5 pesticide for a purpose, in a place, in a space, on an object or property or using an application method that is not covered by his permit.

45. A holder of a non-remunerated work permit may neither offer to perform, nor perform or cause to be performed work involving the application of a Class 1 to Class 3 pesticide for a purpose, in a place, in a space, on an object or property or using an application method that is not covered by his permit.

46. A holder of a Class CD, E or F certificate may not supervise or perform work involving the application of a pesticide of a class mentioned in one of the certificate subclasses of those classes for a purpose, in a place, in a space, on an object or property or using an application method that is not covered by his permit.

DIVISION VI REGISTERS

47. A holder of a Class A permit shall keep a register of his purchases and sales, as well as account books. He shall also keep the related vouchers.

The register, account books and vouchers shall indicate his name, address and permit number and, for each transaction involving the purchase or sale of a Class 1 to Class 5 pesticide, at least the following information:

- (1) the name, address and permit number of the customer or supplier;
- (2) the name, class, federal registration number and quantity of pesticide purchased or sold; and
- (3) the date of the transaction.

48. A holder of a Class A permit shall forward to the Minister, not later than 31 January of each year, an account of the information kept in the registers, indicat-

ing for each Class 1 to Class 5 pesticide that he manufactures or buys directly from a supplier not holding a sales permit, the name, federal registration number and total quantity of pesticide sold between 1 January and 31 December of the preceding year.

49. A holder of a Subclass B1 permit shall keep a register of his purchases and sales, as well as account books. He shall also keep the related vouchers.

The register, account books and vouchers shall indicate his name, address and permit number and at least the following information:

(1) for each transaction involving the purchase of a Class 1 to Class 3 pesticide:

(a) the name, address and permit number of the supplier;

(b) the name, class, federal registration number and quantity of pesticide purchased; and

(c) the date of the transaction;

(2) for each transaction involving the sale of a Class 1 to Class 3 pesticide:

(a) the customer's name and address and

i. the permit number, if he is the holder of a permit;

ii. the certificate number, if he is the holder of a certificate; and

iii. the certificate number of the customer's employee, if the customer is a person exempt from a permit under section 35 of the Act;

(b) the name, class, federal registration number and quantity of pesticide sold;

(c) the date of the transaction;

(d) where a Class 1 pesticide is sold, the file number of the customer's certificate of authorization issued under section 22 of the Environment Quality Act;

(e) where a Class 3 pesticide is sold to a person referred to in clauses *i* and *ii* of subparagraph *c* of paragraph 1 of section 13:

i. the number of the farmer's registration card;

ii. the number of the forest producer's card or of the forest manager's management permit.

50. A holder of a Class C or Class D permit shall keep a register of his purchases, as well as account books. He shall also keep the related vouchers.

The register, account books and vouchers shall indicate his name, address, permit number and, for each transaction involving the purchase of a Class 1 to Class 3 pesticide, at least the following information:

(1) the supplier's name, address and permit number;

(2) the name, class, federal registration number and quantity of pesticide purchased; and

(3) where a Class 1 pesticide is purchased, the file number of his certificate of authorization issued under section 22 of the Environment Quality Act.

51. A holder of a Class C permit shall keep a pesticide use register, as well as account books. He shall also keep the related vouchers.

The registers, account books and vouchers shall indicate his name, address, permit number and, for each transaction relating to work involving the use of a Class 1 to Class 4 pesticide, at least the following information:

(1) the date on which the work is performed;

(2) the customer's name and address;

(3) the reasons warranting the work and the site where it was performed;

(4) identification of what the treatment was applied to, including the surface area, volume or quantity;

(5) the name, class, federal registration number and quantity of pesticide used;

(6) the name of the certificate holder who performed the work or supervised it and the certificate number; that certificate holder shall sign the register in respect of those entries.

In the case of a Subclass C1 permit, the following information shall be furnished, in addition to the information prescribed in the first paragraph:

(1) wind direction;

(2) the pilot's name, and the type and registration number of each aircraft used.

The holder of a Subclass C1 permit shall hold and keep a card indicating the space treated and the take-off site of the aircraft used.

52. A holder of a Class D permit shall keep a use register for Class 1 to Class 3 pesticides, as well as account books. He shall also keep the related vouchers.

The register, account books and vouchers shall indicate his name, address, permit number and, for each use, at least the date, information and signatures referred to in subparagraphs 3 to 6 of the second paragraph of section 51.

In the case of a holder of a Subclass D1 permit, the registers, account books and vouchers shall also indicate the information provided for in the third paragraph of section 51. The holder of a Subclass D1 permit shall hold and keep the card provided for in the fourth paragraph of section 51. A holder of a Class C permit shall keep a pesticide use register, as well as account books. He shall also keep the related vouchers.

The registers, account books and vouchers shall indicate his name, address, permit number and, for each transaction relating to work involving the use of a Class 1 to Class 4 pesticide, at least the following information:

- (1) the date on which the work is performed;
- (2) the customer's name and address;
- (3) the reasons warranting the work and the site where it was performed;
- (4) identification of what the treatment was applied to, including the surface area, volume or quantity;
- (5) the name, class, federal registration number and quantity of pesticide used;
- (6) the name of the certificate holder who performed the work or supervised it and the certificate number; that certificate holder shall sign register in respect of those entries.

In the case of a Subclass C1 permit, the following information shall be furnished, in addition to the information prescribed in the first paragraph:

- (1) wind direction;
- (2) the pilot's name, and the type and registration number of each aircraft used.

The holder of a Subclass C1 permit shall hold and keep a card indicating the space treated and the take-off sit of the aircraft used.

52. A holder of Class D permit shall keep a use register for Class 1 to Class 3 pesticides, as well as account books. He shall also keep the related vouchers.

The register, account books and vouchers shall indicate his name, address, permit number and, for each use, at least the date, information and signatures referred to in subparagraphs 3 to 6 of the second paragraph of section 51.

In the case of a holder of a Subclass D1 permit, the registers, account books and vouchers shall also indicate the information provided for in the third paragraph of section 51. The holder of a Subclass D1 permit shall hold and keep the card provided for in the fourth paragraph of section 51.

53. The holder of a C6 or D6 Class permit shall also record in the pesticide use register, the date and time of each gas content measurement taken during the ventilation period of a place he has fumigated, as well as the concentration of fumigated gas measured.

54. A permit holder shall keep the registers and account books referred to in sections 47 to 53 for 5 years following the last entry, the vouchers for 5 years following their date and the card referred to in section 51 for 5 years following completion of the work.

55. A document evidencing a transaction and containing at least the information that must be recorded in a register provided for in sections 47 to 53 may stand in lieu of such register. That document shall be kept by the person required to keep the register for at least 5 years following its date.

DIVISION VII **PENAL, TRANSITORY AND FINAL**

56. A contravention of sections 43 to 46 constitutes an offence.

57. This Regulation replaces the Regulation respecting pesticides, made by Order in Council 874-88 dated 8 June 1988, the Regulation respecting the application of pesticides on farms, made by Order in Council 875-88 dated 8 June 1988 and the Regulation respecting the application of pesticides in forests, made by Order in Council 876-88 dated 8 June 1988.

58. The permits and certificates issued under the replaced regulations remain in force until they expire and remain governed by the provisions of the former regulations that established them.

59. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

Regulation to amend the Regulation respecting the application of the Environment Quality Act

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, par. f)

1. The Regulation respecting the application of the Environment Quality Act, made by Order in Council 1529-93 dated 3 November 1993, is amended by substituting the following in subparagraph *b* of paragraph 10 of section 2: “, as established by the Regulation respecting permits and certificates for the sale and use of pesticides, made by Order in Council (*indicate the number and date of the Order in Council*)” for “established in Schedule I to the Regulation respecting pesticides, made by Order in Council 874-88 dated 8 June 1988”.

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

9733

Draft Regulation

Nurses Act
(R.S.Q., c. I-8)

Professional Code
(R.S.Q., c. C-26)

Nurses — Professional acts which may be performed by persons other than other nurses

Notice is hereby given, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Ordre des infirmières et infirmiers du Québec made the Regulation respecting the professional acts contemplated in section 36 of the Nurses Act which, under certain terms and conditions, may be performed by persons other than nurses.

For the purposes of section 95 of the Professional Code, the Regulation, the text of which appears below, will be examined by the Office des professions du Québec. Subsequently, it will be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendments upon the expiry of 45 days following this publication.

The purpose of the Regulation is to allow persons defined in the Regulation as “candidates for the profession of nursing” and “graduates eligible by equivalence” to practise nursing under certain terms and conditions while waiting for the issue of their permit by and their entry on the roll of the Ordre des infirmières et infirmiers du Québec.

The Regulation has no impact on businesses.

Further information on the Regulation may be obtained by contacting:

- Mme Hélène Rajotte
Secretary of the Ordre des infirmières et infirmiers du Québec
- M^e Claudette Ménard, advocate and legal counsel
Director of the Services juridiques de l'Ordre des infirmières et infirmiers du Québec
4200, boulevard Dorchester
Montréal (Québec) H3Z 1V4
Tel.: (514) 935-2501
1-800-363-6048
Fax: (514) 935-1799.

Any person having comments to make is asked to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, complexe de la Place-Jacques-Cartier, 320, rue Saint-Joseph Est, 1^{er} étage, Québec (Québec), G1K 8G5. The comments will be sent by the Office to the Minister responsible for the administration of legislation respecting the professions. They may also be sent to the professional order which made the Regulation and to interested persons, departments or bodies.

ROBERT DIAMANT,
*Chairman of the Office
des professions du Québec*

Draft regulation respecting the professional acts contemplated in section 36 of the Nurses Act which, under certain terms and conditions, may be performed by persons other than nurses

Nurses Act
(R.S.Q., c. I-8, s.3)

Professional Code
(R.S.Q., c. C-26, s. 94, subpar. *h.*; 1994, c. 40, s. 81)

1. This Regulation applies to both a candidate for the profession of nursing and a graduate eligible by equivalence.