

Regulations and other acts

Gouvernement du Québec

O.C. 288-97, 5 March 1997

Designation of the territory or part of the territory of municipalities that the Government recognizes as a disaster area for the purposes of the Act to establish a disaster assistance fund for certain areas affected by the torrential rains of 19 and 20 July 1996

WHEREAS section 2 of the Act to establish a disaster assistance fund for certain areas affected by the torrential rains of 19 and 20 July 1996 (1996, c. 45) provides that the Government shall designate the territory or part of the territory of municipalities it recognizes as a disaster area for the purposes of that Act;

WHEREAS the Minister of Public Security has obtained from Environment Canada information making it possible to identify the territories affected by the exceptionally intense low-pressure system that caused the torrential rains of 19 and 20 July 1996;

WHEREAS those rains caused very serious damage in a number of Québec municipalities;

WHEREAS it appears expedient to designate the territory or part of the territory of municipalities that the Government recognizes as a disaster area for the purposes of the Act to establish a disaster assistance fund for certain areas affected by the torrential rains of 19 and 20 July 1996;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Transport and Minister for Canadian Intergovernmental Affairs:

THAT the territory of the following municipalities be recognized as a disaster area for the purposes of the Act to establish a disaster assistance fund for certain areas affected by the torrential rains of 19 and 20 July 1996:

— Regional County Municipalities (RCM's)

Caniapiscau	Le Fjord-du-Saguenay
Charlevoix	Le Haut-Saint-Maurice
Charlevoix-Est	Manicouagan
Francheville	Maria-Chapdelaine
La Côte-de-Beaupré	Mékinac
Lac-Saint-Jean-Est	Minganie
La Haute-Côte-Nord	Portneuf
Le Domaine-du-Roy	Sept-Rivières

— Municipalities

Durham-Sud (region 04)	Saint-Adolphe-d'Howard (region 15)
Boileau (region 07)	Saint-Faustin-Lac-Carré (region 15)
Maria (region 11)	Paroisse de Saint-Jovite (region 15)
Saint-François-de-la-Rivière-du-Sud (region 12)	Village de Val-David (region 15)
Canton d'Arundel (region 15)	Canton d'Harrington (region 15).
Montcalm (region 15)	

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 305-97, 12 March 1997

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

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

Permits and certificates for the sale and use of pesticides

— Amendments

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

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

WHEREAS sections 32, 101, 104 and paragraphs 1 to 11, 12 and 13 of section 109 of the Pesticides Act (R.S.Q., c. P-9.3) confer upon the Government the power to regulate the matters set forth therein and paragraph *f* of section 31 of the Environment Quality Act (R.S.Q., c. Q-2) also confers upon the Government regulatory powers enabling it to make concordance amendments, as required, to the Regulation respecting the application of the Environment Quality Act;

WHEREAS 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, a draft of the Regula-

tion respecting permits and certificates for the sale and use of pesticides and a draft of the Regulation to amend the Regulation respecting the application of the Environment Quality Act were published in Part 2 of the *Gazette officielle du Québec* of 15 May 1996 with a notice that they could be made by the Government upon the expiry of 60 days following those publications;

WHEREAS it is expedient to make the Regulation respecting permits and certificates for the sale and use of pesticides, with amendments, and the Regulation to amend the Regulation respecting the application of the Environment Quality Act, without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of the Environment and Wildlife:

THAT the Regulation respecting permits and certificates for the sale and use of pesticides, attached to this Order in Council, be made;

THAT the Regulation to amend the Regulation respecting the application of the Environment Quality Act, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

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

Pesticides Act
(R.S.Q., c. P-9.3, ss. 32, 101 and 104
and s. 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 or cockroach 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) methopren;

(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) diatomaceous earth;

(p) soap; 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.

Notwithstanding clauses *o* and *p* of subparagraph 2 of the first paragraph, a mixture requiring no preparation or dilution containing exclusively soap or diatomaceous earth may be marketed in a volume or weight greater than one litre or kilogram.

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 Subclasses B1 and B2 described below:

(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 Subclasses C1 to C11 described below:

(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 by 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 by 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 “Application in Ornamental Horticulture” covers the application of a Class 1 to Class 4 pesticide, using an application method other than by 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 by aircraft, in order to destroy or control harmful vertebrate animals in places where they occur, 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 the space enclosed by the tarpaulins and 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 by aircraft, in order to destroy or control animals, vegetation or parasitic 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 by 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 by 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 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, the purpose and the place of application are specified in the permit.

The holder of a Class C permit may also, in respect of a subclass corresponding to his permit, carry on the activities covered by a Class D 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 Subclasses D1 to D10 described below:

(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 by 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 by 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 “Application in Ornamental Horticulture” covers the application of a Class 1 to Class 3 pesticide, using an application method other than by aircraft; fumigation of a gas mentioned in Subclass D6 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 D5 “Application for Extermination” covers the application of a Class 1 to Class 3 pesticide, using an application method other than by aircraft, in order to destroy or control harmful vertebrate animals in places where they occur, 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 the space enclosed by the tarpaulins and 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 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 by aircraft, in order to destroy or control animals, vegetation or parasitic 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 D9 “Application for Control of Stinging Insects” covers the application of a Class 1 to Class 3 pesticide, using an application method other than by 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 D10 “Application in Buildings for Ornamental Horticulture Purposes” covers the application of a Class 1 to Class 3 pesticide, except fumigation of the gases referred to in Subclass D6,

(a) on ornamental or decorative 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;

(10) Subclass D11 “Other Applications” covers the application of a Class D pesticide that is not included in Subclasses D1 to D10 and for which the application method, the purpose and the place of application 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 modification of a permit*

17. Every application for a permit or for 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 and 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 permit 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 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 registration 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 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 modification of a permit shall pay the fees exigible with his application, 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

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| (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

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| (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 1 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 two or more 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 the permit's term, the fees are fixed at one-half of the fees prescribed in section 21.

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

Furthermore, if the application is made during the last 18 months of the permit's term, the fees are fixed at one-half of the fees prescribed in section 21.

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 the charter, unless the charter has been amended since the a copy thereof was sent when 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, in cash or 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 by a third party on the applicant's behalf of a guarantee intended to reimburse the Minister for any costs he incurs for measures taken pursuant to section 24, 26 or 27 of the Pesticides Act.

The 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 a guarantee shall be deposited with the Minister of Finance for the term 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 have a term equal to that of the permit.

The guarantee shall contain a clause stipulating that the period during which a claim may be made based on the permit holder's failure to discharge his obligations must extend 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:

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| (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 at the places 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 Subclasses CD1 to CD11 described below:

(1) a Subclass CD1 "Certificate for Aerial Application" 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 at the places where they are performed;

(2) a Subclass CD2 “Certificate for Aquatic Application” 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 at the places where they are performed;

(3) a Subclass CD3 “Certificate for Application on Raw Land” 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 at the places where they are performed;

(4) a Subclass CD4 “Certificate for Application in Ornamental Horticulture” 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 at the places where they are performed;

(5) a Subclass CD5 “Certificate for Extermination” 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 at the places where they are performed;

(6) a Subclass CD6 “Certificate for Fumigation” 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 at the places where they are performed;

(7) a Subclass CD7 “Certificate for Application in Forest Areas” 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 at the places where they are performed;

(8) a Subclass CD8 “Certificate for Application on Cultivated Land” 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 at the places where they are performed;

(9) a Subclass CD9 “Certificate for Application for Control of 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 D9, in respect of a Class 1 to Class 3 pesticide, or to supervise those activities at the places 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 D10, in respect of a Class 1 to Class 3 pesticide, or to supervise those activities at the places 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 D11, in respect of a Class 1 to Class 3 pesticide, or to supervise those activities at the places 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 by 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, 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 at the places where they are performed;

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

(a) to perform, using an application method other than by 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 at the places where they are performed;

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

(a) to perform, in a building, work involving the use of a Class 1 to Class 3 pesticide, except the work described in Subclasses E4 and E5

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* at the places 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 at the places 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 phosphine or to supervise that activity at the places 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 Subclasses F1 and 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 perform, using an application method other than by aircraft, work involving the use of a Class 1 or Class 2 pesticide, in order to destroy or control harmful animals, vegetation or parasitic 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 at the places where they are performed;

(2) a Subclass F2 “Forest Manager’s Certificate” authorizes the holder to perform, using an application method other than by aircraft, work involving the use of a Class 1 to Class 3 pesticide, in order to destroy or control harmful animals, vegetation or parasitic 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 at the places where they are performed.

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

38. Any application for a certificate or for 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 carrying on 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 for a subclass to be changed or added.

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 cash or by means 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 perform or cause to be performed for remuneration, work involving the application of a pesticide other than a Class 5 pesticide for a purpose, at 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, at 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, at a place, in a space, on an object or property or using an application method that is not covered by his certificate.

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.

For each transaction involving the purchase or sale of a Class 1 to Class 5 pesticide, the register, account books and vouchers shall indicate the name, address, permit number of the holder and, where applicable, the name and address of the establishment involved, and the following information:

(1) the name, address and permit number of the customer for the register of sales and the name, address and permit number of the supplier for the register of purchases;

(2) the name, class, federal registration number and quantity of the 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, indicating 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 the name, address and permit number of the holder and, where applicable, the name and address of the establishment involved, and 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 the 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 the 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 *e* 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.

For each transaction involving the purchase of a Class 1 to Class 3 pesticide, the register, account books and vouchers shall indicate the name, address and permit number of the holder and, where applicable, the name and address of the establishment involved, as well as the following information:

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

(2) the name, class, federal registration number and quantity of the 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.

For each transaction relating to work involving the use of a Class 1 to Class 4 pesticide, the registers, account books and vouchers shall indicate the name, address and permit number of the holder and, where applicable, the name and address of the establishment involved, as well as 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 place where it was performed;

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

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

(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; and
- (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 map 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 and 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 Class C6 or D6 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 map 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, TRANSITIONAL AND FINAL**

56. Contravention of sections 43 to 46 constitutes an offence.

57. The permits and certificates issued under the regulations replaced by this Regulation remain in force until they expire and correspond, with no other formality, to those listed in Schedule I.

58. An application for modification of a permit or certificate issued under a regulation replaced by this Regulation does not change the term of the permit or certificate.

59. An application for modification of a permit issued in accordance with a regulation replaced by this Regulation to change from Subclass B2 to Subclass B1 or to add a new establishment may be made upon payment of the following fees:

(1) for a Class A permit	\$300;
(2) for a Subclass B1 permit	\$300;
(3) for a Subclass B2 permit	\$100;
(4) for a Class C permit	\$300.

Where the application is made during the last 12 months of the permit's term, the required fees are one-half of those prescribed in the first paragraph.

60. 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.

61. This Regulation comes into force on 23 April 1997.

SCHEDULE I

(s. 57)

TABLE OF EQUIVALENCES FOR PERMITS AND CERTIFICATES

Classes and subclasses of permits issued in accordance with the Regulation respecting pesticides made by Order in Council 874-88 dated 8 June 1988

Classes and subclasses of permits issued in accordance with the Regulation respecting pesticides made by Order in Council 874-88 dated 8 June 1988	Equivalences of permit classes and subclasses
A - Wholesale	A - Wholesale
B.1 - Retail - Classes 1 to 4	B1 - Retail - Classes 1 to 4
B.2 - Retail - Class 4	B2 - Retail - Class 4
C - Commercial use	C - Remunerated work
C.1 - Aerial application	C1 - Aerial application
C.2 - Aquatic application	C2 - Aquatic application C9 - Application for control of stinging insects
C.3 - Application for maintenance of road, rail and energy transportation corridors	C3 - Application on raw land
C.4 - Application for landscape maintenance	C4 - Application in ornamental horticulture C10 - Application in buildings for horticultural purposes
C.5 - Application for extermination	C5 - Application for extermination
C.6 - Application by fumigation	C6 - Application by fumigation
C.7 - Forest application	C7 - Application in forest areas
C.8 - Agricultural application	C8 - Application on cultivated land C10 - Application in buildings for horticultural purposes
C.9 - Application not referred to	C11 - Other applications
D - Private use	D - Non-remunerated work
D.1 - Aerial application	D1 - Aerial application
D.2 - Aquatic application	D2 - Aquatic application D9 - Application for control of stinging insects
D.3 - Application for maintenance of road, rail, and energy transportation corridors	D3 - Application on raw land
D.4 - Application for landscape maintenance	D4 - Application in ornamental horticulture D10 - Application in buildings for horticultural purposes
D.5 - Application for extermination	D5 - Application for extermination
D.6 - Application by fumigation	D6 - Application by fumigation
D.7 - Forest application	D7 - Application in forest areas
D.9 - Application not referred to	D11 - Other applications

Classes and subclasses of certificates issued in accordance with the Regulation respecting pesticides	Equivalences of certificate classes and subclasses
A - Wholesaler	AB - Sale of pesticides
B.1 - Retail - Classes 1 to 4	AB - Sale of pesticides
B.2 - Retail - Class 4	AB - Sale of pesticides
C - Commercial use	CD - Application of pesticides
C.1 - Aerial application	CD1 - Aerial application
C.2 - Aquatic application	CD2 - Aquatic application CD9 - Application for control of stinging insects
C.3 - Application for maintenance of road, rail and energy transportation corridors	CD3 - Application on raw land
C.4 - Application for landscape maintenance	CD4 - Application in ornamental horticulture CD10 - Application in buildings for horticultural purposes
C.5 - Application for extermination	CD5 - Application for extermination
C.6 - Application by fumigation	CD6 - Application by fumigation
C.7 - Forest application	CD7 - Application in forest areas
C.8 - Agricultural application	CD8 - Application on cultivated land CD10 - Application in buildings for horticultural purposes
C.9 - Application not referred to	CD11 - Other applications
D - Private use	CD - Application of pesticides
D.1 - Aerial application	CD1 - Aerial application
D.2 - Aquatic application	CD2 - Aquatic application CD9 - Application for control of stinging insects
D.3 - Application for maintenance of road, rail and energy transportation corridors	CD3 - Application on raw land
D.4 - Application for landscape maintenance	CD4 - Application in ornamental horticulture CD10 - Application in buildings for horticultural purposes
D.5 - Application for extermination	CD5 - Application for extermination
D.6 - Application by fumigation	CD6 - Application by fumigation
D.7 - Forest application	CD7 - Application in forest areas
D.9 - Application not referred to	CD11 - Other applications

Certificates issued in accordance with the Regulation respecting the application of pesticides on farms made by Order in Council 875-88 dated 8 June 1988

Private farm user (farmer applicant status)

Equivalences of certificate subclasses

E1 - Farm producer (holding a farm producer's card)
 E3 - Application in buildings for horticultural purposes
 E4 - Fumigation of phosphine
 E5 - Fumigation of certain gases
 OR
 E2 - Farmer (not holding a card)
 E3 - Application in buildings for horticultural purposes
 E4 - Fumigation of phosphine
 E5 - Fumigation of certain gases

Certificates issued in accordance with the Regulation respecting the application of pesticides in forests made by Order in Council 876-88 dated 8 June 1988

Private forest user
 (forest manager applicant status)

Equivalences of certificate subclasses

F1 - Forest producer
 (holding a forest producer's card)
 OR
 F2 - Forest manager (not holding a card)

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, in subparagraph *b* of paragraph 10 of section 2, by substituting the following: “, as established in the Regulation respecting permits and certificates for the sale and use of pesticides, made by this 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 23 April 1997.

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Gouvernement du Québec

O.C. 309-97, 12 March 1997

An Act respecting market intermediaries
 (R.S.Q., c. F-15.1)

Association des courtiers d'assurances de la province de Québec
 — Amendments

By-law to amend the By-law of the Association des courtiers d'assurances de la province de Québec

WHEREAS under subparagraphs 1, 2 and 3 of the first paragraph of section 125 of the Act respecting market intermediaries (R.S.Q., c. I-15.1), the Association des courtiers d'assurances de la province de Québec shall, by by-law which shall be submitted to the Government for approval, determine the conditions of admission, refusal, renewal, removal, expulsion and readmission of members of the Association, the rules relating to the discipline applicable to damage-insurance brokers and the membership fees payable;

WHEREAS on 30 October 1996, the Association made the By-law to amend the By-law of the Association des courtiers d'assurances de la province de Québec;